

**ORDINANCE NO. 371
UTILITIES ORDINANCE**

WHEREAS, it is the mission of the waterworks system of the City of Waveland (the “City”) to provide utility services, including, but not limited to gas service, safe drinking water and fire protection flows for the citizens of the City of Waveland; and

WHEREAS, the City seeks to ensure that the enterprises are managed, operated, and maintained in a stable, sustainable, and financially healthy condition; and

WHEREAS, the City must collect sufficient service revenue to meet the major maintenance of the utility system and offset the costs of operation and maintenance of that system to make those systems self-sufficient; and

WHEREAS, the City has conducted a comprehensive review of the waterworks and water service system’s revenue requirements and developed equitable rate adjustments to offset these costs; and

WHEREAS, a utility rate adjustment is necessary to preserve the utility and waste service systems and to keep those systems stable, sustainable, and financially healthy and sufficient; and

WHEREAS, the Board of Mayor and Alderman, after reviewing the findings of the utility rate analysis, has expressed a preference for the following rate adjustments to adjust the revenue requirements; and

WHEREAS, the Board of Mayor and Alderman also seek to adopt one comprehensive utility ordinance and combine the rates for its various systems, charges, and timing of billing cycles and payments into one ordinance as needed to more readily review the affective rates.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WAVELAND, MISSISSIPPI, THAT the Board makes the following findings and amends Ordinance No.’s 148, 158, 196, 274, 294, 303, 320, 356, 358, 361 and 362A and any other ordinance containing terms contrary to this ordinance as follows:

SECTION I. FINDINGS. The City of Waveland Board of Mayor and Aldermen hereby finds that the recitals in the preamble of this above and foregoing ordinance are true and correct as therein stated.

SECTION II. AMENDMENTS. Ordinances 148, 158, 196, 274, 294, 303, 320, 356, 358, 361 and 362A ESTABLISHING and any other ordinance containing contrary terms are amended as follows:

DEFINITIONS

For the purposes of this Ordinance, the following terms are defined as follows:

Unit: A unit is defined as an individual commercial or residential space regarded as single and complete. The following classes shall be considered as a singular unit for the purposes of this Ordinance: a single-family home; an individual commercial space; a rental unit (rooms within a larger structure that provides a separate space for occupants making a single household), individual apartments, offices located on the property of multi-family dwellings or apartment complex, laundry facilities located on the property of a multi-family dwelling or apartment complex, and swimming pools located on the property of multi-family dwellings or apartment complexes.

Residential Service - Residential service is defined as water, sewer and/or gas services provided to residential properties. Residential properties include: single family homes, multi-family complexes, apartment complexes, multiple unit residential buildings, duplexes, triplexes, quadplexes, townhouses, condominiums, travel trailers, mobile homes, and approved home occupations.

Commercial Service: Water, sewer and/or gas system service provided for non-residential use. This includes businesses, churches, offices, governmental institutions, stores, schools, institutions, industries, and other entities required to have a privilege license in the City of Waveland.

Master Meter: Any water or gas meter that provides services to more than one unit of residential or commercial enterprise.

A. Rates. The below rates for water, sewer, gas and garbage will be applied separately to each residential and commercial unit receiving service from the system:

RESIDENTIAL WATER AND SEWER SERVICES:

Water Monthly Service Charge	\$20.00
Charge per 1,000 gallons or fraction thereof	\$2.25
Sewer Monthly Service Charge	\$25.00
Charge per 1,000 gallons or fraction thereof	\$2.75

MULTI-FAMILY RESIDENTIAL BILLING METHODS

MASTER METERED MULTI-FAMILY: The account holder for multi-family complexes whose units are not individually metered, but the complex is metered by a master meter, shall be billed the minimum residential monthly service charges for water and sewer per a 12-month average occupied unit number based upon the previous 12-months and the monthly metered charge per 1,000 gallons or fraction thereof as measured by the master meter for the entire complex.

NON-METERED MULTI-FAMILY: The property owner/account holder for the multi-family complexes whose units are not metered shall be billed the minimum residential monthly service for water and sewer service per a 12-month averaged occupied unit number based upon the previous 12-months.

Once a master meter is installed at multi-family complexes that currently do not have one, the complex will then be billed the minimum residential monthly service charge for water and sewer per a 12-month averaged occupied unit number and the metered charge per 1,000 gallons or fraction thereof as measured by the master meter for the entire complex.

DETERMINING 12-MONTH AVERAGE OCCUPIED UNIT NUMBER: The number of units being billed as occupied will be average every six (6) months based on the previous 12-month history of the rent rolls provided to the Public Works Director or the Utilities Office Manager by the property owner/account holder. The property owner/account holder shall provide the previous six (6) months of rent rolls on January 5th and July 5th of each year. If the account holder fails to provide the rent rolls on the specified dates, the account shall be averaged and billed as every unit being occupied for the previous six (6) months.

COMMERCIAL WATER AND SEWER SERVICES:

Commercial Rates - Water Services for all size meters one (1) inch or less (and for all other commercial meter sizes not otherwise stated *infra*)

Water Monthly Service Charge	\$20.00
Charge per 1,000 gallons or fraction thereof	\$2.25
Sewer Monthly Service Charge	\$25.00
Charge per 1,000 gallons or fraction thereof	\$2.75

Commercial Rates - Water Services for water meter sizes over one (1) inch but less than or equal to two (2) inches

Water Monthly Service Charge	\$38.50
Charge per 1,000 gallons or fraction thereof	\$2.25
Sewer Monthly Service Charge	\$42.45

Charge per 1,000 gallons or fraction thereof	\$2.75
Commercial Rates - Water Services for three (3) to four (4) inch size water meters	
Water Monthly Service Charge	\$54.25
Charge per 1,000 gallons or fraction thereof	\$3.25
Sewer Monthly Service Charge	\$60.50
Charge per 1,000 gallons or fraction thereof	\$3.90
Commercial Rates - Water Services for six (6) inch size water meters	
Water Monthly Service Charge	\$71.95
Charge per 1,000 gallons or fraction thereof	\$3.25
Sewer Monthly Service Charge	\$110.15
Charge per 1,000 gallons or fraction thereof	\$3.90
Commercial Rates - Water Services for eight (8) inch size water meters or larger	
Water Monthly Service Charge	\$100.70
Charge per 1,000 gallons or fraction thereof	\$3.25
Sewer Monthly Service Charge	\$137.70
Charge per 1,000 gallons or fraction thereof	\$3.90
GAS SERVICES:	
Residential Rates - Gas	
0 - 1,000 cubic feet	\$17.65
Over 1,000 cubic feet (charge per 100 cubic feet shall be made)	\$1.00
Commercial Rates - Gas	
0 - 1,000 cubic feet	\$33.50
Over 1,000 cubic feet (charge per 100 cubic feet shall be made)	\$1.00
Residential Rates - Garbage Services (Solid Waste)	\$9.35
Commercial Rates - Garbage Services (Solid Waste)	\$9.35

B. Billing

1. The Utilities Office Manager is designated as the collector of all water and sewer service bills. All accounts and bills shall be prepared and may be

adjusted by the Utilities Office Manager. The meter reading, billing and similar services shall be performed by the Utilities Office Manager or his designee, and proper records thereof shall be kept by him, including records of application for service, account contracts, maintenance of service, and discontinuance of service.

2. The Utilities Office Manager or his designee shall determine:
 - a. When water service or sewer service is to be discontinued for nonpayment of bills;
 - b. When there shall have been a failure to make application or contract for water service or sewer service, or otherwise;
 - c. When water service or sewer service is to be reinstated after discontinuance.
3. The Utilities Office Manager or his designee is hereby authorized to cut off or to restore water service or sewer service whenever such service is to be cut off or to be restored under the terms of this Ordinance.
4. The Utilities Office Manager or his designee shall assess a past due / delinquent charge as set forth in this Ordinance.
5. **Bills will be mailed on the 20th day of the month.** If the 20th day of the month is a holiday or weekend, the bills shall be mailed on the next business day. **Payments shall be due and payable to the City of Waveland Utility Department on the first day of the month.**
 - a. Failure to receive a bill does not alleviate the responsibility of owner or tenant of payment due.
6. **If any charges for the services of the system shall not be paid by the 15th day of the month in which it shall become due and payable, a late payment charge of ten percent (10%) of the amount outstanding shall be added and collected.** If the 15th day of the month is a holiday or weekend, payment shall be accepted without penalty on the next business day.
7. **If any bill, or portion thereof, shall remain unpaid after the 20th day of the month in which it is due and payable, the water and gas supply for the premises affected shall be cut off and the deposit on file shall be used for payment of such bill.** No cut offs will take place on a Friday. Reconnection of services will be made upon payment in full of all outstanding past due charges, including a reconnection fee. Upon the termination of service, the deposit shall be credited to the final bill and as much as shall remain shall be returned to the customer without interest.
8. No work order or connection to City services shall be issued or allowed for water service connection, sewer service connection, and/or gas service connections until the owner or tenant of the premises involved, or his duly authorized agent, have signed a proper application and contract for services to become an account holder.
9. All account holders, shall at the time of the making application for services, pay deposits and fees as required by this Ordinance, before water service, sewer service and/or gas service is connected, and fees as set out in this article and in accordance with the customer's contract covering requested services.
10. All customers' contracts shall be executed by the owner of the premises or the person who is receiving services and the applicant shall be responsible for and agree to be responsible for and agree to be responsible for service charges for water and sewer services and/or gas and garbage services to the premises.
11. Whenever, for any cause, a water or gas meter fails to operate, a reasonable estimate shall be made by the Public Works Director or his designee, of the amount of water, sewer and/or gas supplied during the period such meter fails

to operate. The account holder shall pay a charge based in whole or in part of the estimated amount of water, sewer, garbage and/or gas supplied.

12. The account holder, or person receiving unauthorized services, of any premises receiving the service of the water, sewer, wastewater, garbage and/or gas system of the City, shall be liable for the payment of service to such premises. Further, the account holder/unauthorized user shall be responsible for all costs associated with collecting due amounts, including late fees, costs, court costs, and attorney fees.
13. When any person moves into premises or a building or for any other reason finds the water supply turned on without having been applied for by him, he shall immediately report the fact to the Utility office for attention and correction. Use of the water without making proper application for the same shall subject the violator to disconnection from service, immediate payment of services used, prosecution, and collection suit.
14. Customers wishing to discontinue water, sewer, wastewater, garbage and/or gas service must give written notice thereof to the City of Waveland. Failure to do so shall subject the account holder to regular monthly billing until notice is received by the utilities office.

C. Installation Charges, Tap Fees and Deposits Required

1. **INSTALLATION CHARGES** - Installation charges shall be levied for all new connections to the water and/or gas systems. Installations shall be made at the best location convenient to the City and within the right of way. These charges shall cover the cost to install meters, taps, service lines, and other necessary hardware between the City's main lines and the property line. Customers are required to plan and lay water and/or gas lines to the service connection point specified by the City.

These charges apply only where utility services are in-place along or adjacent to the frontage of a property; they do not cover extending main lines to provide services. Such cases are to be negotiated separately between an account holder and the City on an actual cost basis. The Board of Mayor and Aldermen are authorized to execute agreements as necessary to effectuate this provision. Customer requests for connection locations other than those specified by the City may be honored where practical, provided that the customer bears all additional costs incurred.

2. **CHARGES, DEPOSITS AND FEES REQUIRED.**

Each tenant, customer, property owner, or account holder applying for water, sewer and/or gas service from and after the effective date of the Ordinance shall tender to the City of Waveland Utilities Department a deposit as follows:

Residential Deposits

Water Meter Deposit	\$90.00
Sewer Deposit	\$90.00
Connection Fee	\$15.00
Plus, Applicable Sales Tax	
Gas Meter Deposit	\$75.00
Connection Fee	\$15.00
Plus, Applicable Sales Tax	

Commercial Deposits (for water meter sizes four (4) inches and less)

Water Meter Deposit
\$270.00

Sewer Deposit
\$270.00

Connection Fee \$15.00

Plus, Applicable Sales Tax

Gas Meter Deposit
\$500.00

Connection Fee \$15.00

Plus, Applicable Sales Tax

Commercial Deposits (for water meter sizes greater than four (4) inches)

Water Meter Deposit
\$1,000.00

Sewer Deposit
\$1,000.00

Connection Fee \$15.00

Plus, Applicable Sales Tax

Gas Meter Deposit
\$1,000.00

Connection Fee \$15.00

Plus, Applicable Sales Tax

Tap Fees:

Water Tap and Connection Fee (3/4" meter)
\$400.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (1" meter)
\$500.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (1 1/2" meter)
\$600.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (2" meter)
\$700.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (3" meter)
\$3,000.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (4" meter)
\$3,500.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (6" meter)
\$5,500.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (8" meter)
\$8,000.00

Plus, Applicable Sales Tax

Water Tap and Connection Fee (8" Fire line)
\$16,000.00

Plus, Applicable Sales Tax

Sewer Tap and Connection Fee
\$400.00

Plus, any additional costs for non-standard sewer connection
Plus, Applicable Sales Tax

Gas Tap and Connection Fee
\$400.00

Plus, any additional cost for non-standard gas connection

Plus, Applicable Sales Tax

All Reconnection of Services (per service) \$25.00

Plus, Applicable Sales Tax

Insufficient Funds Fees \$40.00

Meter reading checks at customer's request \$15.00 per visit

There shall be no charge for meter reading checks if an error in reading by the City is detected.

Miscellaneous service calls, including meter relocations
Actual costs or \$15.00 per visit (whichever is greater)

D. Procedure to Dispute Bill and Request Hearing

1. Initial Dispute to be Reviewed by Utility Office Manager

- a. An account holder who disputes the accuracy, validity, and/or amount of a bill covering water and/or sewer services or otherwise has a grievance with the charges for such services may request review of his account by the Utilities Office Manager or the Public Works Director. The Utilities Office Manager or Public Works Director, may reasonably adjust the charges to accurately reflect services received as he deems justified. However, the account holder is responsible to pay all undisputed amounts.
2. Dispute or Complaint to Hearing Committee
 - a. If an account holder is dissatisfied with the decision of the Public Works Director/Utilities Office Manager, he must submit a written complaint and request for an administrative hearing to the City Clerk, 301 Coleman Avenue, Waveland, MS. 39576, which contains a statement of the amount in dispute, the reason and/or basis for the account holder's dispute or complaint, and a request for a hearing ("Complaint and Request for Hearing").
 - b. This Complaint and Request for Hearing must be received by the City Clerk no later than the fifteenth (15) day of the month in which the disputed bill is due and before the bill in dispute acquires a late fee.
 - c. Following the receipt of such a Complaint and Request for Hearing, the City Clerk or his/her designee will send a copy of such Complaint and Request for Hearing to the Public Works Director/Utility Office Manager and schedule a hearing, at which time the account holder may appear to present the basis for their dispute concerning the charges billed for water and/or sewer services. Such a hearing shall be scheduled as soon as practical after receiving the Complaint and Request for Hearing. The City Clerk or his/her designee shall notify the account holder of the date and time of this hearing prior to the hearing taking place.
 - d. During this hearing, the account holder may present witnesses or other evidence in support of their position. The hearing shall be held by a hearing committee comprised of the City Clerk or his/her designee, the City's comptroller or his/her designee, and the City's attorney or his/her designee ("hearing committee").
 - e. This hearing may also be attended in advisory capacity by the Public Work's Director and such other persons whose attendance during the hearing the hearing committee may find necessary or helpful. The conduct of the hearing will be in accordance with rules and procedures established by the hearing committee and shall be conducted informally.
 - f. The Utility Office Manager or their designee shall attend such hearing and present a response to the customer's Complaint and Request for Hearing. Any of the billing, collection or meter reading personnel may be called by the hearing committee to respond to the complaint.
 - g. All expenses incurred in the hearing, including witness fees, mileage, reproduction of documents, or other costs, shall be borne by the party who incurred them. The hearing committee will receive and consider all evidence during the hearing.
 - h. At the conclusion of the hearing, the hearing committee will advise of its final decision in connection with the customer's Complaint and Request for Hearing. If for any reason the hearing committee is unable to render a decision at the closing of the hearing, it shall as soon as practical thereafter, but no later than fourteen (14) days following the date of the hearing, mail the customer a written notice of its decision or determination in connection with the customer's Complaint and Request for Hearing.
 - i. The decision or determination of the hearing committee shall be made upon substantial and reliable evidence and shall consist of findings of fact and the disposition of the dispute. The hearing committee is empowered to make a final decision as to the validity of the customer's complaint as evidenced in a Complaint and Request for Hearing. If the hearing committee determines the customer's dispute to be valid, it shall be empowered to make an appropriate adjustment to the account holder's bill. The hearing committee shall also have the authority to apply a credit to the account holder's account or to make a refund.

- j. The determination of the hearing committee shall be final a conclusive between the City and the account holder as to the dispute submitted for determination.
- k. After a Complaint and Request for Hearing has been properly and timely submitted as set forth herein, the account holder's water service shall not be terminated for failure to pay the amount in dispute until the hearing committee has made its decision or determination as provided above.
- l. If the hearing committee determines that an amount is due from the account holder to the City, the amount shall be immediately due and payable upon issuance of its decision or determination at the closing of the hearing or issuance of their written decision or determination as provided above, whichever is earlier. The City shall have the right to discontinue or disconnect water service without notice if this amount is not paid within three (3) working days following the decision or determination of the hearing committee at the closing of the hearing or issuance of its written decision or determination, whichever is earlier.
- m. Such service shall not be restored until all applicable charges and fees have been paid. Neither the submission of a Complaint and Request for Hearing nor the pendency of a decision or determination in connection with such a Complaint and Request for Hearing shall act to stay or limit the customer's responsibilities, and obligations with respect to other bills that are not the subject of such a Complaint and Request for Hearing.

E. Notice and Termination of Service

- 1. Each bill sent to an account holder shall inform the customer in writing of the opportunity for them to contest or dispute the accuracy, validity and/or amount of the bill by filing a Complaint and Request for Hearing and participating in the grievance procedures as provided herein.
- 2. Customers who have a past due or delinquent bill for water and/or sewer services shall be mailed or delivered at least one (1) written notice which informs them of their opportunity to contest or dispute the accuracy, amount and/or validity of such bill by filing a Complaint and Request for Hearing and participating in the grievance procedures within the deadlines and time parameters as provided herein prior to their water service being disconnected or discontinued by the City ("notice of delinquency).
- 3. If an account holder's bill for water and/or sewer services is past due or delinquent and such customer has not timely submitted a Complaint and Request for Hearing and the City has mailed or delivered written notice to them as set out herein (notice of delinquency), then the City shall have the right to discontinue or disconnect water service for such account holder without further notice at any time upon expiration at the deadline to submit a Complaint and Request for Hearing with respect to such bill as provided herein or the date referenced in the written notice provided to the customer as being the proposed cutoff date.

F. Wastewater Regulations

- 1. All places where person(s) reside, are employed and/or congregate there shall be a sanitary method for disposal of all human excreta and other liquid waste.
- 2. Where a Centralized Wastewater Treatment System is available, all places shall have a properly constructed connection to the centralized wastewater treatment system which all human excreta and other liquid waste shall be disposed.
- 3. Where a Centralized Wastewater Treatment System is not available, all human excreta and other liquid waste shall be disposed of into a properly constructed and maintained IOWDS.

Source: Miss Code Ann §41-67-3

G. Other Provisions

- 1. No water or gas supplied by the City of Waveland shall be resold by any customer and such resale shall be cause for the discontinuance of service to the customer so reselling water and/or gas service.

- a. Any person violating this provision shall be fined a sum of \$25.00 per day for each day in which a violation of this Section occurs, and in addition, the service to the said residence or commercial enterprise shall be terminated until the unlawful practice ceases.
2. All water and/or gas supplied by the system shall be upon the express condition that the City of Waveland shall not be liable nor shall any claim be made against it for damages or injury caused because of the breaking of any main, branches, service pipes, apparatus connected with said system or any part or portion thereof, or for any interruption of the supply because of the breakage of machinery, or because of stoppage, extensions, alterations or renewals.
3. The City of Waveland and its employees shall have ready access at all reasonable times to the premises, places or buildings where water and/or gas service is supplied for the purpose of examining and testing the consumption, use and flow of water and/or gas, and it shall be unlawful for any person or corporation to interfere with, prevent, or obstruct (i.e., trees, plants, shrubs, fences) said City or its duly authorized agent, in its duties hereunder.
4. The City of Waveland reserves the right to shut off water or gas service at any time in the mains for repairing, cleaning making connections with or extensions to same, or for the concentration of water in any part of the City in case of fire and for restricting the use of water in case of deficiency in supply including the suspension of the use of water for sprinkling lawns or gardens. No claim shall be made against the City because of the breaking of any service pipe or service cock, or damage arising from shutting off water for repairing, laying or relaying mains, hydrants or other connections or repairing any part of either system, or from failure of the gas or water supply, or by increasing the water or gas pressure of any time, or from concentrated or restricted use of water as stated.
5. The owner of any improved premises located within three hundred (300) feet of any pipe line constituting a part of the water and sewer system shall promptly connect such premises thereto. In the event of his failure to do so, it shall be the duty of the Public Works Director to notify such owner in writing that a sewer line is available to his property and thereupon, if such connection be not made by such owner within a period of sixty (60) days from and after the date of such written notice, the owner shall nevertheless be billed for service at the minimum rate for residential and commercial as set forth in this Ordinance.
6. A separate meter shall be required for each individual premise, unit, house, lot or subdivision thereof, except as exempted by this Ordinance. All owner or tenant occupied dwellings, including single, duplex, triplex, quadplex, apartment complex, mobile home park, RV park and the like shall have a separate water and/or gas meter for each individual unit.
7. Each tenant unit of a shopping center shall have one meter per unit.
 - a. A master meter for small strip shopping centers may be recommended for use by the Public Works Director, with final approval by majority motion of the Board of Mayor and Alderman, if determined to be in the best interest of the City.
8. Hotels, motels, schools, and churches may use a master meter if recommended by the Public Works Director, with final approval by majority motion of the Board of Mayor and Aldermen, if determined to be in the best interest of the City.
9. Before gas service will be connected to any facility that has not previously had service or service has been disconnected twelve (12) months or longer, the Waveland Water and Gas System will require written certification, signed by a plumber, licensed and bonded by the City of Waveland, that the facility to be served has been pressure-tested as required by the Standard Gas Code and is free from leaks and any other defects that may cause a hazard when connected to a live gas system.
10. No person, unless authorized by the Public Works Director/Utilities Office Manager, shall turn on the water supply after it has been shut off for nonpayment, infraction of the rules or for any other cause.

11. It shall be unlawful for any unauthorized person to tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. MCA 1972, §97-17-39; §97-17-69
12. Violation of the provisions of this Ordinance shall constitute a misdemeanor and may be fined in an amount not to exceed one thousand dollars or imprisonment not exceeding 90 days, or both, per violation.

H. Severability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

I. Effective Date. That this Ordinance shall take effect and be in force as is provided by law.

This Ordinance shall become effective following approval by Governor Phil Bryant of the State of Mississippi. **UPON MOTION** of Alderman Shane Lafontaine moved, duly seconded by Alderman Bobby Richardson the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Jeremy Burke	Voted: Yea
Bobby Richardson	Voted: Yea
Shane Lafontaine	Voted: Yea
Charles Piazza	Absent

PASSED AND APPROVED BY BOARD OF MAYOR AND ALDERMEN OF THE CITY OF WAVELAND HANCOCK COUNTY, MISSISSIPPI on the 16th day of November 2016.

Mike Smith, Mayor

Lisa Planchard, City Clerk
City of Waveland, Mississippi