

“Draft Only”

Original ordinances: sections/word (s) to be changed is in bold, replacement ordinances are typed in blue in their entirety below them.

TOWN OF MILTON
AN ORDINANCE TO AMEND CHAPTER 15
OF THE CODE OF THE TOWN OF MILTON

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL
OF THE TOWN OF MILTON, DELAWARE THAT CHAPTER 15 OF THE
CODE OF THE TOWN OF MILTON IS HEREBY AMENDED AS
FOLLOWS:

Sec. 15-1 Termination of Service by the Town.

(a) Water service to any consuming unit shall be terminated and such unit disconnected from the water systems of the Town for any one (1) of the following reasons:

(1) The failure to pay all or any part of any amount due for water service or any other services contemplated hereby within thirty (30) days after the charge shall be due and payable.

(2) The resale of water furnished to the consuming unit.

(3) A break or leak in any lateral or communication pipe from the curb stop to the consuming unit or in part of the water systems of such consuming unit.

(b) Prior to the termination of services under this Section, except termination pursuant to Subsection (a) (3), the Town shall send a notice of termination to the customer by **first class mail**, stating the amount due and **notice** that service will be terminated after **a stated date**, not less than five (5) days from the date **notice is mailed**, **unless payment is received by the town.**

(Proposed changes to Sec. 15-1, subsection (b) only)

(b) Prior to the termination of services under this Section, except termination pursuant to Subsection (a) (3), the Town shall send a notice of termination to the customer by certified mail, returned receipt requested, stating the amount due and that service will be terminated after “a specified date” unless payment in full is received by the Town. If the notice of termination is returned to the Town “unclaimed” or “refused”, service will be terminated five (5) days from unclaimed or refused date, unless payment in full is received by the Town. The cost of the certified mailing shall be added to the customer’s account and included in the total amount due from said customer.

Sec. 15-2 Interest Charge on unpaid bills.

The Town Clerk is **authorized and** directed to add to any water bill which is unpaid for a period of thirty (30) days **after the bill for such service is rendered, interest at the rate of two percent (2%) per month, the interest to be computed from the date the bill was rendered.**

(Proposed changes to Sec. 15-2 only)

The Town Clerk is directed to add interest to any unpaid water bill, which has remained unpaid for a period of thirty (30) days past the due date. Said interest is to be computed from the date the bill is rendered at a rate of two percent (2%) per month.

Sec. 15-3 Reserved for future use.

Sec. 15-4 Fee for discontinuing and re-establishing water service.

There is hereby established a charge of fifty dollars (\$50.00) for discontinuing water service and a fee of fifty dollars (\$50.00) for reconnecting water service to any property whose water service has been discontinued for non-payment with an additional charge of two hundred (\$200.00) for service that has to be disconnected by opening a street or alleyway.

(Proposed changes to Sec. 15-4 only)

There is hereby established a charge for discontinuing/terminating water service and a charge for reconnecting water service to any property whose water service has been discontinued/terminated for non-payment. The discontinuation/termination and reconnection charges shall be in the amount stated in the current fee chart/schedule for the Town, as amended and revised from time to time by the Town Council.

Sec. 15-5 Collection of charges before re-establishing service.

(No proposed changes were made)

Sec. 15-6 Cost of extending water service.

(a) All costs and expenses incident to the extension and connection of water service to any property shall be borne by the property **owner or owners.**

(b) Any upgrade of materials or equipment required by the Town for future expansion as determined by the Town shall be the responsibility of the Town.

(Proposed changes to Sec. 15-6 (a) only)

(a) All costs and expenses incident to the extension and connection of water service to any property shall be borne by the property owner(s).

Sec. 15-7 Reserved for future use.

(No proposed changes were made)

Sec. 15-8 Consuming Unit.

(No proposed changes were made)

Sec. 15-9 Water meters required.

(a) All premises using the water supply of the Town must be equipped with an adequate water meter furnished or specifically operated by the Town of Milton.

(b) Meters shall be installed at a location that will facilitate easy access for reading.

© Each water meter shall be read at such times as are necessary in order that bills may be sent at the proper time to facilitate billing efficiency.

(d) Water meters may be installed by a plumber, duly licensed by the State of Delaware, employed by the property owner or by the Town.

(e) If more than one unit is served by a single meter, each such unit so served shall pay the minimum water rate, if the total amount of water served exceeds 10,000 gallons, one unit shall be charged accordingly to the water served through the meter and each additional unit shall be charged the minimum charge.

(f) It shall be the responsibility of the Town to maintain and repair any defective meters at the expense of the property owner. When defect involves only labor and is not a direct cause by the property owner, there shall be a reasonable charge for repairs.

(Proposed changes to Sec. 15-9 (b), (d), (e) only & add new sections (g) & (h)

(b) Meters shall be installed outside of the premises, which will facilitate easy access for reading. The location of meters will be determined by the Town. Refusal of a property owner to allow the location or relocation of a meter in accordance with the Town's determination will result in termination of the refusing property owner's water service. (this issue is covered under Charter section 29, sub-section 8)

(d) Water meters shall be installed by the Town of Milton.

(e) If more than one unit is served by a single service connection, each such unit served by the single service connection must, have a separate water meter and

must pay the availability charge per meter.

(g) For a water service line and/or meter pit inspection, the Town must be notified at least-seventy two hours (72) in advance of the date by which the inspection must be completed. A fee for the inspection in the amount stated in the current fee chart/schedule for the Town as amended and revised from time to time by the Town Council, shall be charged to the property owner at the time of the inspection.

(h) The Town will install the water meter at the time of inspection of water service line installation. A fee in accordance with the current fee chart will be charged per meter.

Sec. 15-10 Metered water rates. (need to check current budget)

(No proposed change made by committee, however there are proposed changes in budget Changes to this section are to reflect the changes approved in the current budget.)

Sec. 15-11 Notice of Discontinuance of Water Service.

(a) In the event that it shall be found necessary to discontinue the **further supplying** of water, the Town Clerk shall notify, in writing, the owner(s) of the property **affected thereby that the supplying of water to such property will be discontinued on and after thirty (30) days from the mailing of notices.**

(b) All notices required by this Section shall be sent **Regular Mail.**

(Proposed changes made to Sec. 15-11 (a), (b))

Committee felt this should be eliminated because the entire section can be addressed under 15-1.

Sec. 15-12 Water rent year.

(No proposed changes to 15-12 made)

Sec. 15-13 Water service furnished only to legal owner; exception.

(No proposed changes to 15-13 made)

Sec. 15-14 Selling or giving away Town water.

(a) **No person shall resell water obtained from the facilities of the Town water system.**

(b) **No person shall put it into containers over five (5) gallons in any one (1) week and give to any other person or organization any water obtained from the facilities of the Town water systems.**

(Proposed changes made to Sec. 15-14 (a), (b))

Change sec. 15-14 to Giving away Town Water.

Also eliminate section (a)

(a) No person shall put water into containers over five (5) gallons in any one (1) week and give to any other person or organization obtained from the facilities of the Town water systems.

Sec. 15-15 Repair or break or leak in service pipe.

In the event there shall be any break or leaks in any lateral or communication pipe between the water main and any consuming unit to which water service is furnished by the Town, such break or leak shall be deemed to be a public nuisance and, the Town Clerk shall forward to the person to whom such service is being furnished and/or the owners of the premises a notice, in due and usual form, to abate and repair the break or leak. In the event such person neglects or refuses so to repair such pipe for a space of five (5) days, a warrant, in due and proper form, signed by the Town clerk commanding to abate and repair the pipe.

(Proposed changes made to Sec. 15-15)

“In the event there shall be any break or leaks between the curb stop connection point and any consuming unit to which water service is furnished by the Town, and such break or leak is deemed to be an emergency repair situation by the Town, the Town shall contact the property owner to whom such service is being furnished immediately and demand that the appropriate repair be made within a timeframe as deemed appropriate under the circumstances by the Town. In such an emergency repair situation, contact by telephone, email or such other expedient means of communication that might be available shall be permissible. In the event the property owner neglects or refuses to repair the break or leak in questions in accordance with the Town’s instructions, the Town shall promptly terminate service until such repairs are made by the property owner.”

Sec. 15-16 Depth of water service lines.

All water service lines from the water main to the property line or property shall have a minimum cover to three (3) feet.

(Proposed change made to Sec. 15-16)

All water service lines from the water main to the property line or property shall have a minimum cover of three (3) feet.

Sec. 15-17 Error in billing; time limit on complaints.

All errors claim in, other complaints against or objection to any statements rendered for any water service shall be made to the Town Clerk within two (2) calendar months after the due date thereof. The statement shall be conclusively deemed to be correct unless such complaint or objection is made within the two (2) months.

(Proposed change made to Sec. 15-17)

All claims of error, complaints against or objection to any statement for any water service shall be made to the Town Clerk within thirty (30) days from the date of the bill. Any such claims of errors, complaints against or objections to a statement must be in writing. (Please see Handling Water Bill Discrepancies Policy/Procedure with

attached Water Bill Discrepancy Request/Complaint form.) The statement shall be conclusively deemed to be correct unless a claim of error, complaint or objection has been handled and addressed according to the Town's Handling Water Bill Discrepancies Policy/Procedure.

Sec. 15-18 Termination of water service by Town.

Water service to any unit shall be terminated and such unit disconnected from the water system of the Town by the Town Clerk, either without notice, for any one (1) of the following reasons:

1. Failure to pay all or any part of any amount due for water service or any other services contemplated here by, rendered thereto, within six (6) calendar months after the service charge shall be due and payable.
2. The resale of water furnished to any unit.
3. A break or leak in any lateral or communication pipe from the street line to the unit or in part of the water systems of such consuming unit.

(Proposed change by committee was to totally eliminate the section because it is duplicated under Sec. 15-1)

Sec 15-18 Reserve for future use.

Sec. 15-19 Prohibitions on Use of Lead Pipes, Solder and Flux.

(No Proposed changes made)

Sec. 15-20 Consuming Unit Service Lateral.

1. Location

All consuming units or any property shall be connected to the water systems of the Town at the water main alone or in front of the lot upon which the property or consuming unit is erected or maintained.

2. Cost and Expense of Owner

The construction, connection, service and upkeep of the service lateral between any consuming unit and the Town water main shall be at the expense of the property owner. The Town shall provide and see to the property owner the appropriate corporation stop, curb stop, and water meter, with appurtenances. The water tape shall be performed by the Town's maintenance department for the appropriate fee.

3. Town's Responsibility.

With respect to the main line of the water service, the installation, the repair, upkeep and service thereof is the responsibility of the Town of Milton. The service from the water main to the property line is also the responsibility of the town. The water line running from the curb stop on the street side to the premises of consuming unit shall be the responsibility of such property owner benefiting by such service.

4. Standards of Construction.

(a) Minimum service lateral pipe diameter shall be ¾ "for residential units and 1" for commercial units.

(b) Service lateral shall be constructed using one of the following materials:

1. **Galvanized iron pipe.**

2. Schedule 40 PVC.

3. Polyethylene pipe (PE), SDR-7, or SDR R-9, iron pipe (IP) size.

(Proposed changes to Sec. 15-20 sub section 4(a), (b) only)

(a) Minimum service lateral pipe diameter shall be one inch (1") for all residential units and commercial units.

(b) Service laterals shall be constructed using the following materials:

1. Polyethylene Pipe (PE), SDR-7, or Iron Pipe (IP) size.

Sec. 15-21 Turning Water on or off at the Curb Box Prohibited; exceptions.

(a) No person shall turn water on or off at any curb box within the Town without written authority from the Town Clerk. A 24 hour prior notice must be given.

(b) A plumber, duly licensed by the State of Delaware may turn water off at any such curb box without prior written authority of the Town Clerk in all cases of emergency only.

(Proposed changes made to 15-21 (a)

(a) No person shall turn water on or off at any curb box within the Town without written authority from the Town Clerk. A 24 hour prior notice of intent to turn water on or off at the curb box must be given to the Town, except as noted in sub-section (b).

Sec. 15-22 Acceptance of Water Service Constitutes Acceptance of Article Provisions.

(The only proposed changes to Sec. 15-22 is to change the last word in the paragraph from "Article" to "Chapter")

Sec. 15-23 Agreements implied by initiating water service.

After water service shall have been initiated to any given unit, unless otherwise provided by an express agreement in writing, the owner of the consuming unit or the use of the water, as the case may be, shall be deemed to have agreed to accept, and the Council shall be deemed to have agreed to furnish, **at** subject to all the terms and provisions of this **Article**, water service to such consuming unit for the remainder of the initial water rent year and, thereafter, from water rent year to water rent year, unless the owner or user shall give written notice to the Town Clerk to terminate such water service on or before the last day of the month in which water rent is to be billed for that quarter which it is desired that such service shall be terminated.

(Proposed changes to Sec. 15-23) The only change to this section is strike the word "use" and replace with "user". Strike the word "at" and change the word "Article" to "Chapter", all changes are in the first sentence.

Sec. 15-24 Liability of Town for Interruptions in Service.

(No proposed changes to Sec. 15-24)

Sec. 15-25 Water rates; approval by Council, public notice required.

(No proposed changes to Sec. 15-25)

Sec. 15-26 Water Cooled Air Conditioning Systems.

(No proposed changes to Sec. 15-26)

Sec. 15-27 Swimming Pools.

(No proposed change to Sec. 15-27)

Sec. 15-28 Water Connection Charges.

Water connection charge to tap into Town's water supply is \$300.00 plus pay all fees such as street repairs, if any. There will be a \$200.00 charge for a street breaking permit which will be refunded when the street is returned to original condition.

Additionally, there shall be a water impact fee of:

(a) For simultaneous application of users, the water impact fee shall be \$500.00 per user.

(Proposed changes to Sec. 15-28)

Sec. 15-28 Water Connection Charges.

Water connection charges to tap into the Town's water supply shall be charged to the property owner according to the current fee chart/schedule for the Town, as amended and revised from time to time by the Town Council. The property owner shall be responsible for paying all additional fees or charges that may be incurred by the Town as a result of the water connection, such as, but not limited to, street repairs, if any. The property owner shall also pay a deposit for a street opening permit, as set forth in the current fee chart/schedule for the Town, which may be amended and revised from time to time by the Town Council. Said deposit for a street opening permit shall be refunded to the property owner when the street is returned to its original condition.

Additionally, each property owner pay to the Town a water impact fee of:

(a) For simultaneous application of users, the water impact fee shall be in accordance with the current fee chart schedule for the Town, as amended and revised

from time to time by the Town Council.

Sec. 15-29 Private Wells or Water System.

(No proposed changes made to Sec. 15-29)

New Section

Sec. 15-30 Water Emergencies:

(a) The Mayor may declare by executive order, or the Town Council may declare by resolution or motion, a state of water emergency when it appears to the Mayor or Town Council, that the Town's water sources are incapable of producing sufficient water to meet all the needs of the Town's water users.

(b) During a declared water emergency, water service maybe interrupted in any or all areas of the Town in order to perform repairs, provided water for fire fighting shall remain available. Upon the expiration of the declared water emergency, water service shall be restored without charge to the property owners and users of the Town's water system.

© Upon such a declaration, and for the duration of the declared water emergency, it shall be unlawful to use the Town of Milton's municipal water supply for outside irrigation, water sprinkler or other uses, except as provided by subsection (d) below.

(d) The declaration of a state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.

(e) Violation of this section is punishable by a fine. In this case imprisonment may not be imposed. Violators shall be fined not less than \$50.00 per violation nor more than \$500.00 per violation and shall pay all other costs associated with the violation, including reasonable attorneys' fees. The owner or tenant of the property cited for illegal watering or irrigation or usage under this section may have the option to pay a penalty in the amount set forth by resolution and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges.

Penalties and/or fines shall be paid to the Town of Milton by cash or check. The Town's address shall be stated on all citations. Unpaid, uncontested penalties and /or fines may be debited against the municipal account or the party cited and will be subject to collections pursuant to the Town's water bill collection policies.

Sec. 15-? Water Meter Testing

(Newly proposed and if approved to follow ordinance Water meters required)

(a) Request for meter tests

1. Water meters 1" and smaller.

Upon request by a property owner, the Town of Milton shall test the accuracy of the meter registration. Upon request of the property owner, a written report of the meter test result shall be provided to the property owner.

(b) If the meter is found to be accurate within specified American Water Works Association (AWWA) limits, the property owner will be billed for the testing in accordance with subparagraph (f) below..

© If the meter is found to be inaccurate within specified American Water Works Association (AWWA) limits, the billing will be corrected accordingly, commencing from the date the error developed. If a period of time cannot be determined, the error shall be assumed to have existed for one (1) year or a period equal to one half the times since the meter was last tested accurate, whichever is less.

(d) A billing over charge shall be either refunded or credited to the property owners account at the property owners election.

(e) A billing under charge shall be charged to the property owner's account and will be due according to the water ordinance rate schedule.

(f) Meter Testing fee is assessed at \$75.00 per testing, according to fee change amendment.

* Committee felt the numbering of the sections of the proposed revised Water Ordinances should be change and run in order, eliminating sections "reserved for later use" in the existing water ordinances.

If approved the new sections will be numbers and titled as: **Since the approval of the new "General Code", the numbering system for our ordinances will follow that system.**

New: (15-3) Fee for discontinuing and re-establishing water service.

New: (15-4) Collection of charges before re-establishing service.

New: (15-5) Cost of extending water service.

New: (15-6) Consuming Unit.

New: (15-7) Water meters required.

New: (15-8) Water meter testing requests.

New: (15-9) Metered water rates.

- New: (15-10) Water rent year.
- New: (15-11) Water service furnished only to legal owner; exception.
- New: (15-12) Repair or break or leak in service pipe.
- New: (15-13) Depth of water service lines.
- New: (15-14) Errors in billing; time limit on complaints.
- New: (15-15) Prohibitions on use of lead pipes, solder and flux.
- New: (15-16) Consuming unit service lateral.
- New: (15-17) Turning water on or off at the curb box prohibited; exceptions.
- New: (15-18) Acceptance of water service constitutes acceptance of article provisions.
- New: (15-19) Agreement implied by initiating water service.
- New: (15-20) Liability of town for interruptions of service.
- New: (15-21) Water rates; approval of council, public notice required.
- New: (15-22) Water cooled air conditioning systems.
- New: (15-23) Swimming Pools.
- New: (15-24) Water connection charges.
- New: (15-25) Private wells or water systems.
- New: (15-26) Water Emergencies.