

ORDINANCE NO. 2023-_____

**AN ORDINANCE TO AMEND WATER RULES REGARDING
TAMPERING AND RECONNECTION FEES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE
GROVE, ARKANSAS, THAT:**

Section One: Title. This Ordinance shall be known as the Water Meter
Tampering Ordinance.

Section Two: Section 10.04.03 Amended. Section 10.04.03 of the Prairie Grove
Municipal Code shall be amended to read as follows:

10.04.03. Meters.

Meters will be furnished, installed, owned, inspected, tested and kept in proper operating condition by the city, without cost to the customer, at each water connection to the city's waterworks system. The meter boxes and all meters, valves, piping and appurtenances, upstream of the meter within the meter box are the sole property of the city and only the city or its agents are permitted to make any modifications or adjustments to such equipment without written approval of the public works director or their supervisor. A complete record of tests and histories of meters will be kept. Meter tests will be made according to methods of the American Waterworks Association by the city as often as deemed necessary.

- A. *Meter accuracy.* Service meters whose errors do not exceed two percent fast or slow shall be considered as being within the allowable limits of accuracy for billing purposes. The percentage of error will be considered as that arrived at by taking the average of the error at full load and that at ten percent load, unless a consumer's rate of usage is known to be practically constant in which case the error at such constant use will be used.
- B. *Meter location.* Meters shall be set in an accessible place on the outside of buildings except where otherwise directed by the city. All meters shall be set horizontally and never connected into a vertical pipe. Meters set outside of a building shall be placed in a meter box furnished and installed by the city.
- C. *Requested meter tests.* Meter tests requested by consumers will be performed without cost to the consumer if the meter is found to be in excess of two percent fast. Otherwise, the consumer for whom the requested test was made will be charged for cost of making the test.
- D. *Consumer's responsibility.* The consumer shall be responsible for any damage to the meter installed for his service, other than normal wear and tear.
- E. *Change of occupancy.* It shall be the consumer's responsibility to anticipate changes of occupancy and to notify the city of such changes, otherwise, the original holder shall be responsible for payment of service. Any balance for a customer on a meter deposit will be refunded.

- F. *Tampering.* "Tampering" shall mean the intentional act by any person to adjust, modify, turn on or off, or otherwise alter any water meter or other city-owned equipment attached to the city's water works system. Any customer found to have tampered with a water meter or other city-owned water works equipment within a meter box shall be required to pay a tampering fee of \$100.00 prior to having water service restored. This fee shall be in addition to any fines, court costs or other sanctions that may be imposed under A.C.A. §5-36-104.

Section Three: Section 10.12.01 Amended. Section 10.12.01 (G) of the

Prairie Grove Municipal Code shall be amended to read as follows:

- G. *Payments due.* All bills for water, sewer, or trash shall be sent out during the last week of every month. A date for penalty assessment shall be determined and listed on the customer's bill, and said date shall be no sooner than 14 days after the billing date. Following that established date, a penalty of ten percent of the amount of the bill shall be applied to all charges listed.

If the amount continues to remain unpaid by the 18th day of the month or after following the billing date, a notice shall be delivered to the customer with a date and time for the discontinuance of service due to non-payment. A \$5.00 penalty fee will be imposed for the delivery of shut-off notices. Service to the customer will be terminated no less than 48 hours after the issuance of the turn-off notice.

After the date and time on the discontinuance of service notice, the total amount owed on the account shall be paid in full, as well as a fee for the resumption of service. Said fee shall be \$40.00 during regular business hours and \$80.00 on weekends, holidays and after regular business hours.

Section Four: Effective Date. This Ordinance shall become effective 60 days following its posting unless an Emergency Clause is affixed.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid

shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 27th day of February 2023.

David Faulk, Mayor

(Attest)

Christine Kelly, Clerk

10.04.03. Meters.

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10.12.01. Water and sewer service rates

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~~Once service is disconnected~~ After the date and time on the discontinuance of service notice, the total amount owed on the account shall be paid in full, as well as a fee for the ~~reconnection~~ resumption of service. Said fee shall be \$40.00 during regular business hours and \$80.00 on weekends, holidays and after regular business hours.