

ORDINANCE NUMBER 339

AN ORDINANCE REGULATING WINTER FREEZING OF WATER MAINS AND/OR SERVICE LEADS EXTENDING TO THE CURB STOP FOR RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY OF BESSEMER

THE CITY OF BESSEMER ORDAINS:

1. Climactic conditions periodically and occasionally result in freezing of municipal water mains and/or customer service leads extending from the curb stop to the impacted residential or commercial structure.
2. Freezing of residential and commercial leads connecting to the municipal water system from the curb stop to the residential or commercial structures shall be the responsibility of the property owner(s).
3. Due to uncertainty and shared risk, however, the property owner is eligible for a credit or payment not to exceed fifty (50%) percent or one (\$100.00) hundred dollars if thawing services are required, provided owner has exercised due diligence as noted herein:
 - A. Property owner(s) observed let-run directive(s).
 - B. Structure is reasonably heated, regularly inspected, snow removal over water infrastructure is responsibly accomplished.
 - C. No property owner(s) shall receive more than one (1) credit, or payment, annually.
 - D. Property owner(s) may appeal administrative findings and determinations to the City Council.
4. On all of the above-noted circumstances, private sector contractors, or property owner(s), engaged in lead thawing activities, shall provide the following:
 - A. Proof of appropriate insurance coverages.
 - B. Contractor shall name the City of Bessemer as an additional insured on relevant insurance policies or coverages.
5. The City of Bessemer shall compensate the property owner under Paragraph 3 of this ordinance after the property owner signs a release stating the property owner is accepting a credit or payment as full reimbursement under the provisions of this ordinance, and further, is holding the City of Bessemer harmless from any additional claim for damages resulting from said water lead thawing services and/or activities.

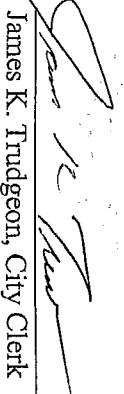
YES: Frello, Carpenedo, Peterson, Gaiss

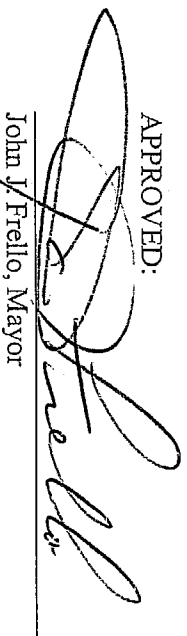
NO: None

ABSTAINING: None

First Reading: June 15, 2009
Second Reading: July 6, 2009

ATTESTED:


James K. Trudgeon, City Clerk

APPROVED: 
John J. Frello, Mayor