

TITLE V: PUBLIC WORKS

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51. GARBAGE AND REFUSE

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GENERAL PROVISIONS

' 50.01 INTERFERING OR TAMPERING WITH WATER METERS OR SERVICE PIPES.

(A) It shall be unlawful for any person except the meter reader or other authorized city official to handle, change, alter, or in any other manner interfere with the water meter or service pipes after the same have been installed and placed in operation. The person duly authorized shall read all meters and place a seal upon the same. ('77 Code, ' 12-303) (Am. Ord. 6-2-83, passed 7-5-83)

(B) The city shall not allow the use of any curb cock, meter service cock, or any gate valve in the street by any plumber, consumer, or other person, to shut off or turn on water supply. No consumer, plumber, or other person shall make any connection, addition, or changes to any main or pipe belonging to the city. ('77 Code, ' 12-312) Penalty, see ' 50.99

' 50.02 NO NEW NON-RESIDENTIAL CUSTOMERS.

The city will accept no new non-resident business or residential customers for the Water Department operated by the city, so that no new non-residents of the city will be permitted to purchase water through the Water Department.
(Ord. 9-1-90, passed 11-3-90)

SEWER TAP-INS

' 50.10 PERMIT REQUIRED.

No person shall tap any sewer in the city without first obtaining a permit for tapping sewers.
('77 Code, ' 12-100) Penalty, see ' 50.99

' 50.11 TAP-IN FEE.

(A) There shall be a tap-in fee of \$75.

(B) Inspections of all tap-in connections shall be performed by the state inspector.

' 50.12 METHOD OF TAPPING.

(A) All tapping of sewers for house connections shall be done at the AY@ and in case no AY@ can be found, the licensed sewer tapper, upon obtaining permission from the appropriate city official, may cut an opening into the sewer for house connections. No person in the employ of a licensed sewer tapper shall be allowed to make such an opening other than a regular plumber or mason, who must have the proper tools and be educated and qualified to do such work.

(B) Before any qualified person may so tap into the sewer as aforesaid, he must notify the city of the time and place, so that the appropriate city official may be present for inspection. For failure to give such notification, the person shall be fined as set forth in ' 50.99.

(C) All connections must be laid at a grade 3-inch to the foot from the main sewer to the curb line. For failure to comply with this section and without special permission of the city to do otherwise, the person shall be fined as set forth in ' 50.99.

('77 Code, ' 12-110) Penalty, see ' 50.99

' 50.13 RESTORATION OF STREET.

(A) All persons allowed to tap sewers under this chapter shall, after the pipe is laid, ram the dirt over the pipe or flush the same with water and when completed, restore the street to as good condition as when before disturbed. As security for the replacement of the street and for the necessary fees to be paid under ' 50.11, a deposit of \$500 in cash or the indemnifying bond with the City Clerk referred to in ' 50.11, is the guarantee that the street will be replaced in the same condition prior to the opening. Upon failure to comply with the provisions of this section, the city shall have the right to apply so much of the said sum as shall be necessary to replace the street as herein provided.

(B) Upon completion of the work by the sewer tapper and upon compliance with all other provisions of this chapter, the balance of the deposit shall be returned after deducting the fees mentioned in ' 50.11.

('77 Code, ' 12-115)

' 50.14 SAFETY PRECAUTIONS.

Any person who undertakes to do any work herein regulated shall, during the progress of the same, safeguard the public and the city by the use of red lights and barricades or coverings.

('77 Code, ' 12-120) Penalty, see ' 50.99

INSTALLATION OF WATER SERVICE

' 50.25 APPLICATION; DEPOSIT.

(A) Service pipes and connections for water service will be installed by the city only after the owner of the property or the consumer has filed with the City Treasurer a written application requesting connection to the distributing pipe. The application must be accompanied by a deposit in an amount equal to the anticipated amount of connection to the distributing pipe. If the actual cost does not exceed the amount of deposit, the difference will be refunded to the applicant, and if the actual cost exceeds the amount of deposit, the balance shall be paid by the applicant before water service is initiated. The deposit is to be used to cover the cost of installation

of the service branch from the water main to the meter pit. The deposit required under this section shall be the same whether for residential or business use. ('77 Code, ' 12-300(1)) (Am. Ord. 11-1-90, passed 12-1-90)

(B) The above deposit is to be used to cover cost of brass fittings, meter pit, and other necessities in the installation of the service. In addition thereto each applicant for water service outside the corporate limits of the city shall pay a charge of \$30 for each residential tap of water main laid outside the corporate limits of the city, the charge to be applied as the applicant's proportional share of the original cost of construction of mains in the city. ('77 Code, ' 12-300(3))

' 50.26 SPECIFICATIONS.

The service line from the main to the meter pit must be XX strong lead pipe, or copper pipe, not less than one-half inch nor more than one inch in diameter. The service line must be placed at least three feet underground and where placed through filled or other than solid ground, a conduit stone, iron, or wooden box must be provided and installed for the same.
('77 Code, ' 12-300(2))

' 50.27 EXPENSE PAID BY APPLICANT.

The applicant must install at his own expense the service line from the meter pit to the cellar or basement of the building, employing a licensed master for the work, and must notify the city upon the completion of the same, whereupon the city will install a meter in the meter pit. All meters now located at a point other than at the curb in front of the building to be supplied with water may, when repairs are necessary, be ordered by the city to be placed at the curb. When meters are placed in the pit, they shall be set in a brick pit with ring and lid.
('77 Code, ' 12-301)

' 50.28 RIGHT OF ACCESS TO METER.

The Police Department, Mayor, City Clerk, City Treasurer, meter reader, or other authorized city official shall have the right at all times to have access to that part of the premises where the meter is located for the purpose of reading, repairing, inspecting, removing, or investigating the meter and water connections. The city shall have complete jurisdiction of the service line from the water main to the meter pit. All lines privately placed or paid for in the city streets or on city property immediately become subject to all rules and regulations governing all city water mains or lines.
('77 Code, ' 12-302)

WATER SERVICE; RATES AND CHARGES

' 50.40 AUTHORIZATION REQUIRED.

No water from the city water supply shall be turned on for service to any premises by any person other than an authorized city official. ('77 Code, ' 12-200)

' 50.41 APPLICATION; DEPOSIT.

(A) Application to have water turned on shall be made in writing to the City Clerk, and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter and all other ordinances of the city applicable to water service as conditions governing the use of the city water supply by the applicant. ('77 Code, ' 12-205)

(B) A deposit of \$20 for residential use and \$40 for business property shall be made with each such application, this sum to be retained by the city to insure payment of all bills. When service to the applicant is discontinued permanently, this deposit, less any amount still due to the city for water service, shall be refunded with interest as provided by statute. ABUSINESS PROPERTY@ as used in this division is to be interpreted to mean those establishments within the city which deal in the sale of goods or services or as otherwise defined by the City Council; however, in no event shall apartment buildings be construed to be business property. ('77 Code, ' 12-210, 12-215) (Am. Ord. 1-2-87, passed - -87)

(C) Any water customer or any owner of property purchasing water from the city who fails to timely pay water bills for any two consecutive billing periods, or who fails to timely pay two out of any three water bills in any three consecutive billing periods shall be required to pay a deposit of \$50, or the average of the amount of the four previous water bills for such customer or owners, whichever is greater, in order to remain eligible for purchase of water from the city. The deposit required in this section may be applied to any future nonpayment, and further additional deposits in the above amount shall be required for continued water service, or service may be disconnected in accordance with the procedures set forth in this chapter. (Ord. 12-1-88, passed 1-7-89; Am. Ord. 4-1-93, passed 5-1-93)

' 50.42 WATER USAGE FEES; SERVICE CHARGES.

(A) The rate for the consumption of water within the limits of the city is declared to be in the gross amount of \$1.03 per 100 cubic feet. The bill for the consumption of water within the city shall be paid by the due date as shown on the bill and the bill shall become delinquent if not paid as set forth in ' 50.43. If a bill becomes delinquent, the charge shall then be in the gross amount of \$1.13 per 100 cubic feet. ('77 Code, ' 12-305)

(B) The rate for the consumption of water outside the corporate limits and provided by the city, is declared to be in the gross amount of \$1.13 per 100 cubic feet. The bill for the consumption of water outside the corporate limits of the city shall be paid by the due date as shown on the bill and the bill shall become delinquent if not paid as set forth in ' 50.43. If a bill becomes delinquent, the charge shall then be in the gross amount of \$1.23 per 100 cubic feet. ('77 Code, ' 12-306)

(C) If any water user served by the city requests that a meter be re-read, the water user shall first post a \$10 deposit before a re-reading shall take place. If the original reading was correct there shall be no refund of the \$10 fee, but if the original reading was in error, then the \$10 fee shall be refunded to the water user making the request.

(D) Any time a water meter is removed for nonpayment of a water bill there shall be added to the delinquent amount, the sum of \$20 and any time, following a meter removal for nonpayment of a water bill, a meter is reinstalled, there shall be an additional charge of \$20 which shall be added to the delinquent bill.

(E) Any water user served by the city who requests that water services be turned off in a non-emergency situation shall be charged and assessed a fee of \$10, which shall be paid prior to the service being turned off.

(F) Whenever a water user served by the city requests that a meter be checked to determine if the meter is in proper operating condition, the water user shall post a fee of \$10 for the removal of the meter, and an additional \$10 for the reinstallation of the meter. These fees shall be paid in advance, but if the meter is found to be faulty, all charges for removal and reinstallation shall be returned to the water user.

(G) The minimum water bill for any billing period shall be \$15.30.

(H) Any time the charges for water to the city from the Kenton County Water District or its successors is increased, the city shall proportionately increase its charges to both users within and without the city, effective at the time such increase is charged to the city. (Am. Ord. 6-2-83, passed 7-5-83; Am. Ord. 11-1-87, passed - -87; Am. Ord. 11-2-87, passed - -87; Am. Ord. 4-1-93, passed 5-1-93; Am. Ord. 12-1-96, passed 1-4-97; Am. Ord. 4-1-02, passed 4-3-02)

' 50.43 DELINQUENCY CHARGES; DISCONNECTION FOR LATE PAYMENT.

(A) In the event a water consumer does not pay a water bill for a period longer than 21 days from the due date the bill shall be delinquent. The gross amount as set forth in ' 50.42 of this chapter shall then be due, and there shall be assessed a delinquent charge of \$10.00 for all fees that are paid after the due date.

(1) If the water fees remain unpaid for more than 28 days after the due date, water service shall be terminated according to the procedure set forth in (B) below.

(2) If the owner and customer are different (i.e., if rental property is involved), the owner will be notified by post card.

(B) The city shall disconnect utility service in accord with the following policies:

(1) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills and delinquency charges then due have been paid and any deposit required has been made.

(2) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills and to provide notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the due date set forth on the bill;

(b) That if any bill is not paid for more than 28 days after the due date, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint. A hearing under this section shall be requested in writing and delivered to the Mayor, City Clerk or City Treasurer by the due date of the bill in question or the right to such hearing shall be waived. The hearing shall be held within 14 days of the request.

(3) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(Am. Ord. 1-2-87, passed - -87; Am. Ord. 4-1-93, passed 5-1-93)

' 50.44 RESUMPTION OF SERVICE.

In order to obtain resumption of water service after its discontinuance as outlined in ' 50.43, it shall be necessary to make

another deposit of the sums as set forth in ' 50.41(B) and pay a fee of \$20.

('77 Code, ' 12-230) (Am. Ord. 6-2-83, passed 7-5-83)

' 50.45 PROPERTY OWNER RESPONSIBLE FOR FEES.

(A) No water service shall be furnished to any house or other building by the city until after the owner of such house or building has filed written application for water service with the City Treasurer, wherein the owner agrees to pay for all water supplied to the house or building. Applicants other than the owners of the premises where water service is desired shall be furnished water under one of the following conditions:

(1) The bills are sent to the owner of the premises for payment.

(2) The owner signs a contract with the city guaranteeing payment in the event the tenant fails to pay the bill.

(3) A \$25 deposit is posted with the city, the deposit to draw 6% interest per year.

('77 Code, ' 12-307)

(B) Water bills issued by the city for any property within or without the city shall be issued to and be the responsibility of the recorded owner of such property as contained in the records of either the city or county property tax assessor's office, as applicable. All water bills shall be mailed to the property owner at the most recent address available in the applicable assessor's office. ('77 Code, ' 12-235) (Am. Ord. 6-2-83, passed 7-5-83)

' 50.46 NOTIFICATION OF INTENT TO DISCONTINUE SERVICE.

Consumers must notify the City Treasurer in writing of their intention to discontinue the use of water service. Thereupon the City Treasurer shall notify the meter reader, who shall make a reading of the meter supplying the premises, and report the same to the City Treasurer. The Treasurer shall then deduct all amounts due to the city from the consumer's deposit.

('77 Code, ' 12-308)

' 50.47 MINIMUM SERVICE PERIODS.

Water shall not be furnished to any consumer for a period of less than three months, and all applications for water service shall be for a period of three months as a minimum. When a house is vacant for a period of one day or more, the meter shall be removed upon authorization of the appropriate city official and a charge of \$3 shall be made for reinstallation of the meter.

('77 Code, ' 12-311)

' 50.48 DAMAGE TO METERS.

(A) Whenever a meter is found to have been damaged by hot water having been forced back into it from the consumer's hot water heating apparatus, the consumer shall pay to the city the actual cost of removal, repairing, and replacing the meter. The previous water bill shall be corrected to an amount equal to the average of the three preceding bills of the consumer.

(B) The applicant and consumer shall be responsible for and shall pay for any damage to meter, meter box, seals, service cocks, pipe, and other appliances and equipment belonging to the city, if the damage is caused by the negligence, carelessness, or unauthorized use of the same by the consumer.

('77 Code, ' 12-314)

' 50.49 USE OF WATER FROM FIRE HYDRANTS.

Use of water from fire hydrants by contractors shall be allowed only upon permission of the city. All such service shall be metered, and the consumer shall pay for the water at regular city rates, and shall pay in addition a service charge of \$25.

('77 Code, ' 12-315)

' 50.50 SPECIAL RATES.

In any case not specifically provided for in this chapter, special rates may be agreed upon by and between the applicant and the City Council, but the rates shall not be less than are charged to like consumers in this chapter.

('77 Code, ' 12-317)

' 50.51 NO CHARGE TO CERTAIN WATER USERS.

(A) Water shall be furnished to the following agencies without cost: City Hall, City Fire Department, city parks, city playgrounds, and city fire hydrants.

(B) After permission of the city has been granted, water for flushing of streets and sewers shall be granted without cost.

('77 Code, ' 12-304)

' 50.52 FAULTY METERS.

(A) If for any reason a meter shall fail to register the consumption of water upon the premises, the party responsible for the payment of the bills for water passing through the meter shall pay the average of the bills for the previous three-quarters of consumption.

(B) If any consumer shall have reasonable grounds for believing that his meter is not recording correctly the amount of water which passes through the meter, he shall notify the city, which shall then proceed in accordance with ' 50.42(C) - (G).

('77 Code, ' 12-310)

' 50.53 METER READING CHARGE.

There is hereby imposed a charge of \$1 for the reading of water meters in the city, which charge shall be added to the water bills issued by the city to water users therein.
(Ord. 12-1-94, passed 1-7-95)

ADMINISTRATION

' 50.65 METER READER.

There is hereby created the office of meter reader for the city. The meter reader shall be appointed by the Mayor with the approval of the City Council and may be removed by the Mayor at will. The duties of the meter reader shall be as follows:

(A) Read water meters in the city:

(1) Residential meters are read quarterly between the twenty-fifth of the previous month and the fifth of the quarterly month - December, March, June, September;

(2) Business meters are read monthly between the twenty-fifth of the previous month and the fifth of the present month;

(B) Turn all readings into the City Clerk for preparation of bills;

(C) Recheck meters at the request of the City Clerk or Water Committee Chairperson;

(D) Make final readings at the request of the City Clerk and/or Water Committee Chairperson;

(E) In the event of an emergency, turn water off or on as requested by the City Clerk, Water Committee Chairperson or Fire Department;

(F) Turn water off or on for delinquent bills when requested by the Water Committee Chairperson;

(G) Flush plugs the last Sunday of each month if weather permits;

(H) Collect water test as required;

(I) Do chlorine test as required;

(J) Do all water samples as required; and

(K) Report to the Water Committee Chairperson and/or the Mayor.
(Ord. 7-2-82, passed 8-3-82; Am. Ord. 6-1-99, passed 7-3-99)

' 50.66 RECORDS.

Suitable records of the accounts of every consumer shall be kept by the person duly authorized to read water meters, and these books shall be kept permanently stored at the City Hall.
('77 Code, ' 12-309)

' 50.67 COMPLAINTS.

All questions and complaints shall be filed in writing with the City Treasurer within ten days after the date of the bill, in order that a full and complete investigation can be made and a report given to the consumer.
('77 Code, ' 12-316)

' 50.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 90 days for each offense.

CHAPTER 51: GARBAGE AND REFUSE

Section

- 51.01 Definitions
- 51.02 Preparation of refuse and garbage
- 51.03 Containers
- 51.04 Storage of refuse and garbage
- 51.05 Collection practices

- 51.99 Penalty

Editor's Note:

Garbage and refuse service for the city is performed by independent contractors under agreement with the city.

' 51.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AASHES.@ The residue resulting from the burning of wood, coal, coke, or other combustible material.

ADISPOSAL.@ The storage, collection, disposal, or handling of refuse or garbage.

AGARBAGE.@ All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

AREFUSE.@ All solid wastes, except body wastes, and shall include ashes and rubbish.

ARUBBISH.@ Glass, metal, paper, plant growth, wood, or nonputrescible solid wastes.
(Ord. 2-1-03, passed 3-5-03)

' 51.02 PREPARATION OF REFUSE AND GARBAGE.

(A) All refuse and garbage shall be drained free of liquids before disposal.

(B) Garbage shall be wrapped in paper or similar material.

(C) All cans, bottles, or other food containers shall be rinsed free of food particles and drained before disposal.

(D) Rubbish shall be either placed in approved containers, or cut and baled, tied, bundled, stacked, or packaged so as not to exceed 36 inches in length and 50 pounds in weight.
(Ord. 2-1-03, passed 3-5-03)

' 51.03 CONTAINERS.

(A) Garbage containers shall be made of durable, water-tight, rust-resistant material having a fly-tight lid and handles to facilitate collection.

(B) Refuse containers shall be made of durable, water-tight, rust-resistant material having a fly-tight lid and handles to facilitate collection or if plastic bags are used, they shall be of heavy duty construction and securely tied.

(C) Refuse and garbage containers for a residence shall not be less than 10 gallons, nor more than 32 gallons in capacity. Containers for commercial establishments shall not exceed 40 gallons in capacity.

(D) It shall be unlawful to permit the accumulation or residue of liquids, solids, or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by thorough rinsing and draining as often as necessary.

(E) Paper or wooden boxes may be used as containers for rubbish, provided such boxes when filled do not exceed 32 pounds in weight. Large stones and hot ashes will not be collected.

(F) Large containers to be handled to special equipment may be used if the contract collection has equipment to handle such containers. The containers must have fly-tight lids, and be placed on the premises where the collector has ready access.
(Ord. 2-1-03, passed 3-5-03)

' 51.04 STORAGE OF REFUSE AND GARBAGE.

(A) Each householder having refuse and/or garbage shall provide himself or herself with approved refuse and garbage containers and shall place and keep all refuse and/or garbage therein.

(B) Containers shall not be placed on the street right-of-way prior to 6:00 p.m., local time, on the day before scheduled collections, and shall be removed to the rear of the premises before 9:30 a.m., local time, the day following scheduled collections.

(C) It shall be unlawful to place refuse or garbage in any street, alley, street, body of water, or any other public place, or upon private property, whether owned or not, unless the refuse or garbage is placed in an approved container.
(Ord. 2-1-03, passed 3-5-03)

' 51.05 COLLECTION PRACTICES.

(A) For the purpose of collection, refuse and garbage containers shall be placed at ground level, and be made readily accessible to the collector. They shall be on the side of the street from which collection is to be made.

(B) Notwithstanding the provisions of division (A) above, householders, commercial establishments, or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.

(C) Hotels, restaurants, institutions, and commercial establishments may be required to have more frequent collection, if determined by the City Council to be essential to protect the public health.

(Ord. 2-1-03, passed 3-5-03)

' 51.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not less than \$10, nor more than \$500 or imprisoned for not more than 30 days, or both, for each offense or violation.

(Ord. 2-1-03, passed 3-5-03)

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