

**BEFORE THE BOARD OF ALDERMEN OF
THE CITY OF PRAIRIE HOME, MISSOURI**

ORDINANCE NO. 172A

**AN ORDINANCE ESTABLISHING
OWNERSHIP OF, RESPONSIBILITY FOR,
AND ACCESS TO MUNICIPAL UTILITIES**

BE IT ORDAINED by the Board of Aldermen of the City of Prairie Home, Missouri, as follows:

SECTION 1: DEFINITIONS.

Unless the context specifically indicates otherwise, the meanings of the terms used in this Ordinance No. 172A shall be as follows:

- 1.1. Approved Contractor:** Any reputable contractor approved in advance by the City who exhibits and provides to the City proof of continuous business liability insurance coverage of not less than five hundred thousand dollars (\$500,000.00) per occurrence. An Approved Contractor may also be required to post a bond, as set forth hereinbelow.
- 1.2. Connect / Connection:** The attachment or connection of a private water service line to a water main and meter owned by the City, or the attachment or connection of private sanitary sewer service lateral to any sewer main owned by the City.
- 1.3. Municipal Utilities:** The Public Drinking Water and Sanitary Sewer systems of the City of Prairie Home.
- 1.4. Patron:** A customer who uses the Municipal Utilities.
- 1.5. Public Water System:** The system controlled by the City, including wells, disinfection equipment, storage tanks, valves, hydrants, mains, and lines used in connection with supplying potable water.
- 1.6. Public Sewer System:** The system controlled by the City, including all treatment works, pumps, valves, mains, and lines used in connection with the collection, pumping, treatment of wastewater, and land application of wastewater effluent.
- 1.7. Service Line:** The extension of pipe from a building or hydrant to the Municipal Utilities; may also be referred to as a “private service line” or “lateral line.”

SECTION 2: OWNERSHIP AND RESPONSIBILITY.

2.1. Drinking Water System:

- (a) By the City: The City's ownership and maintenance of, and the responsibility for, the components of the drinking water system within the City of Prairie Home terminates at, and includes, the water meter.
- (b) By the Property Owner: The ownership and maintenance of, and the responsibility for, any and all water fixtures and the Service Lines from the water meter to a building or hydrant located on private property, rests with the legal owner of said property.

2.2. Sewer System:

- (a) By the City: The City's ownership and maintenance of, and the responsibility for, the components of the sewer system terminates at the sewer main, manholes, and lampholes.
- (b) By the Property Owner: The ownership and maintenance of, and the responsibility for, any and all plumbing fixtures or Service Line(s) from the sewer main tap (i.e., the Connection point) to any building or other point on private property rests with the owner of said property. The property owner takes all risk or damage that may result from water settling back into their premises from the public sewer system. The owner shall, at their own cost, put in a self-acting valve where a backflow may be apprehended. In buildings in which any drain is too low to permit gravity flow to the public sewer system, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the service line.

SECTION 3: ACCESS.

- 3.1. Location of Water Meter.** When new water meters are installed, they shall be placed as near the water main as is practical. Exact location must be coordinated with the City prior to installation.
- 3.2. City Access.** Municipal utilities located within City easements on private property shall be open to City employees or agents for the purposes of, but not limited to, observation, measurement, reading, sampling, repair, or maintenance of the system. The property owner is responsible for keeping the area surrounding the water meter well clear of weeds, debris and other growth, and maintained by the property owner in such a manner that it is accessible to City employees or agents at all times.

SECTION 4: CONNECTION, REPAIRS, MAINTENANCE.

- 4.1. Authorization to Connect to Municipal Utilities, or to Repair or Maintain any Existing Connection.** Any Connection to a Municipal Utility, or any maintenance or repair of an existing Connection to a Municipal Utility, must be approved in advance by the City. All such Connections (including repairs or maintenance thereof) are subject to the supervision, inspection, and acceptance of the City prior to backfilling.
- 4.2. Who May Establish Connection to Municipal Utilities.** No person other than an Approved Contractor shall Connect any Service Line to the Municipal Utilities. No person shall permit, hire, or allow any other person who is not an Approved Contractor to make any Connection whatsoever to any Municipal Utility.
- 4.3. Bond Requirements.** In addition to the liability insurance required of Approved Contractors as set forth hereinabove, the City, in its sole discretion, may also require a performance/warranty bond from said Approved Contractor before any Connection to a Municipal Utility is commenced, or any repair or maintenance on an existing Connection is undertaken. This bond shall state that the Approved Contractor will indemnify, defend and hold the City harmless against any and all damages, costs, expenses, outlays, and claims of every nature and kind arising out of the work performed by said Approved Contractor, its employees, agents or subcontractors.
- 4.4. Requested Extensions/Improvements.** Requests for the extension or upgrading of utility provisions must be submitted in writing in advance to the City for the City's consideration. If such requests are approved, all costs related to the project shall be borne by the requestor. Notwithstanding the foregoing, the City, at its sole option, may elect to share in the costs for an approved project. In all cases, regardless of whether or not the City elects to share in the costs for such a project, the materials, supplies, and labor used in such project must be obtained through or approved by the City.
- 4.5. Emergency Repairs.** If the City finds that an emergency exists affecting the Municipal Utilities, regardless of the location thereof, the City may immediately cause the violations to be abated or corrected. If the cause of the emergency was located in a portion of the Municipal Utility system that is the responsibility of the property owner, then the costs of such abatements or corrections shall be taxed to the property owner. If the property owner fails to reimburse the City, then such costs shall be added to the tax bill for the property.
- 4.6. Interruption of Water Service.** The City retains the right to temporarily interrupt the City's water supply at any time for the purpose of making repairs or improvements to the Municipal Utilities, or for any other purpose deemed necessary or advisable. The City may interrupt the water supply to any property if a Service Line is found to be leaking, until such leak shall have been repaired by the property owner in accordance with this Ordinance No. 172A.

SECTION 5: VIOLATIONS.

- 5.1. Tampering Prohibited.** No person, unless authorized by the City, shall Connect to, remove, repair, or otherwise disturb any part of the Municipal Utilities. No person shall willfully or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Municipal Utilities.
- 5.2. Defective Work.** Any work on or to the Municipal Utilities undertaken without advance approval by the City shall be treated as defective work and shall constitute a violation of this Ordinance No. 172A. Such defective work may be uncovered and disconnected from the Municipal Utility; or if the City so elects, reconstructed at the expense of the property owner. Any unpaid costs of uncovering, disconnecting and repairing or replacing any such defective work (if the City elects to undertake repair or replacement) shall be assessed against the property and may be collected by suit in the name of the City against the owner, or the City may assert a lien against the property.
- 5.3. Penalties for Violation.** Any person violating the terms of this Ordinance No. 172A shall be punished by fine not exceeding five hundred dollars (\$500.00). Each calendar day that a violation of this Ordinance No. 172A continues shall constitute a separate offense.

SECTION 6: EFFECT.

- 6.1.** This Ordinance No. 172A shall be in full force and effect from and after its date of passage.
- 6.2.** This Ordinance No. 172A replaces Ordinance No. 172 ("*An Ordinance Prohibiting Persons Other Than Approved Contractors from Making Connection to Municipal Utilities*") from and after the date of passage hereof.

Having previously been made available to the public, this Ordinance No. 172A was read two (2) times by title only and passed this 19th day of January, 2023.


Eric Kirschman, Mayor

Attest: 
Mary Sue Fontana, City Clerk

SEAL:

