

ORDINANCE NO. 3

AN ORDINANCE ESTABLISHING WATER RATES AND
METER REQUIREMENTS AND ESTABLISHING PENALTIES
FOR UNLAWFUL USE OF THE TOWN WATER SYSTEM

BE IT ORDAINED by the Town Council of the Town of Frankford

ARTICLE I. General Provisions

Section 1. Turning on. No water from the Town water supply shall be turned on for service into any premises by any person but the Town Clerk or other designee of the Town Council to perform this service.

Section 2. Application fee. Application to have water turned on shall be made to the Town Clerk and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Ordinance as conditions governing the use of the Town water supply by the applicant. A fee of \$15 shall be paid for turning on the water.

Section 3. Plumbing. No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the Town or any regulations issued by The State of Delaware or Sussex County; provided however, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this ordinance.

Section 4. Service connection fee. No connections with a water main shall be made without a permit being issued and 24 hours' notice being given to the Town Clerk or his designee. All such connections shall be made and all such work done at the expense of the applicant, who shall furnish materials necessary for such work; all such connections shall be made under the supervision of the Town Clerk or his designee, and no connections shall be covered until the work has been inspected by the same. Applications for such connections must be made to the Clerk. An application fee of \$350 shall be paid for each connection on property located on the same side of the road as is the water main, and a fee of \$400 shall be paid for each connection made on property located on the opposite side of the road from that of the water main.

Section 5. Resale. No water shall be resold or distributed by the recipient thereof from the Town supply to any premises other than that for which application has been made and the meter installed

except in case of emergency. Under no circumstances shall water be sold from the Town water supply other than by the Town itself.

Section 6. Tampering. It shall be unlawful for any person not authorized by the Town to tamper with, alter or injure any part of the Town waterworks or supply system, or any meter. No person shall, without authority from the Town Council, turn on, damage or otherwise tamper with any part of the Town water system. This section shall not prohibit any person from turning off water service at the meter temporarily and turning it on later for the purpose of protecting plumbing or for the purpose of making repairs or improvements to any plumbing system; provided such interruption in service does not last more than 24 hours, and provided notice is promptly given to the Town Clerk of such interruption. Any person, firm or corporation violating any provision of the section shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 7. Rule and Regulations. The Town Council may promulgate from time to time and enforce such rules and regulations, and may draft such contracts and applications, as may be necessary, governing the use of the whole or any parts of such water system constructed under its control, either within or without the boundaries of the Town of Frankford.

ARTICLE II. Pipes

Section 1. Installation. All main pipes from the Town's water main to the meter vault shall be installed and maintained by the Town. All house connections and service pipes from and including the meter vault and related appliances, fixtures and pipes to the premises to be served shall be installed by and at the cost of the property owner or consumer to be served.

Section 2. Pipes. No service or house connection pipes shall be installed unless the same conform to the minimum specifications required by The State of Delaware and/or Sussex County, or to any additional specifications drawn by the Town Council and approved thereby, a copy of which Town Council specifications shall be kept on file with the Town Clerk and shall be open to inspection by any person interested therein.

Section 3. Repairs. All repairs to service pipes, or house connection pipes, and plumbing systems of buildings shall be made by

and at the expense of the owner of the premises served. The Town may in case of an emergency, at its discretion, repair any service pipes, and in such an event the cost of such repair work shall be repaid to the Town by the owner of the premises served, or the Town may cut off service once it is on notice of such emergency.

Section 4. Shut-off boxes. Shut-off boxes or service boxes shall be placed on every service pipe and shall be located between the curb line and the sidewalk line where practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

ARTICLE III. Meters; Rates.

Section 1. Meters required. All premises using the Town water supply must be equipped with an approved water meter furnished by the Town but paid for by the consumer, all on or before 12:00 midnight December 31, 1983; provided that such water service may be supplied by the Town at a flat rate of charge until such deadline date, aforementioned. In the event any premises affected by this Section shall not be in compliance therewith on or before the deadline set forth herein, the Town Council may, at its discretion, forthwith institute action in the Court of Chancery of The State of Delaware to compel compliance with this Section after notifying the owner of said premises in writing of the failure to meet the requirements set forth herein, or may enter upon the premises for purposes of effecting meter installation and compliance herewith, at which time the owner of the property shall be billed and be liable for all costs incurred by the Town therefor.

Before any premises are occupied, a water meter shall be installed thereat as herein required or application made for such water service at the flat rate of charge until the meter can be installed or no water shall be furnished to such premises.

Section 2. Installation. Meters shall be installed in an easily accessible location at a point at or near the point of junction of the Town water main and the consumer's property line.

Section 3. Reading meters. The Town Clerk shall read or cause to be read every water meter used in the Town at such times as are necessary for timely billing purposes.

Section 4. Testing meters. Any municipal water meter shall be taken out and tested upon complaint of the consumer upon payment of a fee of \$25. If upon test the meter is not within 3% of being accurate,

it shall be repaired or replaced and the \$25 fee returned to the consumer.

Section 5. Rates. All property upon which any building has been or may hereafter be erected having a connection with any mains or pipes which may hereafter be constructed and used in connection with the town water system shall pay the following rate: \$1.75 per 1,000 gallons, plus a monthly service rate of \$3.00. The monthly service rate or charge of \$3.00 shall be earmarked for deposit in a special account known as the "Sinking Fund" for the water system. Said Sinking Fund shall be available for repairs and capital improvements which are deemed necessary by the Town Council to the existing or future water system of the Town, including any portion thereof, and for no other purpose whatsoever. No funds may be removed from the Sinking Fund and used for a purpose other than as set forth herein without the unanimous vote of all members of the Town Council concurring on any such alternative use thereof. The Town Council shall be able, by resolution, to adjust the aforesaid rate per 1,000 gallons to be paid as it feels may be necessary for the proper maintenance and operation of the water system.

Section 6. Bills. Bills for water used shall be dated and sent out at such times as may be directed by the President and Council. Bills are payable by the property owner or consumer within 30 days from the date of the bill, which shall be the date the same is mailed by the Town to the consumer.

Section 7. Construction contractors. During the construction of any building and before any water is supplied as herein provided, the contractor so constructing such building may be permitted to use the town water supply by making application therefor and paying a fee prescribed by the Town Council.

Section 8. Nonpayment. The water supply may be shut off from any premises for which the water bill remains unpaid for a period in excess of 30 days after the bill is rendered and mailed. When shut off, water shall not be turned on except upon the payment of the usual fee for turning on water plus all unpaid water bills to date.

Section 9. Lien. Charges for water shall be a lien upon the premises as provided by statute. Such lien shall have preference and priority over all other such liens on real estate or upon improvements located on land under lease, created or suffered by the customer, even though such other lien or liens be of a date prior to the time of the attaching of such lien for water charges, such lien being on

the same footing of priority as that of unpaid taxes due the Town and constituting a lien pursuant to Section 16 (b) of the Town Charter. Whenever a bill for water service remains unpaid for a period of 60 days after it has been rendered, the Clerk may file with the Prothonotary of Sussex County a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Town claims a lien for this amount, as well as for all charges for water served subsequent to the period covered by the bill.

The failure of the Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid water bills as mentioned in the following section.

Section 10. Foreclosure of lien. Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as in the case of foreclosure of statutory liens. Such foreclosure shall be by any of the remedies available to the Town for the collection of taxes, assessments and other charges pursuant to Section 17 of the Town Charter, whose provisions are incorporated herein by reference and made a part hereof.

The Town attorney is hereby authorized and directed to institute such proceedings as he deems to be in the best interest of the Town, in the name of the Town, before any court having jurisdiction over such matters, against any property for which a water bill has has remained unpaid 60 days after it has been rendered.

Section 11. Abandoned connection. Whenever any connection to the waterworks system is abandoned because the building to which the water connection is made has been abandoned, destroyed or removed, the Town Clerk may remove the meter and any pipe or connection in the public right-of-way or easement and cap, plug or otherwise seal the pipe or main. Before taking any such steps, the Town Clerk shall notify the owner of the subject property if the owner's name and address is known and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail at least 30 days before any action is taken under this Section. If water is leaking, the Town Clerk shall take immediate action and send the required notices within three working days of the time action was taken.


Section 12. Unlawful connection. No person, firm or corporation shall make any connection to the waterworks system of the Town without the permission of the Town.

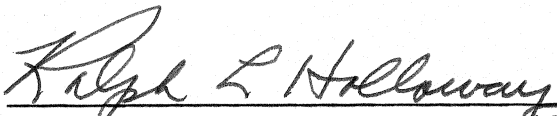
Section 13. Larceny. Nothing in this Ordinance shall be interpreted as prohibiting institution of larceny charges against any person stealing water from the Town by bypassing a meter, tampering with a meter or by any other means.

ARTICLE IV. Effective Date

Section 1. This ordinance shall become fully effective and applicable to all premises using Town water by 12:00 midnight on December 31, 1983.

ADOPTED by the Town Council of the Town of Frankford on the 6th day of September, A.D. 1983.


President of the Town Council
of the Town of Frankford, Delaware


Secretary of the Town Council of
The Town of Frankford, Delaware

**ORDINANCE TO AMEND ORDINANCE NO. 3, ADDING A NEW SECTION FOURTEEN
TO PROVIDE FOR COLLECTION OF COSTS AND ATTORNEY'S FEES.**

WHEREAS, the Town Council of the Town of Frankford has determined that all costs of collection should include specifically attorney's fees incurred by the Town in enforcing this ordinance as well as expenses incurred by the Town in enforcing this ordinance; and

WHEREAS, the Town Council of the Town of Frankford has determined that a penalty at the legal rate shall be assessed against unpaid charges and costs as well; and

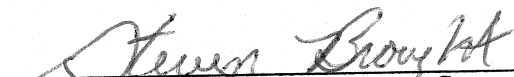
WHEREAS, the Town Council has determined that the owner of the property with the delinquent charges and costs is the party who should be responsible for expenses and costs incurred in collection by the Town.

NOW THEREFORE, be it ordained by the Town Council of the Town of Frankford in council met:

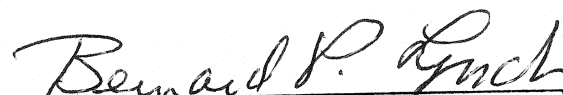
Ordinance No. 3 is hereby amended by adding a new Section Fourteen to read as follows:

SECTION FOURTEEN. COSTS AND ATTORNEY'S FEES. All charges and costs, including attorney's fees and costs incurred by the Town shall be deemed included in the charges, costs and amounts due and for which the owner of the property shall be liable. Any charges or costs unpaid by the owner of the property shall be due as provided in this ordinance and shall be subject to a penalty at the legal rate per month if the charge or cost remains unpaid after thirty days from the due date thereof.

ADOPTED by the Town Council of the Town of Frankford on the 1st day of February, A.D. 1993.



President of the Town Council of the
Town of Frankford, Delaware



Secretary of the Town Council of the
Town of Frankford, Delaware

ADOPTED by the Town Council of the Town of Frankford on the
5th day of March, A.D. 1984.

Kay A. Olmstead
President of the Town Council of the
Town of Frankford, Delaware

Courtland R. McCabe
Secretary of the Town Council of the
Town of Frankford, Delaware

ORDINANCE NO. 3-A

AMENDMENT OF ORDINANCE NO. 3 REGARDING THE
DEADLINE FOR WATER METER INSTALLATION AND
IMPOSITION OF PENALTIES PERTAINING THERETO

In order to compensate for the limited supply of water meters previously available through the Town of Frankford, as well as to better enable arrangements for installation to be made by all residents,

BE IT ORDAINED by the Town Council of the Town of Frankford:

That ARTICLE III, Section 1 of Ordinance No. 3, entitled Meters required, be amended by striking [December 31, 1983] on line three thereof and by substituting April 30, 1984, therefor, as well as by adding the following sentence at the end of the first paragraph thereof:

"The Town Council may prescribe, in its discretion, by resolution, a per diem penalty to be added to the bill of each user who has failed to comply with the said April 30, 1984, deadline for proper meter installation."

Since no other portion of Ordinance No. 3 is affected hereby, the same is not set forth herein. Thus, Article III, Section 1, of Ordinance No. 3 shall hereafter read as follows:

ARTICLE III. Meters; Rates

Section 1. Meters required. All premises using the Town water supply must be equipped with an approved water meter furnished by the Town but paid for by the consumer, all on or before 12:00 midnight, [December 31, 1983] April 30, 1984; provided that such water service may be supplied by the Town at a flat rate of charge until such deadline date, aforementioned. In the event any premises affected by this Section shall not be in compliance therewith on or before the deadline set forth herein, the Town Council may, at its discretion, forthwith institute action in the Court of Chancery of The State of Delaware to compel compliance with this Section after notifying the owner of said premises in writing of the failure to meet the requirements set forth herein, or may enter upon the premises for purposes of effecting meter installation and compliance herewith, at which time the owner of the property shall be billed and be liable for all costs incurred by the Town therefor. The Town Council may prescribe, in its discretion, by resolution, a per diem penalty to be added to the bill of each user who has failed to comply with the said April 30, 1984, deadline for proper meter installation.

Before any premises are occupied, a water meter shall be installed thereat as herein required or application made for such water service at the flat rate of charge until the meter can be installed or no water shall be furnished to such premises.

of the Town, in the name of the Town, before any court having jurisdiction over such matters, against any property for which a water bill has remained unpaid 60 days after it has been rendered.

Section 11. Abandoned connection. Whenever any connection to the water works system is abandoned because the building to which the water connecton is made has been abandoned, destroyed or removed, the Town Clerk may remove the meter and any pipe or connection in the public right-of-way or easement and cap, plug or otherwise seal the pipe or main. Before taking any such steps, the Town Clerk shall notify the owner of the subject property if the owner's name and address is known and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail at least 30 days before any action is taken under this Section. If water is leaking, the Town Clerk shall take immediate action and send the required notices within three working days of the time action was taken.

Section 12. Unlawful connection. No person, firm or corporation shall make any connection to the waterworks system of the Town without the permission of the Town..

Section 13. Larceny. Nothing in this Ordinance shall be interpreted as prohibiting institution of larceny charges against any person stealing water from the Town by bypassing a meter, tampering with a meter or by any other means.

ARTICLE IV. Effective Date

~~Section~~ Section 1. This ordinance shall become fully effective and applicable to all premises using Town water by 12:00 midnight on November 30, 1983.

Public hearings will be held at the Frankford Town Hall on Monday, August 15, 1983 at 7:00 P.M. and Monday August 29, 1983 at 7:00 P.M.

ORDINANCE NO. N/A

AN ORDINANCE AMENDING ORDINANCE NO. 3
RELATING TO WATER RATES IN THE TOWN OF FRANKFORD

BE IT ENACTED AND ORDAINED by the Town Council of the Town of Frankford, Sussex County, Delaware, as follows:

Section 1. Amend Ordinance No. 3, ARTICLE I. General Provisions, Section 4., Service Connection Fees, fourth sentence, as follows:

An application fee of [\$350] \$500 shall be paid for each connection on property located on the same side of the road as is the water main and a fee of [\$400] \$650 shall be paid for each connection made on [property located on the opposite side of the road from that of the water main.

Section 2. This Ordinance shall become effective immediately upon its adoption by a majority of the Town Council of the Town of Frankford.

ORDAINED AND ENACTED into law this 2ND day of NOVEMBER, A.D. 1998.

TOWN OF FRANKFORD

By: Kay C. Olmstead
President

Attest: Jesse Lunt
Town Secretary