**ORDINANCE NO.\_\_\_\_\_\_\_\_\_\_**

**AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 38 OF THE CODE OF THE TOWN OF TALLULAH FALLS REGARDING “WATER SYSTEM”; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Town of Tallulah Falls is authorized, pursuant to Charter Section 1.14 to provide and sell water and sewerage services inside and outside the corporate limits; and

**WHEREAS**, the Town of Tallulah Falls has established a water utility to provide for supply of potable water in the community; and

**WHERAS**, an updated Business Plan and Water Rate Analysis was performed for the Town of Tallulah Falls by the Georgia Rural Water Association and was accepted by action of the Town Council on June 13, 2019; and

**WHEREAS**, the Town of Tallulah Falls finds it necessary to amend its Code to comply with and implement the provisions herewith; and

**WHEREAS**, Section 1-5 of the Code of the Town of Tallulah Falls, Georgia, provides the Town Council with the authority to amend such Code and ordinances as it may deem necessary.

**THEREFORE, THE COUNCIL OF THE TOWN OF TALLULAH FALLS HEREBY ORDAINS AS FOLLOWS: THE ABOVE PREAMBLE IS INCORPORATED HEREIN.**

**SECTION 1. Code Section Amendment**. Chapter 38, Article II is hereby amended to read as follows: See Exhibit “A,” attached hereto.

**SECTION 2. Codification.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia

**SECTION 3. Severability.**

A. It is hereby declared to be the intention of the Town Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Town Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the Town Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraphs, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Town Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Town Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 4. Repeal of Conflicting Provisions.** All ordinances or portion of ordinances in conflict with the provisions hereof are hereby repealed.

**SECTION 5. Effective Date.** This ordinance will become effective upon adoption by City Council and approval by the Mayor as provided by the Charter of the Town of Tallulah Falls.

**SECTION 6.** The Town Clerk, Mayor, Attorney, or such other designee, are hereby authorized to take all measures necessary or convenient to codify this Amendment to the Code of Ordinances of the Town of Tallulah Falls, Georgia.

**SECTION 7.** It is so ordained and approved by vote of the Town Council of the Town of Tallulah Falls this \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

THIS ORDINANCE adopted this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

TOWN OF TALLULAH FALLS, GEORGIA APPROVED AS TO FORM BY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TERI DOBBS, MAYOR Warren Tillery, Town Attorney

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LARRY HAMILTON MARY BETH HUGHES

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DEB GOATCHER CAROL NELMS

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TOWN CLERK

(Seal)

**EXHIBIT “A”**

**ARTICLE II. - WATER SYSTEM**

**Sec. 38-19. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial use* shall apply to any property that is zoned in the town for a commercial use or, regardless of zoning, is put to a commercial use.

*Customer* means the occupant of the property; if no occupant, then the user, if no user, then the owner.

*Outside the town* means any water connection within or without the town where any part of the water is consumed outside the town limits.

*Residential use* shall apply to any property that is zoned in the town for a residential use, unless the property is being put to a commercial use.

**Sec. 38-20. - Water system manager.**

1. *Appointment.* The town council shall appoint a person who shall serve at their pleasure as the manager of the public water system.
2. *Duties.* The water system manager shall be responsible for the efficient operation of the public water system. His duties shall include, but not be limited to, the supervision of water system maintenance and the administration of water system billing procedures.
3. *Office.* The water system manager shall maintain an office at the town hall at which applications for service may be received.

**Sec. 38-21. - Application for water service.**

The consumer shall make application for water service in person at the office of the water system manager in the town hall.

**Sec. 38-22. - Security deposit.**

1. Applications for water service shall not be considered unless accompanied by the payment of a cash security deposit as specified in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC). Deposits shall be two and one-half (2½) times the monthly bill for all services, as estimated by the manager using whatever data may be available, with a minimum deposit of Fifty dollars ($50.00) for residential customers and Two Hundred dollars ($200.00) for commercial customers. In the event a utility bill has not been paid by the past due date printed on the bill, the account may be subject to an additional late fee of 10% of the balance owed and not less than five dollars ($5.00). Late fees may be incurred whether or not the service is disconnected. Payment of these fees shall not exempt any user from any civil or criminal action resulting from violations of this chapter.
2. A refund of said deposit shall be made to any user who establishes a good payment record over a two-year period, said record to be considered and refunds to be authorized by the water system manager.

(c) In the event of a history of delinquent payments, the water system manager may require a supplemental security deposit in an amount sufficient to cover any and all such delinquent balances.

(d) When water service has been discontinued by the request of the consumer, or by action of the office of the water system manager, the security deposit will be refunded to the consumer only after all outstanding bills and charges have been paid in full.

(e) Should water service be discontinued at the request of the user, the deposit shall be forfeited by the user if not claimed within one year after date of termination.

**Sec. 38-23. - Cross connections.**

1. All applicants for water service must offer proof that any private wells, springs, or other sources of water on their property are not physically connected to the lines of the town water system, neither directly nor indirectly. Further, all applicants, by becoming clients of the public water system in so doing covenant and agree, for so long as they continue to be clients of said system, that they shall not permit any such cross connection to occur on their property or premises.

(b) The maintenance of such a cross connection after the adoption of the ordinance from which this article is derived shall result in the interruption of water service to the offending consumer until such time as the provisions of this article which deal with cross connections have been complied with. Those consumers who prove to be subject to said disconnection shall be notified in writing not less than one week prior to disconnection.

**Sec. 38-24. - System tap fees.**

1. Water tap-in fees shall be charged on the basis of residential units or equivalent residential units according to the tap-in fees listed in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC). Any fractional units resulting from the calculation of equivalent residential units shall be treated as a whole unit. In addition to the tap-in fees, installation fees shall be charged in accordance with schedules listed hereinafter. Installation fees shall cover only connection to existing mains that are adjacent to location to be served; the actual costs of any extensions necessary shall be charged in addition to tap-in and installation fees. All fees and charges shall be paid by the customer or customers at whose request the connection is made. The water system manager will determine the size of the meter to be installed by the town.
2. When the water distribution line does not run immediately adjacent and parallel to the property to be served, the town may be required to make necessary connections upon payment of reasonable costs for the extensions of its water distribution line as may be required to render such service. The town shall pay a maximum amount as provided in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC) to defray the expense of making said connection. The consumer must remain a customer of the town water system for a period of at least two years or reimburse the town for any and all monies expended to render service.
3. Each single-family residence shall pay a tap-on fee as provided in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC).
4. Each multi-family dwelling shall pay a tap-on fee as provided in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC) per family unit in addition to the costs set out in subsection (a) of this section. If the multi-family dwelling is on one meter, each occupied family unit shall pay the minimum charge for water used and their proportionate share of the water used over the minimum as set out in this article.
5. There shall be no unauthorized tapping of water lines. Should unauthorized tapping occur, then the water system manager shall make an investigation to determine that the unauthorized tap was done to town specifications and shall determine the fees chargeable to the user who made said unauthorized tap, and the manager shall collect said fees.

**Sec. 38-25**. – **Installation Fees**.

1. The manager may authorize licensed plumbers or licensed utility contractors to install connections to water facilities upon written application. Water meters shall be supplied to authorized licensed plumbers or licensed utility contractors at cost; all other related accessories for water connections may be supplied to authorized licensed master plumbers or licensed utility contractors. The manager shall require payment for all materials covered and those not specifically covered. All work done by other than city personnel shall be done only under the supervision of licensed plumbers or licensed utility contractors authorized to perform such work. The manager shall require that all installation is performed in accordance with specifications and/or standards conforming to sound engineering practices; in the event that such installation is not made in accordance with specifications and/or standards, the manager may require the installation to be corrected or removed and reinstalled as necessary.
2. Water installation fees for making taps into the city water mains or water lines and installing water meters or providing water meters for plumbers to install shall be charged on the basis of reimbursement to the city for all actual costs incurred in making such installations.
3. An inspection fee of one hundred fifty dollars ($150.00) for each water connection shall be charged when a licensed plumber makes such connections.

**Sec. 38-26**. – **Charges for Miscellaneous Services**:

If any action taken by unauthorized persons inside a meter box causes damages to a curb stop or a cover or lock connected to a curb stop, the resident or customer responsible for the premises shall be charged a fee of $50.00 for each incident in addition to other fees and charges.

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| --- | --- |
| Deposit for New Residential Customers | $ 50.00 |
| Deposit for New Commercial Customers | $200.00 |
| Returned Check Fee | $ 35.00 |
| Penalty paid on past due invoice | 10% |
| After Hours Tum-on (Service application received after 4:00 pm) | $ 60.00 |
| Remove and Test Meter (If meter reads within manufactures specifications) | $125.00 |
| Remove and Test Meter (If meter reads outside the manufacturers specifications) | $ 0.00 |
| Turn-off/Lock Meter for Delinquency | $ 40.00 |
| Reconnect Fee – non-payment or requested termination greater than two months | $250.00 75.00 |

**Sec. 38-27. – Equivalent Residential Units**.

1. An equivalent residential unit is that portion of a user's facility that has an impact on the water system equivalent to a single-family residence. The determination of a facility's equivalent residential units shall be based on estimated water consumption as shown in guidelines below or on square footage. Peak water consumption of three hundred (300) gallons per day, shall be the equivalent of one (I) residential unit. The standards in the table below shall be used in the determination of water consumption. If the table does not provide information for a particular application, the estimated water consumption shall be as calculated by the manager in accordance with sound engineering practices using information available from Georgia EPD, USEPA, or standard reference materials commonly used for estimating flows.

|  |  |
| --- | --- |
| **Type of Facility** | **Water Usage in Gallons Per Day** |
| Assembly Hall | 3 per seat |
| Barber Shop/Beauty Parlor | 125 per chair |
| Boarding House””” | 100 per room |
| Bowling Alley | 50 per lane |
| Church  w/o Day Care or Kindergarten | 5 per seat |
| Correctional Institute | 300 per bed |
| Country Club,  Recreation Facilities Only | 25 per member |
| Day Care Center, no meals | 15 per person |
| Dental Office | 100 per chair |
| Department Store | 25 per employee |
| Factory  without showers  with showers | 25 per employee  35 per employee |
| Food Service Establishments (toilets & kitchen)”””   1. Restaurants,   up to 12 hours/day to 18 hours/day   1. Restaurants,   that use paper products only   1. Restaurants,   Above 18 hours/day   1. Bar and Cocktail Lounge 2. Drive-In Restaurant 3. Carry-out Only   plus | 12 per seat  8 per seat  24 per seat  30 per seat  35 per car space  35 per 100 sq. ft  15 per employee |
| Hospital   1. Inpatient 2. Outpatient | 300 per bed  300 per bed |
| Hotel, no kitchen | 100 per room |
| Kindergarten, no meals | 15 per person |
| Laundry, Commercial | 1,000 per machine |
| Laundry, coin | 150 per machine |
| Lodges | 50 per bed |
| Mobile Home Park | 300 per site |
| Motel, no kitchen\*- | 100 per room |
| Nursing Home\*\* | 150 per bed |
| Office | 25 per employee |
| Physician’s Office | 200 per exam room |
| Prison | 300 per inmate |
| Schools:   1. Boarding 2. Day, Restrooms Only 3. Day, Restrooms, and Cafeteria 4. Day, Restrooms, Gyms & Cafeteria | 100 per person  12 per person  16 per person  20 per person |
| Service Stations serving Interstate:   1. Full Service 2. Fuel and Oil Only | 425 + 150 per pump  150 per pump |
| Service Stations serving other locations:   1. Full Service 2. Fuel and Oil Only | 300 + 100 per pump  100 per pump |
| Service Stations serving any locations:  Car Wash | 500 per stall |
| Shopping Center (not including food service or laundry) | 10 per 100 sq. ft |
| Stadium | 2 per seat |
| Theater | 5 per seat |
| Travel Trailer Park:   1. With Independent Water & Sewer Connection 2. W/o Independent Water & Sewer Connection | 100 per site  35 per site |
| Warehouse | 10 per 100 sq. ft |

\*”’ Add 300 gallons per machine to amount indicated if laundry or dish washing machines are installed.

1. In the event a facility is made up of more than one smaller component facility, the determination of equivalent residential units shall be calculated as the sum of all component’s residential equivalent units.

**Sec. 38-28. - Change of occupancy.**

Not less than three days' notice shall be given, in person or in writing, to the office of the water system manager of the intent of the consumer to discontinue water service. The outgoing consumer shall be responsible for water used up to the time he actually quits the premises. The new occupant or consumer shall apply for water service within 24 hours after occupying the premises. Should the consumer fail to so apply, said consumer shall then be charged with all the water consumed on said premises since the last meter reading; and said charge shall be added to his initial water bill.

**Sec. 38-29. - Discontinuing water service.**

At the request of the consumer, not less than three days' notice shall be given, in person or in writing, to the office of the water system manager of the desire of the consumer to discontinue water service. The outgoing consumer shall be responsible for water used up to the time he actually quits the premises.

**Sec. 38-30. - Authority of water system manager.**

The town, through the office of the water system manager:

1. Reserves the right to discontinue its water service upon 24 hours' notice for any of the following:
2. To construct system modifications or to perform routine system maintenance;
3. To perform water quality tests and inspections as may be required for the protection of the public health;
4. To conserve water supply when said supply is deemed insufficient to meet demand due to circumstances beyond the town's control;
5. To protect the public interest by the prevention of fraud or abuse;
6. To protect the public interest by the proper response to legal processes and the administration of justice;
7. To protect the public health and interest in all other unforeseen situations which may occur in the future.
8. Reserves the right to discontinue its water service without notice for any of the following:
9. To make emergency repairs;

b. To protect the public health and interest in the event of strike, riot, fire, flood, accident and any and all other natural and man-made dangers and disasters.

**Sec. 38-31. - General billing procedures.**

1. Bills to consumers for water service shall be mailed out on such day of each month as may be determined desirable by the office of the water system manager.
2. Bills may be paid in person at the office of the water system manager or by mail by check made payable to the town.
3. Failure to receive bills or notices shall not prevent such bills from becoming delinquent, nor relieve the consumer of the responsibility for payment of same. The failure of water users to pay the charges duly imposed and in a timely manner shall permit the office of the water system manager to take any and/or all of the following measures:
4. Nonpayment within ten days from the due date indicated on the bill shall make the account subject to a penalty equal to ten percent of the total unpaid balance.
5. Nonpayment within 20 days from the due date on the bill shall cause the water to be shut off and water service to be discontinued to the delinquent customer.
6. Should the consumer elect to pay the amount delinquent to the public employee who has been designated by the office of the water system manager to turn off said customer's water, then an additional penalty as provided in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC) shall be assessed to said customer's account and added to the next water bill.
7. When water service has been disconnected for the nonpayment of bills, said water service can be restored only after all outstanding charges against said account have been satisfied; and after said consumer has paid a reconnect fee as provided in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC); and after said customer has paid to the office of the water system manager an amount equal to the average of said consumer's water bills over the preceding three months. This additional payment shall be added to the consumer's original security deposit. Both the original and the supplemental security deposits shall be returned to the consumer should he later discontinue water service and at such time have no outstanding bills against his account.
8. Nonpayment for 60 days after the original due date indicated on the water bill will allow the town, through the office of the water system manager, in addition to all other rights and remedies, to terminate any type of contractual agreement or relationship with the customer; and in the event of such a termination, the delinquent customer shall not be entitled to receive, nor the town obliged to supply, any water to said customer until such time as the amount due has been paid in full. The town shall not construe this subsection as authority for withholding water to such a delinquent consumer in the event of fire upon the property or premises of said customer.
9. Should an account remain delinquent after the running of the 60-day period as set out above, the town, through the office of the water system manager, shall then be authorized to apply the security deposit of said offending consumer toward lessening the unpaid balance; and further may proceed to collect the outstanding debt in the manner provided by law for the collection of debts. Should the customer's security deposit cover the entire unpaid balance and yield a surplus, said surplus shall be refunded to the customer.
10. The water system manager may adopt such reasonable rules and regulations as are deemed necessary to effectuate the billing, tap-ons, maintenance, disconnections or any notices thereof. Said rules and regulations shall be in written form and posted conspicuously in the office of the water system manager.
11. Any user who requests the town to terminate service during vacations, either seasonal or otherwise, or for any period of time greater than two months shall pay a reconnect fee as provided in [section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC).

**Sec. 38-32. - Water rate schedules.**

1. The water rate schedules which shall govern the assessment of costs and the calculation of bills for water supplied by the public water system are set forth in subsection (b) of this section.
2. The minimum monthly charges for public water for the following shall be as provided in[section 2-1](https://library.municode.com/ga/tallulah_falls/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1FESC):
3. Residential consumers.
4. Commercial and industrial consumers.
5. The town shall not provide water free to charge to anyone under any condition and/or circumstances.
6. The water rate schedules which shall govern the assessment of costs and the calculation of bills shall be posted in a public place at the office of the water system manager and copies of said schedules shall be provided to consumers at no more than the cost of the duplication of said water rate schedules.

(e) Any change in the rate schedules shall be by action of the town council, and the users of the public water system shall be duly notified thereof.

**Sec. 38-33. – Debt Service.**

Any bond amount for water projects funded by Georgia Environmental Facilities Authority (GEFA), USDA Rural Development and other revenue bonds including all engineering fees and set up fees can be shown as a separate line item on the water bill or may be combined in the base charge.

**Sec. 38-34. - Billing errors and adjustments thereof.**

1. If the consumer believes his water bill to be in error, said consumer shall present his claim in person, or by mail, to the office of the water system manager. Such a protest should be made before the bill in question becomes past due, since said protest shall not be effective in preventing the discontinuance of water service for nonpayment as set out above.
2. The consumer may pay a bill under protest, and said payment shall not prejudice his claim. Should the office of the water system manager be found in error, the amount of said error in favor of the protesting consumer shall be, at the election of the consumer, either refunded or credited toward payment of the next water bill.
3. In order to help determine the validity of a protested billing error, the office of the water system manager may take any of the following steps which may seem appropriate:
4. Make a special water meter reading at the request of the consumer.
5. Perform a water meter accuracy test at the request of the consumer upon payment by said consumer of the actual cost of making such a test. Should the water meter be found to over-register more than five percent in favor of the town, then the test fee shall be returned to the consumer.
6. If the water meter, upon inspection, is found to be inoperable, or to be incorrectly registering, or if the seal on said meter has been broken by any person other than the representative of the office of the water system manager, then the consumer shall have a new bill calculated and in said bill shall be charged with an amount equal to the average of his bills for the preceding three months. Should the consumer's water meter remain inoperable for failure of the office of the water system manager to make the required repairs, then the consumer shall continue to be billed an amount equal to the average of the preceding three months' bills until said meter is repaired.

(d) In order to maintain the integrity of the billing system, it shall be unlawful for the consumer to break the seal on a water meter or to in any way attempt to affect its manner of recording water usage. Violation of this provision shall make the offending consumer liable for damages for the destruction of public property and shall subject said consumer to possible prosecution for theft or conversion. Conviction under either charge shall allow the town, through the office of the water system manager, to refuse service to said offending consumer and his property and premises until the town has been properly compensated.

**Sec. 38-35. - Responsibilities and liabilities assumed by the consumer.**

1. Heedless waste of water. Consumers of water drawn from the public water system shall be required, at all times, to use said water in a reasonable and prudent manner. In times where the supply of public water is deemed by the office of the water system manager to be comfortably in excess of demand, there shall be no infringement by said office on the consumer's reasonable and prudent use and enjoyment of said water, so long as such use shall not be contrary to law, or contrary to rules and regulations having the force of law. In times where the water supply has been deemed by the office of the water system manager to be insufficient to meet the normal demand for said water, the water system manager may require public water users to limit their use of said water. The degree and manner of said water limitation shall be made public not less than 24 hours before implementation of such limitations. However, should the mayor declare a state of emergency, implementation of water use limitations may begin immediately thereafter said declaration. Failure on the part of any consumer to comply with such water use limitations shall allow the immediate disconnection of said consumer from the public water system, and said disconnection, at the discretion of the office of the water system manager, may be maintained for the duration of the declared water shortage.
2. Water meters.
3. Water meters which measure the water flow through the various portions of the town, and as public property, shall be protected from damage and abuse by all the rights and remedies available for the protection of other forms of public property.
4. Where the water meter has been placed on the premises of a consumer, a suitable place shall be provided by said consumer for said water meter. Said place shall be unobstructed and accessible at all times to the employees of the office of the water system manager.
5. Consumers of the public water system shall be required, when necessary, to take whatever measures are reasonable in order to facilitate the inspection and maintenance of said consumer's water meters. Such measures may include, but not be limited to:
6. The cutting of plant material which obstructs free access to each meter.
7. The unlocking of doors and gates which would otherwise prevent access to each meter.
8. The penning up of large or dangerous animals which might otherwise endanger the person or the employees of the office of the water system manager.
9. If any consumer of the public water system should fail to make his water meter accessible to the employees of the water system manager in accordance with the guidelines stated in this section, the office of the water system manager may then bill the offending consumer an amount equal to the average of said customer's three previous water bills. In such a case, any errors of underbilling or overbilling will be corrected in the next water bill sent out so long as said bill is based on an actual water meter reading.
10. If a consumer's water meter is inaccessible for two months in succession, the office of the water system manager may, in addition to continuing to bill said customer according to the guidelines established herein, add to said water bill a penalty charge equal to ten percent of the last billing amount.
11. Should a consumer's water meter remain inaccessible for three months in succession, the office of the water system manager shall be authorized to bill for said month by the guidelines stated herein and shall be authorized to terminate any further water service to the offending consumer until the water meter is made properly accessible.
12. It shall be unlawful for any person having a metered system tap to the public water system to make or cause to make any other connection for the transmission of said public water in any manner which may result in the subversion of the proper measurement by said meter of the water flowing onto the consumer's property or premises.
13. Piping and apparatus.
14. The consumer of the public water system shall furnish and maintain a private cutoff valve on the consumer's side of the water meter.

(2) The consumer's piping and apparatus shall be installed and maintained, at the consumer's expense, in a safe and efficient manner and condition, and in accordance with the law and those rules and regulations having the force of law.

**Sec. 38-36. - Responsibilities and liabilities assumed by the water supplier.**

1. *Water supply.* Within the town limits, and within those areas outside said town limits as may be authorized, the town, acting through its office of the water system manager, shall provide water service to requesting customers in accordance with the standards and practices set out in this article.
2. *Maintenance and construction.*
3. Duly authorized agents of the office of the water system manager shall have access at all hours to the premises of the consumer for the purposes of installing and removing public property, inspecting and maintaining such property and for any other purpose which may prove necessary for the safe and efficient provision of water service.
4. The town, acting through the office of the water system manager, reserves the right to refuse water service to any customer unless said customer's water lines, piping and apparatus are installed in a safe and reasonable manner, and comply with all applicable requirements of state law, this article and all other applicable ordinances of the town.
5. The town, acting through the office of the water system manager, reserves the right to refuse water service to any consumer unless said consumer's water lines, piping and apparatus are installed in such a manner as to prevent cross connection, backflow or the entry of impurities or contaminants into the public water supply.

(4) Extensions of the water lines of the public water system, either distribution lines or system tap lines, shall be made only after the potential consumer has granted or conveyed, or has caused to be granted or conveyed, to the town, a permanent easement or right-of-way across any of said consumer's property which shall be traversed by the requested water distribution lines or system taps.

**Secs. 38-37—38-52. - Reserved.**