

Passed  
7/27

**CITY OF DIAMOND CITY, ARKANSAS**

**ORDINANCE NUMBER 06 - 2012**

*Amended  
07-2015*

**AN AMENDMENT TO ORDINANCE 03-11 BY THE CITY COUNCIL OF DIAMOND CITY, BOONE COUNTY, ARKANSAS TO ESTABLISH POLICIES CONCERNING WATER METER TURN ON AND OFF BY CUSTOMERS, RECOVERING LOST REVENUE TO THE CITY FOR DAMAGES RESULTING FROM CUSTOMER DAMAGE TO METERS, TO RELIEVE THE CITY OF DIAMOND CITY OF LIABILITY FOR DAMAGES, AND ESTABLISH PROVEDURES FOR THE COLLECTION OF UNPAID ACCOUNTS.**

**WHEREAS**, the City of Diamond City and the residents of the City each have responsibilities as to their respective water systems; and

**WHEREAS**, customers who turn their water meters on or off could cause damages to City property causing loss of revenue to the City of Diamond City in materials and labor; and

**WHEREAS**, the City of Diamond City wishes to reduce liability for any resulting damages to residences or businesses by customers and establish the responsibilities of the City and customers;

**NOW, THEREFORE, BE IT ORDAINED THAT THE CITY COUNCIL OF DIAMOND CITY DOES HEREBY AMEND ORDINANCE 03-11 AS FOLLOWS:**

**SECTION III GENERAL PROVISIONS (Add the Following Provisions)**

8. Except in an emergency situation all new water service connections, reconnections and cutoffs for non-payment will be scheduled through the City of Diamond City Water Department personnel at City Hall. When a water cutoff is scheduled and performed by Public Works, the meter will be turned off and will be locked out with a lock provided by Public Works personnel. Customers who turn their water service on/off themselves will still be required to notify Diamond City Water Department of the service cut on/off. If the customer locks the meter out they will provide a means for the Public Works personnel to have access to a key to their lock in the case of an emergency.
9. Normal maintenance of water lines owned by the City of Diamond City, water meters, loops, and boxes shall be the responsibility of the City of Diamond City Public Works without charge to the home or business owner. The home owner or business owner lines, from the meter connection to the residence or business feeder lines, are the responsibility of the home or business owner. Any damages to city water lines, meters, loops, or boxes that are caused by business owners, residential owners, and/or other person's negligence or who turn their water service on or off themselves are the responsibility of the business or property owners. Self-turn on/off by customers shall relieve the City of Diamond City and any/all representatives of the City of liability resulting from their negligence.
10. Any damages will be reported to the Director of Public Works and/or the Mayor as soon as it discovered by a property owner. The Public Works Director will make a determination as to what or who caused the damage and if the property owner or others are at fault and who will be billed for repairs. The Public Works Director and the Recorder/Treasurer will determine the rate at which charges will be assessed according to the cost of repairs.
11. To ensure that the meter reading process is done in an expedient manner each month all business and residence owners will ensure that there are no vehicles, trailers, recreational vehicles, boats and trailers or any other item that covers or obstructs access to the water meter box by public works personnel.

12. In a non-emergency situation all available means will be used to make contact with the residential/business owner to move any obstruction so that Public Works personnel may have access to the meter box. If no contact can be made then a notice will be posted that the residential/business owner has 3 business days to remove the obstruction. To ensure that the residential/business owner is billed properly the Utility Billing office personnel will estimate usage for the billing cycle and ensure that a bill is produced in the normal billing process.
13. In an emergency situation Public Works personnel will contact the Police to assist in removing the vehicles, trailers, recreational vehicles, boats and trailers or any other item that covers or obstructs access to the water meter box. If a towing service is called then the residential/business owner will be required to pay any and all fees or fines accrued.
14. Violation of paragraph 12 will result in a fine of (\$50) fifty dollars for the first offense. Customers will be given (3) three business days to correct the violation. If the violation is not corrected within three business days then a fine of (\$25) twenty-five dollars will be assessed for each day thereafter until the violation is corrected.

**SECTION X: NON-PAYMENT OF AMOUNT OWED**

Add the following paragraph(s):

- Amended by 7-20-15*
3. If a water utilities account is delinquent for a <sup>15</sup>(60) sixty day period of time and there is no payment received nor contact with the customer listed on the account then the account will be temporarily closed by Water Department Personnel. A letter will be sent to the address listed in the account advising of the non-payment and requesting immediate payment of the bill. If there is no response within (10) ten days then the account will be closed, and any deposit on the account will be used to pay the outstanding bill.
  4. Utility billing personnel will make every effort to determine whether the responsible party has established a water service within the State of Arkansas. In accordance with Municipal Code 14-234-603 if the responsible party can be located in another town or city within the State of Arkansas then a request will be generated and sent to the town or city requesting that the responsible parties water service be discontinued until the City of Diamond City has collected all monies due the city of Diamond City.
  5. If the steps listed in paragraphs 3 and 4 are unsuccessful and there is still an outstanding amount owed with no likelihood of recovery then the account will be written off by resolution of the Diamond City City Council.

**SEVERABILITY**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section or subsection be declared by the courts to be unconstitutional or invalid, such decision shall not affect the ordinance as a whole, or any portion thereof other the section or subsection to be declared unconstitutional or invalid. The remainder of Ordinance 3-11 not amended by this ordinance remains in full force and effect.

Approved and adopted by roll call vote as follows this 24<sup>th</sup> day of July, 2012.

Ayes 4 Nays 0 Abstentions 1 Absent 1

I, the undersigned, hereby certify that the foregoing Amendment, 06-2012 to amend Ordinance 03-11 was duly adopted by the City Council of Diamond City, Arkansas.

ATTEST:



Cheryl Guthrie  
Deputy Recorder

APPROVED:



Shari Marshall  
Mayor

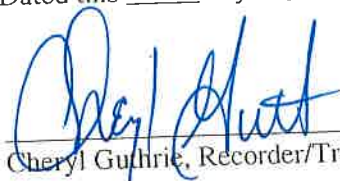
**PROOF OF POSTING OF ORDINANCE**

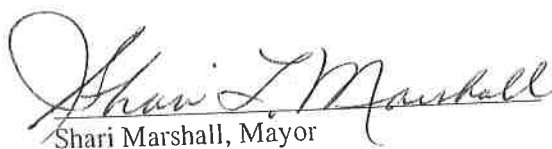
**STATE OF ARKANSAS**

**COUNTY OF BOONE**

We, Shari Marshall and Cheryl Guthrie, do solemnly swear that as Mayor and City Recorder/Treasurer, respectively, of and for the City of Diamond City, Boone County, Arkansas, that a certified copy of Ordinance No. 06 - 2012 was, on the 27 day of July, 2012, duly posted in five separate and distinct places inside the corporate limits of the Town in accordance with Ordinance No. 03 - 10 of the City, and that the above listed Ordinance remains posted for thirty (30) days.

Dated this 31 day of August, 2012.

  
Cheryl Guthrie, Recorder/Treasurer

  
Shari Marshall, Mayor