

**CITY OF HAMILTON, MISSOURI**

**BILL NO. 0214186**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 91 OF THE CITY CODE RELATING TO SALES OF WATER OR SEWER OUTSIDE THE CITY LIMITS**

Be it ordained by the Board of Aldermen of the City of Hamilton, Missouri as follows:

**Section 1.** Chapter 91.300 of the City Code relating to Sales of Water Outside City Limits is amended to read as follows:

**Sec. 91.300. Water or Sewer connections outside corporate limits of the City.**

A. New Connections.

No person shall be permitted to (i) connect any water or sewer line or, (ii) enlarge an existing water or sewer line, to any part of the water or sewer system of the City to serve property which lies outside the corporate limits of the City, except with the prior approval of the Board of Aldermen.

Any person approved for a water or sewer connection to the City's water or sewer lines to serve property located outside the City limits must enter into the City's approved contract for such service and pay all fees for such connection(s).

B. Current Connections

1. Provisions for Current Contracts. For each property owner who has a valid written contract with the City for retail water or retail sewer service for a property located outside the City limits as of March 1, 2018, then the City will continue to offer to provide the existing service to the property so long as

(i) the contract signer remains the owner of the property receiving such service,

(ii) there is a contract for such service in effect which contract is renewed from time to time as required by the contract terms,

(iii) there is no breach of the contract by the owner, and

(iv) the service does not violate any state law or regulation or is otherwise prohibited by law.

2. Provisions In Event of Sale or Transfer. Upon the sale or transfer of a property outside the City limits after March 1, 2018, which property at the time of the sale or transfer is receiving water or sewer service under a valid contract with the City for such service(s), the City will offer to enter into a new contract to provide the water or sewer service, so

long as permitted by law, to the new owner of such property only if each new owner of the property enters into the City's then current contract for such service, remains the owner of the property, and does not at any time breach such contract.

C. Contract Provisions.

For any contract to provide water or sewer service to property located outside the city limits, the following provisions are incorporated by reference into each such contract:

- (a) The customer shall be responsible for construction, maintenance, and repair of the customer's individual service line and for any multi-customer service line outside the City used to service such customer so that such lines at all times meet all City and state rules and regulations.
- (b) The City will arrange for the connections of the individual service line to the City's water or sewer mains and the customer will pay all associated costs for the connections.
- (c) The customer will dedicate an easement to the City on the customer's property for the City's mains, for the service line from the main to the meter, and for the meter pit. The size of the easement shall be similar to such easements within the City. To minimize the easement needed, all meters will be located as close to the City's main as practical.
- (d) All water or sanitary sewer service lines shall comply with all city ordinances governing service lines within the corporate limits of the City.
- (e) The customer authorizes the right of entry on the customer's property by the City representatives or agents at any reasonable time, for the purpose of inspecting and testing the customer's water or sewer system or to perform work to correct or improve any part of the City's water or sewer system. The City will provide advance notice to the customer to the extent practical prior to any entry.
- (f) The City reserves the right to cut-off or disconnect any connection made in the event the charges or fees due by the customer to the City become delinquent, in the event of a violation of the provisions of the City ordinances or state laws or regulations, or any violation of the contract for service.
- (g) The City may require the owners of property outside the City limits that receive water or sewer service to sign a revised contract for such service from time to time, and may require the person receiving the service to pay for all costs to the City related to providing such service outside the City

**Section 2.** That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

**Section 3.** It is the intent of the Board of Aldermen that this amendment be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Board of Aldermen.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 14<sup>th</sup> day of February, 2018.

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Travis Trosper, President of  
Board of Aldermen

Approved on this 14<sup>th</sup> day of February, 2018.

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Winford Gilliam, Mayor

Attest: \_\_\_\_\_  
Debra Davis, City Clerk