

## CHAPTER 52: WATER

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**GENERAL PROVISIONS**

**§ 52.01 REMOVAL OF WATER FROM FIRE HYDRANTS.**

(A) It shall be unlawful for any person or persons to take city water from the fire hydrants of the city, for private purposes, without having first obtained express permission so to do from authorized personnel empowered to grant said permission.

(B) Any person found to be violating any provision of this section shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 711772, passed 7-11-77) Penalty, see § 52.99

**RATES AND CHARGES**

**§ 52.15 MONTHLY WATER RATES.**

(A) The schedule of monthly water rates for services rendered by the municipal waterworks and water distribution system is outlined below. Water rates vary between customers who receive water and sewer service and those receiving only water service. No distinction is made between residential and commercial rates, nor between standard 5/8- by 3/4-inch meters and those one inch and larger.

*See New Rate Sheet*

<b>Water Bill Rate Structure</b>	
<b>Customers with Water and Sewer Service</b>	
<b>Gallon Increment</b>	<b>Cost per 1,000 Gallons</b>
First 2,000 (Minimum Bill)	\$13.04
All over 2,000	\$6.52
<b>Customers with Only Water Service</b>	
<b>Gallon Increment</b>	<b>Cost per 1,000 Gallons</b>
First 2,000 (Minimum Bill)	\$19.06
All Over 2,000	\$9.53

(B) If a customer of the Jackson Waterworks is classified as a "Water Only" customer, and subsequently subscribes to Jackson municipal sewer service, that customer is eligible for classification as a "Water and Sewer" customer.

(Ord. passed 11-2-53; Am. Ord. 120187, passed 12-1-87; Am. Ord. 042192, passed 4-21-92; Am. Ord. passed 4- -94; Am. Ord. 122099, passed 12-20-99; Am. Ord. 062608, passed 6-26-08)

**§ 52.16 INDEXING OF WATER RATES.**

(A) Rates for water services are tied to the Consumer Price Index as published by the Federal Reserve Bank of Cleveland, Ohio. Rates ~~may~~<sup>will</sup> be adjusted upward annually at the discretion of the Mayor at the percentage established by an increase in the Consumer Price Index.

(B) The increase in rates, regardless of the Consumer Price Index increase, may not exceed 3% in any one year without the full vote of the City Council.

(C) Increases less than 3% require no further approval or authorization to be enacted. The Mayor may authorize the Water Clerk or City Accountant to administer the rate increase after receipt of the Consumer Price Index for the previous federal fiscal year. Any adjustment to be made shall be levied in July of each year.

(D) If annual expenses of the Jackson water department indicate more than a 3% increase from the previous fiscal year, or, if the Consumer Price Index reports an increase greater than 3%, the Mayor may propose a rate increase exceeding 3%, the Mayor ~~may~~<sup>will</sup> propose a rate increase exceeding 3% to the Council. To raise the water rates more than 3%, the higher increase must have the full approval of the Council.

(E) If the Consumer Price Index reports a decrease, the Mayor may elect to decrease water rates. Full approval of the Council is required to decrease water rates. No decrease shall be made to water rates if the reduction in revenue results in a situation where estimated receipts from water sales are less than the budget, as set by the Mayor and department managers, proposed for the water department for the upcoming fiscal year.

(F) Any water rate increase less than 3% enacted automatically as a result of an increase in the Consumer Price Index does not require public notice, however the Mayor may elect to advertise the increase in the newspaper with the largest circulation in Jackson (Breathitt County).  
(Ord. 122099, passed 12-20-99; Am. Ord. 062608, passed 6-26-08)

***Cross-reference:***

*See § 50.076 for sewer bill rate structure and indexing of rates for customers with water and sewer service*

\* Change of ordinance passed to Will  
 § 52.17 RESERVED. *Ange Combs Clerk 4-20-12*

**§ 52.18 RESERVED.**

**§ 52.19 RESERVED.**

**§ 52.20 PAYMENT OF UTILITY BILLS.**

The rate or charges as aforesaid shall be billed monthly in the case of metered users and the water bill, sewer bill, and garbage bill (if applicable) shall be rendered at the same time and on the same bill forms, but as separate charges, and all bills for such service shall be due and payable when rendered. If not paid by the tenth of the month following the date rendered, the bill shall be delinquent, and a delay penalty equal to 10% of the face amount of the bill shall become due and payable; provided, however, that if the tenth day should fall upon a Sunday or legal holiday, then the face amount of the bill may be paid on the next secular day which is not a holiday. If the entire bill for water, sewer (if applicable), and garbage (if applicable), together with the penalty of 10% thereof, shall remain unpaid for a period of 60 days after with the date the penalty is added, then pursuant to authority of KRS 96.934, the water service connection to the premises is subject to be disconnected, whether the customer's water service bill has been paid or not. If any such delinquent customer shall, thereafter, desire reconnection, a charge in the sum of \$50 is fixed to cover the expenses thereof; and prior to such reconnection, the customer shall be required to pay the delinquent bill, the 10% penalty, and the charge for reconnection. Whether or not any premises are disconnected because of such delinquency, the city attorney is authorized to enforce and collect the amount of any bills remaining delinquent for 60 days after penalty is added (including the penalty and court costs), by suit in any court of competent jurisdiction.  
(Ord. 122099, passed 12-20-99)

**§ 52.21 WATER CONNECTION CHARGE.**

(A) In areas where water distribution facilities exist, the city will provide and install at a basic cost of \$400, a standard 5/8- by 3/4-inch water meter, copper setter, and up to 50 feet of water line, to any customer submitting an application for water service in such form as may be prescribed from time to time, and agreeing to use water service and pay the prevailing rates for not less than one year, and complying with such deposit or other security provision as may be prescribed. If more than 50 feet of additional line is required to provide water service, the city may elect to establish the service at the minimum cost of \$400 plus the cost of the extra line and labor.

(B) If a water customer desires a meter larger than the standard 5/8- by 3/4-inch water meter, or, if the Superintendent of the Jackson water department determines that a meter larger than 5/8 by 3/4 inches is needed, the city will furnish and install the meter. The cost to the customer will be \$400, plus the cost of the meter less \$70, and any and all additional fittings, setters, boxes or vaults, that are necessary to establish service with the appropriately sized meter.  
(Ord. 122099, passed 12-20-99)

**§ 52.22 WATER BILL ADJUSTMENTS.**

(A) All water leaks which may develop on the customer's side of the water service connection are the responsibility of the water customer. If a customer discovers a water leak he/she may petition the Superintendent or the water clerk for an adjustment to the sewer portion of the utility bill. No adjustment will be made to the water portion of the utility bill.

(B) Adjustments may be entertained only after the customer contracts for the leak to be repaired and an invoice offering sufficient proof that the leak has been repaired is submitted to the water clerk. The sewer portion of the utility bill will be adjusted by averaging the water usage for a previous 12 month period and comparing that volume with the volume indicated for the month in which the customer experienced the water line leak. The volume of water normally used by the customer as reflected by the 12 month average is the volume on which the amended sewer bill will be calculated.

(C) Customers are allowed one utility bill adjustment per three year period. No additional petitions for adjustments will be entertained until a three year period from the last granted adjustment has elapsed.

(Ord. 122099, passed 12-20-99)

### ***WATER SHORTAGES***

#### **§ 52.30 PURPOSE.**

The purpose of this subchapter is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the city in the event a shortage is declared. Nothing in this subchapter shall be construed to interfere with common law riparian or statutory water rights.

(Ord. 8888, passed 8-8-88)

#### **§ 52.31 DEFINITIONS.**

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

***ADVISORY.*** Conditions exist which indicate the potential for serious water supply shortages.

***ALERT.*** Raw water supplies (that is, stream flow, reservoir levels or groundwater levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

***ALLOTMENT.*** The maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions of this subchapter.

***ANY WATER.*** Any type of water, including fresh water, brackish water, wastewater, or reclaimed water.

***BRACKISH WATER.*** Water containing more than 1000 parts per million of dissolved salts.

**CUSTOMER.** Any person using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

**EMERGENCY.** Water supplies are below the level necessary to meet normal needs and serious shortages exist in the area.

**EXCESS USE.** The usage of water by a water customer in excess of the water allotment provided under the water rationing provisions of this subchapter for that customer, over any applicable period.

**FRESH WATER.** Water withdrawn from surface or groundwater which has not been previously used, other than brackish water.

**NON-RESIDENTIAL CUSTOMER.** Commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

**RATIONING.** Procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

**RECLAIMED WATER.** Wastewater which has been treated to allow reuse.

**RESIDENTIAL CUSTOMER.** Any customer who receives water service for a single- or multi-family dwelling unit. **RESIDENTIAL CUSTOMER** does not include educational or other institutions, hotels, motels, or similar commercial establishments.

**SERVICE INTERRUPTION.** The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.

**WASTE OF WATER.** Includes, but is not limited to permitting water to escape down a gutter, ditch, or other surface drain, or failure to repair a controllable leak of water due to defective plumbing.

**WASTEWATER.** Water which has been previously used for industrial, municipal, domestic, or other purpose, and has not been returned to the surface or groundwater source.

**WATER.** Water available to the city for treatment by virtue of its water rights or withdrawal permit or any treated water introduced by the city into its water distribution system, including water offered for sale.

**WATER USE CLASSES.** Those classes as established by § 52.32.  
(Ord. 8888, passed 8-8-88)

### § 52.32 WATER USE CLASSES.

Water use classes shall be established as follows:

(A) Class 1: Essential Water Uses.

(1) Domestic use. Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

(2) Health care facilities. Patient care and rehabilitation.

(3) Public use.

(a) Firefighting.

(b) Health and public protection purposes, if specifically approved by health officials and the municipal governing body.

(B) Class 2: Socially or Economically Important Uses of Water.

(1) All domestic uses other than those included in Classes 1 and 3. Home water use including kitchen, bathroom and laundry use.

(2) Outdoor non-commercial watering (public or private).

(a) Agricultural irrigation for the production of food and fiber or the maintenance of livestock.

(b) Watering by commercial nurseries at a minimum level necessary to maintain stock, to the extent that sources of water other than fresh water are not available or feasible to use.

(c) Water use by arboretums and public gardens of national, state, or regional significance where necessary to preserve specimens, to the extent that sources of water other than fresh water are not available or feasible to use.

(d) Use of fresh water at a minimum rate necessary to implement revegetation following earth moving, where such revegetation is required pursuant to an erosion and sedimentation control plan adopted pursuant to law or regulation, to the extent that sources of water other than fresh water are not available or feasible to use.

(e) Watering of golf course greens.

(3) Filling and operation of swimming pools.

(a) Residential pools which serve more than 25 dwelling units.

(b) Pools used by health care facilities for patient care and rehabilitation.

(c) Municipal pools.

(4) Washing of motor vehicles. Commercial car and truck washes, unrestricted hours of operation.

(5) Commercial laundromats. Unrestricted hours of operation.

(6) Restaurants, clubs and eating places. Unrestricted hours of operation.

(7) Air conditioning.

(a) Refilling for startup at the beginning of the cooling season.

(b) Make-up of water during the cooling season.

(c) Refilling specifically approved by health officials and the municipal governing body, where the system has been drained for health protection or repair purposes.

(8) Schools, churches, motels/hotels and similar commercial establishments. Unrestricted operation.

(C) Class 3: Non-Essential Uses of Water.

(1) Ornamental purposes. Fountains, reflecting pools and artificial waterfalls.

(2) Outdoor non-commercial watering (public or private).

(a) Gardens, lawns, parks, golf courses (except greens), playing fields and other recreational areas.

(b) Exceptions.

1. Agricultural irrigation for the production of food and fiber or the maintenance of livestock.

2. Watering by commercial nurseries at a minimum level necessary to maintain stock, to the extent that sources of water other than fresh water are not available or feasible to use.

3. Water use by arboretums and public gardens of national, state, or regional significance where necessary to preserve specimens, to the extent that sources of water other than fresh water are not available or feasible to use.

4. Use of fresh water at a minimum rate necessary to implement revegetation following earth moving, where such revegetation is required pursuant to an erosion and sedimentation control plan adopted pursuant to law or regulation, to the extent that sources of water other than fresh water are not available or feasible to use.

(3) Filling and operation of swimming pools. Exceptions:

(a) Residential pools which serve more than 25 dwelling units.

(b) Pools used by health care facilities for patient care and rehabilitation.

(c) Municipal pools.

(4) Washing of motor vehicles.

(a) Automobiles, trucks, boats and trailers.

(b) Exceptions: Commercial car and truck washes.

(5) Serving water in restaurants, clubs, or eating places. Exceptions: Specific request by a customer.

(6) Fire hydrants.

(a) Any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills.

(b) Exceptions:

1. Firefighting.

2. Health protection purposes, if specifically approved by the health officials of the municipality.

3. Certain testing and drills by the Fire Department, if in the interest of public safety and is approved by the municipal governing body.

(7) Flushing of sewers and hydrants. Exceptions: As needed to ensure public health and safety, and approved by health officials and the municipal governing body.

(8) Air conditioning.

(a) Refilling cooling towers after draining.

(b) Exceptions:

1. Refilling for startup at the beginning of the cooling season;

2. Make-up of water during the cooling season;

3. Refilling specifically approved by health officials and the municipal governing body, where the system has been drained for health protection or repair purposes.

(Ord. 8888, passed 8-8-88)

#### **§ 52.33 DECLARATION OF WATER SHORTAGE ADVISORY.**

Whenever the governing body of the city finds that a potential shortage of water supply is indicated, it shall be empowered to declare by resolution that a water shortage advisory exists, and that the Superintendent of Utilities/Public Works shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Mayor (or his/her agent) is authorized to call upon all water customers to employ voluntary water conservation measures to limit water use (especially Class 3 uses) and eliminate the waste of water. This resolution shall be published in the official city newspaper, and may be publicized through the general news media or any other appropriate method for making such resolutions public.

(Ord. 8888, passed 8-8-88)

#### **§ 52.34 DECLARATION OF WATER SHORTAGE ALERT.**

Whenever the governing body of the city finds raw water supplies (that is, stream flow, reservoir levels or groundwater levels) to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by resolution that a water shortage alert exists. The city shall continue to encourage voluntary water conservation measures as defined under the advisory declaration in § 52.33, and further shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared to have ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines for declaration in § 52.33 of this subchapter.

(Ord. 8888, passed 8-8-88)

### **§ 52.35 DECLARATION OF WATER SHORTAGE EMERGENCY.**

Whenever the governing body of the city finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by resolution that a water shortage emergency exists. Class 1, Essential Uses shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Class 2, Socially or Economically Important Uses shall be banned in addition to the Class 3, Non-Essential Uses. These restrictions shall be considered ongoing until the emergency is declared ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines for declaration in § 52.33 of this subchapter.

(Ord. 8888, passed 8-8-88)

### **§ 52.36 DECLARATION OF RATIONING.**

Whenever the governing body of the city finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall be empowered to declare by resolution the adoption of mandatory rationing.

(Ord. 8888, passed 8-8-88)

### **§ 52.37 OBJECTIVES OF RATIONING.**

(A) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service.

(B) The immediate further reduction in water usage is another step along a continuum of responses to the present water supply shortage. Should shortages continue, further reductions in usage may be required. It must be emphasized that the additional usage reduction in the rationed area is a valid and attainable goal reflective of the conditions which currently exist.

(C) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this subchapter depends on the cooperation of all water customers in the emergency area.

(Ord. 8888, passed 8-8-88)

### **§ 52.38 WATER USE RATIONING FOR RESIDENTIAL USERS.**

(A) Metered residential water customers and allotments.

(1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(2) Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 55 gallons.

(3) Residential water customers are required to provide city and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.

(4) (a) Where the residential water allotment, provided under this section would create an extraordinary hardship, as in the case of special health-related requirements, the water customer may apply to the city for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship, a revised allotment for the particular customer may be established.

(b) Any person aggrieved by a decision relating to such an exemption or variance rendered by a public utility or municipal corporation rendering water service beyond its corporate limits, may file a complaint with the city's governing body in accordance with the city's normal administrative procedures.

(c) In the case of rural water districts, appeals should be filed with the state's Public Service Commission.

(B) Non-metered residential water customers and allotments.

(1) In order to effectively implement and monitor the residential water conservation effort, a water allotment shall be established for the entire water system based on 40 gallons per day per capita served or an allocation established by the City Council based on the individual drought period.

(2) The city and the utility will establish a communication system with the customers through public media to inform them of the requirements of the water rationing provisions of this subchapter, possible conservation measures that customers may employ, the system allotment, and a regularly scheduled report of whether the usage was within the allotment.

(C) Metered and non-metered residential customers of the same water supply system. Where a water supply system serves both metered and non-metered residential customers, the allotments and procedures provided under both divisions (A) and (B) shall be applied, as appropriate.  
(Ord. 8888, passed 8-8-88)

**§ 52.39 WATER USE RATIONING FOR NON-RESIDENTIAL WATER USERS.**

(A) Non-residential customers include commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

(B) Non-residential water customers shall further reduce their water usage to 40 gallons per person per day or to an allocation established by the City Council based on the individual drought period.

(C) It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible.

(D) The city will establish a water allotment for each non-residential water customer, based upon a required further reduction of water usage from the rate of water used by the customer in effect on a date determined by City Council, or the last recorded use level if no meter readings record the rate of the customer's use on a date specified by City Council.

(E) Each non-residential water user shall provide access to city personnel for purposes of meter reading and monitoring of compliance with this subchapter. All reasonable efforts will be made to contact customers to arrange for access.

(F) (1) If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the city for a variance. For the purposes of this section, *EXTRAORDINARY HARDSHIP* means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing subchapter. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.

(2) Any person aggrieved by a decision relating to such a variance rendered by a public utility or municipal corporation rendering water service beyond its corporate limits may file a complaint with the state's Public Service Commission in accordance with established procedures.

(3) In the case of rural water districts, appeals should be filed with the state's Public Service Commission.

(G) The city will provide each non-residential customer with suggested means to reduce usage levels.

(Ord. 8888, passed 8-8-88)

#### **§ 52.40 WATER USE RATIONING FOR HOSPITALS AND HEALTH CARE FACILITIES.**

(A) Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.

(B) Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.

(C) The city will provide each hospital and health care facility with suggested means to reduce usage levels.

(Ord. 8888, passed 8-8-88)

#### § 52.41 ENFORCEMENT OF WATER RATIONING.

(A) The city or its water utility will have primary responsibility for monitoring of compliance with the water rationing ordinance.

(B) The following provisions shall govern the implementation of temporary service interruptions:

(1) In order to effectuate compliance with this subchapter, the city is hereby authorized and required to plan and implement temporary service interruptions to all or part of its water supply system, as may be deemed appropriate, when any and/or all of the following conditions are determined to exist:

(a) The mandated reduction in system-wide usage has not been achieved; and/or

(b) The mandated reduction in system-wide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies; and/or

(c) Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

(2) In the event it is determined that temporary service interruptions are necessary, the city shall notify its customers through the public media (newspapers, radio, and television), at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed. Such notice shall:

(a) State the day or days when the planned, temporary service interruptions will occur;

(b) State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruptions will cease;

(c) State whether the planned, temporary service interruptions are to be imposed on the entire system, or part thereof, and, if only part(s) of the system will experience planned, temporary service interruptions, identify geographic boundaries within which such interruptions will occur; and

(d) Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system, for human consumption, during the period(s) of such interruptions and for such additional time as may be necessary until full pressure is restored to the system.

(3) If a planned, temporary service interruption is imposed as authorized and required by this subchapter, it must provide for the continued delivery of water to health care facilities within the area(s) affected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.

(4) If a planned, temporary service interruption is implemented, it must make provision, by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(C) Any residential or non-residential water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use charges.

(1) Excess-use charges will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration, computed in accordance with the following schedule:

<i>Excess Usage Per Month</i>	<i>Charge for Excess</i>
First 2,000 gallons or portion thereof	\$7 per 1,000 gallons or portion thereof
Each 1,000 gallons, or portion thereof, thereafter	\$15.00

(2) Any monies collected through excess-use charges shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(D) In addition to the excess-use charge, non-compliance with the water rationing provisions of this subchapter will result in the following:

(1) For the first excess use, a warning of possible discontinuation shall be issued to the customer.

(2) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 48 hours, or if the customer provides access, a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut off and reinstate service, or to install and remove a flow restrictor, shall be assessed to the water customer.

(E) Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this subchapter.

(F) Any customer or other person aggrieved by a decision or action imposing an excess-use charge or other remedy for non-compliance with the requirements of this subchapter may proceed in accordance with the following provisions:

(1) The city shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or provide evidence of circumstances beyond the customer's control which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the city's final decision and action in such cases shall be provided to the customer or aggrieved party.

(2) Any person aggrieved by the final decision or action of a public utility or municipal corporation may file a complaint with the Public Service Commission in accordance with established procedures.

(Ord. 8888, passed 8-8-88)

#### **§ 52.42 SHORTAGE WATER RATES.**

Upon the declaration of a water supply shortage as provided in §§ 52.33 through 52.36, the governing body of the city shall have the power to adopt shortage water rates by ordinance designed to conserve water supplies. Such rates may provide for, but not be limited to:

(A) Higher charges per unit for increasing usage (increasing block rates);

(B) Uniform charges for water usage per unit of use (uniform unit rate);

(C) Extra charges for use in excess of a specified level (excess demand surcharge); or

(D) Discounts for conserving water beyond specified levels.

(Ord. 8888, passed 8-8-88)

#### **§ 52.43 REGULATIONS MAY BE PROMULGATED.**

During the effective period of any water supply shortage as provided for in §§ 52.33 through 52.36, the Mayor or Superintendent of Utilities/Public Works is empowered to promulgate such regulations as may be necessary to carry out the provisions of this subchapter, any water supply shortage resolution, or water shortage rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or emergency meeting.

(Ord. 8888, passed 8-8-88)

#### **§ 52.44 VIOLATIONS.**

Any person who violates the provisions of this subchapter, who fails to carry out the duties and responsibilities imposed by this subchapter, or who impedes or interferes with any action undertaken or ordered pursuant to this subchapter shall be subject to the following penalties.

(A) If the Mayor, Superintendent of Utilities/Public Works, or other city official or officials charged with implementation and enforcement of this subchapter or a water supply shortage resolution

learns of any violation of any water use restriction imposed pursuant to this subchapter, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the city who is responsible for the violation or its correction. The notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures.

(1) The city shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(B) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to division (A) of this section. In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for each additional violation.

(C) Any customer may also be charged with violation of this subchapter and prosecuted in District Court.

(Ord. 8888, passed 8-8-88)

### ***CROSS-CONNECTION CONTROL***

#### **§ 52.50 GENERAL POLICY.**

(A) The purpose of this section is:

(1) To protect the public potable water by isolating within the customer's internal distribution system or the customer's private water system such contaminants or pollutants that could backflow into the public water system; and

(2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system and nonpotable water systems, plumbing fixtures, and industrial piping systems; and

(3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

(B) The Jackson water department and the public health department shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgement of the superintendent of the Jackson water department or the public health official, an approved backflow-prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, the Superintendent or his/her designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly at specific location(s) on his/her premises. The customer shall immediately install such approved assembly at his/her own expense; and, failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. 122099, passed 12-20-99)

#### § 52.99 PENALTY.

(A) Any person who continues a violation of § 52.01 beyond the time limit specified in division (B) of that section shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 711772, passed 7-11-77)

(B) Any person charged and found guilty in District Court of violating the provisions of §§ 52.30 through 54.44 shall be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be mandatory fees of \$100, which may not be adjusted by the District Court. In addition, such customer may be required by the Court to serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$200, which may not be adjusted by the District Court. In addition, such customer shall serve a definite term of confinement in the county jail, which shall be fixed by the Court and which shall not exceed 30 days. Penalties for additional violations shall be the same as the second violation. (Ord. 8888, passed 8-8-88)