

**City of Hewitt
Ordinance #300-001**

AN ORDINANCE REGULATING MUNICIPAL UTILITIES

SECTION 1: Definitions

Utility: All utility services, whether the same be public city-owned facilities or furnished by private utility companies

Municipal Utility: Any city-owned utility system including but not limited to water, sewage, electric, land filled and refuse systems

Company, Grantee, and Franchisee: Any public utility system to which a franchise has been granted by the City

Consumer and Customer: Any user of the utility

Service: Providing a particular utility to a consumer or customer

SECTION 2: Fixing Rates and Charges for Municipal Utilities

All rates and charges for municipal utilities, including but not limited to, rates for service, connection and meter reading fees, removal of any unlawful device, disconnection fees, re-connection fees, penalties for late or non payment, shall be fixed and determined by the Council and adopted by resolution.

SECTION 3: Contractual Contents

Provisions of this Ordinance relating to municipal utilities shall constitute portions of the contract between the City and all consumers of a municipal utility service, and every such customer or consumer shall be deemed to agree to the same.

SECTION 4: Rules and Regulations Relating to Municipal Utilities

4.01 Billing Payment and Delinquency

Every customer shall be provided with an invoice for the payment of monthly billing for municipal utilities. All utility charges shall be delinquent if they are unpaid at the close of business on the fifth (5th) day of each month, provided that the fifth (5th) day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty as set forth in the Master Fee Schedule shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored until a reconnection fee as set forth in the Master Fee Schedule has been paid for each utility reconnected, in addition to amounts owed for utility services and penalties.

4.02 Connection and Sale of Service

All accounts shall be carried in the name of the owner who personally shall make application for such service by contacting the City Clerk at the City Offices. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as ascertained in connection with such rates.

4.03 Discontinuance of Service

All municipal utilities may be shut off or disconnected whenever it is found that:

1. The owner or occupant of the premises served or any person working on any connection with the municipal utilities systems, has violated any requirement of

- the City Ordinances relative thereto or any connection therewith; or
2. Any charge for municipal utilities service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof; or
 3. There is fraud, misrepresentation by the owner or occupant with any request for services or delivery or charges thereof.

4.04 Unlawful Acts

It is unlawful for any person to willingly or carelessly break, injure, mar, deface, disturb or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture or appurtenance of any municipal utility or municipal utility system, or commit any act intending to obstruct or impair the use of any municipal utility.

It is unlawful for any person to make any connection with, open into, use or alter in any way, any municipal utility system without first having applied for and being in receipt of written permission to do so from the City.

It is unlawful for any person to turn on or connect a utility if the same has been turned off or disconnected by the City for nonpayment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

It is unlawful for any person to "jumper" or by any means or device fully or partially use the services of any utility system without the proper billing authorities having knowledge.

SECTION 5: Connection or Tapping Prohibited- Delinquent Assessments or Charges

No permit shall be granted to tap or connect with any municipal utility when an assessment or connection charge for such utility against the property being connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted until all installments then due and payable have been paid.

SECTION 6: Hook-up Fee

There shall be a hook-up fee as set forth in the Master Fee Schedule for connection with a municipal utility system.

Passed and adopted by a majority vote of the City Council of the City of Hewitt this ___ day of May, 2009.

By Juanita Mitchell, Mayor

Attest: Miriam A. Collom, City Clerk/Treasurer