

ORDINANCE NO. 416

TOWN OF MOUNT OLIVE WATER & SEWER ORDINANCE

AN ORDINANCE REGULATING WATER AND SEWER SERVICE PROVIDED BY THE TOWN OF MOUNT OLIVE; ESTABLISHING METHOD OF SETTING UTILITY RATES; REGULATING INSTALLATION AND LOCATION OF METERS; ESTABLISHING METHOD OF SETTING CONNECTION FEES AND METER INSTALLATION FEES; ESTABLISHING PENALTIES FOR FAILURE TO PAY BILLS WHEN DUE; ESTABLISHING THE METHODS FOR SETTING DEPOSIT REQUIREMENTS; PROVIDING FOR ENFORCEMENT OF ORDINANCE AND REMEDIES FOR FAILURE TO COMPLY WITH ORDINANCE.

WHEREAS Mayor and Board of Aldermen of the Town of Mount Olive, Mississippi deem it necessary, in order to provide for the health, safety and well-being of the citizens of Mount Olive, and the surrounding area, and further, in order to adequately fund the Town's Water and Sewer system and service the debts thereof, and to comply with the Laws and Regulations of the State of Mississippi and United States of America.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF MT. OLIVE:

ARTICLE I

TITLE AND PURPOSE

SECTION 1.01. Authority. The provisions of the Ordinance are adopted pursuant to the statutory authority set forth in Title 21, Chapter 27 of the General Laws of the State of Mississippi, 1972, as amended, being 21-27, et.seq. of Mississippi Code of 1972, as amended.

SECTION 1.02. Title. This Ordinance shall be known as the Town of Mount Olive Water and Sewer Ordinance and may be so cited.

SECTION 1.03. Interpretation. In interpreting and applying this Ordinance, its provisions, purposes, duties, penalties, authorities, and responsibilities are intended to comply with all regulations and requirements of the statutory laws of the State of Mississippi and the United States of America, as well as the regulations of the

Mississippi Department of Health; Mississippi Public Service Commission; the Mississippi Department of Environmental Quality and/or other State and Federal Agencies.

ARTICLE II

INSTALLATION AND LOCATION OF WATER METERS AND CONNECTION FEES

SECTION 2.01. Meter Location. The Town of Mount Olive shall select all sites upon which to locate its water meters. Absent extraordinary circumstances, all water meters shall be located not more than 10 feet from the Town's primary service line and within the Town's right of way easement, upon other public property selected by the Town and/or upon State or County property or rights of way as selected by the Town.

SECTION 2.02. Town's Responsibilities. Upon payment of all required deposits and fees by the customer and upon customer's compliance with all municipal, county, state and federal laws, regulations and rules, the Town shall set a meter and establish an account for the customer unless the Town determines that such is not economically practical and feasible. Selection of a meter, location and installation, and the timing of connections shall be at the discretion of the Town of Mount Olive. The Town shall pay all costs associated with installing the meter and connecting the customer's approved line to the Town's meter. The Town shall not be responsible for any cost, equipment, malfunctions, or other problems on the customer's side of the Town's meter.

SECTION 2.03. Customer Responsibility. Customer shall bear all cost and responsibility for extending customer's line to the site selected by the Town for installation of the water meter. Customer shall be responsible for all pipes, lines and equipment, and all cost, expenses, malfunctions, and other problems associated therewith, on customer's side of the Town's meter.

SECTION 2.04. Connection Fee. All customers shall pay a connection fee for each water account (meter) without regard to whether the customer has an existing account and without regard to whether a meter previously existed at the location. The connection fee shall be set by the Mayor and Board of Aldermen. The clerk will maintain a record of these charges for public review.

SECTION 2.05. Meter Installation Fee. In any location where it is necessary to install a new meter prior to connecting the customer to the water system, the customer shall pay a Meter Installation Fee. This fee will be set by the Mayor and Board of Aldermen. The clerk shall maintain a record for public review. The meter installation fee may vary depending on the size of the meter which is installed.

SECTION 2.06. Re-Connection Fee. Any customer whose water service has been disconnected due to non-payment or late payment of water shall pay re-connection fee prior to restoration of water service at the location of said account. If the disconnect was an error caused by the Town, then no fee shall be imposed. In such a case, this matter shall be placed on the agenda by the City Clerk and briefed at the next scheduled board meeting.

ARTICLE III SEWER CONNECTIONS AND FEES

SECTION 3.01. Location of Connection. The Town of Mount Olive shall select a location along its existing sewer lines at which it will connect each customer to the system. The Town and its agents shall make such a determination based upon the capacity of the system and the requirements of the Town's Sewer System.

SECTION 3.02. Town's Responsibility. Upon payment of all required deposits and fees by the customer and upon customer's compliance with all municipal, county, state and federal laws, regulations and rules, the Town shall connect the customer to the Town's Sewer System unless the Town determines that such is not economically practical and feasible. The location of each connection and the timing of each connection shall be at the discretion of the Town of Mount Olive. The Town shall pay all costs associated with connecting the customer's approved sewer line to the Town's primary line. The Town shall not be responsible for any cost, equipment, malfunctions, or other problems on the customer's side of the connection.

SECTION 3.03. Customer Responsibility. Customer shall bear all costs and responsibility for extending the customer's sewer line to the site selected by the Town for connection of the Customer's line to the Town's system. Customer shall

be responsible for all pipes, lines, and equipment, and all cost, expenses, malfunctions, and other problems associated therewith, on customer's side of the connection of the Town's line.

SECTION 3.04. Sewer Connection Fees. In any location where it is necessary to make a new sewer connection prior to connecting the customer to the sewer system, the customer shall pay a Sewer Connection Fee. This fee will be set by Mayor and Board and Aldermen, and a record maintained by the City Clerk for public review. The sewer connection fee will vary depending upon whether the customer is connected to a gravity flow line or a pressurized line.

ARTICLE IV DEPOSITS

SECTION 4.01. Deposit Requirements. Each customer shall pay all required deposits prior to connection of customer's water/sewer service. If a customer's deposit is credited against an outstanding bill, the customer shall make a new deposit. Failure to post and maintain a deposit in the amounts required by the Town at the time customer's account was established (or re-established in the case of customers who have had service disconnected) will result in a disconnection of the customer from the Town's utility system.

SECTION 4.02. Amount of Deposit. The amount each customer is required to deposit will vary depending on the number of utility connections and the type and size of each connection. Specific deposit amounts will be set by the Mayor and Board of Aldermen and record maintained by the City Clerk for public review.

SECTION 4.03. Water Customer Deposit. Each account maintained which includes water service shall require a deposit based upon the size of each meter through which the customer receives water.

SECTION 4.04. Sewer Customer Deposit. Each account maintained which includes sewer service shall require a deposit based upon the size of the water meter(s) which are also serving customer at the location.

ARTICLE V WATER RATES

SECTION 5.01. Residential Customers within corporate limits. Residential customers whose meters are located inside the Town of Mount Olive will be charged a flat rate and excess usage fee which will be set by the Mayor and Board of Aldermen and records maintained by City Clerk for public review.

SECTION 5.02. Customers outside corporate limits. All customers whose meters are located outside the Town of Mount Olive will be charged a flat rate and excess usage fee which will be set by the Mayor and Board of Aldermen and records maintained by the City Clerk for public review.

SECTION 5.03. Multiple Unit Assessment. Any customer which delivers water to multiple household units, apartments, houses, buildings, or tenants after the water passes through customer's meter shall be subject to the multiple unit assessment. Such customers shall not re-sell water but may pass along customer's cost as rent or utility assessments. The multiple unit assessment shall be based upon the number of household units, apartments, houses, tenants, or buildings serviced on the customer's side of the meter. Each unit of a multiple unit shall be assessed a flat rate each month as a separate customer and the total of such flat rate charges shall be customer's multiple unit assessment. Customer shall pay the greater of the multiple unit assessment or customer's actual bill.

SECTION 5.04. Additional Meter Usage Fees. Any residential customer who maintains at least one water meter which is subject to water and sewer charges may request that the Town install one or more additional water meters. If the Town verifies that the water passing through any such additional residential water meter is only for outdoor use and no line from any such meter is connected to a residence or other structure with a sewage connection, the residential customer will be entitled to pay a usage fee upon each such meter based upon water used without any charges applied for sewer fees. The usage fee (rate) will be based upon the amount of water which passes through the meter. The rates for water purchased through these meters will be set by the Mayor and Board of Aldermen.

ARTICLE VI SEWER RATES

SECTION 6.01. Accounts. Each water meter from which any water is ultimately discharged into the Town's sewer system shall be maintained as a separate account and shall be subject to the charges set forth herein. In the event a customer has more than one water meter from which water is discharged into the Town's sewer system, each such metered water account will be assessed sewer fees and charges as a separate customer.

SECTION 6.02. Flat Rate. All customers will be assessed a "flat rate" charge each month which will allow the customer to discharge up to 3,000 gallons of water and an excess usage rate which will be set by the Mayor and Board of Aldermen.

SECTION 6.03. Industrial Customers. All sewer customers who have a discharge permit issued by the Mississippi Department of Environmental Quality or the Environmental Protection Agency shall pay an additional sewer fee each month which shall be assessed per discharge point, which fee shall be set by Mayor and Board of Aldermen. Further, these customers shall pay all such additional fees, costs, deposits, and expenses as may be required pursuant to any written agreements with the Town of Mount Olive relating to the customers' permit or sewer discharge. The Clerk will maintain a record of these charges for public review.

SECTION 6.04. Industrial Discharge Agreements. No sewer customer shall discharge any substance in the Town of Mount Olive Sewer system pursuant to DEQ or EPA permit without first entering into a written agreement with the Town of Mount Olive. The Town reserves the right to provide for additional fees and charges in any such written agreement.

SECTION 6.04. Meter Sewer Customers. Any customer who desires may make a written request to the Town to install a separate sewer meter to determine the volume of discharge into the Town's sewer system. The customer shall be responsible for all costs of installing any such meter and shall only install a meter which is authorized and approved by the Town. In the event such a meter is installed, customer shall pay all service fees and usage fees which are set by the

Mayor and Board of Aldermen and records maintained by the Clerk for public review.

ARTICLE VII PAYMENT AND DISCONNECTION

SECTION 7.01. Due Date. All payments shall be due on the 21st of each month for the preceding month's water and sewer usage. The Town will mail statements to customers prior to the due date. The late fee will be assessed for any payments after the due date.

SECTION 7.02. Disconnect Notice. A disconnect notice shall be sent to any customer who has not paid their bill by the 21st day of the month in which the bill became due. The notice will inform the customer that the water service will be disconnected if payment is received by the 5th of the following month.

SECTION 7.03. Appeal of Disconnect Notice. Any customer who disputes the amount charged to his account may request a hearing before the Mayor and Board of Aldermen. The customer shall make the request in writing to the City Clerk on or before the 28th of the month in which the bill became due.

SECTION 7.04. Disconnection. Customers who fail to make full payment by the 28th of each month, except for those appeals to the Mayor and Board of Aldermen, shall have their service disconnected on or after the following day.

SECTION 7.05. Application of Deposits. All amounts which have been deposited with the Town as deposits upon any utility account will be applied toward customer's bill without regard to specific utility for which the deposit was required. Prior to any re-connection, the customer will be required to post additional deposits in the amounts required by the Town of Mount Olive for connection of utility services.

**ARTICLE VIII
FEES**

WATER CARDS: \$0.50

\$23.00 FOR 3,000 GALLONS OR LESS

\$7.00 PER 1,000 GALLON THEREAFTER

SECURITY DEPOSIT (NON-RENTER): \$100.00

SECURITY DEPOSIT (RENTER): \$200.00

WATER TAP FEE (NON-REFUNDABLE MATERIALS AND LABOR COSTS OF INSTALLING SERVICE): \$125.00

SEWER TAP FEE (NON-REFUNDABLE MATERIALS AND LABOR COSTS OF INSTALLING SERVICE): \$ 225.00

SERVICE FEE (NON-REFUNDABLE LABOR COSTS BECAUSE OF NON-PAYMENT): \$40.00

HIGHWAY ROAD BOAR FEE (NON-REFUNDABLE EXTRA CHARGE IN MAIN IS ON OPPOSITE SIDE OF STATE-AID ROAD OR HIGHWAY): COST OF LABOR AND MATERIALS

METER TAMPERING: \$100.00

METER ENCODER TAMPERING: \$250.00

RETURN CHECK FEE: \$25.00

**ARTICLE IX
EFFECTIVE DATE**

That upon the passage of this Ordinance, all prior ordinances relating to sewer rates shall be null and void.

The above Ordinance was reduced to writing, read and considered paragraph by paragraph, and section by section and then as a whole at this regular meeting of the Mayor and Board of Aldermen on January 11, 2024, whereupon, Alderwoman Willie P. McCullum made a motion which was seconded by Alderwoman Marcia

Hull to adopt the Ordinance No. 416, was submitted for a vote of all Aldermen present and voting and the following vote was recorded, to-wit:

VOTING AYE: Alderwoman Marcia Hull
Alderwoman Willie P. McCullum
Alderwoman Mary P. Norman
Alderman Terry Barron
Alderman Perry Murphy

VOTING NAY: None

NOT PRESENT:

WHEREUPON, the motion was duly carried by majority vote and declared duly adopted and enacted on this the 11TH day of January, 2024.

James C. Kelly, III
MAYOR

ATTEST:

Breyon Magee
CITY CLERK

STATE OF MISSISSIPPI
COUNTY OF COVINGTON

CERTIFICATE

I, Breyon Magee, City Clerk in and for the Town of Mt. Olive, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of ORDINANCE NUMBER 416 ADOPTED BY THE Mayor and Board of Aldermen at its Regularly Scheduled Meeting of January 11, 2024, and is duly of record in the office of the City Clerk, City Hall, 501 Main Street, Mt. Olive, Mississippi, in Minute Book #30.

WITNESS MY SIGNATURE AND OFFICIAL SEAL OF OFFICE ON THIS
THE 11th DAY OF January, 2024.

BREYON MAGEE, CITY CLERK
TOWN OF MT. OLIVE, MISSISSIPPI

Publish One Time: January 24, 2024