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Utilities & Municipal Services

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History: Article I was Ordinance 3003 (adopted December 5, 1955), Article II was Ordinance 4021¹ (adopted September 30, 1997) except for Section 6-15 that was Ordinance 4011 (adopted August 13, 1973),

¹ As amended by Ordinance 4021A (adopted August 21, 2000).

Article III was Ordinance 02-0128-01 (adopted February 25, 2002) and Article IV was Ordinance 4013² (adopted July 13, 1981).

² As amended by Ordinance 03-0915-04 (adopted October 20, 2003).

Article I Sewers**Section 6-1 Consent for New Castle County to Maintain Sewers within Delaware City**

That in accordance with Title 9, Delaware Code, Paragraph 2203, the Mayor and Council of Delaware City, a Municipal Corporation of the State of Delaware, gives to New Castle County, consent to construct and maintain a sewerage system within the boundaries of the Town of Delaware City.

Sections 6-2 to 6-5 Reserved

Article II Water - General

Section 6-6 Definitions

a.) Agent of the City: The Mayor, Member of Council, City Manager, or other appointed official charged with overseeing the Water Department, or performing related tasks.

b.) City: The City of Delaware City.

c.) Customer: Any person, partnership, firm, association, corporation, or governmental agency being supplied with water by the City.

d.) Consuming Unit: Each separate residential or commercial unit located on a lot. Where one or more residential or commercial unit is located on a single lot, each is to be considered a separate consuming unit. The consuming unit may be within or outside of the corporate limits of the City. Such units outside of the corporate limits that are supplied water by the utility are to be considered an external consuming unit.

e.) Residential Unit: One or more rooms arranged for the use of one or more individuals as a single housekeeping unit.

f.) Commercial Unit: One or more rooms used for the purpose of conducting business.

g.) Main: Any water pipe, owned, operated, or maintained by the City.

h.) Meter: An instrument approved by an authorized agent of the City used to measure the quantity of water used by a Consuming Unit for recording and/or billing purposes.

i.) Meter Pit: The physical structure for the purpose of housing the meter.

j.) Meter Pit Assembly or Meter Assembly: The physical meter and/or meter pit.

k.) Meter Test: The physical testing of a meter for accuracy within two percent (2%).

l.) Premises/Property: A tract of land or real estate, including buildings and other appurtenances thereon.

m.) Service Line/Service Lateral: The line that runs from the main to the consuming unit.

n.) Shall: The use of the word "shall" in this policy expresses a mandatory requirement.

o.) Should or May: The use of the word "should" or "may" in this policy expresses a permissive use for suggestion and/or guidance, and is not mandatory.

p.) Water Plant/System: All equipment, wells, well houses, towers, tanks, pumps, property or other appliances used by the City to provide water service to the Consuming Unit, or for fire protection.

q.) Water Service: Water provided by the City.

Section 6-7 Water Service Operations

a.) Records and Reports

1.) All records, reports, accounts, papers, computer records, and other memoranda required for this policy shall be kept by the City for a period of not less than four (4) years.

2.) The City shall maintain a record on each meter to include serial number, when placed on line, and a complete record of all tests and repairs. Meter testing records shall include:

- a.) Current test date and the date of previous tests if applicable.
- b.) Meter reading at time of meter's removal.
- c.) The accuracy of the meter before and after the test.
- d.) The name of the company performing the test and the control number if possible.

3.) The City shall maintain a record on each fire hydrant to include any and all maintenance, repairs, replacements, inspections and water flow characteristics.

4.) The City shall maintain records of each component of the Water Plant/System. Such records shall include schedules and reports of maintenance and testing.

5.) At the time of service interruptions, unless in an emergency, all affected Consuming Units shall be notified, as shall the Delaware City Fire Company. In the time of an emergency, the Delaware City Fire Company will be notified as soon as possible.

b.) Water Supply, Service and Operations

1.) The City shall be the sole source of all potable water delivered to the Consuming Unit by use of the Mains within the corporate limits and to all external Consuming Units where applicable. All water sold by the City shall be on the basis of meter measurement.

2.) The Water Plant/System shall be constructed, maintained and operated by the City in accordance with the current basic engineering practices of the water industry to assure, as far as reasonably possible, continuity of service and uniformity of water quality.

3.) The Water Plant/System and/or Main shall be constructed and installed by the city or its authorized contractor and maintained on a regularly scheduled basis in order to protect against contamination, corrosion and other deterioration.

4.) All additional Mains are to be constructed shall be located in areas that cause the least inconvenience or impact to traffic. All Mains constructed on private property, at the request of the City, shall be constructed and maintained by the City.

5.) All Service Lines/Service Laterals constructed on private property, shall be constructed, installed and tested by the owner's developer/owner at the owner's expense. The choice of materials will be regulated by the City to be in accordance with current engineering practices.

6.) In the event the City requires Service Lines/Service Laterals to be constructed on private property for Consuming Units that are in existence as of the date of the adoption of this Article, the City shall pay the cost of the initial installation of such Service Lines/Service Laterals. The owner of such Consuming Unit shall be responsible for the cost of all subsequent repairs and/or replacement of such Service Lines/Service Laterals.

7.) The water tower shall be given an internal (including photos) and external inspection once each five (5) years. The inspection should cover both the structure and the protective coating for any signs of corrosion, damage or weakness.

8.) The water shall be sampled any time major work is to be performed on any component of the Water Plant/System. The sample shall be tested to determine if any contamination or corruption has occurred to the Water Plant/System. Steps shall be taken to correct any contamination or corruption that has occurred.

9.) Bacteriological Compliance Test. The water system shall be tested by the State Division of Public Health to ensure compliance with the Division's minimum standards for water quality.

10.) All water service pipes shall be installed below the normal frost line or otherwise protected to minimize the possibility of freezing. All pipes shall have a minimum of thirty-six (36) inches of cover, if practical.

11.) No water Main or water Service Line/Service Lateral shall be placed in the same trench as a sewer or non-potable line. Where necessary, and where a water main or line crosses a sewer or non-potable line, the water lines shall be placed higher than the sewer or non-potable lines.

12.) The distribution system shall have sufficient valving so that any one or more areas of the distribution system may be isolated.

13.) All street valves shall be operated a minimum of once per year to ensure their performance.

14.) The meter pit assembly shall be placed as close to and behind the property line as practical.

15.) The meter shall be tested upon the customer's request. If the meter is found to be operating with a defect, and not within +/- five percent (5%) of the zero error, the customer shall not be billed for the actual cost of the testing. If the meter is operating without a defect, and within +/- five percent (5%) of the zero error, the customer shall be billed for the actual cost of the testing and other fees as listed in the Fee Schedule, Section 6-10. The types of meter tests are:

a.) Meter Test Flows: Meters shall be tested at the minimum test flow, approximately ten percent (10%) of the maximum test flow, and approximately fifty percent (50%) of the maximum normal flow, or at the maximum flow available at normal system pressure.

b.) Fast Meter Test: When a meter is found to be over-registered ("fast") by more than five percent (5%), the City shall make an adjustment for the period the customer received service through the meter, but no longer than either the date of the error, if known or can be established, or one-half (1/2) of the period since the meter was last tested, or four (4) quarters, whichever is less. The amount of overcharge will be adjusted through a credit to the customer's account. No cash refund shall be given.

c.) Slow Meter Test: When a meter is found to be under-registered ("slow") by more than two percent (2%), the City shall bill the customer for the unbilled error for a period of not more than four (4) quarters, or from the last time the meter was tested, whichever is less.

Section 6-8 Responsibilities

a.) The City shall be responsible for the service, maintenance and repair of the water main and line supplying water from the main to the meter pit assembly.

b.) The City shall provide an appropriate meter, meter pit assembly, with appurtenances and water tap, at the City's total cost, including labor and materials, to the property owner and/or developer of any Consuming Unit. The owner and/or developer shall reimburse the City for such costs plus connection fee prior to connection of water services. A connection fee shall be paid by the property owner, or developer, as specified in the fees section. The meter, meter pit assembly and all valves directly connected to the meter shall remain the property of the City.

c.) The property owner shall own the service lateral between the meter pit assembly and connection to the Consuming Unit. The owner shall be responsible for the repair of all leaks in the Service Line/Service Lateral between the meter pit assembly and the Consuming Unit, dwelling unit or equivalent dwelling unit. Once a leak is discovered, the property owner shall be notified by the City of the condition and an expected remedy. If any leak is not repaired in a sufficient time, as determined by the City Manager, or other agent of the City, the City shall have the right to interrupt the Water Service until the leak is repaired. All construction, repairs, service, and/or replacement of the Service Line/Service Lateral from the meter pit assembly to the construction, repairs, service, and/or replacement of the Service Line/Service Lateral from the meter pit assembly to the Consuming Unit shall be performed by a certified and licensed plumber. The standards of construction are:

1.) Meter capacity and size shall be determined by the City-minimum size is to be five-eighths of an inch ($5/8''$) by three-quarters of an inch ($3/4''$).

2.) Minimum service lateral pipe diameter for a residential unit shall be three-quarters ($3/4''$) of an inch.

3.) Minimum service lateral pipe diameter for a commercial unit shall be one inch ($1''$), unless waived by the City.

4.) Service Lines/Service Laterals shall be constructed using the materials approved in accordance with current engineering practices.

d.) The City shall not be held responsible for any leaks and/or other malfunction, or the results thereof, or for any leaks that occur in a Service Line/Service Lateral. The customer shall be responsible for the cost of all water lost because of a leak that occurs in a Service Line/Service Lateral. In the event of a hardship situation, the City may, in its sole discretion, waive part of the cost of such water lost because of such a leak.

Section 6-9 Prohibitions

a.) Sale of Water. No person shall resell water obtained from the City.

b.) Theft of Water. No person shall open, or cause to be opened or tap any valve or line for the purpose of obtaining water that is not metered and billed. Such action is to be considered theft and shall be prosecuted as a criminal act. An exception to this is the opening of a fire hydrant for the purpose of fire protection, or other purposes by permission of the City.

c.) Tampered Meter, Meter Valve or Street Valve. Any meters, meter valve or street valve tampered with or damaged by any cause, attributed to the property owner or occupant of the Consuming Unit, shall be repaired or replaced at the City's option. The cost of all expense

incurred in such a repair or replacement shall be billed to the owner. If said tampering or damage is determined by the City to be intentional, the action may be prosecuted as a criminal act.

d.) Water Shut Off Valve. At any valve of the water system, other than that directly connected (internal) to the Consuming Unit, no person shall shut the water supply off, or cause the water supply to be shut off without permission from the City Manager or other agent of the City except in an emergency and provided the City is notified as soon as possible.

e.) Obstruction of Meter Pit. It shall be unlawful to cover or otherwise obstruct clear access to a meter pit. Violation of this Section shall be prosecuted as a criminal violation and punishable by a fine not to exceed thirty dollars (\$30.00) plus any costs incurred by the City in clearing the obstruction.

Section 6-10 Fees

a.) Service Termination. If the Water Service is terminated due to an unpaid bill, the owner of the Consuming Unit, or user, shall be assessed a fee of fifty dollars (\$50.00) for reconnection of the service.

b.) Meter, Tap and Service Connection Fees:

1.) The property owner, or developer, shall be responsible for the payment of a fee of not less than one thousand two hundred dollars (\$1,200.00) or the City's total cost for providing an appropriate meter, meter pit assembly, with appurtenances and water tap. This cost is to be paid to the City prior to connection of the water service.

2.) The property owner, or developer, shall be responsible for the cost of the installation of the Service Line/Service Lateral between the meter pit assembly and connection to the Consuming Unit. The connection of a new Service Lateral must be performed by a certified and licensed plumber, whose identity must be made available to the City at the time of application for water service. A separate fee for service connection in the amount of three hundred fifty dollars (\$350.00) shall be paid by the owner or developer, prior to service connection.

3.) The cost of all street repairs necessitated by subsection b 1 or 2 above shall be paid by the owner, or developer, prior to service connection.

c.) Meter Test Fee. A fee of fifty dollars (\$50.00) is required for a meter test. In addition, all associated costs of the test will be the responsibility of the customer, as described in Section 6-7 b 15.

d.) Water Service Rate:

1.) Prior to the end of each fiscal year, the Mayor and Council shall, by Resolution adopt a duly noticed meeting, set and determine Water Service Rates for the next Fiscal Year. In the event Mayor and Council fail to take such action prior to the commencement of the next Fiscal year, the water service rates in effect for the preceding fiscal year shall remain in effect until such time as a change in water service rates is adopted by Resolution of Mayor and Council. Such new Water Service Rates shall become effective at such time as specified in the Resolution. Nothing herein shall prevent the Mayor and Council from changing Water Service Rates more frequently than once per fiscal year.

2.) In the event that the Water Service Rates change, a public hearing shall be held so any person of interest may be heard with reference to the proposed rates. Such a public hearing shall be held as the provisions of Article 5 of the City of Delaware City Charter describe.

3.) Minimum Charge. A minimum charge set by Council will be assessed to all Consuming Units including all those Units not directly connected to the water system.

4.) Deposit. At the City's option, a deposit for Water Service may be required.

5.) Estimated Billing. Legitimate reasons such as weather conditions, staffing or meter maintenance may result in meters not being read. In such an occurrence, there will be an estimated billing consisting of an average of the last four (4) quarters' usage. If the estimate is too high or too low, based on a later reading of the meter, a credit or payment adjustment will be made in the next quarter.

6.) Billing Frequency. At the City's option, individual customers or groups of customers may be billed either monthly or quarterly, whichever is determined by the City manager to be in the best interest of the City.

Section 6-11 Termination/Interruption of Service

a.) If a leak is discovered in a Service Line/Service Lateral, as described in Section 6-8 c, and it is determined by the City manager or other agent of the City that the leak is a sufficient waste of water resource, the service to the affected Consuming Unit will be interrupted. The property owner and/or user shall be notified as soon as possible. Prior notice will be given if practical.

b.) Interruption of Water Service may occur at times of system maintenance, repair or inspection. Unless an emergency repair is being made to the Water Service, all occupants of the

affected Consuming Units shall be notified of any interruption of service by posting or other appropriate means.

c.) The City shall not be held liable for results of any interruptions in, or any failure of the Water Service as a result of making any repairs, extensions, replacements, or inspections of the Water Service, nor of any interruptions due to the failure in the Water System caused by an event which is beyond the City’s control.

d.) Payment for Service:

1.) Bills for all Water Service are due and payable on or before the last day of the month of issue. Failure to pay any Water Service bill within thirty (30) days will cause and require the City to take all reasonable steps, including termination of service to collect such fees. Twenty (20) days notice shall be given before the service termination. Notice shall be by certified mail.

2.) Reconnection Fees. If service is terminated, the owner of the Consuming Unit shall be assessed a fee as defined in Section 6-10 a.

3.) At the discretion of the City, the owner may enter into a payment agreement with the City that specifies a payment schedule.

Section 6-12 Acceptance

All persons accepting Water Service as provided by the City shall be conclusively deemed to have accepted such service subject to all terms and conditions of this Article.

Section 6-13 Rates

BASE CHARGE

5/8” by 3/4” meter	\$39.00/Quarter	\$13.00/Month
1” meter	\$70.00/Quarter	\$23.34/Month
1 1/2” meter	\$120.00/Quarter	\$40.00/Month
2” meter	\$150.00/Quarter	\$50.00/Month
6” meter	\$300.00/Quarter	\$100.00/Month
MINIMUM CHARGE	\$20.00/Quarter	\$6.67/month

QUARTERLY WATER USAGE GALLONAGE

0-15,000 Gallons	\$3.25/1,000 Gallons/Quarter.
15,001-25,000 Gallons	\$3.75/1,000 Gallons/Quarter
25,001-50,000 Gallons	\$4.55/1,000 Gallons/Quarter
Over 50,000 Gallons	\$2.86/1,000 Gallons/Quarter

MONTHLY WATER USAGE GALLONAGE

0-5,000 Gallons	\$3.25/1000 Gallons/Month
5,001-8,500 Gallons	\$3.75/1,000 Gallons/Month
8,500-17,000 Gallons	\$4.55/1,000 Gallons/Month
Over 17,000 Gallons	\$5.50/1,000 Gallons/Month

DISCOUNTS AND SURCHARGES

Qualified Resident Senior Citizen or Disabled	40% Discount
Qualified Resident Institutional Customer	50% Discount
Non-Resident	0
Qualified Wholesale Commercial Customer	Per Agreement ³

Section 6-14 Hold Harmless

The City, its elected officials, employees, contractors and agents shall not be personally liable for any injury and/or damage to any individual and/or property resulting from the operating of the City Water System and the City hereby indemnifies and holds harmless each and every such individual from any loss, cost or expenses incurred by such individual in his or her capacity as a representative of the City.

Section 6-15 Notice for Termination of Water Service

Water service to any structure or dwelling in Delaware City shall not be terminated unless the person residing at such structure or dwelling is notified in writing at least twenty (20) days before the specified date of termination that unless the delinquent water bill is paid by the specified date of termination, the water service will be discontinued. Delinquent water bill is defined as one in which the amount is due from the previous quarterly billing date, or earlier.

Section 6-16 Qualified Wholesale Commercial Customer

a.) Definition. A “Qualified Wholesale Commercial Customer” is any water customer consuming more than 25,000 gallons per month or 75,000 gallons per quarter having entered into an Agreement with the Cit prior to such usage.

b.) Agreement Required. No Qualified Wholesale Commercial Customer shall be eligible for a wholesale or discounted water rate without first having received the approval of the City for such usage by written agreement. Mayor & Council shall review all such agreements

on a case by case basis and may grant approval via Council resolution if it is deemed in the best interest of the City. Any approved agreement with a Qualified Wholesale Commercial Customer shall have a definite term and shall charge a rate of not less than \$2.50 per thousand gallons of usage. Such agreements shall also contain provisions relating to capital cost recovery, impact (connection) fees, service restrictions, usage limitations and such other terms as the City Manager may deem advisable. Notwithstanding the terms of Section 6-7(b)(1), an Agreement with a Qualified Wholesale Commercial Customer may provide that the City is not the sole source of all potable water delivered to the Consuming Unit.

³ Sections 6-13 (amended) and Section 6-16 (adopted) by Ordinance 06-0717-01 (adopted 8-21-06)

Article III Tenants Jointly Responsible for Water Service Charges and Fees

Section 6-17 Joint and Several Liability

All tenants and occupants of any residential rental units, including rented houses, townhouses, condominiums, apartments and rented trailer park lots, located in the City of Delaware City (hereinafter “Rental Units”) that are separately metered for public water consumption shall be jointly and severally liable with the record title holder of such rental unit or trailer park lot to the City of Delaware City for the payment of all fees, charges, fines, damages, assessments or impositions of any nature whatsoever imposed by the Code of the City of Delaware City relating in any way to the delivery and consumption of public water to such Rental unit (hereinafter “Water Charges”) during the term of such tenant or occupant’s lease term. The Mayor and Council may establish reasonable rules and regulations to further effectuate this Section.

Section 6-18 Registration

The City Manager may, as a precondition to the delivery, or continued delivery, of public water service to any Rental Unit, require that the tenant or occupant of such Rental Unit register with the City of Delaware City by executing a Water Service Registration Agreement approved by the City Manager prior to the commencement of such tenancy. Such Water Service Registration Agreement shall identify the Rental Unit in question, the names of the tenants or occupants of the Rental Unit and shall state, *inter alia*, that the tenant or occupant acknowledges that he is jointly and severally liable with the rental unit owner for all Water Charges during the term of the tenant’s or occupant’s occupancy of the Rental Unit.

Section 6-19 Deposit

The City Manager may, as a precondition to the delivery, or continued delivery, of public water service to any Rental Unit, require that a tenant or occupant of a Rental Unit pay to the City of Delaware City a deposit of up to two hundred dollars (\$200.00) which sum shall be held by the City of Delaware City without interest as security for the payment of all sums due hereunder by the tenant or occupant of the Rental Unit relating to the delivery of public water service to such Rental Unit during the term of such tenant’s or occupant’s occupancy of the Rental Unit.

Section 6-20 Owner's Responsibility

All owners and landlords of Rental Units in the City of Delaware City that are separately metered for public water consumption shall be responsible for advising any prospective tenant or occupant of a Rental Unit prior to commencement of occupancy that they are jointly and severally liable for all Water Charges and that they must Register with the City of Delaware City as a precondition to the delivery, or continued delivery, of public water service to any Rental Unit.

Section 6-21 Fine

Whosoever shall violate any of the provisions of this Section or otherwise violate any of the Rules and Regulations adopted by the Mayor and Council pursuant to this Section shall be guilty of a violation punishable by a fine of one hundred dollars (\$100.00) for each occurrence.

Sections 6-22 to 6-25 Reserved

Article IV Finance and Other Charges for Municipal Services

Section 6-26 Finance Charge

Whenever a debt to the City of Delaware City is still outstanding beyond the time set for payment, a finance charge of one and one half percent (1½ %) per month or fraction thereof on the unpaid balance shall accrue and be payable until the balance is reduced to zero.

Section 6-27 Charge for Warnings and Notices

Whenever it becomes necessary for warning and other notices to be sent to the debtor, a charge of five dollars (\$5.00) for each notice shall be made and added to the outstanding bill.

Section 6-28 Charge for Termination of Service

If it becomes necessary to terminate a (water) service for non-payment, a fee of fifty dollars (\$50.00) shall be charged and will be collected prior to the resumption of (water) service.

Section 6-29 Return Check Policy

Payments made by personal check to the City of Delaware City that are not honored by the bank will incur a return check fee of Thirty Dollars (\$30.00). The payment will be reversed from the appropriate account when a check is returned by the bank which could result in additional fees being added to the account.

- a.) A collection letter will be sent to the account holder notifying them of the returned item and outlining the consequences of not honoring the item within ten (10) business days.
- b.) Returned check reimbursement payments must be in the form of cash, cashier's check, certified funds or money order, no personal checks will be accepted.
- c.) The City of Delaware City will no longer accept a personal check as payment from a customer with two (2) returned items on their account. After receiving two (2) returned items, all payments made to the City of Delaware City must be in the form of cash, cashier's check, certified funds or money order.⁴

Sections 6-30 to 6-35 Reserved

⁴ Section 6-29 Created by Ordinance 12-0917-01 and Adopted on 10-15-12