

## CHAPTER 15

### SEWER SERVICE OUTSIDE CITY LIMITS

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#### **3-15-1: ATTACHMENT TO SYSTEM**

The City of Dixon sewerage system now or henceforth located or extended beyond the corporate limits may be attached hereto by individuals, groups, corporations, companies or others who can demonstrate the need for such attachment and remain outside the corporate limits.(Ord. 1546, 7-16-90)

#### **3-15-2 CONNECTION RESTRICTION**

No hook up shall be allowed outside the corporate limits except where annexation is legally impossible. The property must be annexed immediately when possible.

Connection to the public sewerage system of the City by a user located outside the corporate limits of the City shall be allowed only under the following conditions:

- (A) The user is unable to annex to the City because the users territory is not adjacent of contiguous to the City;
- (B) The user agrees in writing to petition the City for annexation to the City when its territory becomes adjacent and contiguous to the City;
- (C) Annexation to the City can be anticipated in the foreseeable future;
- (D) The City derives and will continue to derive a significant economic benefit from the user or there is a potential economic benefit from the user that the City will derive;
- (E) The economic benefit derived by the City shall exceed the cost, if any, incurred by the City for the extension of such sewer service;
- (F) The user shall pay the cost of extending the sewer service from existing sewer lines to the extremities of their property for the easy access by future upstream extensions, and all engineering and maintenance costs. The City may, in its discretion, contribute to the cost of extending the sewer line if

the City requires the user to install a sewer line larger than the standard size as defined elsewhere in the City Code; further, that all plans for the extension of sewer service shall be approved by the City Engineer and shall be subject to all other provisions of the City Code relating to the construction of sewers;

- (G) The City may require the sewer extension be constructed in such a manner to facilitate the connection and the use thereof by other users. The user constructing the extension of the sewer line in accordance with the City requirements may recover a pro rata share of the cost of construction from the other users. The pro rata share of such cost shall be determined by the Building Official and approved by the City Council;
- (H) An attachment fee shall be assessed equal to that charged others on the line or two hundred fifty dollars (\$250.00), whichever is greater;
- (I) Installation of meters.
  - (1) All users of the sewerage system discharging water into the sewerage system who procure any part, or all, of their water from source other than the waterworks of the City, all or part of which is discharged into the sewerage system, shall, if directed by the City, install and maintain at his, her expense, water meters of a type approved by the Building Official of the City for the purpose of determining the volume of water obtained from these sources.
  - (2) Devices for measuring the volume of wastewater may be required by the Building Official if these volumes cannot otherwise be determined from the metered water consumption records.
  - (3) Water meters and metering devices for determining the volume of the wastewater discharged shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Building Official. ( Ord.1546, 7-16-90 )

### **3-15-3: WASTEWATER SERVICE CHARGES**

- (1) BASIS FOR WASTEWATER SERVICE CHARGE: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a fixed administrative service charge, a basic user charge, a debt service charge, a capital improvement charge surcharge. The service charge shall be computed pursuant to subsection 3-9-27 (A) of the City Code. ( Ord. 1845, 9-19-94, eff. 10-1-94 )

### **3-15-4: NO ADDITIONAL SERVICE; FEE PAID**

No additional City service, other than sewer service, shall be allowed to anyone outside the City limits for the fee paid as provided by this chapter. ( Ord. 1546, 7-16-90 )

### **3-15-5: SPECIAL SEWER TAPS**

This chapter does not apply when special sewer taps have or might be given for the right of way or easement agreements. (Ord. 1546, 7-16-90)

### **3-15-6 PERMIT**

No person who may have complied with Section 3-15-2 may attach to the City sewerage system without first having prepared and filed an application for connection to the sewerage system with the Building

Official and the Clerk and having secured a permit for the work described upon said permit and paid the necessary attachment fees. (Ord. 1546, 7-16-90)

### **3-15-7: RESTRICTIONS'; AUTHORITY OF INSPECTIONS**

- (A) All City plumbing Code restrictions and attachment restrictions as applicable inside the City limits must be conformed with before attachment outside the City limits is made. All waste discharged into the public sewers of the City under this Chapter shall conform to the restrictions contained in the City Code of the City.
- (B) A visual inspection must be made prior to the attachment by the Building
- (C) The Building Official and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon the properties at a reasonable time where sewer connections is to be made.
- (D) House sanitary sewer services from the property to the sewer main shall be four inches (4") diameter minimum. Sewer extensions to serve two (2) or more houses shall be a minimum of eight inches (8") diameter cast iron pipe, or larger, if so determined by the City Building Official. ( Ord. 1546, 7-16-90 )

### **3-15-8: VIOLATION**

Any person found to be violating any provision of this Chapter shall be served by the City with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction or compliance thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Ord. 1546, 7-16-90 )

### **3-15-9: PENALTY**

Any person who shall continue any violation beyond the time limit provided in Section 3-15-8 shall be immediately removed from sewer service.

- (A) Removal from sewer service shall be accomplished by plugging the sewer lateral from the offending property. All costs for the same may be recovered by the City in proper action taken by it against the violator.
- (B) Any person who shall have been removed from sewer service may again apply and be eligible for reattachment upon the payment of one-half (1/2) the original attachment fee plus all costs involved in the reattachment. ( Ord. 1546, 7-16-90 )

### **3-15-10: INTENT AND PURPOSE**

- (A) The City Council of the City of Dixon finds and declares that the provisions of this Chapter are enacted for the following reasons:
  - (1) To ensure that timely and complete payment of sewer charges arising from sewer service to customers;
  - (2) To assure compliance with Chapter 9 and Chapter 15 of Title III of the City Code;
  - (3) To regulate termination of sewer service to residential, commercial and business customers for non payment of sewer charges;

- (4) To provide full and adequate notice to a residential, business and commercial customer of a termination of sewer service to that customer and of the procedure to follow to avoid termination;
  - (5) To provide residential, business and commercial customers with the fair and reasonable opportunity, prior to termination, to dispute the correctness of sewer charges.
  - (6) To standardize the notice of termination and other notices sent to residential, business and commercial customers;
  - (7) To regulate termination of sewer service to residential, business and commercial rental property for nonpayment of sewer charges.
- (B) Scope: The provisions of this chapter shall apply to sewer services supplied to residential, business and commercial customers.
- (C) Sewer Bills: A sewer bill shall be mailed every ninety (90) days to every sewer customer for sewer service supplied during the time period shown on the bill. Each sewer bill shall contain the following information:
- (1) The time period and number of days of sewer service covered by the sewer bill;
  - (2) The sewer charge and/or installment and the sewer charge due;
  - (3) The date of the sewer bill;
  - (4) The date when complete payment is due at City Hall, which shall be at least twenty one (21) days from the date of the sewer bill;
  - (5) Notice whether the sewer bill is based on an actual or an estimated measurement of the amount of sewer service supplied;
  - (6) Notice that failure to timely and completely pay the amount shown on the sewer bill shall result in termination of sewer service, and;
  - (7) Notice that residential customers may call the City Hall , which telephone number shall be listed on the sewer bill, in order to:
    - (a) Dispute the amount of any sewer charge
    - (b) Avoid termination of sewer service for nonpayment of the amounts shown on the sewer bill;
    - (c) Request the restoration of sewer service; and
    - (d) Request answers to any other questions regarding sewer service.
- (D) Customer Information: The Sewage Treatment Department shall provide information on the following:
- (1) The procedure to dispute a sewer bill;
  - (2) The procedure to avoid termination of sewer service due to nonpayment of sewer charge;
  - (3) The procedure to avoid termination of sewer service due to the landlord's nonpayment of sewer charges; and
  - (4) The procedure for tenants to avoid termination of sewer service due to the landlord's nonpayment of sewer charges; and

(5) The procedure to obtain reinstatement of sewer service.

(E) Customer Dispute:

(1) At any time before the date of termination of sewer service for nonpayment the amount shown on a sewer bill, or for a violation of Chapter 9 or Chapter 15 of Title III of the City Code or for a notice of rejection, a customer may dispute the basis of the rejection or termination. The customer shall not be entitled to dispute the basis of termination or rejection if the basis was the subject of a previous dispute under this section.

(2) The procedure for customer disputes shall be as follows:

(a) Before the date of termination, the customer shall notify the Superintendent of the Sewage Treatment Department, orally or in writing, that he disputes all or part of the amounts shown on the sewer bill, or any other reason for termination, stating as completely as possible the basis for the dispute.

(b) If the Superintendent of the Sewage Treatment Department determines that the present dispute is untimely or that the customer previously disputed the basis, the Superintendent shall mail to the customer a notice stating that the present dispute is untimely or invalid. A dispute is untimely if filed after sewer service has been terminated. The Superintendent shall then proceed as if the customer had not notified the Superintendent of the present dispute.

(c) If the Superintendent of the Sewage Treatment Department determines that the present dispute is not untimely or invalid under this Section, the Superintendent of the Sewage Treatment Department, within three (3) days after receipt of the customer's notice, shall arrange an informal meeting between the customer and the Superintendent of the Sewage Treatment Department.

(d) Based on the Sewage Treatment Department's records, the customer's allegations and all other relevant materials available to the Superintendent of the Sewage Treatment Department, the Superintendent shall attempt to resolve the dispute in a manner satisfactory to both the Sewage Treatment Department and the customer.

(e) Within five (5) days of completion of the meeting, the Superintendent of the Sewage Treatment Department shall mail to the customer a copy of his decision resolving the dispute.

(f) If the decision is unsatisfactory to the customer, the customer, within five (5) days of his receipt of the Sewage Treatment Department Superintendent's decision, may file, in writing with the Superintendent a request for a formal hearing before the Commissioner of Public Property .

(g) The formal hearing before the Commissioner of Public Property shall be held within ten (10) days of the Sewage Treatment Department Superintendent's receipt of the customer's written request.

(h) At the hearing, the Superintendent of the Sewage Treatment Department and the customer shall be entitled to present all evidence that is, in the Commissioner's view, relevant and material to the dispute, and to examine and cross-examine witnesses. A tape recorded (or at the option of the Sewage Treatment Department, a stenographic) record of the hearing shall be maintained.

(i) Based on the record established at the hearing, the Commissioner of Public Property, within five (5) days of the completion of the hearing, shall issue his written decision formally resolving the dispute. The decision shall be final and binding on the Sewage Treatment Department and on the customer.

- (3) Utilization of this dispute procedure shall not relieve a customer of his obligation to (a) timely and completely pay (i) all other undisputed sewer charges, and (ii) the undisputed portions of the amounts which are the subject to the present dispute; and (b) to comply with Chapter 9 and Chapter 15 of Title III of the City Code. Notwithstanding Section 3-15-10 (E,4) failure to timely and completely pay all such undisputed amounts or to comply with Chapter 9 and Chapter 15 or Title III of the City Code, shall subject the customer to termination of sewer service in accordance with the provisions of this Chapter.
- (4) Until the date of the Sewage Treatment Superintendent or the Commissioner of Public Property's decision, whichever is later, the Sewage Treatment Department shall not terminate the sewer service of the customer and shall not issue a notice of termination to him solely based upon the matters in dispute. If it is determined that the customer must pay some or all of the disputed amounts, or must take some action to comply with Chapter 9 or Chapter 15 of Title III of the City Code, the Sewage Treatment Superintendent or the Commissioner of Public Property shall promptly mail to, or personally serve upon the customer a notice of termination, which shall contain the following:
  - (a) The amount to be paid or the violation to be corrected;
  - (b) The date of the notice of termination;
  - (c) The date of termination, which shall be at least fifteen (15) days after the date of the notice of termination; and
  - (d) Notice that unless the Sewage Treatment Department receives complete payment in the amount shown prior to the date of termination, or that the violation has been corrected, sewer service shall be terminated under Section 3-15-10 (F) 4.

(F) Sewer Service Termination Procedure:

- (1) Except as provided in Section 3-15-10(E)4, the provisions of this Section shall govern all terminations of sewer service for nonpayment of utility charges or for failure to comply with Chapter 9 or Chapter 15 of Title III of the City Code.
- (2) If by the payment date shown on the sewer bill the City has not received complete payment of the amounts shown on the bill or the violation of Chapter 9 or Chapter 15 of Title III of the City Code, has not been corrected, the Sewage Treatment Department shall mail to, or personally serve upon the customer a notice of termination at least three (3) days after the payment date or the date the violation was to be corrected.
- (3) The notice of termination shall contain the following:
  - (a) The amount to be paid or the violation to be corrected;
  - (b) The date of the notice of termination;
  - (c) The date of termination, which shall be at least fifteen (15) days from the date of the notice of termination;
  - (d) Notice that unless the Sewage Treatment Department receives complete payment of the amount shown or that the violation has been corrected prior to the date of termination, the sewer service shall be terminated under Section 3-15-10(F)4; and
  - (e) Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the Superintendent of the Sewage Treatment Department that he

disputes the correctness of all or part of the amount shown, or that he disputes that he is in violation of Chapter 9 or Chapter 15 of Title III. The basis of the dispute cannot have been the subject of a previous dispute under this Section.

(4) If, prior to the date of termination:

- (a) The Sewage Treatment Department has not received complete payment of the amount shown on the notice of termination;
- (b) The customer has not notified the Sewage Treatment Department that he disputes the correctness of all or part of the amount shown on the notice of termination;
- (c) The customer has not notified the Sewage Treatment Department that he disputes that he has violated Chapter 9 or Chapter 15 of Title III, or
- (d) The customer has not corrected the violation shown on the notice of termination,

then the Sewage Treatment Department shall terminate sewer service provided to the customer on the date of termination.

- (5) If the Sewage Treatment Department receives payment of the entire amount shown on the notice of termination or the violation has been corrected prior to the date of termination, such payment or correction shall be considered as timely for purposes of this Chapter.
- (6) The provisions of this Section shall govern all terminations of sewer service for nonpayment of sewer service charges or for failure to comply with Chapter 9 or Chapter 15 of Title III.

(G) Limitations on Termination of Sewer Service:

- (1) The Sewage Treatment Department shall terminate sewer service only during hours of eight o'clock (8:00) A.M. to four o'clock (4:00) P.M. Monday through Thursday. No termination shall be permitted on a legal holiday or on the day before a legal holiday.
- (2) No terminations shall be permitted on a day when the low temperature within the previous twenty four (24) hours, as reported by the National Weather Services at its First Order Station nearest the residence, was below zero degrees (0 degrees) Fahrenheit. If sewer service to a residential customer has been terminated, when the low temperature within the previous twenty four (24) hours, as reported by the National Weather Service at its First Order Station nearest the residence was below thirty two degrees (32 degrees) Fahrenheit, the Sewage Treatment Department shall notify the Police Department on the day of termination of the following:
  - (a) The name of the customer;
  - (b) The address and location of the residence no longer receiving sewer service; and
  - (c) The possible threat to the health and life of all persons residing at the residence.
- (3) The Sewage Treatment Department shall not terminate sewer service for nonpayment of amounts less than twenty dollars (\$20.00).

(H) Reinstatement of Sewer Service: In the event of termination of sewer service in accordance with the provisions of this Chapter, the Sewage Treatment Department shall reinstate sewer service to the customer within one full working day of the Sewage Treatment Department's receipt of (i) complete payment of the amount whose nonpayment prompted the termination or (ii) notice that the violation has been corrected. Such payment or correction of violation shall not be considered a timely payment for purposes of this Chapter.

- (l) Computation of Time: In computing any period of time prescribed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday in which event the period runs until the next day which is not a Saturday, a Sunday or a legal holiday. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. (Ord. 1461, 12-5-88)