

ORDINANCE NO. 3805-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA, ADDING SUBSECTION (C) TO CHAPTER 82, SECTION 70 TO THE MUSKOGEE CITY CODE; REQUIRING A PERSON OVER THE AGE OF EIGHTEEN BE PRESENT AT THE TIME SERVICE ORDERS FOR WATER ARE INITIATED, TRANSFERRED OR TERMINATED; SETTING PERIOD FOR EARLIEST SERVICE ORDER CONNECTION; ASSESSING A TWENTY DOLLAR FEE FOR EACH SUBSEQUENT ATTEMPT TO MAKE CONNECTION BEYOND THE FIRST ATTEMPT; PROVIDING FOR A RELEASE; AMENDING SUBSECTION (C) OF CHAPTER 82, SECTION 199 OF THE MUSKOGEE CITY CODE; REFLECTING THE MANNER OF DETERMINING QUANTITY OF WATER USED IN ACCORDANCE WITH NEW TECHNOLOGY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:

Section 1. That Section 82-70 of the Muskogee City Code is hereby amended to read as follows:

“SECTION 82-70 NEW ACCOUNT SERVICE FEE AND TRANSFER FEE; DEPOSIT REQUIRED

- A. Service fee for new or transferred accounts. A service fee is established for setting up new accounts and/or transferring of any and all accounts from one address to another. These fees shall be according to a schedule of fees, as shall be modified from time to time by the council, and made available for public viewing in the city clerk's office.
- B. Cash deposit. The water department shall also demand from all consumers making application for water service a cash deposit not to exceed two and one-half (2½) times the estimated monthly water, refuse collection and sewer service charges, with a minimum set by the city for single-family dwellings and for commercial establishments and multiple dwellings. Any sum so deposited, upon the customer's failure to make payment for water or sewer service or any other indebtedness due to the city when due, shall be applied upon payment thereof. In case the deposit shall, for any reason, be reduced to less than the estimate set forth in this subsection or in case experience reveals that the service consumption on the premises exceeds the estimated amount, the water department may demand additional deposit, and in case the consumer fails to comply with such demand, may discontinue the services. The department shall further require a minimum deposit as set by the city from all customers outside of the city.”
- C. Service orders for new accounts, transfers and termination service will be scheduled by the water department no earlier than the next working day. Service can be scheduled for the morning or afternoon periods; however a person over the age of 18 must be present to have water turned on. At the time of connection, a general release form must be signed by the customer and the service technician. If the customer is not home at the scheduled time the utility service will not be connected and a \$20.00 fee will be charged to the customers water account for each additional trip made for the connection.”

Section 2. That Section 82-199 of the Muskogee City Code is hereby amended to read as follows:

"SECTION 82-199 WATER METERS .

- A. *Required.* Every water service shall be supplied with a meter, and the meter must be so located that all water leaving the main on account of the service connection must pass through it. The meter shall be installed by the city, and shall be of such size as determined by the superintendent of the water department to be adequate for supplying the service. No check meters are to be used unless purchased and read by the consumers, and the department shall be relieved of any responsibility for the same.
- B. *Placement.* No water meters shall be placed in driveways or upon any private property.
- C. *Transmitters.* All water meters will transmit readings to City Hall monthly, unless bad weather, technical problems, or in the event of other serious occurrences preventing said transmission of readings, and at such times, utility bills shall be estimated in such areas of the city, and in accordance with such schedule as shall be established by the water department with the approval of the city manager. Periodic inspections of all meters shall be made at such times as deemed advisable by the superintendent of the water department. Where the transmittal of a reading is questioned it shall be reread at the customer's request. Both parties of the reread must accept the findings so made. If the reading discloses an error against the customer the excess consumption will be credited to the customer's utility account. On the other hand, where no such error is found, the customer shall pay a fee for such reread which will be automatically billed on the customer's next bill. Such fee shall be according to a schedule of fees, as shall be modified from time to time by the council, and made available for public viewing in the city clerk's office.
- D. *Testing.* Water meters shall be tested by the water department upon demand by any customer, upon a reasonable showing of evidence or belief that the meter is not recording accurately, and upon payment as required by the city for such test. In the event the meter is found, upon test, to be more than three percent (3%) fast, the sum paid shall be returned to the party paying the same.
- E. *Removal or replacement.* The water department reserves the right to change a water meter when deemed necessary, and in the process of setting, removing or changing meters, the department will not be responsible for damaged or defective service lines, where the damage is not caused by the department.
- F. *Unlawful interference.* It shall be unlawful for any person, except a city employee who is duly authorized, to interfere with any meter used for the measurement of city water."

Section 3. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4. SEVERABILITY. Should any part, section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section,

subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 5. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS **22nd DAY OF DECEMBER, 2008**



JOHN TYLER HAMONS, MAYOR

ATTEST:



PAMELA S. BUSH, CITY CLERK



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PB/tm