

2. WATER SERVICE RULES AND REGULATIONS

A. DEFINITIONS

The following definitions apply to all sections of the rules and regulations of the Department of Water unless the context clearly indicates otherwise.

- 1) Abandoned Account means an account that has been deserted by the customer. The account may be delinquent with the owner being non-responsive to the City's efforts to remove the water meter, or the customer may have demolished the premises creating a vacant property with no need for service.
- 2) "Appeal" means a written request for review of a water or wastewater service charge directed to the Board of Water and Sewer Charge Review or, if appropriate under these rules, to the Board of Water and Sewer Charge Appeals.
- 3) "Board of Water and Sewer Charge Review" ("BWSCR") means the group authorized to review customer billings being contested by the customer. The board consists of the Director of Finance or a designee, the City Attorney or a designee, and the Director of Water or a designee.
- 4) "Backflow" means the flow of water or other liquids, mixtures or substances into the distributing pipes of the water supply from any source other than the intended source of the water supply.
- 5) "Backflow Prevention Device or Backflow Prevention Assembly" means testable mechanical apparatus complete with resilient seated shut off valves used to prevent backflow.
- 6) "Bad Piping" means water piping before or after the meter that, in the sole discretion of the Department of Water, is deemed beyond repair or to have adverse corrosive properties.
- 7) "Best Management Practice" (BMP) means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 8) "City" means the City of Dayton, Ohio.

- 9) “Cross Connection” means any connection or condition allowing actual or potential reversal of flow in a service and/or contamination of the potable plumbing systems.
- 10) “Curb Box” means the housing that extends from the ground surface to the curb stop which is used to allow access to the curb stop.
- 11) “Curb Stop” means a shut off valve on the water service for control of flow to the Customer’s premises. It is normally located between the curb and property line.
- 12) “Curb Stop Termination” means securing the curb box to prevent the operation of the curb stop. The box may be secured with rocks, concrete, or a mechanical locking device.
- 13) “Customer” means:
 - a) Within the City, the Customer is the property owner. The property owner’s responsibilities under these rules cannot be transferred, assigned or otherwise diminished. The property owner shall be financially responsible for all charges and fees regardless of whether the property owner consumes or uses the water; or
 - b) Outside City limits (being served through and intergovernmental contractual agreement), the government agency having a contractual relationship with the City to provide water service within a service area. This governmental agency has all financial responsibilities associated with individual services within their jurisdiction regardless of who actually uses or consumes the water; or,
 - c) Outside City limits (being served from a City owned water main as Customer billed directly by the City), the Customer is the property owner as described in Section A.
- 14) “Dead Meter” means a water meter that fails to register consumption due to either mechanical malfunctions or an obstruction.
- 15) “Director” means the Director of the City of Dayton Department of Water, or his or her duly authorized representative.
- 16) “Estimated Read” means any meter value entered into the Revenue billing system that does not represent an actual read by authorized City personnel. The estimated read shall be calculated using either the historic consumption pattern or the customer’s provided meter reading.
- 17) “Excavator” means any person licensed and bonded by the City to perform excavation work.

- 18) “Frozen Meter” means a water meter that is frozen and subsequently damaged due to cold weather.
- 19) “Impervious Surface Area” means land area covered by buildings, pavement or other material that prevents storm water from penetrating the ground.
- 20) “Lateral” means pipe connecting the Customer’s facilities to either the wastewater sewer main or the municipal separate storm sewer system.
- 21) “Lost Meter Accounts” means an abandoned account where the meter is inaccessible because it is within a locked or destroyed building. The cost of the meter is then charged to the account and ongoing charges to the account are discontinued. If at a later date the meter becomes accessible, the customer will be responsible for the cost of any water consumed through the meter.
- 22) “Main Extension” means the construction of additional public water main or sewers to serve Customer’s facilities. Construction normally occurs in the public right-of-way or easements.
- 23) “Manifold Meter” means multiple water meters installed on one service to serve one or more users.
- 24) “Meter Pit” means the vault in which a water meter is contained.
- 25) “Meter Read” means the registration of a water meter as read by authorized City personnel.
- 26) “Meter Tampering” means physically altering the meter or the unauthorized removal and/or reinstallation of the water meter.
- 27) “Municipal Separate Storm Sewer System (“MS4”) means all conveyances and control structures including, but not limited to, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, dry-wells, infiltration devices or storm drains owned and operated by the City which are designed or used for collecting, controlling or conveying storm water but shall not include any part of any airport owned or operated by the City.
- 28) “Plumber” means a master plumber licensed and bonded by the City to perform plumbing or service work.

- 29) "Private Drainage Facilities" means any stormwater conveyance system including, but not limited to, detention/retention basins, ditches, swales, storm sewers and private laterals that are not owned and operated by the City.
- 30) "Publicly Owned Treatment Works ("POTW") means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes all devices, facilities or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that convey wastewater to a treatment plant.
- 31) "Residential Customer" means a customer with one (1) to four (4) housing units served by a single account.
- 32) "Shut Off" means the closing of the control valve on a water service through which all water must flow to the premises.
- 33) "Street Valve" means a shut off valve on larger services normally located near the water main.
- 34) "Tap" means connection to the water main allowing water to be passed into the Customer's service.
- 35) "User" means the individual(s) or business (es) occupying a premises and consuming or expending the water passing through the meter.
- 36) "Wastewater Sewer or Sanitary Sewer" means the structures, processes, equipment, piping and arrangements used to collect and transport wastewaters to the treatment facility.
- 37) "Water Distribution System" means the network of water mains and related appurtenances.
- 38) "Water Main" means a large pipe used to convey water through the distribution system to numerous Customers.
- 39) "Water Service" means a pipe used to convey water to the Customer's premises from a water main.
- 40) "Water Theft" means using City water without the consent of the Department of Water.

B. WATER DISTRIBUTION SYSTEM – GENERAL

- 1) No person shall deny to a City employee, presenting proper identification, access to a Customer's premises or any premises served by the City water distribution system for the purpose of determining where and how water is used, inspecting pipes, conducting a backflow or water quality investigation, maintaining and reading the water meter or any other reasonable purpose related to water consumption or water delivery. Denial of access is justification for shutting off the water service.
- 2) The Department of Water maintains all public water mains in dedicated streets and easements. Water may be shut off for system maintenance; however, the City shall not be liable for any accidents or damages resulting from such a shut off.
- 3) Whenever customer owned equipment is subject to damage in the event of an interruption to their water supply, that customer shall provide sufficient reserve water and other necessary equipment to prevent damage or malfunction during a shut off, regardless of whether prior notice of the shut off is given.
- 4) The Department of Water operates all valves on the water distribution system. No person, other than employees of the Department of Water, shall operate curb stops, street valves, meter bypass valves or fire hydrants without authorization. Persons violating this regulation will be assessed a *Fee for Unauthorized Use* as established by ordinance. Personnel in the Finance Department may operate curb stops. Fire hydrants and branch valves may be operated by members of the Department of Fire or Street Maintenance personnel in the performance of their duties.
- 5) All water services, meters, backflow prevention assemblies, and sewer laterals shall be installed in accordance with the latest "Standards for Taps, Services, Meters and Backflow Prevention" as published by the Dayton Water Department.

C. MAIN EXTENSIONS AND SERVICE CONNECTIONS

- 1) No person shall extend or tap a water main prior to receiving written approval for such tap or extension from the Department of Water, Division of Water Engineering.
- 2) No person, other than authorized Department of Water personnel, or governmental agencies having contracts with the City, shall tap an available water main without the written authorization of the Department

of Water. A Customer proposing to have a tap made in an available water main and the service extended to the Customer's property line shall employ only plumbers and excavators licensed and bonded by the City. Before making a tap in any water main, a contractor shall contact the City Department of Water and obtain written approval of the tapping procedures and authorization to make the tap.

A water main is available to tap for water service if the water main extends over the entire frontage of the property served and the water main is less than twenty (20) inches in diameter. No other water main shall be considered available for tapping for water service without the written authorization of the Department of Water. The Department of Water, Division of Water Engineering may, at its sole discretion, make exceptions for circumstances such as cul-de-sacs and mains twenty (20) inches in diameter or greater.

Plumbers and excavators shall comply with Section 6 of these Rules and Regulations. The City may, at its sole discretion, require that portions of service installations be performed by the Department of Water. All costs of making these installations shall be billed to the appropriate plumber or excavator at current prices as determined by the Director of Water. Costs billed by the Department of Water are updated periodically and are based on current cost of labor, material and equipment plus reasonable overhead. No person shall begin any service work without obtaining all plan approvals, permits, and the payment of required fees and costs.

- 3) The minimum size for new water mains shall be eight (8) inches in diameter. The Director may approve an exception to this minimum for replacement of private lines in public right-of-ways.
- 4) If the water main is constructed by the City, the person upon whose behalf the main is constructed shall pay the City the actual construction cost per lineal foot for each foot of land served abutting upon the water main, or for each premises actually served at the time of construction, as provided by individual agreement.

Where such extensions within the City are required to be larger than eight (8) inches in diameter, the City may participate in the cost of certain materials such as pipe, valves and fittings. The City's participation shall not exceed the difference between the material cost for an eight (8) inch diameter main and the larger main installation. The material cost shall be determined by using current material item prices maintained by the Department of Water.

- 5) If a large transmission main is constructed through an unserved area at the expense of the Water Fund, the main shall not be available for service to adjacent properties until reimbursement is made to the Water Fund. The amount of reimbursement shall be equivalent to the full construction cost of an eight (8) inch diameter main extension.

D. SERVICE AND PLUMBING MAINTENANCE

- 1) No person, other than authorized city personnel, shall operate a street valve. Licensed plumbers may secure authorization for the operation of curb stops two (2) inches or smaller in diameter through the Department of Water. Any person who, without authority, operates a curb stop shall be assessed a *Fee for Unauthorized Use*. Unauthorized operation of a curb stop may cause the Department of Water to sever service. Water service shall not be restored until all outstanding charges are paid.
- 2) Water services that are within City limits, from the water main to the curb stop, property line or easement line as determined by the Department of Water, shall be maintained by the Department of Water. The Department of Water may also maintain the curb stop.
- 3) The Customer shall maintain the curb box and the meter pit so as to keep them accessible, undamaged and free of debris and at finished grade. The Department of Water may perform minor adjustments on the curb box if needed.

The Department of Water shall not be liable for accidents or damages resulting from boxes being above or below grade. Curb boxes made inaccessible by Customer or user neglect or abuse shall be repaired by the Department of Water and the cost charged to the Customer's bill. The *Customer Service Fee*, as established in a separate ordinance or actual cost, whichever is greater, shall be assessed.

- 4) Maintenance of the service and plumbing on the Customer's property or on the Customer's side of the curb stop shall be the Customer's responsibility. Leakage between the curb stop or property line or easement line and the meter on premises shall be promptly repaired. The Customer shall be notified in writing to repair the leak and said notice shall include a thirty (30) day shut off date for noncompliance. For severe leaks, the Director of the Water Department may establish a compliance period of less than thirty (30) days.

- 5) In the case of an emergency when a plumber is unavailable, the Department of Water may shut off the curb stop. The City shall not be held liable for any damages resulting from operation of the curb stop. The *Customer Service Fee* shall be charged to the Customer for routine operation of curb stops by City personnel either for Customer or user convenience or noncompliance.

In the event of non-payment of the utility bill, lack of an annual meter reading and/or a defective meter or upon the resumption of service, the Finance Department may operate the curb stop. The City shall not be liable for damage or injury to person or property resulting from operation of the curb stop.

- 6) Low pressure problems are normally caused by faulty on-premises plumbing or corroded service piping on the Customer's side of the curb stop. Low pressure investigations on the Customer's premises may be requested of the Department of Water. However, should the check by the Department indicate the problem to be on the Customer's side of the curb stop or on private property, the *Customer Service Fee* shall be charged.

E. WATER METERS AND SERVICE

- 1) New meter installations and changes in meter size require a permit from the One Stop Center, Department of Building Services. Customers must complete a proper application consisting of the owner's name and address, the billing name and address if different from the owner, meter size, lot number, and phone number. Customers must call Water Distribution to have the meter set when plumbing work is approved. Additionally, Customers must obtain a permit from the City's One Stop Center for new services and meter size changes.
- 2) Customers must contact the Finance Department to resume an existing service. A *Resumed Service Fee* shall be charged for a resumed service when the service is shutoff but the water meter was not removed. This is in addition to any other *Customer Service Fee* that may be applicable.
- 3) The Finance Department may require a deposit of up to two quarters average usage or Two Hundred Fifty Dollars (\$250), whichever is greater and may require the provision of personal information such as social security numbers and the completion of a liability service contract to establish, continue or resume service.
- 4) The Department of Water may refuse or shut off water service to any property declared a public nuisance or which otherwise is unfit for human occupancy or which may jeopardize the safety of the water supply or water system. If rehabilitation work is under way pursuant to a special

ninety (90) day rehabilitation permit, the Customer or user may apply for water service. If service is restored, the Department of Water may impose terms and conditions for the renewal of service.

- 5) *Meter Set Fees* are established in a separate ordinance.
- 4) Upon installation of a service, no Customer shall use water before the service piping is inspected and approved by the Department of Water and the correct address is posted on the property. Meters shall be set only in accessible locations approved by the Department of Water. No person, other than an authorized Department of Water representative shall install, disconnect, or remove from service any water meter. All water meters are the property of the Department of Water. Customer shall be charged the replacement cost for any meters improperly removed, damaged or otherwise not recoverable.

Customers tampering with the meter shall be charged the cost of meter repair or replacement in addition to the *Fee for Unauthorized Use*.

- 5) Customers shall protect meters from theft, damage and freezing. The Customer shall:
 - a) keep meters accessible for reading and maintenance;
 - b) ensure that meter pits remain in good repair;
 - c) ensure that meter pits are free from ground water, debris, hazards, and physical obstructions; and,
 - d) ensure that all lids are in place and operable and that the tops of the meter pits are at finished grade.

When meters are damaged, frozen or lost the customer shall be charged the meter set fee plus the cost of a new meter. Customers are cautioned that in very cold weather, services, meters and plumbing may freeze even though installed in accordance with accepted practice. Additional protection from freezing may be necessary, such as the use of insulation, running water, heat tape and heat lamps.

- 6) The City shall perform an actual read on each meter at least once every twelve (12) months. Meters not read every twelve (12) months or those in hazardous or filthy locations are deemed inaccessible. Owner reads are not actual reads but are estimated reads. The owner of the premises is responsible for an inaccessible meter and all fees that result from an inaccessible meter.

In order to maintain an efficient and equitable delivery of service, the Finance Department may provide two (2) special readings per consecutive twelve (12) month period per service location. After two (2) special readings in a twelve (12) month period, the Finance Department may

assess a *Special Meter Read Fee* for any additional, requested special readings.

If a Customer or user fails or refuses to allow access to the meter for a special read, the *Special Meter Read Fee* shall be assessed. An authorized supervisor shall determine if a meter is inaccessible. The determination is final. The Department of Water or the Finance Department shall notify the Customer that the meter is inaccessible. The Customer shall correct the inaccessible condition within thirty (30) days following the mailing of the notice. Corrective action may include, but is not limited to, the installation of an outside meter box. The Department of Water or the Finance Department may discontinue service to any Customer who fails to correct an inaccessible condition within thirty (30) days of the mailing of notice.

- 7) The City may install the meter with a digitally encoded register equipped with a transmitter in accordance with the City's automatic meter reading (AMR) program. In all cases, the City shall be responsible for the cost of the initial installation. The City is the owner of the AMR transmitter it installs and may at any time remove the transmitter if it should fail to accurately record meter readings. If the transmitter malfunctions, usage on the register at the meter determines the actual use. If the AMR transmitter is damaged by the customer, the customer shall be charged the cost to repair and or replace the equipment. The installation of a transmitter does not eliminate the possibility of a future need to enter the premises to read, repair, seal or replace the meter. For water service requested to be shut-off, the City at its option, may leave the AMR meter in place but shut-off service to the meter at the curb stop.
- 8) The Department of Water meters are accurate within two percent (2%), or within the allowable tolerances established in the current American Water Works Association ("AWWA") Standards, whichever is more stringent. The Customer or user may request a meter test at any time. However, should the test confirm accuracy within the allowable tolerance, the *Meter Test Fees* will be assessed on the Customer's next water bill.

If the meter is inaccurate, the water bill for the previous billing cycle shall be adjusted to the allowable percent limit and no charge for the test shall be assessed.

Each retest of the same meter requested by the Customer or user shall result in a *Customer Service Fee*.

- 9) The Department of Water shall perform all meter maintenance and may repair or replace any meters. The Department of Water may require the Customer to upgrade the meter spread and adjacent piping to meet current

meter standards. The Department of Water shall notify the Customer in writing if piping adjacent to the meter is bad piping and must be replaced. The Department of Water may shut-off the water service if the Customer fails to repair or replace bad piping within sixty (60) days of the mailing of notice.

- 10) The meter bypass valve and piping shall be utilized solely by authorized Department of Water personnel. Unauthorized use of a meter bypass valve or piping constitutes water theft. The Customer will be charged for the estimated consumption and the *Fee for Unauthorized Use* shall be assessed.
- 11) The Department of Water may remove, replace or install any water meter apparatus necessary to maintain an efficient metering and billing program. Water may be shut off to perform meter maintenance or removal; however, the City shall not be liable for any accidents or damages resulting from such a shut off.

The City may shut off the service to the property if a Customer or user refuses or fails to allow the removal, replacement or installation of a meter.

- 12) No person shall install manifold or multiple meters served from the same service without prior approval by the Director of the Department of Water. In approved manifold or multiple meter locations, the Customer is responsible for each water bill. Service to manifold or multiple meters may be shut off if:
 - a) one or more metered accounts is delinquent;
 - b) individual lock stops are not available or are inaccessible; or
 - c) lockstops are operated without Water Department authorization.

In existing manifold or multiple meter situations, the Division of Water Engineering or the Finance Department may:

- a) require the billing for all meters involved be placed under the property owner's name only and that the property owner would be billed for all usage;
 - b) require that individual lockstep be installed for each meter at the owner's expense;
 - c) remove the manifold and multiple meters and install one meter at the premises at the owner's expense; or
 - d) any combination of these remedies.
- 13) If approved by the Director of the Department of Water, the Customer may use a private meter for the sole purpose of billing. The Customer

shall submit a special billing request to the Director for consideration. The Customer shall be charged the *Special Meter Read Fee* if a private meter is read for special billing.

Customers using a private meter for special billing purposes shall be responsible for maintenance and expenses. The Customer shall perform any service on a private meter that the Department of Water deems necessary or appropriate. The Customer may request the Department of Water to service the meter with the cost charged to the Customer.

The Department of Water may sell meters for private use if deemed in the best interest of the Department. The sale price for a used meter is its depreciated value plus handling costs. The sale price for a new meter is its replacement and handling costs.

- 14) The use of unmetered water for construction purposes is prohibited. Water will be provided upon inspection and approval of the water meter set piping including backflow protection measures. The cost for the water used will be billed at normal rates.

F. FIRELINES AND PRIVATE FIRE HYDRANTS

- 1) Customers shall submit plans and obtain approval from the City before installing a fireline service. Upon approval, the Customer shall contract with a plumber or pipe laying contractor/excavator licensed by the City and also licensed by the State Fire Marshall for underground fire main. The fireline service shall be installed in accordance with the latest edition of the “Standards for Taps, Services, Meters and Backflow Prevention” and Section 6 of the Rules and Regulations and National Fire Prevention Association (“NFPA”) Standard #24.
- 2) A Customer with an unmetered fire service is liable for *Fireline Service Fee* as established in a separate ordinance.
- 3) Upon approval of the meter design by the Department of Water, a fireline meter may be installed at the Customer’s expense. The Customer is liable for all water consumed through the fireline plus the *Special Meter Read Fee* each time the meter is read. Fireline meters are private meters and the Customer shall maintain the meter in proper operating condition as determined by the Department of Water. The City may repair private meters and the Customer is liable for the cost of these repairs. If the Customer fails to comply with a request to repair or replace said meter the Customer is liable for the *Fire Line Service Fees* based on the size of the fireline. The Customer shall maintain the meter in proper operating condition as determined by the Department of Water.

- 4) A meter utilized for both fireline and domestic purposes, of a design approved by the Department of Water, may be installed at the Customer's expense. The charges will be in accordance with Sections 2 (L) and 2(M) of these rules. The meter shall be maintained as agreed upon by the Department of Water and the Customer prior to plan approval.
- 5) Upon detection, the Customer shall immediately repair leaks in unmetered fireline services. The Department of Water may shut off fireline service if the Customer fails to repair a leak. The Department of Water is not responsible for any damages resulting from any such action. The Director of Water may require any fireline service to be metered at the Customer's expense.
- 6) The contractor shall be charged the *Fire Hydrant Flow Test Fee*, as established in a separate ordinance, when performing a fire flow test of the City water distribution system for building sprinkler design systems. The Contractor must obtain a permit to perform the fire flow test. Department of Water personnel shall operate the hydrants for these tests. The contractor will provide the necessary gauges and take readings during the flow tests.
- 7) No person shall use an unmetered private fire hydrant other than personnel authorized by the Department of Water. Any person misusing a private fireline or private hydrant shall be assessed the *Fee for Unauthorized Use*.

In addition to the basic *Fee for Unauthorized Use*, the Customer shall be liable for the cost of water consumed via misuse of a private fireline or private fire hydrant. That cost shall be charged to the Customer in accordance with Section 2(K) of these rules.
- 8) Fireline booster pumps shall be installed in accordance with current NFPA standards. The Department of Water reserves the right to require a water meter installed at the owner's expense, on any pressure maintenance (jockey or make-up) pumps.

G. PUBLIC FIRE HYDRANT USE

- 1) No person shall operate a fire hydrant without a permit, except authorized personnel of the Dayton Departments of Fire or Water. Any unauthorized use will result in the assessment of the *Fee for Unauthorized Use*.

Water may be drawn from fire hydrants for permitted uses by obtaining proper permits from the Department of Water, Division of Water Engineering. Customer charges for the use of a fire hydrant shall be established in a separate ordinance for *Fire Hydrant Flow Tests* and *Swimming Pool Filling*.

- 2) The Customer may apply for a permit for the use of a meter on the fire hydrant. A *Fire Hydrant Meter Minimum Fee* shall be charged for use of the meter and inspection of the fire hydrant. A deposit is required as deemed appropriate by the Department of Water and the Customer shall pay for all water consumed at the regular rates. The Customer is responsible for loss or damage to the meter, hydrant and related fittings. A ten percent (10%) surcharge will be assessed for fire hydrant use outside of the City.

No person shall move a fire hydrant meter to another hydrant without the approval of the Department of Water. When approval is obtained to move the meter, a *Fire Hydrant Meter Relocation Fee* will be assessed for each hydrant used. A fire hydrant meter permit may be revoked at any time at the discretion of the Department of Water. In addition to the preceding fees, the Department of Water may collect an equipment deposit.

- 3) Special conditions and fees for use of a fire hydrant shall be evaluated by the Director of the Department of Water on an individual basis and shall be included as part of each permit. Application for said use is to be made to the Department of Water, Division of Water Engineering.

H. BOOSTER PUMPS

- 1) Each domestic, fire or other pump connected to the City distribution system shall be equipped with a low suction cut-off device that will turn the pump off if the suction pressure should drop to below ten (10) Pounds-Force per Square Inch Gauge (“P.S.I.G.”). The device shall be designed to restore the operation of the pump automatically when suction pressure has been restored.
- 2) Each building owner shall annually certify that its low suction cut-off device is operating properly and provide test results satisfactory to the Department of Water.

I. BACKFLOW PREVENTION AND CROSS CONNECTION CONTROL

- 1) As a condition for water service, the Customer shall protect the City water distribution system from backflow. All new services connected to the City water distribution system shall conform to the current *Standards for Taps, Services, Meters, and Backflow Prevention of the Department of Water*. All plumbing installed after the meter shall conform to the State of Ohio Plumbing Code as described in Ohio Administrative Code (O.A.C.) Chapter 4101.3-6. Firelines shall conform to the current NFPA Standards and as required by the Department of Water.

In addition to the above, all cross connections to auxiliary potable or non-potable or hazardous water systems as outlined in O.A.C. Chapter 3745-95-04, or latest revision thereof, are prohibited unless approved by the Ohio Environmental Protection Agency. Residential auxiliary water supplies are not permitted to be interconnected with the public water supply. When auxiliary supplies are present and not connected to the potable system, the public system shall be protected by the Customer from backflow by a method approved by the Department of Water. Temporary connections to the City water distribution system, including, but not limited to, water haulers, lawn care, pest control and contractors, shall be protected against backflow by means of an air gap or other means approved by the Department of Water.

- 2) The Department of Water may require a backflow prevention assembly at the meter or fireline service entrance for any existing service. If in the judgment of the Director, the Customer's premises and/or service are deemed an actual or potential hazard to the safety of the water distribution system, such Customer or user, at their expense, shall be ordered to protect the service from backflow in an approved manner. If the hazard is deemed to be of a serious nature or the Customer or user refuses to cooperate with the Department of Water or the Department of Building Services, Division of Building Inspections, the service shall be shut off immediately and remain off until the Customer's premises are in compliance.

If a private fire suppression system is modified in an existing structure so much as to require another tap from a public water main, then at that time the Department of Water may require that all existing fire services to that building be brought up to current standards for Taps, Services, Meters and Backflow Prevention.

- 3) An approved certified tester shall test backflow prevention assemblies at the expense of the Customer at the time of installation and at least once every twelve (12) months. The Customer or user shall rebuild any backflow prevention assembly that fails to pass a test. If the backflow prevention assembly is located on a fireline, then the certified tester must also be a certified sprinkler contractor. The Department of Water shall notify the Customer when a certification test is required for a backflow assembly on the Customer's premises. The Customer shall complete such test on or before the scheduled due date.

If the Customer does not submit proof that the backflow prevention assembly has been tested within sixty (60) days of the due date, the Customer will be charged on the next water bill the *Backflow Recertification Late Fee* as established by a separate ordinance for each untested assembly. If the backflow prevention assembly is not tested within the next thirty (30) days and certified operational, the service will

be shut off and service shall not resume until the assembly is successfully tested.

J. BILLING AND DELINQUENT ACCOUNTS

- 1) After reading the meter or estimating consumption, a statement of charges due shall be sent to the Customer on file and tenant where applicable. All bills shall contain gross and net amounts and may contain the late fee and shut-off date. Net amounts are gross less a five percent (5%) discount on water and sewer charges payable within fourteen (14) days. The five percent (5%) discount is offered as an incentive for prompt payment. However, governmental agencies under separate agreements shall make payments to the City as per the terms and conditions of said agreements. If the bill is not paid by the date the gross amount is due, past due notices may be mailed.
- 2) Should a bill remain unpaid for twenty eight (28) days after the net payment date the account shall be considered delinquent and processed as follows:
 - a) a 1 ½% late fee may be assessed on the bill.
 - b) a seven (7) day shut off notice may be mailed to the property where the water was consumed and a duplicate copy thereof shall be mailed to the billing address and to the Customer; and
 - c) the water service may be shut off as soon as practical and not turned on again until all bills and charges are paid, except as otherwise provided herein.

The Director of Finance may set a minimum value of delinquency for shut off. In a manifold metered situation, the City may shut off all units for the delinquency of one (1) or more units within this limited shut off situation.

- 3) If all charges are not paid within fourteen (14) days from the schedule shut off date, the meter may be removed at the discretion of the City. One attempt may be made to remove the meter during the next fourteen (14) day period. If the meter has not been removed at the end of the second fourteen (14) day period, the account may be considered abandoned.

All abandoned accounts that are not resumed within sixty (60) days from the gross payment date may be considered lost meter accounts and charged to the Customer or user for all amounts due. In the event a Customer transfers or abandons a service, all charges are due immediately. The Customer may be held accountable for any consumption registered on an abandoned account water meter and billed accordingly.

- 4) Any owner of real estate premises installing or maintaining water service connections agrees to comply with all rules and regulations of the Department of Water, including liability for all water, sewer and storm water charges, whether the accounts are carried in the owner's name or in a tenant's name or the name of some other person(s). The Finance Department may transfer delinquent charges on an account to another active service location owned by the same Customer who incurred charges and failed to pay. The Director of Finance may certify all delinquent charges (including but not limited to charges for water, sewer and storm water services including fees for waste containers, theft and service termination fees) to the County Auditor for payment with property taxes.
- 5) Delinquent accounts shall be assessed a *Delinquent Shut off Charge* on the scheduled shut off date. Should the account remain unpaid, City personnel will continue to check service after every billing cycle and a *Delinquent Shut off Charge* will be assessed for each trip made to verify that the service remains off. Once Water service has been turned off and is turned on again by anyone other than authorized City personnel, the curb stop shall be secured and the *Curb Stop Termination Fee* and the *Fee for Unauthorized Use* shall be assessed. Unauthorized operation of the shut-off valve may result in severing the service and the Customer shall be charged the *Service Termination Fee* as established in a separate ordinance.

Reestablishment of terminated services shall not be performed until all charges have been paid including the actual cost of reconnecting the service.

- 6) Water and Sewer charges will continue to accrue as long as the meter remains active and in service at the property. If a meter is left in place at the City's option and the service is shutoff; water and sewer charges will not accrue. If the meter is missing, charges shall continue to accrue until the Finance Department determines that the account is abandoned. Storm water charges continue as long as the impervious surfaces remain on a property.
- 7) Services may be shut off if declared delinquent or otherwise requested by the Customer or occupant of the premises. Services shall not be shut off upon the request of a landlord as a means to evict a tenant. Service may be shut off to a tenant whose account is declared delinquent.
- 8) The Director of the Finance Department may grant an extension of up to twelve (12) months for payments. Each case will be considered on an individual basis upon the request of the Customer or user.

- 9) If a dispute should exist on payment arrangements between an owner and the tenant, the owner has the final approval.
- 10) In cases where industrial, commercial or governmental accounts become delinquent, the Director of Finance shall determine the course of action.
- 11) Customer's checks that are not honored by the bank shall result in a *Bad Check Fee*.
- 12) The addresses of occupied premises that are shut off for delinquency shall be forwarded to the Manager of Building Inspections.
- 13) The public records of the Finance Department are available for inspections and copying at reasonable times during regular business hours. The Finance Department may charge the costs it incurs in such inspection and copying to the person requesting the public record.
- 14) When the Director of Finance determines that an account delinquent in amount not more than Two Thousand, Five Hundred Dollars (\$2,500) is uncollectible, the Director may order the bill to be cancelled.

K. ESTIMATED CONSUMPTION

- 1) Any person using or consuming unmetered water should have the consumption estimated and charged accordingly. In addition to the estimated consumption charges, the *Fee for Unauthorized Use* shall be charged.
- 2) If a meter has failed to register the amount of water consumed, or the meter was not read, the consumption for the period may be estimated. Additionally, where the meter has malfunctioned for an undetected period, the account may be billed for previous usage for a period of up to six (6) years.

Any such estimate or outstanding amount may be adjusted if the Customer makes a request before the net payment date and presents satisfactory evidence supporting the adjustment to the Finance Department or Water Engineering. If the estimated bill is not disputed before the gross payment date, then the estimated charges will remain as originally billed.

- 3) The Finance Department or Water Engineering may consider past and/or current usage patterns and type of service in order to generate estimates. The historic usage pattern may be considered for up to 3 years to establish seasonal usage fluctuations.

L. WATER RATES – GENERAL INFORMATION

- 1) Any property connected to the City’s water system shall be billed a minimum charge based upon the size of meter being used. Minimum charges may be avoided if water service is not needed. The Finance Department should be contacted for the specific information.
- 2) Usages obtained from special reads shall be billed in proportion to the period elapsed since the regular read as compared to the normal billing period between regular reads.
- 3) In addition to the minimum charges and the consumption charges, a well field protection charge may be assessed to all customers.
- 4) The Director of the Finance Department may render bills at regular rates for extended periods beyond three (3) months. Bills may be issued to Customers or users for periods shorter than three (3) months provided the total number of billings equate to no more than the total number of billings normally issued in a one (1) year period.
- 5) Monthly billing may be implemented for an account when deemed appropriate by the Director of Water or the Director of Finance

M. WATER SERVICE RATE SCHEDULES

- 1) The rates set forth in applicable City ordinances shall apply. These rates are subject to change.

N. COMPLAINTS AND APPEALS

- 1) Customers or users with water, storm water, and/or sewer billing complaints and that are billed directly by the Finance Department, may contact the Finance Department call center in regards to these complaints. Such complaints are subject to the Rules and Regulations set forth herein.

Customers or users with billing disputes that are not billed directly by the Finance Department shall contact the governmental agency with jurisdiction.

- 2) Customers or users dissatisfied with the resolution of billing complaints may appeal, in writing, to the Board of Water and Sewer Charge Review (“BWSCR”). The Director of Finance must receive the written appeal within two (2) billing cycles of the date of the disputed bill.

To be considered by the Board, appeals shall include the following:

- a) complainant's name, address, and daytime phone number (indicating if the complainant is the owner or tenant);
- b) service connection address of the charge in dispute;
- c) customer service representative's name;
- d) copies of the disputed bills;
- e) basis for the dispute; and
- f) amount of relief requested.

Customers filing appeals before the gross billing amount due date shall pay a deposit of twenty five percent (25%) of the amount in dispute prior to the BWSCR's receipt of the appeal. After a shut off notice has been generated on said account, a fifty percent (50%) deposit will be required. After the service has been shut off, a deposit for the entire amount must be submitted. The Director of Finance has the right to waive any deposit.

Any person, feeling aggrieved by a decision of the BWSCR may appeal such decision to the Board of Water and Sewer Charge Appeals by notifying the Director of Finance in writing within fourteen (14) days after receiving notice of the decision. Such notice shall contain the grounds for appeal. The decision of the Board of Water and Sewer Charge Appeals is final.

- 3) Governmental agencies covered under separate agreements may appeal, on behalf of their Customer, to the Director of Water for any adjustments and the Director's decision will be final. Any appeal to the Director shall include those items listed in subsection (2) of this section. Decisions of the Director do not preclude additional customer services or adjustments on the part of other political subdivisions independent of the City.

O. CUSTOMERS OUTSIDE OF THE CITY OF DAYTON

- 1) Except as modified by agreement, Customers outside the City supplied water directly by the City shall pay twenty five percent (25%) more than the rates for water and fireline service contained in these rules. Customers outside the City supplied water by the City through a master meter shall pay fifty percent (50%) more than the rates contained in these rules. In master metered areas where multiple meters are used or when individual meter readings are totaled for consumption, the meter size used for each bill shall be sized as determined by the Department of Water.
- 2) Customer services and fees rendered outside the City, for other than the purchase of water, shall be charged at twenty five percent (25%) more than the standard charge for similar service within the City, except as provided in the separate agreements.

- 3) Premises outside the City may be supplied water pursuant to a uniform individual agreement entered into between the Customer and the City. The place where the water is used or consumed, not the physical location of the meter, shall determine whether the premises are outside the corporate limits of the City.
- 4) If the water main through which the water is supplied is constructed by the City, the individual agreements shall require a benefit payment to the City in an amount equal to the actual cost of main installation per lineal foot for each foot of land to be served abutting upon the water main. In the discretion of the Director of Water, acreage assessments may be applied in conjunction with or as an alternate to frontage assessments.

P. EMERGENCY WATER CONSERVATION

- 1) The Director of Water shall monitor the quantity and quality of water available to the City Water Supply.
- 2) If the Director of Water determines that an imminent and substantial endangerment of public health or safety exists as the result of an inadequate supply of water, the Director shall immediately notify the Fire Department and issue orders requiring Customers and users to institute such water conservation measures which may include, but not be limited to:
 - a) prohibiting the use of water for the sprinkling of yards, lawns and other ornamental vegetation;
 - b) prohibiting the use of water for the filling of swimming pools;
 - c) prohibiting the outdoor use of water;
 - d) prohibiting any use of water not essential to the maintenance of public health or safety; and
 - e) terminating or restricting service to any Customer or user found to be in violation of an order issued pursuant to this rule.
- 3) No Customer or user shall violate, cause the violation, or permit the violation of any order issued by the Director of Water pursuant to this rule.
- 4) The Director of Water or his designee may enforce this regulation and orders issued hereunder by:
 - a) issuing notices of violations and orders for compliance to any Customer or user;
 - b) installing or requiring the installation of flow restriction devices; and

- c) terminating water service to any Customer or user in violation of an order.
- 5) All enforcement costs incurred by the City against a Customer or user found in violation of this rule or orders issued hereunder shall be assessed against the Customer or user. Such cost shall include, but not be limited to, those costs incurred in the investigation of a violation, restriction or termination of service, court costs, attorney fees, assessment of a Conservation Violation Fee prior to re-establishing water service. For the purposes of this regulation, the term residential Customer includes apartment building with four (4) or fewer units.

Q. EFFECTIVE DATES AND REFERENCES

For further reference to City of Dayton, Department of Water policy and authorities see the following:

REFERENCES

Main Extensions – Resolution 3915, July 13, 1983
 Complaints – Ordinance 24314, July 5, 1972
 Ordinance 26913, December 14, 1983
 General Reference – R.C.G.O. Chapter 50
Standards for Taps, Services, Meters, and Backflow Prevention