

AN ORDINANCE OF THE CITY OF SAN LUIS, ARIZONA AMENDING THE CODE OF THE CITY OF SAN LUIS, ARIZONA BY ADDING ARTICLE 11, WATER SYSTEM ADMINISTRATION.

Article 11-1 WATER SYSTEM ADMINISTRATION

- 11-1-1 Management of Water System
- 11-1-2 Definitions

Section 11-1-1 Management of System

The public works director shall have the immediate control and management of all things pertaining to the town waterworks system and shall cause to be performed all acts that may be necessary for the prudent, efficient and economical management and protection of said waterworks. The council shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

Section 11-1-2 Definitions

In this chapter, unless the context requires otherwise:

- A. "Domestic water" means water supplied through the pipes of the city water system.
- B. "Unit of service" means each separate occupancy, house, store or building so situated upon any lot within the city that the same might be or is now served by the city water system, or in the opinion of the director of public works, should be served separately from any other occupancy, house, residence, store or building upon the same lot, irrespective of the number of residences, houses, stores or buildings upon said lot, and even though two or more of said occupancies, residencies, houses, stores or buildings are held or owned by the same person. The determination of the director of public works as to whether any house, occupancy, residence, store or building comes within the meaning of this chapter so as to require separate service connection, curb or alley stop box and curb or alley-cock shall be final, except that the owner or occupants of said premises shall have the right to appeal from such decision to the city council at a regular meeting. In event of any such appeal being taken, the determination of council shall be final.

Article 11-2 TERMS AND CONDITIONS

- 11-2-1 Rates
- 11-2-2 Payment of Bills
- 11-2-3 Proration of Charges
- 11-2-4 Payment Responsibility

Section 11-2-1 Rates

The water rates and charges for all services shall initially be as follows, but may be changed by resolution of the council:

Residential Customer

Meter Size

Rate

5/8" x 3/4

\$7.95 minimum for the first 2,000
gallons or less
\$1.04 per 1,000 gallons in excess
of the minimum

Commercial Customer

Meter Size

Rate

1"

\$8.50 minimum for the first 2,000
gallons or less
\$1.04 per 1,000 gallons in excess
of the minimum

1-1/2"

\$8.75 minimum for the first 2,000
gallons or less
\$1.03 per 1,000 gallons in excess
of the minimum

2"

\$8.95 minimum for the first 2,000
gallons or less
\$1.01 per 1,000 gallons in excess
of the minimum

Service line and Meter Installation Charges (Non-Refundable)

3/4" Meter	\$150.00
1" Meter	\$200.00
1-1/2" Meter	\$300.00
2" Meter	\$400.00

In addition to the foregoing, the customer shall pay all costs for the installation of the line from the property line to where he requests, which shall be at the rate of _____ per foot.

Service Charges

Establishment (New customer, existing service) \$15.00

Establishment after hours	\$25.00
Reconnect	\$10.00
Reconnect after hours	\$20.00
Re-read (No error only)	\$ 5.00
Fire Hydrant Rental Monthly	\$15.00

The city also imposes a re-establishment charge equal to the minimum monthly charge, less the value of water included, for each month of disconnection or fraction thereof. This re-establishment charge shall be applicable to the same customer reconnecting the same premises within a 12 month period.

Section 11-2-2 Payment of Bills

- A. Charges for flat rate and metered water service, trash collection and disposal to a consumer or customer shall be payable monthly to the city clerk or such person as designated by the city manager. Such charges may be itemized and totaled on a single bill, and such bill shall be due and payable when rendered.
- B. All or any portion of the bill provided for in subsection A of this section not paid before the fifteenth day following the date such bill is mailed or presented shall be subject to a late payment penalty of ten percent. Should all or any portion of the bill remain unpaid on the twenty-first day following the mailing or presentation thereof, all services for which the bill is rendered may be discontinued pursuant to procedures set forth in subsection D of this section unless the city manager, for good cause, grants an extension of time.
- C. The provisions of subsection B above do not apply to public agencies, corporations or firms with whom the city has water contracts containing other provisions for payment for services rendered.
- D. When water service is to be discontinued for non-payment as provided for in subsection B above, the city manager shall cause written notice to that effect and procedures available for relief from such action to be served in person or by certified mail with return receipt requested on the customer or consumer whose service is to be discontinued. Within five calendar days of the service of such notice, the consumer or customer so notified must:
 1. Pay the entire amount due; or
 2. Obtain from the city manager, or his authorized agent, the extension of time provided for in subsection B above; or

3. File with the city clerk a written request for hearing before a hearing officer designated by the city council to show cause why service should not be discontinued. Said hearing officer is hereby authorized to adjudicate contested bills of not more than \$100.00. Contested bills in excess of \$100.00 may be appealed to the council. Filing of request for hearing before the hearing officer or council will stay the action to discontinue service until such hearing has been held and the findings thereof have been announced. After receipt of notice of proposed termination of service and failure on the part of a customer or consumer to avail himself of the remedies provided in this subsection, service may be discontinued forthwith.

- E. In the event the water service of a consumer or customer has been turned off for non-payment of water charges pursuant to this section or as herein provided, the water service shall be turned on again only upon the payment of all monies due to the city for water services billed through the water department as provided herein, and the payment of a reasonable fee set by the council for restoring water service.

Section 11-2-3 Proration of Charges

If the consumer orders the water off or on during the month, the minimum charge shall be prorated in proportion to the day of the month that the meter service was in effect.

Section 11-2-4 Application for Service and Payment Responsibility

- A. The city may reject any application for water service for any good and sufficient reason including the following: service not available under a standard rate; service which involves excessive service expense; service which may affect the supply to other consumers; service to the premises until all charges against said premises then due and payable to the city shall have been paid, whether on account of water service connection, meter installation, billing for water previously supplied to the same premises, whether used by the applicant or against the premises for which water service is requested.
- B. Application for the use of water shall be made in person, at the city hall, by the owner or agent of the property to be benefited, designating the location of the property and stating that the owner or agent of the property will comply with all applicable rules and regulations.

C. In all cases where water is used on any premises and the payment thereof is guaranteed by the property owner or his agent, such must settle for the full amount charged against the property. The water department shall not receive payment from the tenant unless the tenant sees fit to pay the whole amount of the water charges against the property.

ARTICLE 11-3 DEPOSIT

11-3-1 Deposit Required

11-3-2 Meter Charge

Section 11-3-1 Deposit Required

There shall be a minimum deposit on all domestic water consumer accounts at a reasonable rate as determined by the council for each unit of service, unless the bill is guaranteed in writing by the property owner where the consumer is the actual owner of the property. Two or more minimum deposits may be required if necessary because of large consumption of domestic water. Any and all deposits shall be returned following turnoff of service upon demand of the depositor only after all bills and other charges have been satisfied and any such demand shall be made within sixty days of turnoff.

Section 11-3-2 Meter Charge

There shall be a minimum meter charge or tap on charge to be paid in advance, which shall be the estimate of installation, for any new domestic water connection and cost of meter. This charge is charged for the purpose of the meter and tap on and is not returnable except on written request for the actual amount in excess of installation cost, if any, and is to be collected whether or not the new connection is to be metered or flat rate and is to include the cost per foot of extending any line from the customer's property line to where the customer designates.

ARTICLE 11-4 DISCONTINUANCE OF SERVICE BY CUSTOMER

11-4-1 Notice Required

Section 11-4-1 Notice Required

Any person, firm or corporation who desires to discontinue the use of domestic water service shall give notice to the clerk in advance of intended termination of service. Responsibility for water service consumed extends to the time of departure or to the time specified for departure, whichever occurs last.

ARTICLE 11-5 EXTENSION POLICY

- 11-5-1 Application
- 11-5-2 Cost
- 11-5-3 Requirements
- 11-5-4 Ownership
- 11-5-5 Liability

Section 11-5-1 Application

A written application shall be made for water service desired beyond the existing main upon a form supplied by the city clerk. The permit shall be approved by the mayor and council at a regular or special meeting.

Section 11-5-2 Cost

The cost of the pipe extending beyond the existing main and the laying of the pipe shall be paid for by the applicant. If the city is to order the pipe for the applicant, payment in full must be made before the order will be placed by the city water department. The city may reimburse the applicant by an allowance of up to fifty percent on the monthly water bill charged to the applicant for a period of five years or until the pipe and the cost of laying the same has been reimbursed, whichever comes first.

Section 11-5-3 Requirements

- A. An affidavit of size, the cost of the pipe, the cost of laying the pipe, digging of ditches and other costs shall be filed with the clerk and approved by the council before any agreement with the applicant may be made.
- B. All pipe used shall be of approved materials (AWWA standards) for water main installation.
- C. All pipe laid in the streets or alleys shall be laid by direction of the council under the supervisions of the public works director.
- D. For reimbursement purposes, determination of proper size and materials to be used for pipe installations shall be made by the public works director.

Section 11-5-4 Ownership

Any and all pipe laid in the streets or alleys shall be the property of the city. The city water department shall have the right to connect and give service to any other applicant that may desire service from the water pipe so laid under the permit as provided in this article.

Section 11-5-5 Liability

The city and the water department assume no liability for delays or damages beyond its control.

ARTICLE 11-6 METERS AND CONNECTIONS

- 11-6-1 Installation and Maintenance of Meters
- 11-6-2 Alterations of Water Connections
- 11-6-3 Meter Tests
- 11-6-4 Tampering with Meters

Section 11-6-1 Installation and Maintenance of Meters

- A. The city may furnish a meter for each unit of service which has a separate tap on the city main.
- B. All meters shall be installed and water connections with the mains shall be made by the city. Where possible, meters shall be numbered in such a manner that they will be indicative of the block and lot number. Except as provided in this chapter, the consumer must maintain all water connections from the curb or alley stop box and curb or alley-cock to and within his property.
- C. All meters, except in the cases where they are carelessly or willfully injured by the consumer, shall be maintained by the city. It shall be the consumer's responsibility and burden of proof that his negligence did not cause the damage.

Section 11-6-2 Alterations of Water Connections

Any person, firm or corporation, now receiving domestic water from the city, or who may hereafter receive domestic water, desiring to make any change or alteration in existing water connections, shall be required to furnish the clerk a statement of the change or alteration to be made, and receive written permission from the public works director before any such change or alteration is made.

Section 11-6-3 Meter Tests

- A. It shall be the privilege of each consumer to insist upon a meter test when such consumer has deposited with the city clerk an amount set by resolution of the council. When such deposit has been made the meter shall be tested, and if the meter is found to be registering correctly, the deposit shall go to the city for the extra service rendered, but if the meter should be found incorrect, it will be repaired or replaced by the city and the deposit refunded.

- B. When a meter is proved defective, the charge for nay month affected shall be equal to an average based upon the three preceding months, and such meter may be replaced or immediately repaired.

Section 11-6-4 Tampering with Meters

- A. Meters shall be sealed by the proper city official in such a manner as to prevent all tampering with or injury to the mechanism without breaking the seal.
- B. It is unlawful for any person to brake or remove a seal, or willfully injure or destroy a meter or for any person, other than a city official, to destroy or injure any meter box, or to remove or destroy the lid or cover belonging thereto or to place refuse or debris therein.

ARTICLE 11-7 UNLAWFUL ACTS

- A. It is unlawful for any person by false key or otherwise, after the water has been shut off from the premises, to cause such premises to be supplied with water.
- B. It is unlawful for any unauthorized person to knowingly have and keep in his possession or under his control any curb or alley-cock or meter box key, valve key or hydrant wrench to the city water system. No person shall, without authority form the public works director, make, construct, buy, sell or in any way dispose of, to any person, any curb or alley-cock key, meter box key, valve key or hydrant wrench for use on the city water supply system.
- C. It is unlawful for any person, with intent to injure or defraud, to connect any pipe, tube or other instrument, with any main, service pipe or conduit flume for conducting water belonging to the city, for the purpose of taking water without a permit from the proper authorities of the city and with intention to injure city property or evade payment of charges.

ARTICLE 11-8 LIABILITY

- A. The city or its water department shall not be held liable for damage that my result from the shutting or turning off or the turning on of any supply pipe or main, for any purpose whatsoever, even if no notice has been given, or for any damage caused by any break or leak inside of the alley or curb.
- B. All supply pipes to buildings shall be properly supplied with a suitable stop-cock inside the property line, to ensure against

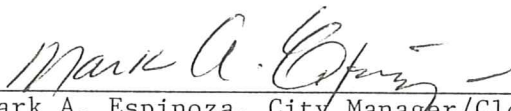
the danger of frost or burst which may cause any such damage. Such stop-cock should be kept in good order and under the control of the consumer, with the water department stop-cock and box being in charge of the water department only.

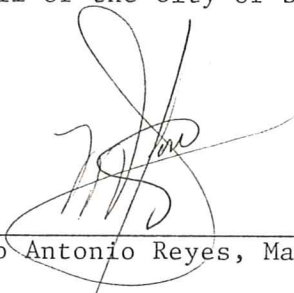
ARTICLE 11-9 REGULATIONS PART OF CONTRACT

All regulations contained in this chapter shall be considered a part of the contract of every resident of the city taking water service from the city, and such resident taking water service shall be considered as having expressly consented to be bound thereby. Consumers outside the city limits shall, upon application for water service, be required to sign a statement agreeing to the regulations set forth in this chapter.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis this 13th Day of December, 1989.

ATTEST:


Mark A. Espinoza, City Manager/Clerk


Marco Antonio Reyes, Mayor

APPROVED AS TO FORM:


Gerald Hunt, City Attorney