

TITLE III - COMMUNITY DEVELOPMENT AND SERVICES

ARTICLE IV PUBLIC WATER SYSTEM - RULES, REGULATIONS, CONDITIONS OF SERVICE AND PENALTIES FOR VIOLATIONS

3-4.1 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Water System" or "water works" shall mean all public facilities for securing, collecting, storing, pumping, treating and distributing water.
2. "Superintendent" shall mean the superintendent of the city water system or his duly authorized assistant, agent or representative.
3. "Water Main" shall mean a water supply pipe provided for public or community use.
(Iowa Departmental Rules, 1973, p. 345, Sec. 21.1 120)
4. "Water Service Pipe" shall mean the pipe from the water main to the building served.
5. "Consumer" shall mean any person receiving water service from the city. The word "consumer" and the word "customer" shall mean the same and used interchangeably and shall include anyone who is required to be connected to the City's public water system.

(Expanded definition Ordinance No. 2004-1, passed November 3, 200).

- 3-4.2 The waterworks system shall be under the control of the council. At the first meeting in April after the regular municipal election, the Mayor shall appoint a committee or three members of the Council as a committee on public works, to have supervision over the waterworks system, subject to the control of the entire Council. The Superintendent of Public Works shall have control and supervision of the waterworks system, and have charge of the reading of meters, collection of all water bills, and receive all money therefor. He shall keep a correct book account, showing all money received and expended by the waterworks department and for what purpose and have and perform all other duties under his management, connected with the waterworks system.

3-4.3 MANDATORY CONNECTIONS.

1. All residences and business establishments within the City limits intended for, or used for, human habitation, occupancy, shall be connected to the City's public water system, unless:

(a) Said water system is not within 100 feet of the property line of said residence

or business establishment, or

- (b) Said residence or business establishment is furnished with pure and wholesome water from some other source.

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2. Pure and wholesome water shall mean water that, after analysis as provided herein, is not shown to be unsafe or unsatisfactory due to bacteria.

3. The owner, or occupant, or user, of water from some other source shall have the obligation to furnish proof to the City that said residence or business establishment has pure and wholesome water from said other source.

In order to prove to the City that there is pure and wholesome water from some other source, the owner, or occupant, or user, of said water, shall cause a water analysis to be taken once in each calendar year and the results of said analysis shall be submitted to the City.

All water samples for analysis shall be taken by an employee of, or under the supervision of an employee of the City using equipment furnished by the City. The cost of the water analysis shall be the responsibility of the owner, or occupant, or user.

4. The City will only accept a water analysis from the University of Iowa Hygienic Laboratory or some other State of Iowa approved laboratory.

5. The water shall be analyzed for bacteria and nitrates.

6. If, as a result of said water analysis, the water from the other source is found to be unsafe or unsatisfactory due to bacteria, the owner of said residence or business establishment shall connect said residence or business establishment to the City public water system within 60 days after receiving notice from the City to do so.

7. All owners, occupants, or users, shall permit said City employee access to said water supply at reasonable times for the purpose of obtaining a water sample for said analysis.

8. The City shall have the right to request a water analysis from any owner, occupant, or user, of a residence or business establishment which is using water from some other source and all of the above provisions shall apply, except that if said water source has been analyzed within the last 12 months, the cost of said analysis shall be paid by the City.

9. Failure of the owner, or occupant, or user, to have a water analysis taken, or permit a City employee access to the water supply for the purpose of getting a water sample for analysis, or failure by the owner to connect said residence or business establishment to the public water system within said 60 day period, shall constitute a violation of this Ordinance.

Each day in which any such violation shall continue shall be deemed a separate violation of this Ordinance.

10. Any person who violates any provision of this Section shall be guilty of a public offense, and upon conviction thereof, shall be subject to a fine not to exceed \$100.00, or imprisonment not to exceed 30 days.

(Ordinance No. 1984-3, passed August 7, 1984)

3-4.4 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off under the supervision of the superintendent at the corporation cock and made absolutely water tight.

3-4.5 Property owner or his agent, hereinafter called customer, must make written application for water service at the Clerk's office of the municipality, and said application including service received thereunder is unassignable by the customer. (See Article VI 3-6.3)

(Ordinance No. 1983-4, passed November 1, 1983.)

3-4.6 Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- (a) Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.
- (b) Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water.
- (c) Resale or giving away of water.
- (d) Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.
- (e) Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.
- (f) Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality.
- (g) Non-payment of bills.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.7 The municipality shall install and maintain at its expense that portion of the service from the main to the lot or easement line, including the necessary tap, fittings, and shut-off valve; and the customer shall install and maintain at its expense that portion of the service from said lot or easement line to his premises, including a stop and waste cock at the end of the house side of his service. The minimum earth cover of the customer's service shall be five (5) feet. The municipality shall determine the size and kind of service to be installed. (NOTE: See 3-6.9 for hookup/tapping charge paid to City.)

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.8 EXCAVATIONS. All trench work, excavation and backfilling

required in making connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers.

3-4.9 TAPPING MAINS. All taps into water mains shall be made by the superintendent and in accord with the following:

1. All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of water-works personnel and constructed in accordance with the provisions of this ordinance.

(Ordinance No. 1983-4, passed November 1, 1983)

2. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.

3. Sizes and Location of Taps. All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one inch tap. Where a larger connection than one inch tap is desired, two or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen inches apart. No main shall be tapped nearer than two feet of the joint in the main.

4. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

5. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as he shall require.

3-4.10 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be three-quarter (3/4) inch or larger standard weight type K copper or approved cast iron. Pipe must be laid sufficiently waiving, and to such depth, as to prevent rupture from settlement or freezing.

3-4.11 CURB STOP. There shall be installed a main shut-off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

3-4.12 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering

with service to the others.

- 3-4.13 Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the streamline to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice.

(Ordinance No. 1983-4, passed November 1, 1983)

- 3-4.14 INSPECTION AND APPROVAL. All water-service pipes and their connections to the water system must be inspected and approved in writing by the superintendent before they are covered and he shall keep a record of such approvals; if he refuses to approve the work, the plumber or property owner must proceed immediately to correct the work so that it will meet with his approval. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

- 3-4.15 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as a general property taxes.

- 3-4.16 Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

(Ordinance No. 1983-4, passed November 1, 1983)

- 3-4.18 MAINTENANCE OWNER'S RESPONSIBILITY. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks the water service pipe from the curb stop to his building, whether in public right-of-way or not.

- 3-4.19 OPERATION OF CURB STOP. It shall be unlawful for any person except the water

superintendent to turn water on at the curb stop.

3-4.20 This section was repealed by Ordinance No. 2004-1, passed November 4, 2004.

3-4.21 Bill and notices relating to the conduct of the business of the municipality will be mailed customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

(Ordinance No. 1983-4, passed November 1, 1983).

3-4.22 (a) Bills for water service are due and payable at the business office of the municipality, or to any designated agent, on their date of issue. The past due date shall be the tenth (10) day after the date of issue. Bills will be dated and mailed on the first of each month.

(b) All bills not paid on or before the past due date shall be termed delinquent, and the municipality shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within ten (10) days after date of such final notice, the water supply to the customer may be discontinued without further notice.

(c) Meters will be read monthly between the 25th and the end of each month.

(Ordinance No. 1983-4, passed November 1, 1983).

3-4.23 Where the water supply to a customer has been discontinued for non-payment of delinquent bills, a charge of ten dollars (\$10.00) will be made for re-connection of water service, but the re-connection will not be made until after all delinquent bills and other charges, if any, owned by the customer to the municipality have been paid.

(Ordinance No. 1983-4, passed November 1, 1983).

3-4.24 The municipality reserves the right to request a nominal sum be placed on deposit with the municipality for purpose of establishing or maintaining any customer's credit.

(Ordinance No. 1983-4, passed November 1, 1983).

3-4.25 All meters shall be installed maintained and renewed by an at the expense of the municipality, and municipality reserves the right to determine the size and type of meter used.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.26 Upon the written request of any customer, the meter servicing said customer shall be tested by the municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve (12) months preceding the requested test; otherwise a charge equal to the cost to the municipality to have said meter tested, but in no event, less than \$10.00, will be made and then only if the

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test indicates meter accuracy within the limits of 2%.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.27 Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.28 Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being ten dollars (\$10.00); and the amount to be determined by the municipality depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.29 The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.30 The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.31 Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc.

(Ordinance No. 1983-4, passed November 1, 1983)

- 3-4.32 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit. Before a permit may be issued, the person applying for such permit shall have executed unto the municipality and deposited with the Clerk a corporate surety in the minimum sum of \$1,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances pertaining to plumbing, waterworks or appurtenances. This bond shall state that the person will indemnify and save harmless the municipality and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, waterworks or appurtenances as prescribed in this ordinance.

(Ordinance No. 1983-4, passed November 1, 1983)

- 3-4.33 Such bond shall remain in force and must be executed for a period of minimum of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

There shall be two (2) classes of permit applications; one for residential service, and the second for commercial and industrial service. In either case, the owner or his agent shall make application. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the inspector.

(NOTE: Permit and inspection fee was repealed by Ordinance No. 1989-3, passed August 1, 1989. See 3-6.9 of City Code.)

Service lines and appurtenances shall be constructed in accordance with the State Plumbing Code.

(Ordinance No. 1983-4, passed November 1, 1983)

- 3-4.34 If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer.

(Ordinance No. 1983-4, passed November 1, 1983)

- 3-4.35 Water furnished by the municipality may be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell or give the water to any other person.

(Ordinance No. 1983-4, passed November 1, 1983)

- 3-4.35 The municipality will construct extensions to its water lines to points within its service area but the municipality shall not be required to make such installations unless the customer pays to the municipality the entire cost of the installation.

All line extensions shall be evidenced by a contract signed by the municipality and the person advancing funds for said extensions, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies.

If refund of the advance is to be made, the following method shall apply: 20% of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited.

No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title or interest therein.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.37 The municipality may refuse service to persons, not presently customers, when in the opinion of the municipality the capacity of the facilities will not permit such service.

(Ordinance No. 1983-4, passed November 1, 1983)

3-4.38 Any person who violates Sections 3-4.5, 3-4.6, 3-4.7, 3-4.9, 3-4.13, 3-4.17, 3-4.28 (second paragraph), 3-4.32, 3-4.33 (first paragraph), 3-4.33 (third paragraph), 3-4.35, or 3-4.16, shall be guilty of a public offense and upon conviction therefor, shall be subject to a fine not to exceed \$100.00, or imprisonment not to exceed 30 days.

(Ordinance No. 1984-3, passed August 7, 1984)

3-4.39 Any person violating any of the provisions of this Article shall become liable to the City for any expenses, loss, or damage, occasioned by the City by reason of such violation.

(Ordinance No. 1984-3, passed August 7, 1984).

(Ordinance No. 1983-4, passed November 1, 1983, repealed much of the prior provisions of this Article; Ordinance No. 1984-3, passed August 7, 1984, amended the mandatory connections section, 3-4.3, and provided for certain penalties, criminal, 3-4.38, and civil, 3-4.39.)