

CHAPTER 27

WATER AND SEWERS. 1

1. For state law authorizing the town to establish a system of drainage, sanitary sewers and water mains and to provide and regulate the construction, repair and use of sewers and drains, see W.S. 1977, § 15-1-103.

As to pollution of streams, see Sec. 16-29 of this Code. As to plumbing regulations generally, see Chapter 18. As to depositing filthy, etc., water on sidewalks, see Sec. 20-9. For regulations concerning water supply in trailer courts, see Sec. 24-15. As to sewage disposal in trailer courts, see Sec. 24-16.

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ARTICLE I. IN GENERAL.

SEC. 27-1. STREET PAVING – WATER AND SEWER CONNECTIONS TO BE MADE PRIOR THERETO.

Section 27-1 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-2. SAME – SAME – NOTICE TO ABUTTING OWNERS; FAILURE TO OBEY NOTICE.

Section 27-2 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

ARTICLE II. WATER.

Division 1. Generally.

SEC. 27-3. PROVISIONS OF CHAPTER, ETC., PART OF WATER CONTRACT; CUTTING OFF AND TURNING ON WATER GENERALLY.

Section 27-3 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-4. APPLICATION FOR WATER.

Any person, firm, partnership, or corporation desiring sewer or water extension, or both, within the City of Buffalo shall make application to the City Building Inspector for service.

The application shall be accompanied by a fee of ten dollars (\$10.00) plus one dollar (\$1.00) for each lot benefited by the proposed utility extension.

Upon the determination by the Building Inspector that the herein prescribed standards have been complied with and the payment of the appropriate "tap" fee or fees, service shall be approved. (Ord. 841, § 3)

SEC. 27-5. SHUTTING OFF WATER FOR REPAIRS, ETC.

Section 27-5 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-5.1. TERMINATION OF SERVICE.

The City of Buffalo reserves the right to terminate either sewer or water service, or both, for repairs, extensions, or nonpayment of user fees. (Ord. 841, § 6)

SEC. 27-5.2. UTILITY TERMINATION PROCEDURE.

1) Intent and Purpose.

- a) To ensure timely and complete payment of all utility charges and surcharges arising from utility services.
- b) To regulate termination of utility services to customers for nonpayment of utility charges and surcharges.
- c) To provide full and adequate notice to a customer of a termination of utility service to that customer and of the procedure to follow to avoid termination.
- d) To provide customers with a fair and reasonable opportunity, prior to termination, to dispute the correctness of utility charges and surcharges.
- e) To standardize the contents of the utility bill, the notice of termination and other notices sent to customers.
- f) To regulate termination of utility services to customers for nonpayment of utility charges and surcharges.

2) Definitions. As used in this ordinance:

- a) "Customer" shall mean the owner, over seventeen (17) years of age, of a building, structure or residence, who receives utility service from the City.

b) "City" shall mean the City of Buffalo.

c) "Utility Service" shall mean the service of providing water, garbage or sewer service through the authority of the City of Buffalo.

d) "Rental Property" shall mean any structure wherein a tenant has an exclusive right of occupation or use of a house, apartment or other structure for a period of not less than ten (10) days.

3) Application for Residential Utility Service.

a) Any customer who receives service after the passage, approval and adoption of this ordinance shall complete and submit to the City a "Utility Service Application and Agreement". The application and agreement shall request the following information:

- 1) The name and signature of the applicant;
- 2) The address to be supplied utility service;
- 3) The prior address of the prospective customer;
- 4) The desired date for commencement of utility service; and
- 5) Any other information deemed necessary by the City Clerk.

b) The application and agreement form shall also contain the following:

1) Written assurance to the prospective customer that the customer shall receive upon written request, a copy of this ordinance and all regulations promulgated under it.

2) Written acknowledgment by the prospective customer that he / she is responsible for the timely and complete payment of all utility charges and surcharges arising from utility service supplied to the residence identified in the application and agreement form.

c) Utility service shall not be supplied to any prospective customer if that person has any outstanding and unpaid utility charges or surcharges arising from prior utility service.

4) Utility Bill. A utility bill shall be mailed every month to every customer for utility service supplied during the time period shown on the utility bill. Each utility bill shall contain the following information:

a) The utility charge and surcharge due;

b) The date of the utility bill;

c) The date when complete payment is due to the City, which shall be ten (10) days from the date of the utility bill; and

d) The account number assigned to the customer. (RO 1381 §27 4/16)

5) Customer Dispute.

a) At any time before the date of termination of utility service for nonpayment of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, a customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this ordinance. A customer shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount was the subject of a previous dispute under this Section.

b) The procedure for residential customer disputes shall be as follows:

1) Before the date of termination, the customer shall notify the City, in writing, that he disputes all or part of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, stating as completely as possible the basis for the dispute.

2) If the City determines that the present dispute is untimely or that the customer previously disputed the correctness of all or part of the amount(s) shown, the City shall mail to the customer a notice stating that the present dispute is untimely or invalid. The City shall then proceed as if the customer had not notified the City of the present dispute.

3) If the City determines that the present dispute is not untimely or invalid under this Action, the City, within three (3) days after receipt of the customer's notice, shall arrange an informal meeting between the residential customer and an official of the City.

4) Based on the City's records, the customer's allegations and all other relevant materials available to the official, the official shall resolve the dispute, attempting to do so in a manner satisfactory to both the City and the customer.

5) Within five (5) days of completion of the meeting, the official shall mail to the customer a copy of his decision resolving the dispute.

6) Utility Service Termination Procedure.

a) If by the payment date shown on a utility bill or a notice of rejection, the City has not received complete payment of the amount(s) shown on the bill or the notice, the City shall mail to the customer a notice of termination at least thirty (30) days after the payment date.

b) The notice of termination shall contain the following:

1) The amount to be paid;

2) The date of the notice of termination;

3) The date of termination, which shall be at least ten (10) days from the date of the notice of termination;

4) Notice that unless the City receives complete payment of the amount shown prior to the date of termination, utility service shall be terminated;

5) Notice that in lieu of paying the entire amount shown, the customer, prior to the date of termination, may notify the City that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute.

c) If, prior to the date of termination:

1) The City has not received complete payment of the amount shown on the notice of termination; or

2) The customer has not notified the City that he disputes the correctness of all or part of the amount shown on the notice of termination;

then the City shall terminate utility service provided to the customer on the date of termination.

d) If the City receives payment of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this ordinance.

7) Limitations on Termination of Utility Service.

a) The City shall terminate utility service for nonpayment of utility charges and / or installments and surcharges only during the hours of 9:00 a.m. to 3:00 p.m., Monday through Thursday. No terminations shall be permitted on a legal holiday or on the day before a legal holiday.

b) The City shall not terminate utility service for nonpayment of amounts less than twenty dollars (\$20.00).

8) Reinstatement of Utility Service. In the event of termination of utility service in accordance with the provisions of this ordinance, the City shall reinstate utility service to the customer within twenty-four (24) hours of the City's receipt of complete payment of the amount whose nonpayment prompted the termination. Such payment shall not be considered a timely payment for purposes of this ordinance. The City shall charge a \$20.00 fee to reinstate utility service.

9) Termination of Service to Rental Property. Before the City terminates service to a customer owning rental property housing one or more tenants, the City shall notify all the tenants of the customer's failure to pay.

10) Computation of Time. In computing any time period under this ordinance, the first day of each period shall not be counted. The last day of each time period shall be included unless the last day falls on a Saturday, Sunday or legal holiday. If the last day falls on a Saturday, Sunday, or legal holiday, the time period shall run until the next day that does not fall on a Saturday, Sunday, or legal holiday. If the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation.

11) Separability. The provisions of this ordinance are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance, to which the ordinance or part thereof is held inapplicable, had been specifically exempt therefrom.

12) Validity. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts. (Ord. 1005, 8/83)

SEC. 27-6. CHARGE FOR RESUMING SERVICE.

See 27-5.2, Section B of the Buffalo City Code, 1964. (Ord. 1005, 8/83)

SEC. 27-7. WATER CHARGED TO PROPERTY OWNER.

The water and sewer users fee shall be assessed against the property upon which the service is furnished.

All accounts for water and sewer shall be kept in the name of the owner of the property and not in the name of the tenant; the owner shall be responsible to the City of Buffalo for the payment of water and sewer users fee.

In the event of non payment of the users fee for water or sewer, or both, the City Clerk is instructed in addition to termination of service to proceed with collection of any delinquent amount as provided by Section 27-5.2.

SEC. 27-8. TURNING ON WATER INTO SERVICE PIPES.

Any person, firm, or corporation is prohibited from turning water into any service pipe, except on the order or permission of the City Building Inspector or his duly authorized agent. This shall not prevent any licensed plumber from admitting water to pipes for test purposes only. (Ord. 841, § 8)

SEC. 27-9. WATER REGISTER.

Section 27-9 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-10. USE RESTRICTED TO AUTHORIZED CONSUMER; EXTENSION OF PIPES, ETC.

Section 27-10 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-11. EXCAVATIONS IN STREETS FOR MAKING WATER TAPS, ETC.

Section 27-11 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-12. CHARGES AND SPECIFICATIONS FOR TAPPING WATER SYSTEM.

Section 27-12 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-12.1. WATER TAP FEES.

a) Any person, firm, corporation or partnership desiring to obtain water from the City of Buffalo shall pay to the City Building Inspector a 'Tap Fee' for each tap so obtained. All tap fees for sewer and water taps shall be paid at the same time the Building Permit Fees are collected. The schedule of tap fees for each tap up to six inches (6") shall be as follows:

Tap Size (inches)	Tap Fees (Dollars)
3/4" -----	\$ 1,500 (2005)
3/4" -----	\$ 2,500 (2006)
1" -----	\$ 2,650
1 1/4" -----	\$ 3,150
1 1/2" -----	\$ 3,750
2" -----	\$ 4,500
3" -----	\$ 8,000
4" -----	\$11,000
5" -----	\$22,300
6" -----	\$32,100 (Ord. 1250, § 7,19/2005)

b) For water taps larger than one inch (1"), material and labor costs incurred by the City while installing the tap shall be charged in addition to the scheduled tap fee.

c) For water taps larger than six inches (6"), the fee for installation shall be prorated from the above tap fee schedule according to the cross sectional area of the tap installed.

d) For any person, firm or corporation not in the City limits, water tap fees shall be two (2) times the rate set out in the above tap fee schedule for each tap installed.

e) Any person, firm or corporation who desires to obtain City water and who also has a water well system shall be required to completely disconnect any well water line(s) from any water line(s) connected to the City system. This disconnection shall be verified by a City employee before use of the City water shall be allowed. (Ord. 993, 10/82)

SEC. 27-12.1. (a) REQUIREMENTS FOR A WATER LINE FIRE TAP.

The following requirements shall be met for property owners desiring a water line fire tap in addition to the other water service provided to the property owner. In order to obtain a water line fire tap, the property owner must meet the following requirements:

a) There shall be separate curb stops for both the fire and the domestic water lines. All curb stops are to be outside the property line and will be located on City property or in a City right-of-way.

b) Each domestic tap is to be located on the fire line ahead of the fire line curb stop.

c) If recommended by the Water Commissioner, larger size fire lines may require hot taps as determined by the Water Commissioner so that City service does not have to be shut down.

d) All costs of the taps, curb stops and line shall be paid for by the property owner.

e) There will be an additional \$250.00 fee for each fire line in addition to the full price for the domestic tap.

f) All costs of labor, material, and inspection by the City are to be paid for by the property owner.

g) Meters will not be required on the fire line unless as determined as necessary by the Water Commissioner, and there shall be a meter located on the domestic line.

h) Each property owner is to provide and install at his own expense on the fire line a backflow preventer to be approved by the Water Commissioner.

i) All work done on public property shall meet the requirements of the Wyoming Public Works Standard Specifications latest edition.

j) All work done on private property shall meet the requirements of the latest edition of the International Plumbing Code. (Ord. 1061, § 1, 9/8; R.O. 1261 §6 6/06)

SEC. 27-12.2. CITY TO FURNISH TAP, CORPORATION ETC.

In all water installations the City of Buffalo shall furnish the corporation cock. The curb stop, curb box, meter and remote reader, meter pit, backflow preventer, and all fittings shall be approved by the City as to type, quality, and name brand; all of which are to be furnished by the property owner. Approved compression fittings shall have a stainless steel insert.

The contractor shall be responsible for all excavation and installation except that the City shall make the actual tap to the water main. The plumber shall make the connection at the corporation cock in the water main and install the copper or PE pipe with the curb stop being located within the street, but within five feet (5') of the property line. From the curb stop the plumber shall install the meter and remote, the meter and remote shall be placed where specified by the City. After completion of the meter and remote installation, the City shall be notified so the work may be inspected. (Ord. 1145, § 1, 1/96) (R.O. 1285, § 2, 7/07)

SEC. 27-13. FURTHER SPECIFICATIONS FOR SERVICE PIPE.

Section 27-13 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-13.1. COMPACTION REQUIREMENTS.

Any trench or excavation opened on or in any street, avenue, alley or thoroughfare within the City of Buffalo, must be backfilled and the backfill material placed over and around the pipe to a depth of twelve inches above the pipe shall be compacted to not less than 90% of the maximum dry density as determined by the AASHO T99 or AASHO T147 methods. When the trench or excavation is in an oiled or surfaced street, alley, avenue or thoroughfare, the top (1') one foot shall be compacted to a density of not less than 95% of the maximum dry density as determined by AASHO T99 methods. (Ord. 841, §15)

SEC. 27-14. LICENSED PLUMBER TO MAKE TAP, ETC.

Section 27-14 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-15. INSPECTION AND APPROVAL OF PLUMBING WORK.

Section 27-15 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-16. INTERFERENCE WITH WATER MAINS, ETC.

Section 27-16 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-17. INSTALLATION OF WATER METERS BY CITY.

Section 27-17 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

27-18. COMMERCIAL BUSINESS REQUIRED TO INSTALL APPROVED AND OPERABLE METER PRIOR TO RECEIVING CITY WATER SERVICE.

Section 27-18 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-19. COST AND APPROVAL OF METER.

Section 27-19 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-20. PROTECTION OF SERVICE PIPES FROM FREEZING.

Section 27-20 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-21. FIRE HYDRANTS.

All fire hydrants installed in the City of Buffalo for fire protection are hereby declared to be public property. It shall be unlawful for any person, other than members of the fire department during fires or the water or street superintendent, to open any hydrants or attempt to draw water from the same or, at any time to uncover or remove any protection from any hydrants, or in any manner to interfere with the same. No person authorized to open such hydrants shall delegate his authority except for purposes strictly connected with the fire department. (Ord. 841)

Division 2. Water Rates.

SEC. 27-22. REPEALED.

SEC. 27-23. TIME OF PAYMENT OF WATER RENTS; TURNING OFF FOR NONPAYMENT.

Section 27-23 of the Code of the City of Buffalo, Wyoming, 1964, is hereby repealed. (Ord. 841)

SEC. 27-24. MONTHLY WATER RATES.

The monthly rates of the use of water from the City of Buffalo water system shall be as follows:

a) For residential and commercial purposes within the City limits of Buffalo, Wyoming, a minimum charge of Thirty-Nine and 75/100 Dollars (\$39.75) monthly. For residential or commercial use beyond the City limits of Buffalo, Wyoming, the minimum charge shall be Seventy-Nine and 50/100 Dollars (\$79.50) monthly.

b) Multiple unit facilities, such as apartments and other buildings consisting of more than one unit shall be charged a minimum rate of Thirty-Nine and 50/100 Dollars (\$39.50) monthly for the first unit and a reduced rate of Twenty-Five and 25/100 Dollars (\$25.25) monthly for each additional unit.

c) Mobile home parks shall be charged a minimum rate of Thirty-Nine and 75/100 Dollars (\$39.75) monthly for the first unit, a reduced rate of Twenty-Five and 25/100 Dollars (\$25.25) monthly for each additional occupied unit and Four and 00/100 Dollars (\$4.00) monthly for each additional vacant unit. The owner of the Mobile Home Park shall report in writing to the City the number of vacancies on March 15th, July 15th and November 15th of each year hereafter in order to receive the vacant unit rate. (Ord. 1257, § 04, 18/06; R.O. 1297 1, 2/08, RO 1381 § 27 4/16)

This ordinance shall become effective on July 1, 2004. (Ord. 1257, § 04, 18/06; R.O. 1297 1, 2/08, 27-13)

SEC. 27-25. METER RATES.

Each individual water service line shall be metered in accordance with this Chapter. The minimum charge required in Section 27-24 of this Code shall entitle the owner of the unit or units Ten Thousand (10,000) gallons of water for the one-month billing period and Five Thousand (5,000) gallons per monthly billing period for each additional unit which is part of a multi-unit facility.

The water rate to be paid by the holder of any unit in excess of the entitlement provided for by the minimum charge described in Section 27-24 shall be as follows, with the additional provision that each water user beyond the City limits shall pay double the charge for gallons above entitlement:

GALLONS ABOVE ENTITLEMENT	RATE
Next 10,000 Gallons -----	\$0.50 per 1,000 Gallons
Next 10,000 Gallons -----	\$0.60 per 1,000 Gallons
Next 10,000 Gallons -----	\$0.70 per 1,000 Gallons
Next 10,000 Gallons -----	\$0.95 per 1,000 Gallons
Next 10,000 Gallons -----	\$1.20 per 1,000 Gallons
Next 10,000 Gallons -----	\$1.35 per 1,000 Gallons
Next 10,000 Gallons -----	\$1.50 per 1,000 Gallons
Next 10,000 Gallons	\$1.65 per 1,000 Gallons
Over 100,001 Gallons	\$1.80 per 1,000 Gallons

This ordinance shall become effective on July 1, 2004. (Ord. 1245, § 3, 06/05, RO 1381 § 27 4/16)

SEC. 27-26. SPECIAL RATES.

There shall be a Twenty Dollar (\$20.00) charge for water shut-offs other than for the purpose of repair and a Twenty Dollar (\$20.00) charge for the resumption of water service. Requests for on and off service shall be made in writing to City Hall. (Ord. 1079, § 3, 10/89)

SEC. 27-27. OUTDOOR USES DURING CERTAIN TIMES AND IN CERTAIN SECTIONS OF CITY.

a) Effective immediately, the following restrictions shall apply to all persons using municipal water supply for lawn irrigation or other outdoor use:

i) All residences which have a even number for their street address shall only use water for lawn irrigation or outdoor uses on even days. All residences with street addresses which have an odd number shall only use water for lawn irrigation or other outdoor uses on odd days. A day is defined as a day commencing at 12:01 a.m. and ending at 12:00 p.m. on the same day.

ii) In the event that a month has 31 days, the 31st day of the month shall be split with residences having even numbered street addresses watering from 12:01 a.m. until noon and residences having odd numbered street addresses watering from noon until midnight of that day.

b) Any provisions which are related to the use of sprinkler systems are hereby repealed. (Res. 1173, 7/01)

SEC. 27-28. SPECIFIC INSTANCES.

It shall be unlawful for any water user in the City of Buffalo to use water from the municipal water supply for any purpose in any of the following ways:

a) During Fires: To continue the use and consumption of water for irrigation or such other purposes during fires for which the alarm has been sounded and to which the fire department has responded, when the existence of a fire is known to the user or consumer.

b) Leakage or Wastes: To permit the service pipe, stops and all water appurtenances to be in bad repair, causing leakage or waste which may be prevented by having all such water apparatus in good repair.

c) Use of Hose without Nozzle: To use a hose for any watering purpose without applying a one-fourth inch spray or nozzle.

d) Use of Water for Building Purposes: To permit or cause to permit the use of water for any purpose in any building or structure without a proper and sufficient stop and waste in the service pipe where the pipe enters the building, located where it may be conveniently shut off.

e) Use of Water from other Property: To use and consume water for irrigation or other purposes on property from the taps provided for adjacent or adjoining property.

f) Use Prohibited During Certain Times and in Certain Sections of City: To use and consume water for irrigation and other outdoor uses during those periods for which restrictions to such use have been imposed by the Mayor and Council, due to emergency or otherwise. (Ord. 924, § 2)

g) Selling of City Water Prohibited: It is prohibited to sell any City water off of the site for which the water service is provided except that sales of water that has been further treated or distilled by the water customer may be sold in separate containers of five gallons or less and further provided that such sales may only be carried out in properly zoned areas. (Ord. 1196, § 1, 8/00)

SEC. 27-28A. WATER CONSERVATION.

a) Purpose: In order to conserve the water supply of the City of Buffalo; to meet the needs and demands of the citizens of the City; and to eliminate waste in the use of such water, it shall be and is hereby made unlawful for any person, firm, corporation or entity of any nature, to use water contrary to and in violation of the following provisions. This ordinance shall be known as and referred to as the Water Conservation Ordinance of the City of Buffalo.

b) Definitions:

1) Outdoor watering shall mean the irrigation with water of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation for personal, private, commercial or governmental purposes; the filling or adding of water to public or private swimming pools; the washing down with water of buildings, machinery, vehicles and appliances for personal or private purposes, and other similar practices and acts.

2) Ultra low-flow shall mean, in the case of faucets and showerheads, devices which substantially restrict the flow of water, while only providing sufficient water of the purpose intended, and in the case of water closets or toilets, shall mean devices which restrict the use of water per flush to 1.6 gallons or less.

3) For the purposes of this ordinance, water user, customer and water service account shall be synonymous.

4) For the purpose of this ordinance, residential water user, in addition to meaning private residential water user, shall also mean residents of apartments, duplexes, and other like multiple resident facilities, but shall not include hospitals, nursing homes, or other similar uses.

c) Regulations:

1) It shall be unlawful for any person or persons to allow substantial amounts of water to escape and / or drain from private property onto public property including, but not limited to, public sidewalks, rights-of-way, streets, alleys, and highways, provided that substantial shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter, or other drainage system.

2) That from and after the effective date of this ordinance, no building permit shall be issued for any new construction in the City of Buffalo unless and until it is adequately shown to the Building Inspector for the City of Buffalo that said construction shall include ultra low-flow showerheads, faucets, toilets, and similar appliances.

d) Penalties: Any person accused of violation of this ordinance shall be charged in the Municipal Court of the City of Buffalo, and shall upon conviction thereof, for the first conviction, not be fined, but shall receive a warning as to the effect of subsequent convictions; for a second violation, not less than \$-0- nor more than \$25.00; and for a third or subsequent conviction, not less than \$25.00, nor more than \$50.00. (Ord. 1148, § 1, 3/96)

SEC. 27-28B. TAMPERING WITH WATER METERS.

a) It shall be unlawful for any person to deface, injure, tamper with, open, manipulate, interrupt, break, destroy, impair the accuracy or usefulness of any water meter installed in the City's water system unless such person is an authorized representative of the City of Buffalo.

b) It shall be unlawful for any person to obstruct or refuse to allow authorized representatives of the City of Buffalo during reasonable business hours to inspect, read or repair said water meter.

c) Any person who shall violate any of the provisions of this Section 27-28B shall, upon conviction, be fined a sum not less than \$25.00 and not more than \$250.00, to which costs shall be added. In addition to the criminal penalties set forth herein, for any violation of the Section 27-28B, the Mayor and City Council may order the water of the user to be turned off until satisfactory action has been instituted to prevent the recurrence of such violations. (Ord. 1171, § 1, 5/98)

SEC. 27-29. WATER AND SEWER SERVICE OUTSIDE THE CITY LIMITS.

- 1) Except as provided herein, water and/or sewer service shall not be provided to locations outside the City limits.
- 2) Nothing herein shall preclude extending water or sewer service outside the City limits, on any terms negotiated, to property owners or their successors who have transferred or granted to the City any right-of-way, easement or other property right utilized for construction, operation or maintenance of utility service.
- 3) Nothing herein shall cause the termination of existing water or sewer service, outside the City limits, on the effective date of this ordinance, provided such service is lawfully established on such date, nor shall herein preclude service, outside the City limits, to any governmental entity.
- 4) At its absolute discretion, the Mayor and Council may authorize water and sewer service to locations outside City limits. Any such service shall be subject to the following conditions, in addition to all other requirements of law, and a violation of the following conditions shall be cause for the immediate discontinuance of such service.
 - (a) All water and sewer charges shall be as set forth in Section _____
 - (b) All such service shall be subject to shut-off, upon 10 days' notice, in the event, because of a water shortage, an adequate supply of water is not available for City residents. The Mayor and City Council reserves, at its absolute discretion, authority to declare a water shortage;
 - (c) All water or sewer systems shall be approved by the Mayor and City Council. No additions, extension, additional services or sub-service lines shall be added without consent of the Mayor and City Council. The Mayor and city Council reserve the right to approve or disapprove such additions at its absolute discretion. No person receiving City water or sewer service shall sell such service to another, except as such service may run with the land;
 - (d) That the owner of any such property served, and his successor's, shall execute a statement of intent to annex, and a consent to annexation; and cooperate fully with annexation when the same becomes legal and practicable. All contracts for such water or sewer service shall e subject to biennial review to the legality and practicability of annexation;
 - (e) All line, service lines, fixtures and appurtenances used to connect to the City system, shall conform to and meet City standards and specifications, both with regard to original installation and replacement parts;
 - (f) That any applicant for water or sewer service outside City limits, shall first make application to the City Planning Commission and that said commission shall review said application and make its recommendation to the Mayor and City Council.
- 5) This ordinance shall not affect any existing agreements for water service connections for properties beyond the corporate boundaries of the City of Buffalo, which were entered into between the City of Buffalo and property owners prior to the effective date of this ordinance. (Ord 1134, 6/95; RO 1362, 5/13)

SEC. 27-30. PENALTIES.

Any person violating Sections 27-27 and 27-28 of this chapter or any rules and regulations promulgated thereunder shall be issued a water regulation citation stating thereon the violation for which the citation shall be issued. The water user shall be ordered to appear before the Police Justice at the time and place stated on the water regulation citation to answer to the charges as may be set forth upon the citation. The Police Officer, or other delegated official issuing the citation shall notify the City Clerk the fine indicated on the citation, which shall be Twenty-Five Dollars (\$25.00) for the first violation of that year; Fifty Dollars (\$50.00) for the second violation of that year; and One Hundred Dollars (\$100.00) for each separate violation thereafter of that year. For the purposes of this section, second and subsequent violations shall be considered to accrue in the calendar year in which they occur, and they shall not continue to accrue in subsequent years. In the event such water user shall fail, refuse or neglect to pay the fine in the aforesaid manner for any such violation, or any rules and regulations promulgated thereunder, or shall have paid the fine, as herein prescribed, for three or more violations, such water user shall, upon conviction of the offense for that which a water regulation citation was issued, be fined in a sum not to exceed Two Hundred Dollars (\$200.00).

Upon the payment of a fine for three violations of this division, or all necessary rules and regulations thereunder, or upon conviction before the Police Justice for two violations during the year, as is provided in this section, the Mayor and Council may order the water of the user to be turned off until satisfactory action has been instituted to prevent the recurrence of such violations. The Mayor, with the approval of the Council, may order the water turned off and refuse to have it turned on until a good and sufficient bond has been filed with the City Clerk in the sum of Two Hundred Dollars (\$200.00) after three or more violations of this division, or any rule or regulation promulgated thereunder. The condition of the bond shall be that if within two years from the posting of the same with the City Clerk, the water user shall again be in violation of any of the provisions of Section 27-27 and 27-28 of this Chapter or any accompanying rules or regulations necessarily a part of such sections, it shall be forfeited to the City of Buffalo. (Ord. 1129, 8/94)

ARTICLE III. SEWERS

Division 1. In General.

SEC. 27-31. SUPERVISION.

The construction, repair, maintenance and inspection of all sewers, cellar drains leading into sewers and all interior plumbing of every nature, whether public or private, shall be under the supervision and control of the Water and Street Superintendent and the Inspector, as provided in Chapter 18. (R.O. 1955, § 38-1)

In all sewer service installations the plumber shall be responsible for all excavation, and installation, the City shall furnish the saddle and make the tap into the main sewer line. (Ord. 841, § 12)

Plumbers are prohibited from making any sewer service taps into any City sewer line without prior approval from the City Building Inspector. (Ord. 841, § 13)

SEC. 27-32. REPEALED BY ORDINANCE NO. 671.

SEC. 27-33. CERTAIN OCCUPIED PREMISES TO BE CONNECTED WITH PUBLIC SEWER, CESSPOOLS, ETC., PROHIBITED; FAILURE TO OBEY NOTICE TO CONNECT, ETC.

All occupied lots, or parts of lots, or lands in the City of Buffalo, within one hundred feet (100') or less of the public sewer, shall be connected by private drain connections with the public sewer, in the manner provided by this article, and no privy vault or cesspool shall be maintained, kept or contained thereon. If the owner of the property coming within the purview of this section neglects or refuses to make such connection, the City Inspector shall notify such owner, or his agent, in writing, to make, or cause to make, such connections. If the owner or agent within thirty days (30) from the service of such notice shall fail or neglect to comply with such notice, such owner or agent shall be deemed guilty of a misdemeanor, and shall be punished as provided in Section 14-13. Every thirty (30) days of such neglect or refusal after service of such notice shall constitute a distinct and separate offense; provided, however, that where the weather conditions will not permit the work to be done within the thirty (30) days, or where the drainage is such that it is impossible or impractical to make the connections herein contemplated, then this section shall not apply.

Cesspools shall not be constructed on property abutting on sanitary sewers, after the date that public sewers are constructed and completed and in operation on contiguous streets, or within a distance of two hundred feet (200') from such property; provided, that the vertical location of such public sewer is such as will permit the drainage into the sewer of the sewage from such property. After such connections are made with the public sewer, the old cesspools or privy vaults shall be cleaned of all contained sewage or refuse, and filled with clean sand or gravel.

SEC. 27-34. PERMIT TO CONNECT WITH SEWER – REQUIRED.

Before commencing the construction, modification or repair of any sewer, drain or cesspool, or any plumbing intended to connect with any sewer, a written permit therefore shall first be obtained from the City Clerk. (R.O. 1955, § 38-2)

SEC. 27-35. SAME – APPLICATION, FEE, ETC.

Section 27-35 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 841)

SEC. 27-35.1. SEWER TAP FEES.

Any person, firm, corporation or partnership desiring sewer service from the City of Buffalo, shall pay to the City Building Inspector prior to the City making a sewer tap a "Tap Fee" of One Thousand Five Hundred dollars (\$1,500.00) in the year 2005 with the cost increasing to Two Thousand Five Hundred dollars (\$2,500.00) in the year 2006.

Special Use fees shall be as follows:

Apartment Building	-----	\$1,500.00 plus \$50.00 per unit (2005)
Apartment Building	-----	\$2,500.00 plus \$50.00 per unit (2005)
Mobile Home Parks	-----	\$1,500.00 plus \$75.00 per unit (2005)
Mobile Home Parks	-----	\$2,500.00 plus \$75.00 per unit (2006)
Motels and Hotels	-----	\$2,500.00 plus \$75.00 per unit (2005)
Motels and Hotels	-----	\$2,500.00 plus \$75.00 per unit (2006)

(Ord. 1250, § 7, 19/2005)

SEC. 27-36. SPECIFICATIONS FOR CONNECTING WITH PUBLIC SEWER.

Private sewer connections shall be designated by Mayor and Council; and, insofar as regards quality of materials used, methods of construction, excavation, protection of open trenches, backfilling, etc., and in all other matters insofar as they are applicable, the specifications on file in the office of the City Clerk, under which specifications the main sewage system of the City of Buffalo was constructed in 1911, shall apply to the construction of all connections with the sewer, with the following restrictions:

a) Private sewers may be connected with the main street sewers only at such points where branches or Y's have been located. The location of all existing Y's shall be obtained from the City Clerk. The private sewer must be laid absolutely straight in both line and grade, from the main sewer, or in case of a very deep main sewer, from a point directly vertical over the main sewer, connected therewith by a riser and ninety degree bend, to the cellar or basement of the building where a manhole shall be provided to give direct access to the end of the connection for cleaning; provided, that when the location of a building is such that it is impractical to run such sewer in a direct line, a manhole must be placed at the point where the change of direction is to be made so that access may be had to each run of the sewer. Such manholes shall conform to the specifications for manholes given in paragraph b) of this section.

b) Every separate building shall have a separate and independent connection with the sewer; provided, however, that when in the opinion of the water and street superintendent it is deemed permissible to connect two or more buildings or a line of apartments with the same sewer connection, the main drain or lateral shall terminate in a manhole not less than two and one half feet (2 ½') in diameter at the bottom; the inverts of the several connections shall be carefully formed and joined by smooth, curved channels in the concrete bottom or foundation thereof, and the top thereof shall have a tight cast-iron cover.

c) No private sewer connections shall be of a size less than four inches (4") internal diameter, and such connections shall, in every case, be of sufficient size properly to accommodate the property they are intended to serve.

d) No private sewer connections shall be laid on a lesser grade than two percent (2%), or one foot (1') fall in fifty feet (50') length, except in exceptional circumstances by special permission of the water and street superintendent, and, in all instances where it can be obtained, the minimum grade for such private connections shall be two and one half percent (2 ½%) grade must be maintained and a three percent (3%) grade is preferable. (R.O. 1955, §38-3)

e) For all users not within the City limits who connect to the City sewer utility following the passage, approval and adoption by the Mayor and City Council of this Ordinance, the City hereby requires that a water meter be installed and operated, at the user's expense, to enable the City to determine an equitable service charge. (Ord. 1006, 8/83)

SEC. 27-36.1. WASTEWATER FACILITIES REPLACEMENT FUND.

A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater utility fund for the purpose sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed. The reserve fund called the Wastewater Facilities Replacement Fund established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of \$20,000 per year obtained from the wastewater utility fund at the end of each fiscal year. (Ord. 1006, 8/83)

SEC. 27-37. RAINWATER LEADERS NOT TO BE CONNECTED.

Rainwater leaders shall not be connected with any private or public sewer. (R.O. 1955, § 38-4)

SEC. 27-37A. WASTEWATER FROM AIR-CONDITIONING SYSTEMS.

It shall be unlawful for any person to install or to operate any open loop heating or cooling system, including water cooled refrigeration equipment, which discharges waste water directly into the City sewage system, without using a device which cools and recirculates water for reuse prior to its discharge to the City sewage system. (Ord. 1170, 5/98)

SEC. 27-38. ENTERING MANHOLES, ETC., INTERFERING WITH SEWERS, ETC., PROHIBITED.

Entrance into manholes or flush tanks or interfering in any way with the sewers or any appurtenances thereto or connections thereto, for any purpose whatsoever, except by the water and street superintendent or other persons duly authorized, shall be unlawful. (R.O. 1955, § 38-1)

Division 2. Sewer Rates.

SEC. 27-38.1. DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Single Family Unit: The toilet facilities, regardless of number, used by a single family for family purposes.

Multi-Family Unit: Toilet facilities used by private families in a community building.

Mobile Home Unit: The number of sewer hookups maintained in a commercial mobile home park. If the mobile home is occupied under the terms of Section 24-5 of this code (as a single family – permanent structure on a single City lot) it shall be considered a single-family unit.

Overnight Campground Unit: The number of toilets and sewer hookups within a commercial operation where mobile homes, motor homes, pickup campers, or camp trailers are permitted to park upon payment of a daily fee.

Commercial Unit: The number of toilets maintained by any commercial enterprise or business for public or private use by guests or customers which may be maintained in the business as part of the service offered by such business.

Industrial Use Unit: A sewer hookup from an industrial location from which effluent originates that contains industrial wastes, and other matter which differs in composition from effluent from residential units.

Unit: Toilet, does not include urinals. (Ord. 826, § 3)

SEC. 27-38.2. MONTHLY SEWER USAGE FEE.

The monthly sewer usage fees that shall be paid by the users of the City sewage system are as follows:

	<u>Amount Per Monthly Period</u>
A) Single Family Dwelling Units & Apartments Per Unit -----	\$ 20.60
B) Mobile Home Unit Per Unit -----	\$ 20.60
C) Overnight Campground Unit -----	\$ 4.90
Each additional unit – whether occupied or not -----	\$ 1.90
D) Commercial Units -----	\$ 20.60
Water Consumption in excess of 5,000 gallons per	
Monthly period, per 1,000 gallons -----	\$ 3.30
E) Motel & Hotel Operators Per Unit -----	\$ 8.30
Water Consumption in excess of 2,500 gallons per	
Monthly period, per 1,000 gallons -----	\$ 3.30
	(Ord.1246, §1, 06/05; R.O. 1299 1, 2/08; R.O. 1338 12, 15/09; R.O. 1360 2, 19/13)

F) Industrial Use.

No Industrial unit shall be connected to the City sewer system until the following has been accomplished:

1) Approval of the proposed installation, floor plan, zoning requirements and location of the proposed facility by the City Building Inspector, City Plumbing Inspector, the City of Buffalo Planning and Zoning Board, and the Board of Adjustment of the City.

2) Approval of the City Council of the proposed installation following the receipt of the recommendations of the City Plumbing and Building Inspectors, the City Planning and Zoning Board and the Board of Adjustment.

3) The monthly usage fee established by the City Council. (Ord. 826, § 4)

SEC. 27-38.3. SAME – TRAILER COURT SPACES.

Section 27-38.3 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 826)

SEC. 27-38.4. TEMPORARY DISCONTINUANCE OF USE OF SEWER BY COMMERCIAL USERS.

Section 27-38.4 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 826)

ARTICLE IV. WATER AND SEWER PERMITS GENERALLY.

SEC. 27-39. ISSUANCE.

Water and sewer permits shall not be issued by the City Clerk without written authorization and approval of the Council, or its delegated representative, who, by the nature of his duties and office with the City of Buffalo, would be responsible for the inspection and supervision of water and sewer connections to property.

It shall be unlawful for the Council or its delegated representatives to issue a water and sewer permit and commence water and sewer service to any property in the City of Buffalo:

1) If there has been a failure to obtain a building permit as may be provided for by Chapter 5.

2) If a building permit has been obtained in violation of this Chapter or Chapter 5, providing for the issuance of building permits.

3) If the value of the property for which a building permit has been obtained has been willfully misrepresented to be lower than or disproportionate to a fair and reasonable estimate of the actual value thereof.

4) If the building permit has actually been obtained for a structure upon any premises which shall not be defined as a building for which a building permit would ordinarily be issued or authorized under any ordinance.

5) If the Board of Adjustment has issued an order against any property owner under the Zoning Ordinance and such order has not been vacated or set aside for compliance therewith. (Ord. 646, § 1)

SEC. 27-40. DENIAL.

The Council or its delegated representative shall deny the issuance of a water and sewer permit, if, by the issuance thereof, it would be inconsistent with or in violation of any ordinance relating to building and zoning restrictions, the unlawful occupancy and use of a trailer house upon property, or failure to comply with any ordinance which imposes restrictions upon the use, occupancy or other regulation of property. (Ord. 646, § 2)

SEC. 27-41. REVOCATION.

The Council shall issue notice to revoke any water or sewer permit to any person who has obtained such water and sewer permit in violation of this article or any other ordinance, to which the issuance thereof would be inconsistent with or opposed to the intent and reasonable interpretation of this article.

a) Such person shall have not less than ten days nor more than thirty days to show cause, if any there be, at the time and place designated in the notice, why such water and sewer permit should not be revoked and water and sewer service forthwith terminated. The notice shall provide in concise and simple language the nature and reason for revocation and the applicable ordinance violated.

b) The Council shall forthwith revoke the water and sewer permit and terminate the water and sewer service if such person shall fail to appear at the hearing or fail to offer any showing why such revocation should not be ordered.

c) Any person receiving such notice may appear and be heard in person or by attorney and such hearing shall be conducted informally.

d) In the event the Council shall order revocation of the water and sewer permit and termination of water and sewer service after due and regular hearing, the person affected thereby shall have the right to appeal to a court of competent jurisdiction at which the issues shall be heard and determined de novo. (Ord. 646, § 4)

SEC. 27-42. PENALTIES.

Any person convicted of an offense under this chapter in addition to all other remedies herein set forth shall be guilty of a misdemeanor and upon conviction be fined not more than \$100.00 or imprisoned in the City Jail not to exceed ten days. (Ord. 841, § 17)

SEC. 27-43. MAINTENANCE.

The City of Buffalo shall assume no responsibility for maintenance of sewer or water service lines to or from the property. (Ord. 841, § 17)

SEC. 27-44. SEWER AND WATER REGISTER.

The City Clerk shall keep a sewer and water register in which the City Clerk shall enter the location of the tap and curb box, the lot and block numbers of the property served, the owner's name to which the service shall be charged and a complete record of amounts collected for sewer and water users fees paid together with dates services were turned on and off. It shall be the duty of the City Building Inspector to furnish the City Clerk with all necessary information, measurements and location to make a complete record of each tap and service pipe. (Ord. 841, § 5)

SEC. 27-45. REPLACEMENT OF SERVICE.

Any replacement of an existing water tap or sewer tap within sixty (60) days after service is terminated shall be assessed at cost of labor and materials. (Ord. 841, § 11)

SEC. 27-46. SEVERABILITY.

Should any paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be effected thereby. (Ord. 841, § 18)

SEC. 27-47. CITY STANDARDS BY RESOLUTION.

The City of Buffalo for the protection and welfare of the general public, to facilitate water and sewer maintenance, repair, and to standardize types of construction and installations, shall by resolution of the City Council establish minimum standards. (See Resolution 844)

Such standards as adopted shall be available to any contractor and the general public at the City Clerk's office and the City Building Inspector's office. (Ord. 841, § 16)