

Chapter 110-Board of Public Works

(ORD #3-91)
(ORD #8-99)
(ORD #03-04)
(ORD #25-04)
(ORD #04-12)
(ORD #06-15)

Chapter 110-Board of Public Works

110.010. (ORD #8-99) Duties of Board of Public Works.

The Board of Public Works of the City of Holden, Missouri, shall have full and complete control, charge and management of the water works acquired by said City, and the board shall continue as an executive department in and for said City. The Board of Public Works shall not enter into any contract until such contract is approved by the City Council. The board shall also exercise such other powers and perform such other duties in the superintendence of public works improvements and repairs constructed by authority of the common council or owner by said City as may be prescribed by ordinance. Said board shall make all necessary regulations for the government of the waterworks department of said City not inconsistent with the general laws of the State of Missouri or the ordinances of said City and such department may be known and operated as the "Holden Water Department."

110.020. (ORD #25-04) Composition of Board of Public Works.

The Board of Public Works shall consist of five persons, electors of said City, who have resided therein for a period of two years next before their appointment. Four of the members of said board shall be appointed by the mayor of said City and confirmed by the City Council of said City in such manner as other appointed officers of said City are appointed and confirmed. These four said members shall be citizens not holding other office under the City administration and shall hold office for a term of four years each, or until their successors are appointed and qualified, except that the first incumbents as members of said board shall be appointed and hold office for the terms of one, two, three and four years, respectively. Not more than two of the said members of the said board shall belong to the same political party and its administration shall in all respect be entirely non-partisan. The mayor of said City shall likewise, at the first regular Council meeting in April of each year appoint a member of the City Council to serve as an ex-officio fifth member of said board. Said member shall have the right to participate in all meetings and to debate all matters coming before the board, but shall have no vote. Said fifth member shall be appointed annually by the Mayor with approval by the City Council. Said member shall meet with said board at each meeting thereof, and in addition to his other shall act as liaison man between the board and the Council and shall report to the Council whenever called upon concerning the activities of said Board of Public Works. All members and employees of said board shall be covered by a bond in the amount of \$2,500.00 which shall be executed by a responsible surety company.

110.040. Contracts and bonds filed with city clerk.

All contracts and bonds for the making of public improvements as authorized by law, shall be prepared and executed and filed with the city clerk within twenty days after the acceptance of bids for same, unless for good cause the Council shall extend the time for the filing of same. The city engineer or city clerk shall present such contracts and bonds to the City Council, and upon being approved by the Council; the same shall be filed with the city clerk. Any contractor failing to comply with the provisions of this section shall be deemed to have waived his rights under the bid made by him and any deposit made on that account shall be forfeited to the City.

110.045. City utilities, defined.

City utilities shall consist of the following:

1. The City Water Utility.
2. The City Sewer Utility.

110.047. (ORD #03-04) Consumer, defined.

The owner or person in control of any premises supplied by or in any manner connected to a public water or sewer system.

110.050. (ORD #03-04) Limitations of liability.

The City shall furnish utility service from any of its utilities to customers only upon the expressed conditions precedent that the City will not be liable to consumer or other person for an inconvenience, delay, injury, loss or damage whatsoever, occurring by reason of derangements, stoppage, leak, fault or negligent construction or operation of any of the utility equipment apparatus, distribution means, pipes or lines, or by reason of the temporary shutting off of any of the utility services to clear or repair the same or for any other purpose, or by reason of the scarcity or insufficiency of the particular utility service supply, or the character or condition of the water supply or sewer service, or by reason of the clogging or freezing of the mains or service pipes, or the disruptions of distribution due to weather or other acts of God; nor shall the City be liable for the expense of repair of any service, pipes, mains or lines not owned by the City. The City reserves the right at any time to restrict the use of any utility service for any and all purposes. The Board of Public Works may, if it determines it necessary to protect public health and welfare, impose a system of rationing or otherwise restrict the delivery of any or all utility services to a consumer.

110.060. (ORD #03-04) Connection fees.

All fees for connection to the water or sewer systems of the City, after establishment of services, shall be prescribed by the Board of Public Works.

110.080. (ORD #03-04) Meter required.

1. All water supplied by any city utility service shall be charged for the same in accordance with the registration of the meters installed by the City to record such provisions of service, and charge shall be made in accordance with the registration of such meters and the rates established under this Chapter and all bills will be collected therefore in full (less such rate of discount as is available to all users of water for prompt payment); provided that when any such meter by actual test as provided for in this Chapter is found to be imperfect and fast in measurement of the service by more than two (2) percent the cost of the excess amount of services as represented by the imperfection of such meter shall be deducted from the total amount of the bill for the meter reading period for which such bill is rendered.
2. Employees or agents of any municipal utility may at any time and with or without the knowledge or consent of any consumer, install an additional meter at any location where such meter may be connected into the service to any building, dwelling house or premises of any kind to which the City is furnishing utility service, and when such meter shall for any period register more utilities than are registered by the meter on the premises of the consumer, it shall be taken as evidence that the service being furnished to such consumer is not being properly metered by the first meter on the consumer's premises, and the consumer shall

pay for all utilities registered over any period by the second or additional meter so installed, instead of the amount that has been improperly registered by his regular meter.

110.100. (ORD #3-91) (ORD #03-04) Billing procedure.

The board of public works shall render to each utility customer a bill for his utility service monthly. The board of public works may, in their discretion, organize the billing cycle so that certain customers are billed at one part of the month and other customers at a different time, and thereby equalize the work required of the board of public works and staff to efficiently operate the office.

1. Each customer shall monthly be billed for all utility services, in writing. Such a written billing shall be presented to the customer at least fifteen days before the delinquent date. Such written billing shall include the following information:
 - a. A clear statement that the utility services will be terminated for non-payment of the bill if not made by a certain date.
 - b. A clear statement of a procedure where a customer may complain about his utility bill and resolve any disputes that might exist as to whether or not the charges have been figured accurately or the customer did in fact use the indicated amount of utility service. Such a statement may be in the following form:
 - i. If you have any questions or complaints about this bill, you may, at any time before the due date, contact by phone or in person the water office, and arrange for an appointment to meet with an employee or agent of the Water Department to discuss your question or complaint.
 - c. The employee or agent of the Water Department shall be empowered to address such complaints, and to make such adjustments as are warranted by the evidence presented, as to whether or not the utility billing is accurate, but may not make any adjustments for any other reason.
2. (ORD #3-91) The utility bill as presented both a "net" and a "gross" charge. The net service charge shall be the service charged figured by the applicable rates as proved by Chapter 115 of this code. The "gross" service charge shall be the net rate with an addendum of 5%.
 - a. If the service charge is paid on or before the delinquent date, the amount shall be the "net" amount.
 - b. If the amount of the bill is not paid in full by the delinquent date, the "gross" amount shall be due and payable.

*This 5% differential shall not be a penalty for nonpayment, but shall consist of a discount for prompt payment. That the City chooses to structure its rates based upon a calculation of the "net amounts" shall in no way affect this principle.
3. Any person who does not pay their utility service charge or charges by the delinquent date or within four days thereafter shall be subject to termination of all utilities and services.

110.110. (ORD #03-04) Termination of utility services.

Except as provided in section 111.330 for residential water consumers, any or all utility services may be discontinued without notice to the consumer, for the following reasons:

1. For failure to pay utility service charges, provided that notice of the utility service charge and the right to protest or complain about the calculation of the charges has been given as provided in Section 110.100.
2. Upon the discovery of any unauthorized connections or diversions of utility service beyond any meter.
3. Upon the discovery that utility service through one meter is being used by more than one consumer.
4. Upon violation of Section 110.120, provided that the procedural steps provided in said Sections are complied with by the City.

110.120. (ORD #03-04) Estimated bills.

All bills for service charges furnished by the City may be estimated, when by reason of defect in or failure to read the appropriate meter or for any other reason, the monthly bill of the user or customer cannot be accurately determined. The board of public works or authorized agent shall make such estimate, considering the average consumption of the user over the previous twelve months' period, considering the relative use of such utility service within the City as a whole for the period of time in question, and considering such other factors as the board of public works or authorized agent may deem appropriate. Such estimated bills shall be due and payable as are all other bills rendered under this Chapter.

110.130. (ORD# 03-04) Hardship cases.

Any person who, by reason of financial or other hardship, is unable to pay any utility bill prior to the termination date, may be granted by an employee or agent of the Water Department such additional period as the employee or agent may deem appropriate in which to pay his delinquent account, provided that the Water Department may not grant to any customer the right to pay his utility bill past the date when the next month's utility bill would be presented to said customer.

110.150. (ORD #04-12) Violation: Reconnect Fees.

Upon violation by a user of any of the rules and regulations adopted and imposed by this Chapter, the user shall be informed in writing of the particular violations and that service shall be terminated if the circumstances constituting the violation are not rectified within fifteen (15) days; and that the user, within the fifteen (15) day period, may meet with an employee or agent of the Water Department during regular business hours of the City if the user believes the charges are erroneous or incorrect. Employees or agents of the Water Department shall be empowered to require compliance by the user with all the rules and regulations adopted and imposed by this Chapter, and may require the user to reasonably demonstrate such compliance to stay the order of disconnection at the end of the fifteen-day period. If the user does not comply with the rules and regulations of this Chapter within the fifteen (15) day period, the service shall be disconnected and the user informed in writing that service will be reconnected upon demonstration to the satisfaction of the employee or agent

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of the Water Department that the user has complied with the rules and regulations of this Chapter, and upon payment by the user of the fifty dollar (\$50.00) reconnection fee; provided that where dishonest or unauthorized water piping shall be found, the Water Department shall notify such person that the service will be reconnected upon rectification of the circumstances causing the disconnection to the satisfaction of the employee or agent of the Water Department, and the payment of the fifty dollars (\$50.00) reconnection fees, provided further, that when any person after prior notice and a prior opportunity for hearing consistent with the provisions of this Section, has been denied service and is still owing the City, moves into a building or dwelling connected with water, the service shall be cut off immediately, and the City shall notify such person that service will be reconnected upon the payment of the amount due and a fifty (\$50.00) reconnection charge.

110.170. (ORD #06-15) Records and Meetings of the Board of Public Works.

All books, properties and contracts relating to the records and performance of the duties of the Public Works shall be kept in the charge and custody of the Board of Public Works , but a copy of the books and records shall be located at Holden City Hall 101 W 3rd, Holden, Missouri 64040, and such other and further locations as City Council may designate. It would be in the best interest of the citizens of Holden and for the benefit of the public to hold the Board of Public Works meetings at Holden City Hall, 101 W 3rd, Holden, Missouri 64040, with said meetings to be conducted by the Board of Public Works as provided in Chapter 110 of the Holden City Code.

110.160. Liability.

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.