

ORDINANCE NO.2023-08

OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERU, NEBRASKA, AMENDING THE ORIGINAL CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES BY ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED "50.07 INACCESSIBLE UTILITY METERS"; CREATING POLICIES FOR INACCESSIBLE UTILITY METERS; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT MATTER HEREIN; AND SETTING AN EFFECTIVE DATE.

WHEREAS, pursuant to Nebraska Revised Statute §17-537, The City Council of the City of Peru, Nebraska, shall have the power to make and enforce all necessary rules and regulations in the construction, use, and management of waterworks, mains, portion, or extension of any system of waterworks or water supply and for the use of the water from such system.

WHEREAS, pursuant to Nebraska Revised Statute §17-542, The City Council of the City of the City of Peru, Nebraska, shall have the power to fix the rates to be paid by water consumers for the use of water from the waterworks of the city, including the power to require, as a condition precedent to the use of such water, the furnishing of water meters.

WHEREAS, it has become increasingly important for the City of Peru to make accurate readings of water usage in anticipation of the Auburn/Peru water project coming to fruition before the end of the calendar year, in which the City of Auburn, NE, Board of Public Works will be providing water to the City of Peru for cost.

WHEREAS, ensuring that City staff has the ability to accurately read water meters is beneficial to the residents of the City of Peru, as the monies collected from revenues generated by sale of water are necessary to pay for the acquisition and development of the water construction, operation, and maintenance of the water facilities.

WHEREAS, definite statements need to be made to establish a policy pertaining to inaccessible utility meters.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PERU, NEBRASKA;

SECTION 1. That "Chapter 50: General Provisions" of the City of Peru, Nebraska, Code of Ordinances is amended, consistent with Code §10.17, to include 50.07 Inaccessible Utility Meters, read as follows:

"§50.07 INACCESSIBLE UTILITY METERS.

(A) All consumers of City utilities shall provide ready and convenient access to the utility meter so that it may be easily examined and read, and all consumers of utilities shall permit duly designated City employees at all hours between seven o'clock (7:00) a.m. and six o'clock (3:30) p.m. to enter their premises, buildings, or yards for the purpose of reading, testing, examining, or repairing pipes, meters, or other utility fixtures. All meters of consumers shall be read on a date designated by the Mayor to cover the period in which the utility was consumed.

(B) An inaccessible meter shall be any utility meter that the designated City employees cannot physically read, test, examine, or repair during his/her regularly scheduled shift due to a locked gate, a dog in the yard, the meter being located within the interior of a customer's home, or any other factors that may prevent the City employee from physically reading any meter.

(C) In the event that a utility meter is inaccessible, the billing staff shall estimate the consumption for the purpose of calculating the customer's bill in the following manner:

(1) 150% (1.5 times) of the consumption from the billing month from the previous year.

(2) There shall be a maximum limit of one estimation per consecutive month per utility account. If, in the month following a billing cycle in which an estimated calculation for a particular account was made, a customer's utility meter remains inaccessible, the City may discontinue said customer's utility service until reconnection obligations set forth in section 50.02(I) of this code are satisfied. Should circumstances warrant, the Mayor or his/her designee may agree in writing to an extension of time for a customer to make their utility meter accessible to duly designated City employees.

(D) If it is impossible for a customer to make their utility meter accessible to City Employees in a given month, the utility customer may send a time stamped photograph of their utility meter, clearly depicting the meter reading, to the City Clerk, by the 15th day of the month, or the first business day following the 15th day of the month if the 15th falls on a holiday or a weekend. If there is a question as to the authenticity of the photograph, or that a particular customer is using this section of the City Code in bad faith, the Mayor or his/her designee may forbid said customer from using photographic proof of meter readings. This section shall apply only to the access of utility meters for the purpose of calculating a utility bill and shall in no way excuse the inaccessibility of utility fixtures for the purpose of testing, examining, or repairing pipes, meters, or other utility fixtures.

SECTION 2. All other sections of Chapter 50 of the Municipal Code of the City of Peru, Nebraska, not in conflict herewith, shall remain in full force and effect.

SECTION 3. That any other ordinance or section thereof passed or approved prior to the passage, approval, and publication or posting of this ordinance that is in direct conflict herewith is hereby repealed.

SECTION 4. This ordinance shall take effect and be in full force and effect from and after its passage, approval, and publication or posting as required by law.

SUSPEND
READINGS _____ ✓ _____
(3/4 VOTE)

FIRST READING _____ N/A _____
SECOND READING _____ N/A _____
THIRD READING _____ N/A _____

PASSED AND APPROVED THIS 17 DAY OF July 2023 AS FOLLOWS:

Cate Wyckoff Aye: X Nay: _____ Absent: _____ Abstain: _____

Quentin Kieler Aye: X Nay: _____ Absent: _____ Abstain: _____

Marty Peregoy Aye: X Nay: _____ Absent: _____ Abstain: _____

Dave Pease (Mayor) Aye: _____ Nay: _____ Absent: _____ Abstain: _____
(on tie breaker)

David Pease

David Pease, Mayor of
City of Peru, Nebraska

ATTEST: T. Schultz
Clerk for the City of Peru, Nebraska

(Seal)



Approved as to Form & Legality:

Morgan Ritchie
City Attorney

Handwritten signature or initials in blue ink, possibly reading "P. Smith" or similar.