

## Chapter 700

### GENERAL PROVISIONS

**Section 700.010. Mayor to Supervise Municipal Utilities.** [CC 1984 §110.010; Ord. No. 870 §1, 3-9-2004]

The Mayor shall supervise all municipal utilities and shall be empowered himself/herself or by a designated employee to conduct any meeting or hearings with users of municipal services pursuant to this Chapter. The Mayor shall not override the Collector's duties per disconnection for failure of payment.

**Section 700.020. City Utilities, Defined.** [CC 1984 §110.020]

A. "*City utilities*" shall consist of the following:

1. The City water utility.
2. The City sewer utility.
3. The City electric utility.

**Section 700.030. Limitation of Liability.** [CC 1984 §110.030]

The City shall furnish utility service from any of its utilities to customers only upon the expressed conditions precedent that the City will not be liable to consumer or other person for any inconvenience, delay, injury, loss or damage whatsoever, occurring by reason of derangements, stoppage, leak, fault or negligent construction or operation of any of the utility equipment apparatus, distribution means, pipes or lines, or by reason of the temporary shutting off of any of the utility service to clear or repair the same or for any other purpose, or by reason of the scarcity or insufficiency of the particular utility service supply, or the character or condition of the water or electricity supply, or by reason of the clogging or freezing of the mains or service pipes, or the disruptions of distribution due to weather or other acts of God; nor shall the City be liable for the expense of repair of any service, pipes, mains or lines not owned by the City. The City reserves the right at any time to restrict the use of any utility service for any and all purposes. The Mayor may, if he/she determines it necessary, impose a system of rationing or otherwise restrict the delivery of any or all utility services to a consumer.

**Section 700.035. Administrative Fee for Utility Departments.** [Ord. No. 782 §I, 6-30-2001; Ord. No. 10-991 §1, 8-10-2011]

The City Clerk shall collect and pay into the common fund of the City of La Plata semi-annually up to nine percent (9%) of the revenue collections for electrical municipal and industrial sales, water sales, sewer charges and golf revenues as reimbursement for administrative services and

costs provided by the City as directed by the City budget.

**Section 700.040. Duties of City Collector, Generally.** [CC 1984 §110.040]

The City Collector shall register all applications for the supply of any utility service, keep a full and accurate account of all utility services provided, promptly collect all utility charges and pay the same to the Treasurer and report to the Board of Aldermen monthly all monies received.

**Section 700.045. Payment in Lieu of Taxes.** [Ord. No. 783 §I, 6-30-2001; Ord. No. 10-989 §1, 8-9-2011]

In lieu of taxes, the City Clerk shall collect and pay into the common fund of the City of La Plata semi-annually up to five percent (5)% of the revenue collections for electrical municipal and industrial sales, water sales, sewer charges and golf revenues as reimbursement for administrative services and costs provided by the City as directed by the City budget.

**Section 700.050. Application for Service Connections.** [CC 1984 §110.050; Ord. No. 800 §§1 — 2, 11-13-2001; Ord. No. 12-904 §1, 5-11-2005]

The rules and regulations along with the customer information sheet and application for utility service to be administered by the City Collector upon approval of the City of La Plata Board of Aldermen.

**Section 700.060. Utility Deposits and Reconnect Charges.** [CC 1984 §110.060; Ord. No. 662 §I, 4-12-1994; Ord. No. 800 §§3 — 4, 11-13-2001; Ord. No. 836 §1, 10-22-2002; Ord. No. 12-904 §1, 5-11-2005; Ord. No. 07-959 §1, 7-15-2008]

- A. *Deposits.* The following deposits are required before connection of utilities:
  - A. Residential electric meter deposit: \$200.00.
  - A. Residential water meter deposit: \$150.00.
  - A. Commercial electric meter deposit: \$250.00.
  - A. Commercial water meter deposit: \$200.00.
- B. The rules and regulations along with the customer information sheet and application for utility service to be administered by the City Collector upon approval of the City of La Plata Board of Aldermen.

**Section 700.065. After Hours Fee.** [Ord. No. 840 §1, 12-10-2002]

Any customer who has a utility problem and calls after normal hours, weekends or holidays shall be subject to a call out fee based upon actual cost incurred to City of La Plata if the call out problem is shown to be a problem upon the customer's side of the utility.

**Section 700.070. Meters Required.** [CC 1984 §110.080]

- A. All water and electricity supplied by any City utility service shall be charged for the same in accordance with the registration of the meters installed by the City to record such

provisions of service, and charge shall be made in accordance with the registration of such meters and the rates established under this Chapter and all bills will be collected therefor in full (less such rate of discount as is available to all users of water and electric services for prompt payment); provided that when any such meter by actual test as provided for in this Chapter is found to be imperfect and fast in measurement of the service by more than two percent (2%), the cost of the excess amount of services as represented by the imperfection of such meter shall be deducted from the total amount of the bill for the meter reading period for which such bill is rendered.

- B. Employees of any municipal utility may at any time and with or without the knowledge or consent of any consumer, install an additional meter at any location where such meter may be connected into the service to any building, dwelling house or premises of any kind to which the City is furnishing utility service, and when such meter shall for any period register more utilities than are registered by the meter on the premises of the consumer, it shall be taken as evidence that the service being furnished to such consumer is not being properly metered by the first (1st) meter on the consumer's premises, and the consumer shall pay for all utilities registered over any period by the second (2nd) or additional meter so installed, instead of the amount that has been improperly registered by his/her regular meter.
- C. All electric meters furnished by the City shall remain the property of the City, and City employees shall at all times have access to replace or remove any meters or accessories or other property of the City. The City may furnish an outdoor meter box or receptacle by which the meter may be attached to a conduit. Consumers shall provide space on the outside of the building to which the electric service is furnished, for the attaching of such box or receptacle, in a place easily accessible to the meter reader and approved by the Mayor, and the consumer shall install conduit and wires connecting such box or receptacle with the junction service box which serves the wiring in the building or premises.

**Section 700.080. Meter Tests.** [CC 1984 §110.090; Ord. No. 07-932 §1, 5-9-2007]

- A. Should any customer desire to challenge the accuracy of any meter supplied by the City, he/she may do so on request and payment of an inspection fee. Inspection fee shall be designed to cover the cost of testing the meter. This fee shall be set, from time to time, by the Mayor. Should the meter be found to be imperfect and fast in measurement of the service by more than two percent (2%), the cost of said new meter will be at City expense and said test shall be paid by the City and the inspection fee be refunded to the consumer. Should the test show the meter is correct in the margin of error of two percent (2%), the cost of the excess amount of services shall not be adjudged and the inspection fee shall be retained by the City. Should the inspection show that the meter is imperfect and slow in measurement of the service by more than two percent (2%), there shall be no adjustment of prior billings, the inspection fee will be retained by the City and the expenses for the new meter that was installed will be added to the following month's utility billing.
- B. No consumer shall require a test of any meter more than once in six (6) months. At the request of the consumer a written report showing the result of such test shall be given the consumer requesting the same.

**Section 700.090. Utility Billing Procedures, Payment Deadline, Penalty, Final Notice and Reconnect Fees.** [CC 1984 §110.100; Ord. No. 662 §II, 4-12-1994; Ord. No. 740 §§1 — 2, 7-20-2000]

- A. All City utility bills will be calculated and mailed to or otherwise delivered to the customer on or before the fifth (5th) day of each month and are due and payable in full on or before the twentieth (20th) day of each month.
- B. Payments not received on or before the twentieth (20th) day of such month shall be deemed delinquent and shall bear a late payment penalty equal to ten percent (10%) of the utility bill. Notice of such delinquency shall be mailed or otherwise delivered to the customer and shall inform the customer that failure to pay the utility bill and delinquency by 12:00 P.M. (Noon) on the last business day of the month will result in disconnection of utility services.
- C. All utility bills not paid by 12:00 P.M. (Noon) on the last business day of the month shall result in disconnection of utility services.
- D. All utility deposits previously made by the customer will be applied to the amount owing, including penalties and shall not prejudice the City's right to collect any balance otherwise payable to the City.
- E. Prior to reconnection and restoration of utility services after disconnection, the customer shall deposit a sum equal to all delinquent amounts then due, including penalties, together with reconnect charges and a new utility deposit.
- F. Customers voluntarily disconnecting utility services shall pay a reconnection fee upon re-establishing utility service.

**Section 700.095. Discontinuance of Gas and Electric Utility Service During Hot Weather Periods.** [Ord. No. 10-980 §1, 6-10-2010]

- A. During the period between June first (1st) and September thirtieth (30th), no residential customer shall be disconnected from electric or gas service for non-payment of bills, including all residential users of apartment buildings, when gas or electricity is used as the source of cooling or to operate the only cooling equipment at the residence, during the following occurrences:
  - 1. On any day when the National Weather Service local forecast between 6:00 A.M. and 9:00 P.M. for the following twenty-four (24) hours predicts that the temperature shall rise above ninety-five degrees Fahrenheit (95°F) or that the heat index shall rise above one hundred five degrees Fahrenheit (105°F);
  - 2. On any day when utility personnel are not available to reconnect utility service during the immediately succeeding day or days and the National Weather Service local forecast between 6:00 A.M. and 9:00 P.M. predicts that the temperature during the period of unavailability shall rise above ninety-five degrees Fahrenheit (95°F) or that the heat index shall rise above one hundred five degrees Fahrenheit (105°F); and
  - 3. In any other applicable hot weather situations as subsequently directed by the Board of Aldermen and provided for in rules established and amended by the Missouri Public Service Commission.

**Section 700.100. Estimated Bills.** [CC 1984 §110.110]

All bills for service charges furnished by the City may be estimated, when by reason of defect in or failure to read the appropriate meter or for any other reason, the monthly bill of the user or customer cannot be accurately determined. The City Collector shall make such estimate, considering the average consumption of the user over the previous twelve (12) months' period, considering the relative use of such utility service within the City as a whole for the period of time in question, and considering such other factors as the City Collector may deem appropriate. Such estimated bills shall be due and payable as are all other bills rendered under this Chapter.

**Section 700.110. (Reserved)** <sup>1</sup>

**Section 700.120. Access to Private Premises.** [CC 1984 §110.130]

The Mayor and the various persons employed by him/her in the line of duty shall at all reasonable hours have free access to all parts of any building, dwelling house or premises of any kind to which service is furnished, for the purpose of installing, examining or repairing or removing any poles, wires, meter or other material or appliances belonging to the City, or to read meters, turn on or cut off service, or for any other purpose that may be deemed essential for the preservation of such property, prevention of waste or collection of revenue.

**Section 700.130. Emergencies.** [CC 1984 §110.140]

- A. Whenever the Board of Aldermen shall determine that a State emergency exists with respect to the operations of any municipal utility, the Board may, by resolution, establish such emergency restrictions on the use of such utility as may seem reasonable and prudent under the circumstances.
- B. Any resolution adopted pursuant to Subsection (A) of this Section must establish the nature of the situation and the potential threat to life, health, safety and/or property which requires the emergency measures or restrictions.
- C. Any resolution adopted pursuant to Subsection (A) of this Section may be in full force and effect for a period not to exceed ninety (90) days. The resolution may or may not state period of effectiveness within this ninety (90) day period. If the emergency situation has not been abated within this ninety (90) day period subsequent resolutions may be adopted at the discretion of the Board of Aldermen.
- D. Upon publication of a resolution adopted pursuant to this Section 700.130, violations of the restrictions imposed by the resolution may be subjected to any or all of the following penalties to be imposed by the Municipal Court after a complaint and hearing:
  1. An order of the Municipal Court to comply with the restrictions imposed by the resolution.
  2. A fine not to exceed three hundred dollars (\$300.00).

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<sup>1</sup>. Editor's Note — Ord. no. 740 §3, adopted July 20, 2000 repealed section 700.110 "Hardship Cases", in its entirety. Former section 700.110 derived from CC 1984 §110.120.

3. The termination of the subject utility service.

**Section 700.140. Net Metering Service And Electrical System Integration.** [Ord. No. 16-03 § 1, 8-9-2016]

- A. Definitions. The following words or terms are, for purposes of this Section, defined as follows:

**AVOIDED FUEL COST** — The amount of money that is credited to a customer-generator for electricity generated within a billing period that is in excess of the electricity delivered by the City. The credit will be at the current retail kilowatt-hour rate collected by the City at the time of billing. State Statute only requires a credit of the City's purchase price for electricity.

**CITY** — The City of La Plata, Missouri.

**CUSTOMER-GENERATOR** — A consumer of electric energy that purchases electric energy from the City and is the operator of a qualified generating and net metering facility.

**NET METERING** — Measuring the difference between the electricity supplied by the City and the electricity generated by an eligible customer-generator and fed back to the electric grid over the applicable billing period.

- B. Availability of Service. Net metering service is available to any qualified customer that owns and operates a solar, wind, biomass generating facility, or hydrogen fuel cell with a capacity of not more than one hundred (100) kilowatts located on the customer's premises, is interconnected with and operates in parallel with the City's existing transmission and distribution facilities and is intended primarily to offset part or all of the customer's own electrical power requirements.
1. Additional sources of renewable energy may be certified by the Missouri Department of Natural Resources and will be accepted by the City.
  2. All agreements hereunder are between the customer-generator and the City and shall not include a third party.
- C. Applicable Service Territory. Net metering and electrical system interconnection is available on a first-come, first-served basis in the distribution service territory of the City at any point on the existing facilities that have adequate capacity and suitable voltage for delivery of service until:
1. The total rated generating capacity of all net metering systems on the City equals five percent (5%) of the City's single-hour peak load during the previous year; or
  2. The total rated generating capacity of approved new interconnection agreements during the calendar year equals or exceeds one percent (1%) of the City's single-hour peak load for the previous calendar year.
- D. Monthly Billing/Rates. The electric charge shall be computed in accordance with the monthly billing under the customer's effective standard rate schedule. Under this net metering Section, only the kilowatt-hour (kWh) units of a customer-generator's bill are affected.

1. If the electricity supplied by the City exceeds the electricity generated by the customer-generator during the applicable billing period, the customer-generator shall be billed for the net billable kWh supplied by the City in accordance with the rates and charges under the City's standard rate schedule applicable to the customer.
  2. If the electricity generated by the customer-generator exceeds the electricity supplied by the City, the customer-generator shall be credited for the net value of the electric energy delivered to the City during the applicable billing period at the City's avoided fuel cost, with this credit appearing on the customer-generator's bill no later than the following billing period.
  3. Any credits granted will expire without compensation at the earlier of either twelve (12) months after issuance or when the customer-generator disconnects service or terminates the net metering agreement with the City.
  4. The avoided fuel cost is that amount determined by the Board of Aldermen, as outlined in Section 386.890.2(1), RSMo.
- E. **Transfer Of Ownership.** Upon change in ownership of the qualified unit, or of the premises on which the unit is located, the new customer-generator shall file a new application and signed interconnection agreement with the City for net metering.
- F. **Special Conditions.** The customer-generator must have the following:
1. An approved application for net metering, available at City Hall.
  2. A signed and completed interconnection application/agreement with the City, available at City Hall.
  3. A signed certificate of completion prior to interconnecting, available at City Hall.
  4. A generation facility with a rated capacity of ten (10) kilowatts (kW) or less shall not be required to carry liability insurance. However, a customer-generator shall have legal liabilities not covered under its existing insurance policy in the event of the customer generator's negligence or other wrongful conduct that causes personal injury (including death), damage to property, or other actions or claims.
  5. Meet all applicable safety and performance standards established by the National Electric Safety Code, the National Electric Code, the Institute of Electrical Electronic Engineers, the Federal Energy Regulatory Commission, and Underwriters Laboratory.
  6. The customer-generator is responsible for all costs associated with its generating facility and all costs, including engineering review costs, related to any modifications to the facility that may be required by the City for the purposes of safety and reliability.
  7. The customer-generator shall install an external alternating current (AC) disconnect switch within six (6) feet of the City's electric meter that is freely accessible to City personnel. The switch shall be capable of being locked in the open position and prevent the generator from supplying power to the electrical distribution system while in the open position.

8. Protective equipment designed to automatically disconnect from the City's electric system upon voltage, voltage fluctuation beyond plus or minus ten percent (10%) frequency fluctuation plus or minus two (2) cycles (2 Hertz), and/or fault current conditions and remain disconnected until any or all faults have been stabilized.
  9. The customer-generator must provide the City reasonable opportunity to inspect the generation facility prior to its interconnection and operation date and to witness the initial testing of the facility.
- G. Required Testing. At least once every year, the customer-generator shall conduct a test to confirm that the generation facility automatically ceases to energize the output within two (2) seconds of being disconnected from the electrical distribution system. The City must be allowed to inspect the test.
- H. Right To Disconnect Generation Facility. The City shall have the right and authority to isolate the generation facility at the City's sole discretion if the City believes that any of the following have occurred or are occurring:
1. Adverse electrical effects imposed on the electric distribution system and/or the electrical equipment of other customers attributed to the generation facility.
  2. Electric distribution system emergencies or maintenance requirements.
  3. Hazardous conditions existing on the electric distribution system as a result of the operation of the generation facility or protective equipment.
  4. Failure of the customer-generator to maintain required insurance filed with the City annually.
  5. Identification of uninspected or unapproved equipment or modifications to the generation facility after initial approval.
  6. The customer-generator fails to perform and allow City witness to annual testing.
  7. Recurring abnormal operation, substandard operation, or inadequate maintenance of the generation facility.
  8. Failure to pay monthly utility bill.
  9. In the event that the City isolates the generation facility for routine maintenance, the City shall make reasonable efforts to reconnect the generation facility in a timely manner.
  10. The customer-generator retains the option to temporarily disconnect the generation facility from the electrical distribution system at any time. Such temporary disconnection shall not constitute termination of the interconnection agreement unless the customer-generator exercises its termination rights by signing off at City Hall.
- I. Limitation Of Liability And Indemnification. Absent of clear and convincing evidence of fault on the part of the City, the City cannot be held liable for any action or cause of action relating to any damages to property or persons caused by a generation facility or the interconnection thereof pursuant to Section 386.890.11, RSMo., Supp. 2008. The



customer-generator shall assume all liability for and shall indemnify the City for any claims, losses, costs, and expenses of any kind or character to the extent that they result from the design, construction, or operation of a generation facility. Such indemnity shall include, but is not limited to, financial responsibility for:

1. The City's monetary losses.
  2. Reasonable costs and expenses of defending an action or claim made by a third party.
  3. Damages related to the death or injury of a third party.
  4. Damages to the property of the City.
  5. Damages to a third party.
  6. Damages for the disruption of the business of a third party.
  7. This does not create a liability on the part of the customer-generator to the City or third party but requires indemnification where such liability exists.
- J. Special Rules For Generation Facilities ten (10) kilowatts (kW) or greater. After receiving a properly completed interconnection application/agreement for a generation facility ten (10) kilowatts (kW) or greater, the City will:
1. Analyze the potential impacts on the electrical distribution system and other customers. If a determination is made that additional equipment is necessary for operation or in the event of repeated problems caused by the generation facility determines that additional equipment is necessary to protect the City's electrical distribution system, equipment, customers, or personnel, the customer-generator will be responsible for any costs incurred to correct the discrepancy.
  2. Require that the customer-generator shall carry no less than one million dollars (\$1,000,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the generating facility. Insurance may be in the form of an existing policy or an endorsement on an existing policy. A copy of the customer-generator's insurance shall be submitted and placed on file with the City yearly.

## **Chapter 705**

### **UTILITY RATES AND CHARGES**

#### **ARTICLE I General**

##### **Section 705.010. Right to Change Rates Reserved.** [CC 1984 §115.010]

The schedule of rates for the use of municipal utilities may at any time and in any respect be

changed by action of the Board of Aldermen, and the right to make such change without notice to the individual consumer is hereby expressly reserved.

ARTICLE II  
Water and Sewer

**Section 705.020. Water Rates.** <sup>2</sup> [Ord. No. 547 §§1 — 3, 3-12-1985; Ord. No. 853 §1, 7-8-2003; Ord. No. 06-898 §1, 2-10-2005; Ord. No. 07-966 §1, 10-22-2008; Ord. No. 12-13 §1, 10-9-2012; Ord. No. 15-02 § 1, 1-8-2015]

- A. The rate for water service to customers of the waterworks system of the City of La Plata, Missouri, shall be as follows:
  - 1. Minimum bill twenty-one dollars (\$21.00) for the first one thousand (1,000) gallons.
  - 2. Next five thousand (5,000) gallons for one hundred twelve ten thousandths (\$0.0112) per gallon.
  - 3. Next four thousand (4,000) gallons for ninety-five ten thousandths (\$0.0095) per gallon.
  - 4. Next five thousand (5,000) gallons for eighty-two ten thousandths (\$0.0082) per gallon.
  - 5. All over fifteen thousand (15,000) gallons for seventy ten thousandths (\$0.0070) per gallon.
- B. The schedule of rates of the use of municipal water shall be automatically adjusted to compensate for water rate increases implemented by the City's supplier. New individual consumer water rate increases shall coincide with the supplier rate change.

**Section 705.030. Water and Sewer Charges Incurred by Occupant, Imputed to Owner.** [Ord. No. 552 §1, 8-13-1985]

- A. All water and sewer services provided to an occupant who is not the owner of the property, with respect to property located within the City limits, are deemed furnished to both the occupant and the owner of the property.
- B. Charges for user services, connection fees and other charges all relating to water and sewer services, rendered for an occupant and becoming delinquent after notice is mailed pursuant to Subsection (E) below, may be collected from either the owner or the occupant, provided however, that such notice shall not be required for the City to collect from the occupant.
- C. Unpaid amounts that may be collected from either the owner or the occupant shall become a lien upon the land to which the charges apply upon filing with the Recorder of Deeds of Macon County, a notice of delinquency. The lien may be enforced by suit or foreclosure.
- D. Upon payment in full of the amounts set forth in the notice of delinquency, the City Collector shall file with the Recorder of Deeds of Macon County a similar notice releasing the lien on the land.

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2. Cross Reference — As to sewer rates, see §720.040 of this Code.

- E. Where water and sewer services are provided to one who is not the owner of the property, the owner shall be sent a copy of this Section at his/her last known address.

**ARTICLE III**  
**Electric**

**Section 705.040. Electrical Rates.** [Ord. No. 624 §2, 9-11-1990; Ord. No. 746 §§1 — 2, 9-12-2000; Ord. No. 887 §1, 9-14-2004; Ord. No. 04-921 §1, 2-14-2006]

The monthly rates to be charged residential and commercial users shall be as follows:

<b>Units</b>	<b>Per Unit</b>	<b>Per 1,000</b>
First 30 kwh	\$8.30	Minimum charge
Next 50 kwh	\$0.15972	
Next 220 kwh	\$0.11979	
Next 700 kwh	\$0.09317	
Next and up kwh	\$0.07986	

**Section 705.050. Electric Charges Incurred by Occupant, Imputed to Owner.** [Ord. No. 553 §1, 8-13-1985]

- A. All electric services provided to an occupant who is not the owner of the property, with respect to property located within the City limits, are deemed furnished to both the occupant and the owner of the property.
- B. Charges for user services, connection fees and other charges all relating to electric services, rendered for an occupant and becoming delinquent after notice is mailed pursuant to Subsection (C) below, may be collected from either the owner or the occupant, provided however, that such notice shall not be required for the City to collect from the occupant.
- C. Where electric services are provided to one who is not the owner of the property, the owner shall be sent a copy of this Section at his/her last known address.

**Chapter 710**

**WATER REGULATIONS**

Cross References — As to water and sewer rates, see ch. 705; as to user charge system, see ch. 720.

**ARTICLE I**  
**In General**

**Section 710.010. Meters — Ownership.** [CC 1984 §112.010]

Effective January 1, 1980, all water meters in service will become the property of the City of La Plata, Missouri. At the request of any water customer, the City will replace a privately owned meter, prior to January 1, 1980, upon proper documentation.

**Section 710.020. Meters — Remote.** [CC 1984 §112.020]

All meters installed to a location normally inaccessible to meter readers will be of a remote reading type. All new customers desiring a remote reading meter will be billed for the difference in cost between a standard meter and the remote reading meter. The City will retain sole ownership to all new water meters. The City may replace any existing meter with a remote type without charge to the customer. All customers will provide access to all water meters for reading, inspection, maintenance, repair or replacement during normal working hours, or at any other mutually agreed time.

**Section 710.030. Meters — Connection Fee.** [CC 1984 §112.030; Ord. No. 835 §1, 10-22-2002]

For all new services there will be a connection fee of thirty dollars (\$30.00). For the connection fee, the City will make the tap at the water main and inspect the line to the point of service. The person requesting service will be responsible for all excavations, pipe or tubing, meter pit or vault with lid and the meter setter or yoke. The minimum depth for all new and/or replacement water lines shall be forty-two (42) inches deep or more. All new and/or replacement water lines and water line fittings shall be seamless copper or PVC SCH. 40 of the correct size. All fittings within the water meter pit shall be brass or copper.

**Section 710.040. Meters — Deposit.** [CC 1984 §112.040]

Every person requesting a new water service shall post a one hundred dollar (\$100.00) deposit whenever an excavation in the traveled roadway of a street or other public right-of-way is required. The deposit will be used to insure repair and replacement of the traveled roadway to a satisfactory condition upon closing the excavation. The cost of any post closing maintenance required shall be subtracted from the deposit and the balance refunded after one (1) year.

**Section 710.050. Meters — Installation.** [CC 1984 §112.050]

For normal pit meter installations, the City will be responsible for leaks through the meter and the customer responsible for leaks beyond the meter. In the case of remote meter locations a shut-off should be provided adjacent to the property line with the City responsible for leaks through this shut-off and the customer responsible for all leaks, except with the meter, beyond the shut-off. In the case where no shut-off is provided for a remote meter installation, the customer will be responsible for all leaks from the tap at the water main.

**Section 710.060. Leak Adjustment.** [CC 1984 §112.060]

Nothing in this Chapter shall be construed as limiting a customer's right to apply for the leak adjustment provided hereinbefore.

**Section 710.070. Fees and Connections.** [CC 1984 §112.070]

All water connections and fees shall be in accordance with the provisions of this Chapter except that if there is a street or traveled roadway over the service connection in a subdivision which has not been accepted for City maintenance, no excavation deposit will be required.

**Section 710.080. Tampering.** [CC 1984 §§112.080 — 112.090]

- A. No unauthorized person shall tamper, alter, destroy, damage, remove, or otherwise change or cause to be changed, any valve, hydrant, meter, storage or distribution system of the City of La Plata.
- B. *Penalty.* Any person found guilty of an act prohibited by Subsection (A) shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

**Section 710.090. Connection for Building Purposes.** [CC 1984 §112.110]

When a connection is made to supply water for building purposes the service pipe shall be carried at the expense of the party building to the inside of the curbstone line where a proper curb stop shall be placed with a pipe leading to the surface, the faucet of which shall be kept secured and locked when not in use. When the building is completed the faucet and pipe shall be taken up and the water shut off at the curb stop.

**Section 710.100. Duty of Plumbers Concerning Connection Permits.** [CC 1984 §112.120]

Whenever extensions are desired or new connections are to be made in place of old ones to the City water supply, permits must be obtained in the usual manner. It shall be the duty of all plumbers to make return in writing to the office of the Mayor before the water will be turned on, of all connections made by them, giving a description of the premises, location of the corporation cock, length of service pipe, number of feet from the northerly or easterly line of the lot or premises to the place where the tap in the main is located, together with the names of the occupants and the owner of the premises, and it shall be the duty of all plumbers to produce a special permit before making any change in connections that have been made with the water mains.

**Section 710.110. Turn on Requires Order of Mayor.** [CC 1984 §112.130]

No consumer or other person whose water service shall have been turned off for any reason shall turn on the water or reopen the service, or permit the same to be done by any person, except by order of the Mayor.

**Section 710.120. Special Permit Required for Use of Public Hydrants, Hoses, Pipes, Etc.** [CC 1984 §112.140]

No person shall take water for private use from any public hydrant, plug, draw cock, hose, pipe or fountain furnished for fire purposes or other public use, without the consent of the Mayor, and a special permit therefor having been paid for and received therefor. The Mayor shall determine the charge for said permit, which shall be his/her estimate as to the cost of any water used and extraordinary expenses incurred by the City in providing supervisory personnel or other

extraordinary service.

**Section 710.130. Interference With Waterworks Prohibited.** [CC 1984 §112.150]

No person shall hitch any horse or mule to any fire hydrant, or open fire hydrant, or remove or obstruct the stopcock cover of any fire hydrant, or paint, mark or deface any fire hydrant or any public or private stopcock, or place or deposit any dirt or other material in any such stopcock boxes or in any meter box, or turn any public or private stopcock, or commit any act tending to obstruct the use thereof, or in any manner tamper with or injure any building, meter box, valve box, valve, engine, motor, pump or other machinery, pipe, hose, tools, fixtures or apparatus of the waterworks.

**Section 710.140. Contamination Prohibited.** [CC 1984 §112.160]

No person shall bathe in any reservoir belonging to the waterworks of the City or place anything whatever in any reservoir, well, aerator, filter or any opening of any kind in any pipe or hydrant belonging to the waterworks of the City or perform any other act which might contaminate the water.

**Section 710.150. (Reserved)** <sup>3</sup>

ARTICLE II  
**Lead Ban Policy**

**Section 710.160. Lead Ban — General Policy.** [Ord. No. 694 §I, 4-8-1997; Ord. No. 15-12 § 1, 1-12-2016]

- A. Purpose. The purpose of this Article is to:
1. Ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
  2. Protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.
- B. Application. This Article shall apply to all premises served by the public drinking water system of the City of La Plata.
- C. Policy.
1. This Article will be reasonably interpreted by the Water Purveyor. It is the Purveyor's intent to ban use of lead-based material in the construction or modification of the City's drinking water system or private plumbing connected to the City's system. The cooperation of all consumers is required to implement the lead ban.
  2. If, in the judgment of the Water Purveyor or its authorized representative, lead-based materials have been used in new construction or modifications after January 4, 2014, due notice shall be given to the consumer. The consumer shall immediately comply

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3. Editor's Note — Ord. no. 06-930 §1, adopted November 15, 2006, repealed section 710.150 "leak adjustment" in its entirety. Former section 710.150 derived from CC 1984 §112.170. At the editor's discretion, this section has been reserved for the city's future use.

by having the lead-based materials removed from the plumbing system and replaced with lead-free materials. If the lead-based materials are not removed from the plumbing system, the Water Purveyor shall have the right to discontinue water service to the premises.

**Section 710.170. Definitions.** [Ord. No. 694 §II, 4-8-1997; Ord. No. 15-12 § 2, 1-12-2016]

The following definitions shall apply in the interpretation and enforcement of this Article:

**CONSUMER** — The owner or person in control of any premises supplied by or in any manner connected to a public water system;

**LEAD FREE**

1. When used with respect to solder and flux, refers to solders and flux containing not more than two tenths percent (0.2%) lead; and
2. When used with respect to pipes, pipe fittings, plumbing fittings, and fixtures, refers to pipes, pipe fittings, plumbing fittings, and fixtures containing not more than a weighted average of twenty-five hundredths percent (0.25%) lead.

**LEAD-BASED MATERIALS** — Any material containing lead in excess of the quantities specified in the definition of "lead-fee" of this Section.

**PUBLIC DRINKING WATER SYSTEM** — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and

**WATER PURVEYOR** — The owner, operator, or individual in responsible charge of a public water system.

**Section 710.175. Exemptions.** [Ord. No. 15-12 § 3, 1-12-2016]

- A. Pipes, pipe fittings, plumbing fittings or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption. [SDWA 1417(a)(4)(A)]
- B. Toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, fire hydrants, shower valves, service saddles, or water distribution main gate valves that are two inches in diameter or larger. [SDWA 1417(a)(4)(B)]

**Section 710.180. Lead Banned From Drinking Water Plumbing.** [Ord. No. 694 §III, 4-8-1997; Ord. No. 15-12 § 4, 1-12-2016]

- A. No water service connection shall be installed or maintained to any premises where lead-based materials were used in new construction or modifications of the drinking water plumbing after January 4, 2014.
- B. If a premises is found to be in violation of Section 710.180(A), water service shall be discontinued until such time that the drinking water plumbing is lead free.

ARTICLE III  
**Water Conservation Plan**

**Section 710.190. Water Conservation Plan.** [Ord. No. 595 §§I — IV, 9-13-1988]

- A. The plan would become effective upon a finding by the management of the Water Department that a probable water shortage problem exists. When it can be anticipated that there is a distinct possibility of a water distribution shortfall, the following plan will be implemented until it can be determined that the emergency no longer exists. Depending on the expected severity of the problem it is possible that Stages Two or Three might be implemented immediately. Requests for public cooperation would be made through the news media. This Article will affect only those citizens and commercial entities who receive water service from the disaster Water Department.
- B. *Stage One (Voluntary)*. Request voluntary conservation efforts and compliance with the following restrictions:
1. No washing of sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, no pumping of fountain recirculating water.
  2. No refilling of swimming pools with water furnished by the City.
  3. No washing of cars, other motor vehicles, trailers, or boats.
  4. No water used for dust control.
  5. No flushing of mains by Water Department personnel except to alleviate specific customer complaints.
  6. Commercial and industrial users will be requested to conserve water as much as possible.

If after the initiation of Stage One, weather conditions, expected trends in demand, or other factors indicate that the threat of water shortage will continue, the additional provisions of Stage Two will be implemented.

- C. *Stage Two (Voluntary)*. Stage One restrictions would remain in effect plus the following restrictions would also be requested:
1. No use of water from a fire hydrant except for fighting fire, human consumption, or use in connection with animals.
  2. Watering of any lawn, garden, landscaped area, tree, shrub, or other plant shall be prohibited, except from a hand-held hose or container, or drip irrigation system. Such watering shall be permitted only at times designated by the management of the City Water Department.
  3. Commercial and industrial users would be requested to reduce their water consumption by thirty percent (30%).

If, after the initiation of Stage Two, weather conditions, expected trends in demand, or other factors indicate that the threat of a water shortage will continue or worsen, or if a serious



problem or system emergency should develop, the mandatory measures of Stage Three would be implemented.

D. *Stage Three (Mandatory).*

1. No washing of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, no pumping of fountain recirculating water.
2. No refilling of swimming pools with water furnished by the City.
3. No use of water for recreational uses such as water slides or yard play.
4. No washing of cars, other motor vehicles, trailers, or boats except from a bucket.
5. No water to be used for dust control.
6. No flushing of mains by Water Department personnel except to alleviate specific customer complaints.
7. No use of water from a fire hydrant except for fighting fires, human consumption, or use in connection with animals.
8. Watering of any lawn, garden, landscaped area, tree, shrub, or other plant shall be prohibited.

Depending upon the severity of the problem, the plan could revert back to Stage One or Two or be cancelled as conditions improve.

E. *Notification Provision.*

1. With respect to the mandatory provisions of this plan, a customer shall be deemed to have been notified and directed to reduce the use of water as set forth in the plan when the Mayor of the City of La Plata or his/her designated representative files such notice through the news media, except nothing contained herein shall be deemed to prohibit other means to notify persons of the need to reduce use of water in accordance with the plan.
2. Upon the Mayor taking steps to notify customers as set forth above, a customer shall be presumed to have notice and shall take steps to comply with the plan, except a customer may rebut such presumption by showing that the customer did not, in fact, have notice of the directions to comply with the provisions of this plan.

F. *Compliance With The Plan.*

1. All persons who receive City water service shall be entitled to receive such water service only upon strict compliance with provisions of the plan.
2. It shall be unlawful for any person to violate the mandatory provisions of the plan when such person is directed to reduce or curtail their use of water as set forth in Stage Three of the plan. A direction to reduce or curtail use of water shall be presumed when notice is given as set forth in the plan.

G. *Penalties.* Any person, who shall violate any of the mandatory provisions of the plan

pertaining to discontinuance, interruption, curtailment of water service, shall be subject to the penalties up to five hundred dollars (\$500.00) on the first (1st) offense and disconnection of service on the second (2nd) offense.

ARTICLE IV  
**Cross-Connection Control**

**Section 710.200. Definitions.** [CC 1984 §113.010]

The following definitions shall apply in the interpretation and enforcement of this Article:

**AIR-GAP SEPARATION** — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

**AUXILIARY WATER SUPPLY** — Any water source or system, other than the public water supply, that may be available in the building or premises.

**BACKFLOW** — The flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

**BACKFLOW PREVENTION DEVICE** — Any device, method, or type of construction intended to prevent backflow into a potable water system.

**CONSUMER** — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

**CONTAINMENT** — Protection of the public water supply by installing a cross-connection control device or air-gap separation on the main service line to a facility.

**CONTAMINATION** — An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

**CROSS-CONNECTION** — Any physical link, between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

**HAZARD, DEGREE OF** — An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. *Hazard, health:* Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
2. *Hazard, plumbing:* A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.
3. *Hazard, pollutional:* An actual or potential threat to the physical properties of the water

system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

4. *Hazard, system:* An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

**INDUSTRIAL PROCESS SYSTEM** — Any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into a potable water supply.

**ISOLATION** — Protection of a facility service line by installing a cross-connection control device or air-gap separation on an individual fixture, appurtenance, or system.

**POLLUTION** — The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

**PUBLIC POTABLE WATER SYSTEM** — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

**SERVICE CONNECTION** — The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the "*service connection*" means the downstream end of the meter.

**WATER PURVEYOR** — The owner, operator, or individual in responsible charge of a public water system.

**Section 710.210. Cross-Connections Prohibited.** [CC 1984 §113.020]

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.

**Section 710.220. Survey and Investigations.** [CC 1984 §113.030]

- A. The consumer's premises shall be open at all reasonable times to the water purveyor, or his/her authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the water purveyor or his/her authorized representative, the consumer shall furnish information on water use practices within his/her premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system.

**Section 710.230. Type of Protection Required.** [CC 1984 §113.040]

- A. The type of protection required by this Article shall depend on the degree of hazard which exists, as follows:
  - 1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
  - 2. An approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
  - 3. An approved air-gap separation or an approved reduced pressure principle backflow prevention device or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a polluttional hazard not dangerous to health.

**Section 710.240. Where Protection Is Required.** [CC 1984 §113.050]

- A. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
  - 1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply

is acceptable to the water purveyor and the Missouri Department of Natural Resources.

2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
4. Premises having a repeated history of cross-connections being established or reestablished.
5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.

C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention device is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources.

1. Aircraft and missile plants.
2. Automotive plants.
3. Auxiliary water systems.
4. Beverage bottling plants.
5. Breweries.
6. Building complexes.
7. Canneries, packing houses and reduction plants.
8. Car washing facilities.
9. Chemical manufacturing, processing, compounding or treatment plants.
10. Chemically contaminated water systems.
11. Civil works.

12. Dairies and cold storage plants.
13. Film laboratories.
14. Fire protection systems.
15. Hazardous waste storage and disposal sites.
16. Hospitals, mortuaries, clinics.
17. Irrigation and sprinkler systems.
18. Laundries and dye works.
19. Metal manufacturing, cleaning, processing and fabricating plants.
20. Oil and gas production, storage or transmission properties.
21. Paper and paper products plants.
22. Plating plants.
23. Power plants.
24. Printing and publishing facilities.
25. Radioactive material processing plants or nuclear reactors.
26. Rubber plants — natural and synthetic.
27. Sand and gravel plants.
28. Schools and colleges.
29. Sewage and storm drainage facilities — pumping stations.
30. Waterfront facilities and industries.
31. Zoological and horticultural gardens.

**Section 710.250. Backflow Prevention Devices.** [CC 1984 §113.060]

- A. Any backflow prevention device required by this Article shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
  1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the rim of the vessel, but in no case less than one (1) inch.
  2. A double-check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention devices" established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention devices approved by the water purveyor at the time of

installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Article so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Article.

**Section 710.260. Installation.** [CC 1984 §113.070]

- A. Backflow prevention devices required by this Article shall be installed and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.

**Section 710.270. Inspection and Maintenance.** [CC 1984 §113.080]

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Article are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
  - 1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
  - 2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty (30) months.
  - 3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.
- B. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the water purveyor or a State of Missouri certified backflow prevention device tester.
- C. Whenever backflow prevention devices required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and

overhauls shall be made available to the water purveyor upon request.

- E. Backflow prevention devices shall not be by-passed, made inoperative, removed, or otherwise made ineffective without specific authorization by the water purveyor.

**Section 710.280. Violations.** [CC 1984 §113.090]

- A. The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Article is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention device has been removed or by-passed, or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the water purveyor.

**Chapter 715**

**PUBLIC AND PRIVATE SEWERS**

Cross Reference — As to water and sewer rates and charges, see ch. 705.

**Section 715.010. Rules and Regulations.** [Ord. No. 87-02 Art. I, §1, 1-22-1987]

The following rules and regulations are hereby adopted to govern the sewer services furnished by the municipality in a uniform manner for the benefit of the municipality and its sewer users. They are subject to change from time to time. If any portion of these rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

**Section 715.020. Definitions.** [Ord. No. 87-02 Art. II §§1 — 25, 1-22-1987]

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**APPLICANT** — Any individual, firm, partnership, corporation or other agency owning land within the municipality applying for a sewer service.

**BOARD** — The person or persons duly authorized by the City of La Plata to inspect and approve the installation of building sewers and their connection to the public sewer system.

**BOD** (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which



receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER** — A sewer receiving both surface runoff and sewage.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**MUNICIPALITY** — The City of La Plata, Missouri.

**NATURAL OUTLET** — Any outlet from a watercourse, pond, ditch, lake or other body of surface or ground water.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**SANITARY SEWER** — A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**SEWAGE** — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** — All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER** — A pipe or conduit for carrying sewage.

**SHALL** — Is mandatory; **MAY** — is permissive.

**SLUG** — Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hours' concentration or flows during normal operation.

**STORM DRAIN** (sometimes termed **STORM SEWER**) — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT** — The Superintendent of the Municipal Sewage Works of the City of La Plata, or his/her authorized deputy, agent or representative.

**SUSPENDED SOLIDS** — Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**WATERCOURSE** — A channel in which a flow of water occurs either continuously or intermittently.

**Section 715.030. Unlawful to Place Garbage on Public or Private Property.** [Ord. No. 87-02 Art. III §1, 1-22-1987]

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of La Plata, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

**Section 715.040. Unlawful to Discharge Sewage to Any Natural Outlet.** [Ord. No. 87-02 Art. III §2, 1-22-1987]

It shall be unlawful to discharge to any natural outlet within the City of La Plata, or in any area under the jurisdiction of said City, any sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

**Section 715.050. Privy, Septic Tank, Etc., Prohibited.** [Ord. No. 87-02 Art. III §3, 1-22-1987]

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**Section 715.060. Buildings Must Have Toilet Facilities.** [Ord. No. 87-02 Art. III §4, 1-22-1987]

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

**Section 715.070. Private Sewage Disposal.** [Ord. No. 87-02 Art. IV §§1 — 8, 1-22-1987]

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 715.060, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- B. Before commencement of construction of a private sewage disposal system the owner shall

first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the City at the time the application is filed.

- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four (4) hours of receipt of notice by the Superintendent if received in the forenoon and within eighteen (18) hours of receipt of notice if received in the afternoon.
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Subsection (D) hereof, a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
- G. No statement contained in this Subsection shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the State or County.
- H. When a public sewer becomes available, the existing building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean back-run gravel or dirt.

**Section 715.080. Public Sewers.** [Ord. No. 87-02 Art. V §§1 — 11, 1-22-1987; Ord. No. 832 §1, 10-22-2002]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereto without first obtaining a written permit from the Superintendent.
- B. There shall be two (2) classes of building sewer permits:
  - 1. For residential and commercial service, and
  - 2. For service to establishments producing industrial wastes.

In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications,

or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of fifteen dollars (\$15.00) for a residential or commercial building sewer permit shall be paid to the City at the time the application is filed.

- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this Chapter.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. The minimum requirements shall be:
  - 1. All sewer lines shall be PVC SCH. 40 and shall be made water-tight with solvent weld or mechanical joints.
  - 2. All sewer lines shall be placed upon clean three-eighths ( $\frac{3}{8}$  inch rock chips with a minimum of one-fourth ( $\frac{1}{4}$ ) inch fall per one (1) foot of travel. The rate of fall shall be measured along the actual laid sewer pipe by the Sewer Superintendent to determine compliance prior to the contractor/owner covering said pipe.
  - 3. Either the owners or contractors shall perform all taps or opening cuts into the City sewer main with the Sewer Superintendent in attendance or under his supervision. All taps shall be made with a saddle of the proper size. All taps shall be water-tight either by stainless steel, U-bolts or bands.
  - 4. The minimum diameter of sewer line for a residential user of six (6) family members or less shall be a minimum of four (4) inches. Business and industrial users plus residential users of more than six (6) residents shall use a pipe diameter as to be determined by the Sewer Superintendent.
  - 5. No part of the private sewer line may be covered until final inspection and approval by the Sewer Superintendent. After approval, the contractor/owner shall cover the sewer line by hand using three-eighths ( $\frac{3}{8}$  inch clean gravel chips until the pipe has been completely covered.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.
- K. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

**Section 715.090. Discharge of Stormwater, Drain Water, Etc., to Any Sanitary Sewer.** [Ord. No. 87-02 Art. VI §1, 1-22-1987]

No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**Section 715.100. Unpolluted Drainage Discharged to Storm Sewer.** [Ord. No. 87-02 Art. VI §2, 1-22-1987]

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

**Section 715.110. Toxic Wastes Shall Not Be Discharged to Public Sewers.** [Ord. No. 87-02 Art. VI §3, 1-22-1987]

- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having:
  - a. A five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight,
  - b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
  - c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City,

shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at his/her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight,
- (2) Reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
- (3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**Section 715.120. Substances That May Damage Sewage System.** [Ord. No. 87-02 Art. VI §4, 1-22-1987]

A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).

2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (0° and 65° C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ( $\frac{3}{4}$ ) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal or other public agencies having jurisdiction over discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids such as, but not limited to, sodium chloride or sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes, and vegetable tanning solutions).
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "*slugs*" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**Section 715.130. Superintendent's Authorities.** [Ord. No. 87-02 Art. VI §5, 1-22-1987]

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 715.120 and which in the judgment of the Superintendent may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
1. Reject the wastes,
  2. Require pre-treatment to an acceptable condition for discharge to the public sewers,
  3. Require control over the quantities and rates of discharge, and/or
  4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 715.180.
- B. If the Superintendent permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable Codes, ordinances and laws.

**Section 715.140. Grease, Oil and Sand Interceptors — When.** [Ord. No. 87-02 Art. VI §6, 1-22-1987]

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

**Section 715.150. Preliminary Treatment at Owner Expense.** [Ord. No. 87-02 Art. VI §7, 1-22-1987]

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

**Section 715.160. Manhole — When Required.** [Ord. No. 87-02 Art. VI §8, 1-22-1987]

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

**Section 715.170. Tests to Comply With Standard Methods for the Examination of Water and Waste Water.** [Ord. No. 87-02 Art. VI §9, 1-22-1987]



All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

**Section 715.180. Special Arrangement With City.** [Ord. No. 87-02 Art. VI §10, 1-22-1987]

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

**Section 715.190. Damaging Sewage Works.** [Ord. No. 87-02 Art. VII §1, 1-22-1987]

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**Section 715.200. Authority to Enter Property to Inspect.** [Ord. No. 87-02 Art. VIII §§1 — 3, 1-22-1987]

- A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The Superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection (A) above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 715.160.

- C. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**Section 715.210. Violation and Penalty.** [Ord. No. 87-02 Art. IX §§1 — 3, 1-22-1987]

- A. Any person found to be violating any provision of this Chapter except Section 715.190 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory corrections thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection (A) shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by reason of such violation.

**Chapter 720**

**USER CHARGE SYSTEM**

**Section 720.010. Purpose.** [Ord. No. 87-01 Art. I, 1-22-1987; Ord. No. 738 Art. I, 6-27-2000; Ord. No. 760 Art. I, 1-16-2001; Ord. No. 765 Art. I, 3-28-2001]

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

**Section 720.020. Definitions.** [Ord. No. 87-01 Art. II §§1 — 11, 1-22-1987; Ord. No. 738 Art. II, 6-27-2000; Ord. No. 760 Art. II, 1-16-2001; Ord. No. 765 Art. II, 3-28-2001]

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**BOD** (denoting **BIOCHEMICAL OXYGEN DEMAND**) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter (mg/l).

**NORMAL DOMESTIC WASTEWATER** — Wastewater that has a BOD concentration of not more than two hundred fifty (250) mg/l and a suspended solids concentration of not more than two hundred seventy (270) mg/l.

**OPERATION AND MAINTENANCE** — All expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

**REPLACEMENT** — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "*operation and maintenance*" includes replacement.

**RESIDENTIAL CONTRIBUTOR** — Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

**SHALL** — Is mandatory; **MAY** — is permissive.

**SS (denoting SUSPENDED SOLIDS)** — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**TREATMENT WORKS** — Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including used for storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in sanitary sewer systems.

**USEFUL LIFE** — The estimated period during which a treatment works will be operated.

**USER CHARGE** — That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

**WATER METER** — A water volume measuring and recording device furnished and/or installed by the City of La Plata or furnished and/or installed by a user and approved by the City of La Plata.

**Section 720.030. User Charge Accounts.** [Ord. No. 87-01 Art. III §§1 — 3, 1-22-1987; Ord. No. 738 Art. III, 6-27-2000; Ord. No. 760 Art. III, 1-16-2001; Ord. No. 765 Art. III, 3-28-2001]

- A. The user charge system shall generate adequate annual revenues to pay the costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user

charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this Chapter.

- B. That portion of the total user charge collected which is designated for the operation and maintenance, including replacement purposes as established in Section 720.040, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
  - 1. The Operation and Maintenance Account shall be an account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works. Deposits in the Operation and Maintenance Account shall be made at least annually from the operation and maintenance revenue in the amount of one hundred twenty thousand three hundred thirty dollars (\$120,330.00) annually.
  - 2. The Replacement Account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made at least annually from the replacement revenue in the amount of six thousand three hundred seventy dollars (\$6,370.00) annually.
- C. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Fund shall be carried over to the same accounts in each subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

**Section 720.040. User Charge Rates.** [Ord. No. 87-01 Art. IV §§1 — 3, 1-22-1987; Ord. No. 738 Art. IV, 6-27-2000; Ord. No. 760 Art. IV, 1-16-2001; Ord. No. 765 Art. IV, 3-28-2001; Ord. No. 14-05 § 1, 9-8-2014; Ord. No. 17-05 § 1, 3-14-2017]

- A. Each user shall pay for the services provided by the district based on its use of the treatment works as determined by water meter(s) acceptable to the City.
- B. For residential contributors, monthly user charges will be based on water used during the current month.
- C. For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the City.
- D. (Reference is made to Appendix A of this ordinance, which is on file in the City offices.) The minimum charge per month shall be forty-five dollars (\$45.00) which includes the first one thousand (1,000) gallons of water used. In addition, each contributor shall pay a user

charge for operation and maintenance, including replacement of five dollars (\$5.00) per one thousand (1,000) additional gallons for the next three thousand (3,000) gallons of water used and three dollars (\$3.00) per one thousand (1,000) thereafter as determined in the preceding Section.

- E. (Reference is made to Appendix A of this ordinance, which is on file in the City offices.) For those contributors which contribute wastewater the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement, is:

\$0.388 per pound BOD

\$0.287 per pound SS

- F. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the district's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Board of Aldermen.
- G. The user charge rates established in this Chapter apply to all users of the City's treatment works, regardless of the user's location.

**Section 720.050. Billing — When Due.** [Ord. No. 87-01 Art. V §§1 — 2, 1-22-1987; Ord. No. 738 Art. V, 6-27-2000; Ord. No. 760 Art. V, 1-16-2001; Ord. No. 765 Art. V, 3-28-2001]

- A. All users shall be billed monthly. All City bills will be calculated and mailed to or otherwise delivered to the customer on or before the fifth (5th) day of each month and are due and payable in full on or before the twentieth (20th) day of each month.
- B. Payments not received on or before the twentieth (20th) day of such month shall be deemed delinquent and shall bear a late payment penalty equal to ten percent (10%) of the utility bill. Notice of such delinquency shall be mailed or otherwise delivered to the customer and shall inform the customer that failure to pay the utility and delinquency by 12:00 P.M. (Noon) on the last business day of the month will result in disconnection of utility service. Rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice.

**Section 720.060. City to Review User Charge System.** [Ord. No. 87-01 Art. VI §§1 — 2, 1-22-1987; Ord. No. 738 Art. VI, 6-27-2000; Ord. No. 760 Art. VI, 1-16-2001; Ord. No. 765 Art. VI, 3-28-2001]

- A. The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- B. The City will notify each user at least annually, in conjunction with a regular bill, of the

rate being charged for operation and maintenance including replacement of the treatment works.

## **Chapter 725**

### **ELECTRICITY**

Cross Reference — As to rates and charges, see ch. 705.

**Section 725.010. Turn on of Service Requires Permission of Mayor.** [CC 1984 §114.010]

No person except the Mayor or persons working under his/her orders shall attach any wire to the primary or secondary lines, install any such lines, or turn on the electrical service to any building, residence, dwelling house or premises of any kind whatever; and no person shall in any manner take or use service furnished by the electric plant without first applying therefor and receiving a permit to do so.

**Section 725.020. Installation of Electric Service.** [CC 1984 §114.020; Ord. No. 834 §1, 10-22-2002]

Each customer of electrical service shall be required to furnish, install and maintain all from the connections above the weather head in. The City will only supply and maintain the meter. The customer must provide the weather head, conduit (approved PVC), wiring, meter base, ground and pole (if extra pole is needed on private property to service building, business, dwelling, etc.). City crew will install extra pole and charge the customer the cost of said pole. City of La Plata Electrical Supervisor will put together a list of approved wire, conduit, weather head, meter base, ground, etc., and will furnish a drawing of correct installation per each installation.

**Section 725.025. Installation Of Security Light(s).** [Ord. No. 13-04, 3-12-2013]

Customers requesting the installation of a new security light(s) or the modification, relocation, or replacement of an existing system shall be responsible for the cost of all material and additional pole(s) necessary to accomplish the work. The City reserves the right to recover a percentage of the labor cost for any installations requiring two or more poles as determined by a case-by-case review. The City will provide the customer an installation cost estimate for review and acceptance. The City shall provide all equipment, material, and supplies for security light(s) projects.

**Section 725.030. Expenses and Responsibility for Electrical Installations.** [CC 1984 §114.030; Ord. No. 834 §2, 10-22-2002]

All expenses necessary for either work or material to wire any building or premises of any kind, including but not limited to all fixtures for light, cooking, heat, power, signs and appliances and for the maintenance and repair of all such wiring and other equipment, shall be borne and paid for by the owner or occupant of such building or premises, and all such wiring and the connecting of all fixtures, stoves, motors, signs and appliances must be done in accordance with

the rules and requirements of the Electrical Code of the City in effect at the time such work is performed. The size, number and location of all meters necessary for any building or premises of any kind is to be determined by the Mayor and/or Electrical Supervisor and may be removed by the City at any time for any cause. It shall be the duty of the owner or occupant of the building or premises to provide space for and to protect all such poles, wires and wire holders on such premises from injury or damage of any kind. All service lines and meters shall be located where most convenient for the service to be furnished and the locating and installing of all such lines and meters shall be determined and performed under the direction and general supervision of the Mayor and/or Electrical Supervisor. Access shall be provided for and maintained for City crews to read electrical meters. Nothing in this rule shall be construed to mean the City shall furnish, install or maintain any underground service to any building, dwelling house or premises of any kind whatsoever unless underground construction is in the best interest of the City as determined and documented by the Board of Aldermen.

**Section 725.040. Tampering With Meters, Switches, Wiring, Etc., Prohibited.** [CC 1984 §114.040]

Electric meter shall be kept sealed and service shall be cut off from any house, building or premises where seals or the meter or wiring shows traces of having been tampered with. Any person who shall connect or disconnect or in any way molest or tamper with any electric wire in the City without authority from the Mayor, shall be guilty of a misdemeanor. Where the identity of the person who has molested a seal, a meter or a wire is not otherwise proven, the consumer to whom the electric service is being furnished through such meter or wire shall be held responsible.

**Section 725.050. Interference With System Prohibited.** [CC 1984 §114.050; Ord. No. 10-987 §1, 4-13-2011]

- A. No person shall hitch or tie any horse or any other animal or in any manner; attach any placard, notice, bill or advertisement of any kind whatsoever, to any pole, standard, wire, fixture, transformer or property of any kind whatsoever, belonging to the City electrical system.
- B. No person shall erect, build, place or install, or plant, grow or permit to grow, or cause to be built or place any pole, wire, building of any kind, tree, shrub, vine or undergrowth, or anything of any kind whatever that shall touch or interfere with any wire or other equipment belonging to the City electric plant, or over any part of any street, alley, sidewalk, or parkway in the City so as to in any manner interfere with the electric service and where any such obstruction to the operation or building of any line necessary or convenient for the transmission of electricity of the electric plant is found, it may be removed by employees of the City with as little damage to property as necessary.
- C. The Electrical Supervisor may trim trees or bushes, if the trees and/or bushes are into the electrical lines, and the Supervisor believes trimming will keep limbs or bushes from causing any additional damage.
- D. No person shall in any way hinder, prevent or obstruct the operation of the City's electric plant or any part thereof.

## **WATER SUPPLY SYSTEM - RULES AND REGULATIONS**

### **Section 730.010. General.** [Ord. No. 864, 2-10-2004]

These rules and regulations have been adopted to govern the water services furnished by the owner in a uniform manner for the benefit of the owner and its water users and are subject to change as herein provided without notice to any water users or any other person. All such changes must be approved by the State Director of the United States Department of Agriculture, Rural Development, so long as the owner has unpaid obligations which are held or insured by the United States of America. Any amendment or change to the rules and regulations shall be effective on the date such amendment or change is passed by the owner, as herein provided, or on such other date as the owner may by resolution designate. Such amendment or change shall be ineffective only if not approved by the USDA, Rural Development, as herein before provided, but in the event such approval is given by the USDA, Rural Development, said approval shall be retroactive to the date of such change or amendment, as provided herein or as otherwise provided by resolution of the owner. If any portion of these rules and regulations shall be declared invalid by competent authority, such invalidity shall not effect the validity of the remaining portion.

### **Section 730.020. Definitions.** [Ord. No. 864, 2-10-2004]

The following expressions, words and terms, when used herein, shall have the meanings stated below:

**APPLICANT** — Any individual, firm, partnership, corporation, the Federal or State Government or any unit, agency, political corporation or subdivision of either the Federal or State Government or other agency applying for a water user's agreement.

**LANDOWNER** — Any person owning property served by the water system of the owner or who has a leasehold interest therein with more than a year to run. The term "*landowner*" shall also include life tenants but the owner may at its discretion require remaindermen to enter into any agreement required with the property owner under these rules and regulations; and the remaindermen shall be bound by these rules and regulations in all respects.

**OWNER** — City of La Plata.

**POINT OF DELIVERY** — The point of delivery shall be at the meter, unless otherwise specified in the water user's agreement or in any other agreement where it shall be mentioned.

**SERVICE** — When used in connection with the supplying of water, shall mean the availability for use by the water user of water, subject to the provisions of these rules and regulations. Service shall be considered as available when the owner maintains the water supply at a minimum of twenty (20) p.s.i. pressure at the point of delivery with the service line static, in readiness for the water user's use, regardless of whether the water user makes use of it.

**STATE DIRECTOR** — The State Director of the USDA, Rural Development for Missouri or his successor.



**USER** — Any individual, firm, partnership, corporation, the Federal or State Government, or any unit, agency, political corporation or subdivision of either the Federal or State Government, or other agency receiving water and waste services, or to whom water services are made available from the owner's facilities pursuant to a written water user's agreement.

**WATER SERVICE** — A water service shall consist of facilities for supplying water to one (1) residence or business establishment located on land within the jurisdiction of the owner.

**WATER USER'S AGREEMENT** — The written contract between the water user and the owner pursuant to which water service is supplied or made available.

**Section 730.030. Rate Schedule.** [Ord. No. 864, 2-10-2004]

- A. Rate schedules for water and water service are fixed by the owner. The rate schedule is subject to change by action of the owner, with the approval of the State Director of the USDA, Rural Development, so long as the owner has unpaid obligations which are held or insured by the United States of America. If a provision of the rules and regulations conflicts with the provision of the rate schedule, the provision of the rate schedule shall prevail. If the total amount of revenue and income derived from the collection of the water rates is insufficient to meet the payment of the costs of operation, maintenance, depreciation, necessary extensions and enlargements, and payment of the principal and interest on any general and special obligation bonds, then outstanding with their attendant obligations pursuant to the obligation bonds, then outstanding with their attendant obligations pursuant to the terms of the bonds and the authorizing resolutions, the owner shall increase the water rates for the first (1st) month thereafter in an amount sufficient to meet these costs and obligations.
- B. The owner may require, at its discretion, for meters to be ready by the water users and readings reported to the owner.

**Section 730.040. Applications.** [Ord. No. 864, 2-10-2004]

Applicants for a water user's agreement shall make application to the owner. Such applications shall be in writing and the owner shall prescribe the form of such application.

**Section 730.050. Service.** [Ord. No. 864, 2-10-2004]

- A. *Readiness To Accept.* Before installing a service extension and providing water, the owner may require the applicant to pipe his home and be in readiness to accept the service.
- B. *Service For Sole Use Of The Water User.* The standard water service connection is for the sole use of the water user and does not permit the extension of pipes to transfer water from one property to any other consumer nor will the user share, resell or submeter water to any other consumer. If an emergency or specific situation should make such an arrangement advisable, it shall be done only on specific written permission of the owner for the duration of the emergency. No more than one (1) residence shall be served by one (1) water service connection. A farm containing one (1) residence and other buildings for use in the farming operation shall be considered as one (1) residence and the water user may use water from one (1) meter for all such buildings; provided, that in the event that a farm contains two (2)

or more residences, a meter shall be required for each residence, unless the owner shall find such to be an unusual hardship upon the water user, in which case a special agreement may be made concerning such additional residence and the rules for a multiple-unit dwelling as set forth in these rules and regulations shall be applied to determine the rate for such farm containing two (2) residences.

- C. *Hardship Agreements.* The owner may enter into a special agreement whereby a right of entry is granted to the owner to read a meter placed on private property for remotely located residences or remotely located water uses, where the location of the meter as provided in these rules and regulations would, in the owner's opinion, cause undue hardship and expense on the water user. Such special agreements must be written and no water user or applicant for water service shall have any right to force the owner to enter into such a special agreement, but such agreements must be entered into solely at the discretion of the owner. The owner may in the alternative apply the multiple-unit residence rule stated in these rules and regulations.
- D. *Continuity Of Service.* The owner will make all reasonable efforts to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extensions or for other necessary work. Efforts will be made to notify water users whenever possible who may be affected by such interruptions, but the owner will not accept responsibility for losses which might occur due to such necessary interruptions. The owner does not accept responsibility and shall not be liable for losses which might occur due to interruptions to service for any cause and does not accept responsibility for losses due to failure to the owner to notify any water user of any such interruption.
- E. *Services.* The owner will install all water service pipes from its mains to the meters on property abutting the right-of-way along which the main is installed insofar as its current financial responsibilities, obligations and conditions will permit and, insofar as adequate water pressure is available at the point of delivery requested by the applicant or water user. The service pipe shall not be less than three quarters ( $\frac{3}{4}$ ) inch in size and the owner will also install and pay for the owner's main connection, meter and meter setting. The meter will be set at the point on the water user's premises designated by the owner. The charge for services to be made by the owner shall be that amount specified in these rules and regulations or as otherwise provided by the owner, but in no event shall it be less than the cost to the owner.
- F. *Right To Inspect.* Representatives of the owner shall have the right at all reasonable hours to enter upon the water user's premises to read and test meters, inspect piping and to perform other duties for the maintenance and operation of service or to remove its meters and equipment upon discontinuance of service by the water user.
- G. *Piping Work To Be Inspected.* All piping work in connection with pipe and services connected with the owner's main shall be submitted to the inspection of the owner before such underground work is covered up. Whenever the owner determines that a job of plumbing is obviously defective, although not in direct violation, the owner may require that it be corrected before the water will be turned on. The owner may prescribe the type of materials and the standard of workmanship to be followed in enforcing this Section.

- H. *Intercepting Tank Required For Large Customers.* Service pipes shall not be connected to the suction side of pumps. The supply for use of a character requiring a large quantity of water within a short period will not be permitted except through intercepting or intermediate storage tanks.
- I. *Check Valves, Flush Valves And Vacuum Breakers.* Water users having boilers or hot water systems connected with mains of the owner must have a check valve in the supply pipe to the boilers and hot water heating systems, together with a release valve at some point between the check valve and the heating system. All water users are hereby cautioned against danger of collapse of boilers since it is sometimes necessary to shut off the supply of water without notice and, for this reason, a vacuum valve should be installed in the steam lines to prevent collapse in case the water supply is interrupted. The owner, however, will not be responsible for accidents or damages resulting from the imperfect action or failure of said valves.
- J. *Cross-Connections And Interconnections.*
1. The owner will not allow to be made any physical connection in its water supply system to that of any other pipe system or equipment, where such other pipe system or equipment in any manner receives all or any part of its supply of water directly or indirectly from wells, streams or any source other than that of the water system of the owner.
  2. No other interconnection or cross-connection, as defined below, shall be permitted. The making, causing or permitting of the installation or existence of any interconnection or cross-connection shall constitute a violation of the rules and regulations of the owner and such prohibited connection shall be removed forthwith in a manner acceptable to the owner and the duly constituted public health officials.
  3. Failure to do so within two (2) days from and after date of notification by the owner may result in discontinuance of water service without further notice.
  4. When used in these rules and regulations, the following words and phrases shall have the meaning herein provided.
    - a. *Cross-connection:* A cross-connection is any pipe, valve or other arrangement or device connecting the pipe lines of the owner or facilities directly or indirectly connected therewith to and with pipes or fixtures supplied with water from any source other than the lines of the owner directly connected.
    - b. *Interconnection:* An interconnection is a plumbing arrangement, other than a cross-connection, by which contamination might be admitted or drawn into the distribution system of the owner, or into lines connected therewith, which are used for the conveyance of potable water.
    - b. The owner shall have the right at all hours to enter upon water user's premises for the purpose of inspection and enforcement of this provision.
- K. *Applicants Having Excessive Requirements.* In the event of an applicant whose water requirements are bound to exceed the owner's ability to supply it from existing physical assets without adversely affecting service to other water users, the owner will not be

obligated to render such service, unless and until suitable financing is provided by the applicant to cover the additional physical assets. The owner has no obligation to reimburse the applicant for physical assets provided.

L. *Customer's Duty Regarding Service Lines.*

1. The water's user's service pipe and all connections and fixtures attached thereto shall be subject to the inspection of the owner before the water will be turned on, if the owner so elects, and all properties receiving a supply of water and all service pipes, meters and fixtures, including any and all fixtures within any improvements or buildings on said properties, shall at all reasonable hours be subject to inspection by any duly authorized employee or agent of the owner.
2. All service pipes shall be laid at all points at least forty-two (42) inches below the surface of the ground and shall be placed on firm and continuous earth so as to give unyielding and permanent support. They shall not be laid in sewer ditches. It shall be installed in the trench at least eighteen (18) inches in a horizontal direction, in undisturbed earth, from any other trench wherein are laid gas pipe, sewer pipe or for other facility public or private. Such service line shall not pass through premises other than that to be supplied unless the owner shall so agree in writing.
3. Water user shall, at his own cost and expense, make all changes in the service pipe required or rendered necessary on account of changes in the street grades, relocation of mains or other causes.
4. No fixture shall be attached to, or any branch made in, the service pipe between the main of the owner and the meter.
5. Any repairs or maintenance necessary to the service pipe or any pipe or fixture in or upon the water user's premises shall be performed by the water user at his sole expense and risk.
6. Service pipes must be kept and maintained in good condition and free from all leaks, and for failure to do so the water supply may be discontinued.
7. The owner shall in no event be liable for any damage done or inconvenience caused by reason of any break, leak or defect in, or by water escaping from service pipes, or from fixtures on the premises of the owner or water user. The water user shall be billed in the usual manner for the cost of all such water according to the rate schedule of the owner as provided for in these rules and regulations.

M. *No One But Owner's Employee May Turn Water Off Or On.* No one but an employee or a person authorized by the owner shall turn on water or shut off water to any water user or to any property, except in the case of escaping water.

N. *Water Users Requiring Uninterrupted Supply.*

1. The owner will endeavor to give reasonable service but does not guarantee a sufficient or uniform pressure or an uninterrupted supply of water, and water users are cautioned to provide sufficient storage of water where an absolutely uninterrupted supply must be assured, such as for steam boilers, hot water heating systems, gas

engines, etc.

2. Fixtures or devices taking a supply of water directly from the service pipes, depending upon the hydraulic pressure of the pipe system of the owner for supplying same under working pressure, would do so at the risk of the parties making such attachments, as the owner will not be responsible for any accidents or damages to which such fixtures or devices are subject.

**Section 730.060. Fire Hydrants.** [Ord. No. 864, 2-10-2004]

- A. Private fire hydrants may be installed by a written agreement with the owner, provided that the owner shall take into account all possible costs to the owner and charge an equitable price therefore, all cost factors considered. Public fire hydrants may be installed by special agreement with the State, a municipality, political subdivision or political corporation and the owner shall take into consideration the same factors when entering such a contract.
- B. In the event that the owner undertakes to furnish fire hydrants as a part of the service to the water users of the owner, than all water users of the owner shall be furnished with substantially the same degree of benefit from such hydrants and in the event that this is impossible, then those receiving a higher degree of benefit shall pay an additional charge above the rates for water herein provided for which shall be for such additional benefit. Such rates shall be equitable to all water users and shall depend upon cost studies made by the owner's employees or consultants.

**Section 730.070. Meters.** [Ord. No. 864, 2-10-2004]

- A. *Meters Furnished By Owner.* Meters will be furnished, installed, owned, inspected, tested and kept in proper operating condition by the owner without cost to the water user, except that such water user shall pay a connection fee, as set forth in these rules and regulations, which shall not be refundable. The complete record of tests and histories of meters will be kept if deemed necessary by the owner. Meter tests will be made according to methods of the American Waterworks Association by the owner as often as deemed necessary by the owner.
- B. *Meter Accuracy.* Service meter errors which do not exceed two percent (2%) fast or slow shall be considered as being within the allowable limits of accuracy for billing purposes. The percentage of error will be considered as that arrived at by taking the average of the error at full load and that at ten percent (10%) load, unless a water user's rate of usage is known to be practically constant, in which case the error at such constant use will be used.
- C. *Meter Location.* Meters shall be set in an accessible place on the outside of buildings, except where otherwise directed by the owner. All meters shall be set horizontally and never connected into a vertical pipe. Meters outside of the buildings shall be placed in meter boxes furnished and installed by the owner.
- D. *Requested Meter Tests.* Meter tests requested by water users shall be performed per Section 700.080 of the owner's City Code.
- E. *Water User's Responsibility.* The water user shall be responsible for any damage to the meter installed for his service for any cause other than normal wear and tear.

**Section 730.080. Water User's Bills.** [Ord. No. 864, 2-10-2004]

- A. All user/customer's utility bills will be calculated and mailed to or otherwise delivered to the customer on or before the fifth (5th) day of each month and are due and payable in full on or before the twentieth (20th) day of each month. Payments not received on or before the twentieth (20th) day of such month shall be deemed delinquent and shall bear a late payment penalty equal to ten percent (10%) of the utility bill. Notice of such delinquency shall be mailed or otherwise delivered to the customer and shall inform the customer that failure to pay the utility bill and delinquency by 12:00 P.M. (Noon) on the last business day of the month will result in disconnection of utility services.
- B. All bills for service charges furnished by the owner may be estimated when, by reason of defect in or failure to read the appropriate meter or for any other reason, the monthly bill of the user or customer cannot be accurately determined. The City Collector shall make such estimate, considering the average consumption of the user over the previous twelve (12) month's period, considering the relative use of such utility service within the City as a whole for the period of time in question, and considering such other factors as the City Collector may deem appropriate. Such estimated bills shall be due and payable as are all other bills rendered under this Section.
- C. Bills may be submitted on a monthly, bimonthly or quarterly basis as the owner may provide and direct in its actions establishing a rate schedule.

**Section 730.090. Discontinuance of Water Service.** [Ord. No. 864, 2-10-2004]

- A. All utility bills not paid by 12:00 P.M. (Noon) on the last business day of the month shall result in disconnection of utility services. Such disconnection shall be made without the necessity of notice to the water user. All utility deposits previously made by the customer will be applied to the amount owing, including penalties, and shall not prejudice the City's right to collect any balance otherwise payable to the City. Prior to reconnection and restoration of utility service after disconnection, the customer shall deposit a sum equal to all delinquent amounts then due, including penalties, together with reconnect charges and a new utility deposit. Customers voluntarily disconnecting utility services shall pay a reconnection fee upon re-establishing utility service. Any damage resulting to the water user or any property of the water user or the landowner of the property occupied by the water user shall not be the responsibility of the owner, its agents or employees. The owner, its agents and employees shall not be liable to the water user or the landowner of any property used, held, occupied, rented or leased by the water user for any such damage when disconnection is made according to these rules and regulations, and it shall be immaterial that no notice of such disconnection was given to the water user or to said property owner.
- B. The following reconnection charges shall be charged for each utility in case of a delinquent account:
  - 1. Reconnect during working hours twenty-five dollars (\$25.00).
  - 2. Reconnect after normal working hours thirty-seven dollars fifty cents (\$37.50), plus City worker call out fee.
- C. Except in the case of failure of the water user to pay the bill owed the owner for water

service as set forth in these rules and regulations, the owner will not discontinue the service of any water user for violation of any rule or regulation of the owner without written notice of at least two (2) days mailed to such customer at his address as shown upon the owner's records, or personally delivered to the water user or a member of the household advising the water user what rule has been violated for which service will be discontinued if the violation is permitted to continue. Provided however, that where misrepresentation of use of water is detected, or where the owner's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the water user's premises, service may be shut off without notice in advance. Subject to the foregoing provisions, service rendered under any application, contract or agreement may be discontinued by the owner for any of the following reasons:

1. For willful or indifferent waste of water due to any cause.
  2. For failure to protect from injury or damage the meter and connections, or for failure to protect and maintain the service pipe or fixtures on the property of the water user (or the property occupied by the water user) in a condition satisfactory to the owner.
  3. For molesting or tampering by the water user or others, with the knowledge of the water user, with any meter, connections, service, pipe, curb cock, seal, valve or any other appliance of the owner's controlling or regulating the water user's water supply.
  4. For failure to provide the owner's employees free and reasonable access to the property supplied or for obstructing the way of ingress to the meter or other appliances controlling or regulating the water user's water supply.
  5. For non-payment of any account for meter or service maintenance or for any other fee or charge accruing under these rules and regulations, the rate schedule of the owner.
  6. In case of vacancy of the premises.
  7. For violation of any rules and regulations of the owner.
  8. For any practice or act prohibited by the Missouri Division of Health.
  9. For failure to allow any owner's employee, officer, agent or representative the right to inspect the water user's premises for any purpose set forth in these rules and regulations.
- D. The discontinuance of the supply of water to a property for any reason shall not prevent the owner from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the water user or property owner.
- E. Water will not be turned on to any property unless there is at least one (1) adult person therein at such time to see that all water outlets in the premises are closed to prevent damage by escaping water.
- F. Only an employee, officer or agent of the owner may turn on water and all applicants and water users are expressly forbidden to do so.

**Section 730.100. Agreements With Governmental and Public Bodies.** [Ord. No. 864, 2-10-2004]

The owner may make specific water service contracts with the United States of America and its agencies, the State of Missouri and its agencies, school districts and municipal corporations, and all other political subdivisions of the State of Missouri and of the United States of America differing from stipulations set out in the rate schedule and rules and regulations. Such contracts must receive written approval by the State Director before being placed in effect.

**Section 730.110. Future Connections.** [Ord. No. 864, 2-10-2004]

In making a future connection to an applicant for water service after the completion of the original water system of the owner, the owner shall charge a fee at least equal to the cost to the owner for said connection and such fee may be adjusted, taking into consideration the average cost for the entire system to each water user, at the discretion of the owner, but said fee shall in no event be less than thirty dollars (\$30.00).

**Section 730.120. Main Extensions.** [Ord. No. 864, 2-10-2004]

- A. Extensions of water mains and lines shall be made by the owner upon written application on a form approved by the owner. If said application is approved, the main or line shall be extended provided that:
1. Applicant pays all construction, engineering and legal expense of such extension. Said payment shall be made in advance to the owner or, at the discretion of the owner, may be placed in a special escrow account. If the cost and expense of such construction is not ascertainable, the cost thereof shall be estimated and said amount shall be paid the owner or put in a special escrow account and applicant shall agree to pay any additional costs incurred for such extension.
  2. Before granting to an applicant the right to make such extension or before entering into an agreement therefore, the owner shall first determine that the extension will not materially affect in an adverse manner the service rendered to any existing customers of the owner. In the event the owner determines, based upon information furnished by its employees and consultants, that such extension would have a material adverse effect upon existing water users of the owner, then the owner shall not permit such extension.
  3. In the event the applicant desires to perform the construction, the applicant shall pay all engineering, legal and administrative costs incurred by the owner incident to the approval of the plans and specifications for construction of the improvements, the perfecting of all rights-of-way and other costs incident to the construction.
  3. The construction and materials shall be inspected by a qualified inspector furnished by the owner. The cost of this inspector shall be borne by the applicant.
  3. Upon satisfactory completion and testing, the improvements shall be dedicated, free and clear of all encumbrances, to the owner.
  3. All plans and specifications for main extensions or improvements will be approved by the owner and the appropriate agency of the State of Missouri.

**Section 730.130. Multiple-Unit Dwellings.** [Ord. No. 864, 2-10-2004]



- A. In the event that service is desired by a landowner of a multiple-unit residence, said multiple-unit residence being herein defined as a dwelling unit housing more than one (1) family, and such definition shall include duplexes, triplexes, fourplexes, apartments and all similar structures and residences, then the landowner shall be required to acquire a water meter for each unit or, in the alternative, to enter into a special written agreement with the owner whereby all units of such residence are served by one (1) water meter, that the total gallons used during each billing period, as determined by the rate schedule resolution of the owner, by such multiple-unit residence shall be divided by the number of units in such residence and the water user shall be charged for each individual unit within the multiple-unit residence on a pro rata basis, as though such amount of water was used for such billing period by an individual user, and each water user in such unit shall pay the water rates as set forth in the rate schedule resolution of the owner for such water user's proportionate share of the water as though such water user were an individual user in a one-family residence; provided further, that the landowner of the property shall be responsible for payment of all such bills of all units contained within any multiple-unit residence, and that the amount of the water meter deposit shall be determined by the owner as herein set forth.
- B. The owner shall be the sole judge and shall have full authority to determine how many units are contained in a residence and such determination shall be final and binding upon the landowner of any such residence and upon any water user therein.

**Section 730.140. Trailer Courts.** [Ord. No. 864, 2-10-2004]

- A. All trailer courts in the City of La Plata as of this date shall be grandfathered and shall continue to operate with one (1) master meter and shall be billed accordingly. In the event a future trailer court, also known as a mobile home court, desires service, the landowner shall be required to acquire a water meter for each trailer space or, in the alternative, to enter into a special agreement with the owner whereby all units of such trailer court are served by one (1) water meter, but the total gallons used during each billing period by the trailer court shall be divided by the number of units using water during such billing. The water used shall be charged to each individual unit on a pro rata basis, as though such amount of water was used for such billing period by an individual user, and the landowner of the trailer court shall pay as a bill for such billing period the total of such bills computed as above set forth. The amount of the water meter deposit shall be determined by the owner as set forth in these rules and regulations.
- B. The number of trailers using water during each billing period shall be the number of trailer locations actually served during such time and the owner, its employees and agents shall determine how many such units are served, and such determination shall be final and binding upon the landowner of the trailer court.

**Section 730.150. Rate for Tank Sales.** [Ord. No. 864, 2-10-2004]

The Board has the exclusive power to authorize tank sales or sales in bulk of water from such supply heads as it may designate at the rates to be determined by the owner. The owner may prohibit the sale of water in bulk to any user or non-user when water service is available from the owner.

**Section 730.160. Liability of Owner.** [Ord. No. 864, 2-10-2004]

- A. The owner shall not in any way or under any circumstances be held liable or responsible to any person or persons for any loss or damage from any excess or deficiency in the pressure, volume or supply of water due to any cause whatsoever. The owner will undertake to use reasonable care and diligence in order to prevent and avoid interruptions and fluctuations in the service, but it cannot and does not guarantee that such will not occur.
- B. The owner shall not be held responsible for any claim made against it by reason of the breaking of any mains or service pipes, or by reason of any interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs, and no persons shall be entitled to damages nor have any portion of a payment refunded for any interruption of service.

**Section 730.170. General Regulations and Procedures.** [Ord. No. 864, 2-10-2004]

- A. No person shall turn the water on or off at any street valve, corporation cock, curb cock or other street connection, or disconnect or remove any meter without the consent of the owner.
- B. No employee or agent of the owner shall have the right or authority to bind it by any promise, agreement or representation contrary to the letter of intent of these rules and regulations or the laws of the State of Missouri.
- C. Any complaint against the service or employees of the owner should be made at the office of the owner in writing.
- D. The service pipes, meters and fixtures on the water user's property shall at all reasonable hours be accessible to the owner for observation or inspection.

**Section 730.180. Shortage of Water — Restricted Use.** [Ord. No. 864, 2-10-2004]

In the event the total water supply shall be insufficient to meet all of the needs of the water users, or in the event there is a shortage of water, the owner may prorate the water available among the various users on such basis as is deemed equitable by the owner and may also prescribe a schedule of hours covering the use of water for purposes specified and require adherence thereto, or prohibit the use of water for certain specified purposes if at any time the total water supply shall be insufficient to meet all of the needs of all of the water users for domestic, livestock, garden and other purposes and the owner must first satisfy all the needs of the water users for domestic purposes before supplying any water for livestock purposes and must satisfy the needs of all the water users for domestic and livestock purposes before supplying water for other purposes.

**Section 730.190. Amendment of Rules and Regulations.** [Ord. No. 864, 2-10-2004]

These rules and regulations may be amended at any regular meeting of the owner or at any special meeting thereof called for such purpose.