

WEST JACKSON COUNTY UTILITY DISTRICT

WATER USE ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE USE OF THE PUBLIC WATER WORKS AS ADOPTED OCTOBER 19, 2001; WITH REVISIONS OCTOBER 13, 2004, DECEMBER 15, 2009, AND NOVEMBER 4, 2014.

BE IT ORDAINED BY THE WEST JACKSON COUNTY UTILITY DISTRICT, COUNTY OF JACKSON, STATE OF MISSISSIPPI AS FOLLOWS:

ARTICLE I DEFINITIONS

The following words and terms when used in this chapter are intended to mean and shall mean as follows, to wit:

Connection shall mean the physical connection to the system as required by law, and utilization of the water delivered through the connection from that time forward; or as to sewer connection, continued use of the sewer.

Customer shall mean any person, business or property required under Article II Section 8, to connect to the District for water and/or sewer services; and as used herein the term "his" shall include all customers.

Manager, District Manager, and General Manager shall mean the general manager of the utilities of the West Jackson County Utility District.

Authorized Representative shall mean a District employee authorized by the General Manager to act for an on behalf of the District.

District shall mean the West Jackson County Utility District.

Person shall mean any person, firm or corporation, either as principal or as agent for another.

District Mains shall mean any and all water-carrying pipe including water distribution pipes, mains, and conduits owned and maintained by the West Jackson County Utility District.

Water shall mean the water service or water supply belonging to and furnished, or to be furnished, by the West Jackson County Utility District.

Will Serve shall mean a document issued by the District consenting to provide service.

ARTICLE II CONNECTIONS WITH WATER MAINS

SECTION 1. It shall be unlawful for any person to make or cause to be made any connection, directly or indirectly, with any of the District mains, or in any way to obtain or cause to be obtained any water from the District mains, except as herein provided.

SECTION 2. When any person desires an original service connection with any District main, and when any person desires to obtain an initial or original water supply, he shall make written application therefore on a form or forms to be obtained from the District, setting forth in such application the number and kind of fixtures and outlets that will be served by such connection, and the purpose or purposes for which the water will be used.

SECTION 3. Any person who applies for and obtains water at a particular location or in or upon any premises and who desires to discontinue the use of such water at any such place shall notify the District of the time when the use of the water by him will be discontinued. In the event of the failure to give such notice, such person shall remain and be liable for any and all water used at the location until such notice is received.

- SECTION 4.** Any person desiring to obtain or use water at any place or upon any premises where the original service connection has already been made but where the water has been cut off, or left on, shall in either event make application to the District for such water, as in the case of a person desiring to obtain an initial or original supply of water.
- SECTION 5.** No person except a duly authorized District employee shall turn the water on or off at any curbsstop, or install or remove to repair any water meter or service pipe or connection.
- SECTION 6.** No person shall make any change in or addition to any water pipes at, in or upon any premises, or install or connect any additional water fixtures or outlets unless such person shall first have obtained a written permit to do so from the District and any governing authorities.
- SECTION 7.** A separate service pipe from the District main shall be required for each location and customer served, and no water pipe shall extend or be extended from any location, lot, building or premises to another, unless a permit to do so shall first be obtained from the District.
- SECTION 8.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the District and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public water distribution line of the District is hereby required at his expense to connect such facilities within 45 days after official notice to do so, provided the water line is within 300 feet of the property line or 500 feet to the structure to be served.
- SECTION 9.** Connection with the water system includes permanent connection and use of the water and sewer services provided for normal use as defined above, as defined in Section 8, and elsewhere in this ordinance. Customers within the District may not connect and then later bypass connections or disconnect from the system unless specially exempted from use by the District. Customers who connect and then bypass connections in favor of private well water systems or who disconnect entirely from the District water system will be charged a fee for non-compliance as an enforcement tool to bring the customer into compliance with this ordinance requiring connection and use of District water.
- Customers who find it medically necessary to not use District-supplied water for domestic use must supply District with an original statement from a licensed physician stating the specific reason why District-supplied water is not suitable. Customers must also pay a minimum water base charge, as a “readiness-to serve” charge.
- If it is discovered by District staff from personal observation or circumstantial evidence that District water is not being utilized by customers based on metering, obvious connection tampering or otherwise, the District will provide written notice to correct non-compliance. Failure to comply within time given will result in non-compliance fee of not more than One Hundred Dollars (\$100.00) per day for each and every day up to 90 days the said building is in violation of this Water Use Ordinance. After 90 days, legal remedies may be pursued.
- SECTION 10.** If there is a request for service and a point of connection is not available and utility mains are extended using in-house funds, the project must yield a payback of fifteen (15) years maximum (6.67% ROI). The costs for constructing the project shall include current interest rates. Revenue projections shall be based on property owners in the project area committing (in writing) to connecting to the utility. Projects not meeting payback may still be approved by the District provided the property owner(s) pay the difference in the total cost of the project and payback cost.

**ARTICLE III
SERVICE CONNECTIONS**

- SECTION 1.** The size of the service connection or tap on any District main shall be governed by the use indicated on the original written application therefor. No connection or tap shall be made to any District main without the written consent of the District.
- SECTION 2.** The title to all service pipes, cocks, valves, curbsstop boxes, meters and materials provided, furnished or installed by the District, and/or those which have been deeded to the District by any owner and/or developer, shall be and remain in the District.

SECTION 3. At such time as public water becomes available to a property the consumer or user shall be connected to the system promptly, in accordance with Article II, Section 8. Failure to comply after 45 day notice will result in a non-compliance fee not to exceed One Hundred Dollars (\$100.00) per day for each and every day up to 90 days the said building is in violation of this Water Use Ordinance. After 90 days legal remedies may be pursued.

SECTION 4. Dwellings meeting exemption requirements in Article II, Section 8 located where the District has both water and sewer mains shall not be able to elect connection to one service and not the other.

ARTICLE IV CROSS CONNECTION CONTROL

SECTION 1. PURPOSE

The purpose of this article is to implement regulations and policies consistent with current regulations and recommendations of the Mississippi State Department of Health, to protect the Public from dangers associated with the backflow or backsiphonage of contaminated water into the public water supply.

SECTION 2. DEFINITIONS

- A. District:** Whenever this term is used in this document it shall mean the: West Jackson County Utility District.
- B. Potable Water:** Water that is acceptable for human consumption.
- C. Non-Potable Water:** Water not acceptable for human consumption or of unknown quality.
- D. Cross Connection:** Any arrangement of piping where a potable water line is connected to non-potable water; it may be a pipe-to-pipe connection where potable and non-potable water lines are directly connected, or a pipe-to-water connection where the potable water outlet is submerged in non-potable water. The potable and non-potable sources must be separated by an air gap only.
- E. Backflow:** The reversal of normal flow direction where water flows from the intended point of delivery towards the supply.
- F. Back Pressure Backflow:** Backflow caused by a lower pressure in the potable supply than at the point of delivery.
- G. Back Siphonage Backflow:** Backflow caused by a negative pressure in the potable supply line.
- H. Health Hazard, (High Hazard):** Contamination with the potential to endanger the health and well being of the customer.
- I. Non-Health Hazard, (Low Hazard):** Contamination that will not endanger the health of the consumer, but does not meet established water quality standards for public Water Systems.

SECTION 3. BACKFLOW PREVENTION ASSEMBLY REQUIREMENT

- A. Elimination and Protection of Cross Connections.** Cross connections occurring within the District System shall be eliminated by establishing an air gap between the potable and non-potable sources. Certain cross connections may be protected by installing an approved testable backflow preventer. It shall be the responsibility of the owner of the cross connection to eliminate the cross connection or if approved by the District, protect the cross connection with a backflow preventer.
- B. Connections to Sewer.** Direct connections, permanent or temporary, between the District Water System and a sanitary or storm sewer are prohibited.
- C. Home Wells.** Connection to any source of water other than that provided by the District, including home wells, is prohibited. Any cross connection to the District water system of this nature shall be eliminated.
- D. Approved Backflow Prevention Assemblies.** Only backflow prevention assemblies approved or recommended by the Mississippi State Department of Health shall be installed on this District Water

System to comply with this article.

- E. Installation Requirements.** Reduced pressure principle assemblies, double check valve assemblies, and pressure vacuum breakers shall be installed in a manner and location that provides adequate access for testing and repair of the assembly. Reduced pressure principle assemblies and double check valve assemblies shall not be subject to possible flooding, nor, be installed in a pit or enclosure below ground level.

SECTION 4. RESPONSIBILITY OF DISTRICT WATER SYSTEM

- A. Surveys.** As deemed necessary, an authorized representative of the District, utilizing written guidelines published by the Mississippi State Department of Health, shall conduct surveys and on-site visits as necessary to locate existing cross connections. Single family dwellings and multi-family dwellings designed to house no more than eight families shall not be included in this survey unless the officials of the District have reason to believe a cross connection exists. The survey of the District Water System shall be completed by an individual approved by the District. Upon completion of this survey, the responsible official of the District shall certify to the Mississippi State Department of Health, on forms provided by the Department, that the required survey has been properly performed and completed in accordance with the written guidelines published by the Department.
- B. Right of Entry.** The District, acting through its authorized agent, shall have the right to enter any non-residential building, during reasonable hours, to inspect the plumbing system installed in any such building or premises provided prior notification of the inspection is given. The authorized agent shall first obtain consent of the owner to enter any single-family dwelling.
- C. Classification of Hazard.** Each cross connection found will be classified as High Hazard or Low Hazard by the authorized representative of the District. If a connection is found to be a high hazard cross connection, the owner of the connection shall be notified in writing within a reasonable time that the cross connection must be eliminated or protected by the installation of a backflow preventer approved by the District within 90 days of notification. If the connection is found to be a low hazard cross connection, the owner of the connection shall be notified in writing within a reasonable time that the connection shall be eliminated or protected by a backflow preventer approved by the District within one year of notification.
- D. Selecting the Appropriate Backflow Preventer.** It shall be the responsibility of the District, acting through its representative, to determine the type of backflow preventer required at each cross connection and the location where the backflow preventer will be installed. The type of backflow preventer and the required installation location will be selected by the District utilizing guidelines published by the Mississippi State Department of Health.
- E. Existing Backflow Preventers.** Any backflow prevention device or assembly installed on the District Water System to protect the District against the possibility of backflow from a customer's water service prior to the adoption of this policy shall be governed by this article. Existing backflow preventers shall be inspected and tested within 90 days of identification.
- F. Review of Meter Applications.** The District, acting through its authorized representative, shall review all application for new meters to determine if a cross connection will be created. The District shall require the installation of an approved backflow preventer at all new connections where a cross connection will be created.
- G. Inspections.** The District, acting through its authorized representative, will periodically inspect any connection to the District as deemed necessary to insure cross connections have not been created. These inspections may be conducted without prior notice to the customer.
- H. Record Keeping.** The District shall maintain records of the type, size and location of each backflow preventer installed in the system, when each backflow preventer is due to be tested, and the results of each test. Records shall be maintained for five (5) years from date of test and inspection.

SECTION 5. TESTING OF BACKFLOW PREVENTION DEVICES

- A. Tests Required.** Each reduced pressure principle backflow prevention assembly, double check valve assembly, and pressure vacuum breaker shall be tested immediately after installation, after repairs of

any kind, and annually (every three years for double check). Any backflow preventer found to be non-functional shall be repaired and retested within 14 days of the initial test.

- B. Certified Testers.** Only backflow preventer testers certified by the Mississippi State Department of Health, and employed by the District shall test backflow preventers located in the District.
- C. Notification.** The District shall notify the owner of each backflow preventer test 15 days prior to the date that the backflow preventer is scheduled to be tested.

SECTION 6. VIOLATIONS AND PENALTIES

- A. Refusal of Inspection.** If the owner refuses to let the authorized agent of the District perform the necessary inspections to determine if a cross connection exists, the District shall require that a reduced pressure principle backflow prevention assembly be installed at that service connection.
- B. Maintaining a Cross Connection.** If the owner, after having been informed that a cross connection exists at his property, refuses to eliminate or protect the cross connection through the use of the appropriate backflow preventer, water service to the connection shall be terminated until such time as the owner complies with Mississippi State Department of Health Regulations.

ARTICLE V INSPECTION OF PREMISES AUTHORIZED

Authorized representatives of the District shall have the right at any reasonable time to go upon or in any premises supplied with water for the purpose of determining the amount of water used on any such premises and for the purpose of inspection and examining the fixtures, appliances, outlets or methods employed in the use of such water.

ARTICLE VI OPERATION OF FIRE HYDRANTS RESTRICTED

No person other than a District employee engaged in the discharge of his duty shall turn on or operate any of the fire hydrants belonging to the District. Privately owned fire hydrants or other fire protective devices shall be used only in case of fires, unless otherwise authorized in writing by the District. Any water used by means of any such privately owned hydrant or device for any purpose other than the bona fide extinguishment or attempted extinguishment or control of fire shall be paid for at the quantity rates herein prescribed for retail meter consumers.

ARTICLE VII OBSTRUCTING ACCESS TO WATER FIXTURES

No person shall obstruct the free access to any fire hydrant, curbstop, water meter, or other fixture belonging to the District and used in connection with its water mains by placing motor vehicles or other conveyances, stone, brick, lumber, dirt or anything whatsoever so as to constitute an obstruction in the way of or impeding immediate access to any such fire hydrant or other fixture. The District will not maintain any water services that are underneath or encased in solid surface materials unless deemed acceptable by the District.

ARTICLE VIII WASTING WATER

No person shall carelessly or willfully waste the water obtained from the District mains, nor supply the same to non-customers. Water shall not be carried away from the District schools, fountains, parks, buildings or any other District property.

**ARTICLE IX
MAINTENANCE OF PIPES AND FIXTURES**

All persons furnished water by the District shall keep and maintain their water pipes, fixtures, appliances and outlets in good repair, so as to prevent the waste of water. Water fixtures or outlets shall not be left running to prevent the same from freezing, or otherwise, so as to waste water.

**ARTICLE X
CONSUMERS**

SECTION 1. Classification--The water customers and consumers furnished and supplied water by the District are hereby classified as follows:

A. Business or commercial water customers and consumers: This classification and class of District water customers and consumers shall and does include all business and commercial concerns, establishments, enterprises and premises now obtaining or hereafter to obtain water from the District for any purpose other than solely for domestic, home and family consumption and use and expressly the following:

Hotels, restaurants, lunch stands, filling stations, stores, hospitals, construction projects or work, garages, barbershops, colleges, laundries, bakeries, dry cleaning establishments, office buildings, banks, drugstores, wash-racks, and any and all other premises supplied with water by the District except private homes or residences.

B. Domestic customers or consumers: This classification and class of District water customers and consumers shall and does include private homes and residences.

SECTION 2. COMMERCIAL CONSUMERS

Business or commercial water customers or consumers shall be furnished water by the District at the quantity or meter rates prescribed in the most current User Charge Ordinance. If any business or commercial water customer or consumer has not been supplied with a water meter, the District shall supply such customer or consumer with a water meter at the expense of the customer or consumer as soon as the same can reasonably be obtained and installed by the District. All business or commercial water customers or consumers must have a District approved water meter at the expense of the customer or consumer.

SECTION 3. METERS TO BE FURNISHED

The District shall furnish and supply water meters to all *domestic* customers and consumers of water in the District as soon as it is reasonably possible for the District to obtain and install such meters. Such meters shall be obtained, furnished and installed by the District after an adequate fee has been collected. When such meter has been so installed, such domestic customer and consumer shall be furnished and shall pay for water at the quantity and meter rates prescribed in the most current User Charge Ordinance.

**ARTICLE XI
PENALTIES**

The District shall pursue action in an appropriate court agency against any person violating any of the prohibitions or provisions of this ordinance.

Further, if it is necessary to seek enforcement of said non compliance fees or of any other fee through the Courts of this state, then all costs, including reasonable attorney fees of not less than \$250 per enforcement, shall also be assessed and collected as allowed by law.

**ARTICLE XII
AMENDMENTS**

This Ordinance shall be amended, as necessary, to comply with Federal or State Regulations.

**ARTICLE XIII
VALIDITY**

- SECTION 1.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. Specifically, the separate Cross Connection Control Ordinance formerly adopted on August 26, 2002 is hereby repealed in its entirety.
- SECTION 2.** 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 or parts.
- SECTION 3.** Whenever the requirements of this Ordinance conflict with any other lawful ordinances, rules, regulations, or codes lawfully enacted by the West Jackson County Utility District, the Jackson County Utility Authority, or any other Local, State or Federal regulatory authority having jurisdiction, the most restrictive law or requirement shall govern.

**ARTICLE XIV
ORDINANCE IN FORCE**

- SECTION 1.** This ordinance shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.
- SECTION 2.** The above Ordinance was first reduced to writing and read and considered by Sections at the October 19, 2001 public meeting of the West Jackson County Utility District and on motion duly made for the adoption of said Ordinance and seconded, a vote was taken as follows:

Commissioner Spencer	voted - YES
Commissioner Vassalli	Absent
Commissioner Albrycht	voted - YES

Thereupon the Chairman declared the Ordinance duly adopted this the 19th day of October, 2001 and declared same to be full force and effect according to law.

- SECTION 3.** This ordinance was revised duly revised this 13th day of December, 2004 by addition of Article II, Section 8 and the addition of Article III Section 3 on and declared same to be full force and effect according to the law.

Commissioner Lamey	voted--YES
Commissioner Albrycht	voted--YES
Commissioner Philo	voted--YES
Commissioner Cox	voted--YES

- SECTION 4.** This ordinance was revised duly revised this 19th day of December, 2010 by addition of Definitions for “Customer” and “Connection” in Article I; with the addition of Article II Section 9.; with the addition of the second paragraph of Article X; and declared same to be in full force and effect according to the law.

Commissioner Albrycht	voted—YES
Commissioner Henson	voted—YES
Commissioner Janus	voted—YES
Commissioner Langan	voted—YES
Commissioner Letort	voted—YES

SECTION 5. This ordinance was duly revised this 4th day of November, 2014 and declared same to be in full force and effect according to the law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Commissioner Stennis	voted—YES
Commissioner Hebert	voted—YES
Commissioner McAnnally	voted—YES
Commissioner Flowers	voted—YES
Commissioner Montgomery	voted—YES

I, Jimmie McAnnally, Secretary and official custodian of the records of the West Jackson County Utility District, do hereby certify that the foregoing Water Use Ordinance amendments were passed and adopted at a public meeting of said Board and is further a matter of record in its official minutes.

This the 4th day of November, 2014.

SEAL



Jimmie McAnnally, Secretary-Treasurer