

USER CHARGE ORDINANCE FOR WEST JACKSON COUNTY UTILITY DISTRICT

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF USER CHARGES FROM USERS OF THE PUBLIC WATER WORKS AND PUBLIC SEWER SYSTEM.

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

Adopted on: November 4, 2014

Revised on: January 23, 2018

Revised on: June 25, 2020

Revised on: April 20, 2023

ARTICLE I DEFINITIONS

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

Manager, District Manager, or Director shall mean the Director of the utilities of the West Jackson County Utility District.

Authorized Representative shall mean a District employee authorized by the Director 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, sewer collection pipes 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.

Sewer shall mean the sewer service or sewage collection system 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 USER CHARGES

- Section 1.** User charge shall be the charge levied on all users including, but not limited to, persons, firms, corporations or governmental entities that are required to connect to the public water supply or public sewage system.
- Section 2.** The user charge shall include the costs of operation and maintenance (including replacement) of the public water works and sewage system, retirement of existing debt included herein, and repayment of any Drinking Water Systems Loans in accordance with the approved Utility Service Charges, included herein by reference. The number of customer connections shall be determined solely at the discretion of the Director or Authorized Representative.
- Section 3.** The Director shall review annually the contributions of users, the total costs of operation and maintenance (including replacement) of the waterworks and sewage system. The Director shall revise the user charge, if necessary and upon approval of the Board of Commissioners, to generate sufficient revenue to pay the total operation and maintenance (including replacement) costs of the water or sewer works, retirement of existing debt included herein, and repayment of any applicable systems loans.
- Section 4.** Each user shall be notified, at least annually, in conjunction with a newsletter and Consumer Confidence Report, of any significant changes in ordinances that affect billing and customer rights.
- Section 5.** No free water service or sewage collection shall be furnished to any user, except as provided by law.

Section 6. All current customers or consumers who are supplied water and/or sewer service beyond the limits of the District will pay the applicable non-district amounts shown herein in Exhibit 1 of Article III.

Section 7. Charges and bills for service furnished to business or commercial customers or consumers or any other person furnished water shall mature on the date of the statement or bill. Such charges and bills shall be due and payable on the due date shown on the statement and any such charges or bills not paid on or before 20 days from date of statement shall be in default and may incur a late fee shown herein in Exhibit 1 of Article III.

Section 8. Failure, neglect, or refusal to pay any bill on or before 25 days from date of statement shall subject the customer, consumer, or user of the service to the loss and discontinuance of their service and supply. If any such water or sewage service is lost or discontinued because of the nonpayment of any such statement on or before 25 days from date of statement, the service and supply shall not be resumed until the bill or statement is paid in full, together with a Disconnect Processing Fee in accordance with the current Utility Service Charges per Exhibit 1 of Article III. This amount being determined as the reasonable cost to be incurred by the District in resuming such service.

Nonpayment of balances above the District's threshold to avoid disruption of service will result in the customer's account being reported as being non-compliant and subject non-compliance action in accordance with District standard policies and procedures.

Section 9. Deposits--Any customer or consumer shall not be entitled to any service or supply unless and until such person makes a deposit with the District in accordance with Exhibit 1 of Article III. Homeowners or Property Owners who elect automatic bank draft as a form of payment for their monthly service may have their deposit waived, provided they remain on bank draft and do not have any payment returned to the District. The District may, at its option, apply any such deposits toward payment of any amount due the District. Before service is restored all deposits used in settling fees must be restored.

Section 10. Equipment & Maintenance - Any and all approved equipment used to provide water & sewer service in the District for a residential account shall remain the exclusive property of the District, regardless of the installer. The District does not maintain non-standard residential equipment.

The District does not assume maintenance of commercial sewer equipment unless it has been deemed as our standard equipment by District inspection and the customer has signed a maintenance plan agreement. District owned residential grinders that have commercial use will automatically have the maintenance plan agreement in force and remain the property of the District.

Commercial Meter Charges--Any commercial customer or consumer shall not be entitled to any service or supply unless and until such person pays for an approved water meter as follows, to wit:

- A. The size, type, and make of the meter installed shall be furnished by the District and shall be a size suitable to the estimated consumption and use of water by the respective customer and consumer as determined solely at the discretion of the Director or Authorized Representative.
- B. The District will install and maintain the water meter which becomes the property of the District. Installation, repair, replacement, calibration and testing of all Commercial Meters will be determined solely by the Director or Authorized Representative. All applicable charges and fees for the meter and related materials, labor and equipment necessary for the installation, repair and replacement will be the responsibility of the Customer. All applicable charges and fees for periodic calibration and testing of commercial meters will also be the responsibility of the Customer.

Section 11. Utility service charges are reviewed annually. Customers will receive a 30 day notice of any change in service charges with the exception of the JCUA treatment charge which is adjusted annually concurrently with the annual JCUA adjustment as specified in Exhibit 1 of Article III.

Section 12. Utility service charges not consistent with the current user charge ordinance require a past or present Board action. Prior verbal understandings are not recognized.

**ARTICLE III
UTILITY SERVICE CHARGES**

Rates, fees and charges for utility service shall be as indicated in Exhibit 1 of this User Charge Ordinance.

**ARTICLE IV
TRANSFERS**

Upon customer request and approval by the Director, a customer may be permitted to transfer his water or sewer service from one location to another. In such instances, said customer shall pay any past due bill in full for the previous location and make all necessary arrangements for the new service location before being entitled to any further services. Transfers or relocations of sewer or water assets will be at the District's sole discretion. No person shall be entitled to a water service or tap at any location if he is in arrears for water service rendered at that location or any other location.

**ARTICLE V
TAMPERING WITH METERS**

If any person tampers with or in any way makes or attempts to make any improper use or adjustment of any water meter, curb-stop, or service pipe, or attempts in any way to avoid payment of the proper amount due or to become due for the water obtained or to be obtained or used by such person or for his benefit, then in any of said events the Director or Authorized Representative shall have the right to immediately discontinue the water service of such person and/or charge costs for all resulting damages and costs. Such charges will need to be paid before any service is restored.

**ARTICLE VI
PENALTIES**

Any person willfully violating any of the prohibitions or provisions of this ordinance shall be subject to fines and other penalties as provided for in the District's enabling legislation.

**ARTICLE VII
AMENDMENTS**

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

**ARTICLE VIII
VALIDITY**

- Section 1.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 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 IX
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.** All ordinances contained herein with amendments as noted shall be in full force and effect from and after passage, approval, recording, and publications as provided by law.

This ordinance was duly revised this 20th day of April 2023 and declared same to be in full force and effect.

Commissioner Montgomery	voted-YES
Commissioner Spiers	voted-YES
Commissioner Strayham	voted-YES
Commissioner David	voted-YES
Commissioner Westfall	voted-YES

I, Andrew Westfall, Secretary and official custodian of the records of the West Jackson County Utility District, do hereby certify that the foregoing User Charge 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 20th day of April, 2023.


Andrew Westfall
SECRETARY/TREASURER, WJCUD