

## CHAPTER 90

## WATER SERVICE

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**90.01 DEFINITIONS.** For use in this chapter the following terms are defined:

1. "Consumer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
2. "Water main" means any pipe laid by the City or agents thereof or accepted by the City in streets, alleys or other grounds, which is a portion of the water system of the City and which is intended to be tapped in the prescribed way for water service pipes to consumers.
3. "Water service pipe" means a water pipe line laid from a water main into the premises to be served with water. The service pipe includes the corporation valve, lead-in pipe, curb stop box and shut-off, and all valves and pipes inside the building through which water passes before it reaches the water meter.
4. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

**90.02 WATER WORKS SYSTEM ESTABLISHED.** There is hereby established in the City a system of water works, pursuant to the provisions Chapter 597 of the Code of Iowa, and by virtue of the power vested in the City Council by the voters at a special election held January 14, 1997. Said water works system shall be known as "Robins Water System". Future projects that include water main construction will require connection by adjacent properties within one year

of final acceptance of the project unless otherwise provided in a development agreement, annexation request, annexation agreement, or resolution approved by the City Council.

**90.03 SUPPLY OF WATER.** Water shall be supplied to consumers in the City pursuant to the City's Water Service Contract with the City of Cedar Rapids, Iowa (hereinafter referred to as "Water Department"), which contract was approved by the Council on April 6, 1998. Said contract is incorporated herein by reference as if fully set forth. The City will attempt to deliver, but does not guarantee, a constant supply of water to any consumer and shall not be liable for any damages for any failure to supply the same if for any cause the supply of water shall be shut off to make repairs, connections, or extensions or for any other purpose that may be found necessary. The right is reserved to discontinue the supply of water at any time.

**90.04 NONLIABILITY OF CITY.** The City shall not be liable for any claim or damage on account of the breaking or injury to any service pipe, corporation valve, curb stop valve, stop and waste valve, or other equipment.

**90.05 ABANDONED CONNECTIONS.** When a water service pipe is abandoned, or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation valve, made absolutely watertight, and the water service pipe on the customer side of the corporation valve shall be disconnected from the corporation valve.

**90.06 WATER SYSTEM CHARGES.**

1. City Installed Water Mains:

A. Charges. If an assessment, charge or development agreement for water main, water service pipe, and fire protection, which equals or exceeds the sum of the costs noted below, has not been made against the property which is benefited, the following charges shall apply.

(1) Residential Zoned Property (Excluding Mobile Home Park Zoned):

a. Main Charge. A charge of \$750 for each lot served shall be paid to the City to include, in part, fire protection service.

b. Water Service Pipe Charge. The property owner shall pay the City for the cost of the water service pipe, or part thereof, that becomes a part of the service connection to the property served if the property owner has not previously paid for it. Where water mains

exist at the time of the adoption of this ordinance, the cost shall be \$300 per connection. If the connection is not made within one year of the adoption of this ordinance, the cost shall raise 3% per annum until the connection is made regardless of whether the main is on the same side or opposite side of the street. Said service shall be 1", to and including the curb stop box and shut-off. (Ordinance No. 0908, 11/2/09)

(2) Nonresidential Zoned Property (Excluding Agricultural Zoned and Including Mobile Home Park Zoned). Where said property is used for any purpose other than a single family residence, the following charges shall apply. If the property is used solely as a single family residence, charges shall be the same as residential zoned.

a. Main Charge. A charge of \$10.00 per lineal foot of lot abutting shall be paid to the City to include, in part, fire protection service. The charge shall apply to all footage abutting, whether front, side and/or rear.

b. Service Connection Charge. A charge of \$2,000 per acre or fraction thereof, with a minimum of \$2,000, shall be paid to the City for the benefit of receiving water service. This fee shall be reduced by fifty percent (50%) if the property owner applies for water service connections prior to the City's award of the construction contract for the main serving said property.

c. Water Service Pipe Charge. The property owner shall pay the City for the actual cost of the water service pipe, or part thereof, that becomes a part of the service connection to the property served if the property owner has not previously paid for it. The actual cost shall be the cost paid by the City or the actual cost of labor, materials and overhead, whichever is applicable.

- (3) Agricultural Zoned Property.
  - a. Main Charge. A charge of \$750 for each lot served shall be paid to the City to include, in part, fire protection service. If additional services are requested, a charge of \$750 will be applicable for such service.
  - b. Water Service Pipe Charge. The property owner shall pay the City for the cost of the water service pipe, or part thereof, that becomes a part of the service connection to the property served if the property owner has not previously paid for it. The cost shall be \$300 per connection. If the connection is not made within one year of the acceptance of the project, the cost shall rise 3% per annum until the connection is made regardless of whether the main is on the same side or opposite side of the street. Said service shall be 1", to and including the curb stop box and shut-off. (Ordinance No. 0908, 11/02/09)

B. Payment.

(1) Residential Zoned Property (Excluding Mobile Home Park Zoned). Payment for the Main Charge will be due upon City Council acceptance or final approval of the public improvement project in which the water main was installed. At the time of final approval, the City will invoice the appropriate properties for the Main Charge. Payment shall be made in full at the time of building permit or water service permit issuance for the Water Service Pipe Charge. Payments are due as noted unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

(2) Nonresidential Zoned Property (Excluding Agricultural Zoned and Including Mobile Home Park Zoned). Payment for the Main Charge will be due upon City Council acceptance or final approval of the public improvement project in which the water main was installed. At the time of final approval, the City will invoice the appropriate properties for the Main Charge. Payment shall be made in full at the time of building permit or water service permit issuance for the Service Connection Charge and Water Service Pipe Charge. Payments are due as noted unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

(3) Agricultural Zoned Property. Payment for the Main Charge will be due upon City Council acceptance or final approval of the public improvement project in which the water main was installed. At the time of final approval, the City will invoice the appropriate properties for the Main Charge. Payment shall be made in full at the time of building permit or water service permit issuance for the Water Service Pipe Charge. Payments are due as noted unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

2. Private Developer Installed Water Mains.

A. Charges. In those areas of the City where a private developer has previously constructed water mains at no expense to either the City or abutting property owners, and said water main has been accepted as a City facility, a Main Charge as set out in subsection 1 of this section shall not be required. However, other fees are to be paid to the City as set out below.

(1) Residential Zoned (Excluding Mobile Home Park Zoned).

a. Service Connection Charge. A charge of \$750 per service connection shall be paid by the property owner to the City for the benefit of receiving in part, fire protection service.

(2) Nonresidential Zoned Property (Including Mobile Home Park Zoned). Where said property is used for any purpose other than a single family residence, the following charges shall apply. If the property is used solely as a single family residence, charges shall be the same as residential zoned.

a. Service Connection Charge. A charge of \$2,000 per acre or fraction thereof, with a minimum of \$2,000 shall be paid to the City by the property owner for the benefit of receiving, in part, fire protection.

B. Payment.

(1) Residential Zoned Property (Excluding Mobile Home Park Zoned). Payment shall be made in full at the time of building permit issuance, unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

(2) Nonresidential Zoned Property (Including Mobile Home Park Zoned). Payment shall be made in full at the time of building permit issuance, unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

3. Pre-Existing Mains.

A. City Installed Water Mains. The following water system charges shall apply for properties where the contract for water main construction has been awarded prior to the effective date of the ordinance codified in this chapter and; if an assessment, charge, or development agreement for water main, water service pipe, and fire protection, which equals or exceeds the sum of the costs noted below, has not been made against the property which is benefited.

(1) Residential Zoned Property. The Main Charge noted in Section 90.06(1)(A)(1)(a) shall be charged. The Water Service Pipe Charge noted in Section 90.06(1)(A)(1)(b) shall be charged.

(2) Nonresidential Zoned Property (Excluding Agricultural Zoned). The Main Charge noted in Section 90.06(1)(A)(2)(a) shall be charged. The Service Connection Charge noted in Section 90.06(1)(A)(2)(b) shall be waived if application for water service is made within one year of the effective date of this chapter. The Water Service Pipe Charge noted in Section 90.06(1)(A)(2)(c) shall be charged.

(3) Agricultural Zoned Property. The Main Charge noted in Section 90.06(1)(A)(3)(a) shall be charged. The Water Service Pipe Charge noted in Section 90.06(1)(A)(3)(b) shall be charged.

B. Private Developer Installed Water Mains.

(1) In those areas of the City where a private developer has previously constructed water mains at no expense to either the City or abutting property owners, and said water main has been accepted as a City facility or where a final plat has been approved and the improvements have not been constructed, a Main Charge as set out in subsection 1 above shall not be required. However, other fees are to be paid to the City as set out below.

(2) A Service Connection Charge of \$750 shall be paid by the property owner to the City for the benefit of receiving, in part, fire protection service.

(3) The Water Service Pipe Charge shall be waived.

C. Payment.

(1) City Installed Mains on Residential Zoned Property. The Main Charge will be invoiced to the affected property. The Water Service Pipe Charge shall be due at the time of issuance of the Water Service Permit. Payment for these charges shall be made in full, unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

(2) City Installed Mains on Nonresidential Zoned Property (Excluding Agricultural Zoned). The Main Charge will be invoiced to the affected property. The Service Connection Charge and the Water Service Pipe Charge shall be due at the time of issuance of the Water Service Permit. Payment for these charges shall be made in full, unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

(3) City Installed Mains on Agricultural Zoned Property. The Main Charge will be invoiced to the affected property. The Water Service Pipe Charge shall be due at the time of issuance of the Water Service Permit. Payment for these charges shall be made in full, unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

(4) Private Developer Installed Mains. In those areas of the City where a Private Developer has previously constructed water mains at no expense to either the City or abutting property owners, and a building permit has already been granted, a Service Connection Charge of \$750 shall be invoiced to the property owner. Payment shall be made in

full, unless prior arrangements are made to pay according to the provisions of Section 90.07(4).

D. Development Agreements for Nonresidential Zoned Property (Pre-Existing). Where the City and a Developer have entered into a Development Agreement for the construction of public facilities including public water main, a Service Connection Charge of \$2,000/AC or a fraction thereof for each lot will be applicable for Nonresidential Zoned Property with a minimum of \$2,000 per lot. The Connection Service Charge shall be paid in full at the time of issuance of the building permit. Where a building permit has been previously granted, the Service Connection Charge will be invoiced to the property.

### **90.07 WATER SERVICE CONNECTIONS.**

1. Permit. Before any person shall make a connection with the water system, a written permit must be obtained from the Clerk's Office. The application for the permit shall be filed with the Clerk's Office.

2. Applications. Applications for water service connections shall be made in writing to the City Clerk by the owner or agent of the property to be served. The application shall include the street address of the property, the name of the property owner, the name and address of the plumber who will do the work, and the general uses of the water plus other information as may be required. No different or additional uses will be allowed except by written permission of the Superintendent of Public Works (hereinafter referred to as "Superintendent"). Such application shall state the size of pipe required and the approximate location where such service will enter the premises. The Clerk shall issue the permit, bearing his or her signature and stating the time of issuance, if it has been reviewed by the Superintendent to verify the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this chapter and require that the work be stopped. When the permit is issued the City will then make taps or connections to the water mains for the plumber engaged by the applicant. Connections will be made at the actual cost of labor, materials and overhead expenses. No taps or connections to the water mains shall be made by anyone except the City or its designees.

3. Repair and Installations. The City may make repairs and installations at any time deemed necessary by appropriate City officials and charge the owner of the property served for their work at prices and terms



to be established from time to time by the City. When no prices have been established, charges shall be made at the actual cost of labor, material and overhead.

4. **Installment Payments.** Owners of residential and agricultural zoned property to be served may elect to pay the Water System Charges in bimonthly installments over a period of 5 years. Payments are to be made to the City of Robins. The bimonthly installment shall include interest up to the rate maximum allowed by law on the unpaid balance. The right of the consumer to receive water service is for only as long as the installments are kept current. Installments and regular billing shall become delinquent 20 days after the date of the bill. Delinquent bills up to \$10.00 shall be subject to a penalty of \$1.00, and bills above the amount of \$10.00 will be subject to a 10 percent penalty. Ten days after a bill has become delinquent the water may be shut off from the premises. When so shut off, water shall not be turned on again until installments and all other charges due for services to the consumer, together with a charge for turning on the water, have been paid. Collection service trips will be subject to a service charge for each trip. In addition to other penalties and the shut off of service for delinquencies, the City may impose a lien upon the property served for any and all delinquent water charges in accordance with Sections 384.84 and 384.93 of the Code of Iowa.

5. **Notice.** A notice of delinquency shall be mailed no less than seven calendar days prior to shutoff. The notice will specify a date of hearing prior to service termination. The consumer may call or appear at the designated location on said date before a designated staff person to resolve the matter. The hearing may be continued by the designated staff person to attempt to resolve the matter, and if so continued, the service will not be shut off until the consumer is informed the hearing is terminated without satisfactory resolution.

**90.08 SERVICE CONNECTIONS.** The laying of all water service connections and pipes, setting of water service fixtures in streets, public grounds and in premises to be served by City water shall be made by persons or parties authorized by the City. No water service shall be installed by any person, so as to be within ten feet of any portion of a private sewage disposal system on the premises served.

**90.09 EXTENSION OF SERVICE PIPES, PERMITS.** After a water service pipe has been laid, no plumber or other person shall make any attachment or connection to it to serve other premises so as to connect the same with a the water system, unless the plumber shall procure a written permit from the City specifying

the particular additions, repairs, or alterations to be made, and shall perform such work in conformity with such permit, and the rules and regulations of the City.

**90.10 SERVICE PIPES ACROSS PRIVATE PROPERTY.** No water consumer shall conduct water pipes across lots or buildings to adjoining premises, but all water service pipe shall be laid on streets, alleys, or public ground to the premises to be served, and enter at the front, side, or rear of the building nearest the main.

**90.11 SEPARATE CONNECTIONS.** There shall be separate water service pipes laid from the main to each building wherever there is a water main laid in the front, side, or rear of such buildings. Such service pipe shall be laid in a straight line at right angles to the water main, and connection made within two lines drawn parallel to the sides of the building to be served and not more than three feet outside of these sides. Exceptions may be permitted if approved in writing by the Superintendent prior to construction. Where services are laid to premises where there are no water mains available for direct connections, a small temporary main will be permitted to be laid as provided under Section 90.22. In all cases each building served must have an independent service shut off.

**90.12 SERVICE SHUT OFFS.**

1. A curb stop box and shut off for controlling the supply of water to consumers shall be placed on every water service pipe. When connections are made in streets or avenues the stop box shall be placed on the public side 12 inches from the right -of-way line or utility easement line. The cover of the box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main, except if approved in writing by the Superintendent prior to construction.

2. Every water service pipe must also have a gate or ball valve placed in the building within 9 inches of the point where the pipe enters the building. The valve shall be kept in working order at all times so that the occupant of the premises may shut off the water. There shall also be a shut-off valve and waste valve placed on the outlet side of the water meter not more than 3 feet from the meter, so that the meter can be taken out or replaced without draining the pipe system in the building yet, allow for draining if necessary. The meter and valves should be accessible from one location. Where one service pipe supplies more than one consumer within the building, there shall be separate valves for each such consumer so that

service may be shut off for one without interfering with service to the others.

3. All valves on the water service pipe must have round ways of the same diameter as the pipe with which they are placed and proper handles for turning on and off, and be of a make and pattern approved by the Water Department.

4. The stop box used shall be of a design approved by the Water Department, and must have an unobstructed opening at least one and one-half inches in diameter and fitted with a substantial cover on which shall be marked the word "Water" in raised letters.

5. It is unlawful for any person except the Superintendent or a Water Department representative to turn water on at the curb stop. The outside shut off and stop box shall be under the sole control of the Superintendent and no one except a Water Department employee or person specially authorized by the Superintendent shall open the cover of such box, or turn on or off water. Licensed plumbers may turn on or off water for testing plumbing or making repairs, but whenever so used the plumber who uses it must leave the shut off closed if found closed, and open if found open.

6. The owner or occupant of the premises where a water service pipe is installed shall be held responsible for protection of the stop box on every service. The owner or occupant shall protect said box from any injury or interference from any person. In case of any injury to the stop box the owner or occupant shall give immediate notice to the office of the Water Department.

7. Owners of premises having water service pipes which do not have separate curb stop valves and boxes for each building or which otherwise do not conform to the requirements in this chapter shall put in such curb stop valve or make such other changes as are necessary to conform to these requirements when so instructed by the Superintendent.

8. There shall be no connections made on the water service pipe on the inlet side of the meter, unless approved by the City and properly metered.

### **90.13 SERVICE PIPE.**

1. That portion of the water service pipe from the water main to the meter up to two inches in size inclusive, must be laid of copper pipe; for two inches or over it must be laid of standard weight class ISO cement-lined cast iron pipe or copper pipe. Pipe must be laid in such manner and of such surplus length to prevent breakage or rupture by settlement. Brass, bronze and copper pipe fittings shall be of such strength and thickness to safely withstand a pressure of 200 pounds per square inch.

2. Copper pipe used in service connections shall conform to federal specifications for Type K copper and shall be cold drawn seamless tubing with a proper bending temper so that a full section shall withstand being bent cold through 180 degrees without cracking on the outside of the bent portion around a pin the diameter of which is one and one half the inside diameter of the copper pipe. The purity of the copper used shall be at least 99.9 percent and shall have a tensile strength of 30,000 pounds per square inch with a minimum elongation one inch in four inches. The minimum weights and thickness of copper service pipe per foot length shall be as follows: ¾-inch, weight 0.64 lbs., thickness 0.065 inches; 1-inch, weight 0.838 lbs., thickness 0.065 inches; 1¼-inch, weight 1.036 lbs., thickness 0.065 inches; 1½-inch, weight 1.360 lbs., thickness 0.072 inches; 2-inch, weight 2.062 lbs., thickness 0.083 inches; 2½-inch, weight 2.292 lbs., thickness 0.095 inches.
3. No water service pipe or tap for any building shall be less than one inch in diameter, and pipes supplying sill valves or hydrants outside of buildings shall not be less than one inch in diameter.
4. The size of service pipes shall be based on an average flow of 15 GPM.
5. Plumbers installing water service pipes shall close the curb shut off and leave it closed upon completion of their work, and when pipes are laid as stub ins only the plumbers shall close the end of the pipe or fitting with a tight metal plug or cap.
6. Licensed plumbers at the consumer expense shall install water meters.
7. The size of the water service and supply pipes to dwellings shall be based on the following schedule:
  - A. Minimum size water service and supply pipes to single family dwellings, one inch diameter pipe.
  - B. Minimum size water service and supply pipes to apartment, motel, and hotel buildings at minimum of 50 pounds pressure per square inch: 2 to 4 dwelling units I.D. 1-inch diameter pipe, 5 to 7 dwelling units I.D. 1¼-inch diameter pipe, 8 to 17 dwelling units I.D. 1½-inch diameter pipe, 18 to 50 dwelling units I.D. 2-inch diameter pipe, 51 to 100 dwelling units I.D. 3-inch diameter pipe, 101 or more dwelling units, as specified by City. The Superintendent shall be consulted for pipe sizing for all pressures different than 50 pounds.

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

**90.15 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 City shall assess the costs to the property owner. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

**90.16 MAIN EXTENSION BY PRIVATE PARTY.** No person shall install or construct any water main or extend any water main except in accordance with the following:

1. Permit. No such installation, construction or extension shall be commenced without first receiving from the City a permit therefor.
2. Plat Filed. A plat and plan of improvements showing the proposed location of new or extended mains, and the proposed location of fire hydrants to be connected to such main, shall be filed with the Council prior to consideration of any request for permit to construct or extend.
3. Review By Council. The Council shall review such proposals and make such additions, deletions or changes, as it deems appropriate. The Council shall approve or reject the proposals as amended. All construction shall proceed in conformance with such approved proposals only.
4. Costs. Installation or construction of mains by private developers shall be without cost to the City. Fire hydrants may be supplied by the City at cost.
5. Failure to Comply. Water mains not installed or constructed in compliance with this chapter shall not be connected to the City water system or any other water system or be used for water distribution after such connection shall have been made.

**90.17 CONNECTION BETWEEN DIFFERENT SERVICES.** When there are two or more water services on premises, the piping from each service must be kept separate and no connection made from one to the other.

**90.18 DEPTH OF SERVICE PIPE.** Water service pipes must be laid at least 5½ feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, such pipes shall be so laid that the same will be at least 5½ feet below the established grade.

**90.19 INSTALLATION AND MAINTENANCE OF SERVICE PIPES.**

1. All water service pipes and fixtures from the street water main to the premises including the corporation at the main shall be installed at the expense of the property owner through participating accordingly as identified under service pipe charges..
2. All water service pipes from the street main to and including the curb stop box and shut-off valve in the City right-of-way shall be maintained by the City.
3. The water service pipe after the first shut-off valve shall be maintained at the expense of the property owner, and the property owner shall promptly repair any leaks or defects and if not promptly repaired, the water shall be turned off until such repairs have been made. The expenses incurred in turning off the water supply shall be charged against such owner.

**90.20 BREAKS IN SERVICE OR FIXTURES.** Neither the City nor the Water Department shall be held responsible by reason of the breaking of any water service pipe, apparatus, or water coil, or for failure in the supply of water.

**90.21 RIGHT TO SHUT OFF WATER.** The City and the Water Department reserve the right at any time, when necessary, without notice, to shut the water off at its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City or Water Department by reason of the breakage of any water service pipe, or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections or any other reasons. The Water Department shall give notice of shutting off water if conditions are such that it is possible to do so. As a minimum the Water Department shall give notice to the City.

**90.22 TEMPORARY MAINS.** Temporary mains may be installed in right-of-way only with prior written approval of the Superintendent. Pipe laid temporarily in right-of-way when there are no water mains will be installed under the direct supervision of the Superintendent. Temporary mains shall be laid at the expense

of the party to be served through same. Temporary mains shall be repaired or removed at the direction of the Superintendent. If the party owning the main does not comply with the directions of the Superintendent in a timely manner, the Superintendent may take such action as deemed necessary and assess the cost to the owner of the main.

**90.23 RESPONSIBILITY IN TURNING WATER ON OR OFF.** In turning water on or off, neither the City or the Water Department shall be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or for any other causes.

**90.24 DISCONTINUING AND RENEWING SERVICE.** Owners or consumers desiring to discontinue the use of water shall give notice to the Water Department which shall then cause the water to be turned off and the meter removed. Water rents or charges for services shall be made until such notice is given. When water service is discontinued all water charges for such service shall become due and payable. When water service is again desired after having been discontinued, a charge shall be made for turning on water and renewing service. If a meter is removed from a house temporarily because of an owner's absence or danger of the meter freezing, a charge shall be made to cover the cost of removing and replacing the meter. All charges shall be based on labor, material and overhead costs.

**90.25 UNNECESSARY WASTE.** Consumers shall prevent unnecessary waste of municipal water and keep all water outlets closed when not in actual use. If unnecessary waste of water takes place, the City and/or the Water Department reserves the right to discontinue the supply. The City reserves the right to prohibit the use of municipal water for yard sprinklers or other large consumers of water when in the judgment of the City it is necessary to do so.

**90.26 WATER METERS.**

1. Meter Required. All water furnished to consumers shall be metered. Meters shall be furnished by the Water Department and set by a licensed plumber, but owners must provide suitable location in piping system and must pay for the labor and material required to install the meter and an outside reading device for the meter. All new water meter settings shall be installed with an outside reading device. Meters shall be placed on service pipe not to exceed two feet from the location in the wall or floor where such pipe enters the premises. The piping system shall be so constructed and meters so placed that all municipal water to be used in or about the premises shall pass through the water meter and the owner of the premises shall be responsible for compliance with this provision. The owner shall be liable for the payment for water used in violation of this provision.

2. Placement. There shall be suitable place provided for the meter so as to keep it dry, clean, and protected from freezing, and readily accessible at all times to the meter reader and inspectors. The owner of the premises to be served shall provide all valves and fittings necessary to comply with these requirements and to provide connection to meter, except a coupling or flange at each end of meter.
3. Additional Meters. For services larger than two inches in diameter, the Water Department reserves the right to install two or more meters of smaller size. Where meters are so placed, each meter shall have a valve or shut-off on both inlet and outlet pipes in addition to the basement shut-off. Where a service pipe larger than two inches in diameter is used; the plumber shall call at the Water Department office for instructions regarding the fitting and space to be provided for the water meters.
4. Separate Metering. In case two or more meters are desired for measuring water to different tenants in the same building from one service connection, they shall be so placed that no one of them shall measure water which has passed through another one.
5. Multiple Meter Settings. Where multiple meters are required, they shall be placed in a central location.
6. Outside Reading Devices. All outside reading devices shall be installed at the closest available place to the front of the structure with a minimum of 30 inches and a maximum of 60 inches above the finished ground elevation. The outside reading device shall at no time be placed on the back of a structure, or within a fenced area or in the proximity of any shrubbery or other obstacle, which would restrict access to the reading device.

#### **90.27 PROTECTION OF METERS.**

1. The owner or occupant of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person. In case of any injury to the meter, or in case of its stoppage or imperfect working, the owners or occupant shall give immediate notice to the Water Department. In all cases where meters are broken or damaged by negligence of owners or occupants of premises, or by freezing, hot water, or other injuries except ordinary wear and tear, the necessary repairs to the meter shall be made by the Water Department and the cost of such repairs paid for by such owner or occupant, and in case payment is not made, the water supply shall be turned off and shall not be turned on until full payment has been made, together with a charge for turning on the water again. The Water Department may



repair damaged meters without first giving notice thereof to the owners of premises served by such meter.

2. No one shall in any way interfere with the proper registration of a water meter, and no one except an authorized employee of the Water Department shall break the seal of a meter; except the Water Department may grant written permits to licensed plumbers in case of emergency to break such seal for draining pipes or stopping water leaks.

3. Wherever a water meter is installed on a water service in a premises that is to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such premises shall give notice to the Water Department to remove such meter, and free access to such meter must be provided at least 24 hours after notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until removed by the Water Department, and if the meter is not available or cannot be located, the owner shall be required to pay for the same at the actual value.

**90.28 TESTING METERS.** In case there is doubt as to the accuracy of a water meter on the part of the consumer, the consumer may have the meter tested by the Water Department at which test the consumer may be present or have a representative present if the consumer so desires, and if the meter is found to register within 2 percent of being correct a charge of \$5.00 per test may be made to pay for a part of the labor for making such tests. If the meter is found to measure more than 2 percent incorrectly, no charge shall be made for making the test. If the meter should be found to over-register more than 2 percent there shall be a proportional deduction made from the previous water bill. A water meter shall be considered to register satisfactorily when it registers within 2 percent of actual flow.

**90.29 RATES AND SERVICE.** The Water Department shall provide service to consumers of the City pursuant to its obligations under the Water Service Contract, which includes a program of regular inspection and preventive maintenance, and repair for the purpose of leaks, meter regularities, leaking services, valve and hydrant maintenance and main repair and replacement on a scheduled basis. The rate per gallon and the minimum charge for each water meter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. The Council may from time to time amend such rates and charges by resolution. A copy of the resolution setting forth the currently effective water rates and meter charges shall be kept on file in the office of the City Clerk, and be open to inspection during regular business hours.

**90.30 RATES OUTSIDE THE CITY.** Water service may be provided to any consumer located outside the corporate limits of the City, which the City has

agreed to serve, at the rates provided in Section 90.29. No such consumer, however, will be served unless he or she shall have signed a service application agreeing to be bound by the ordinances, rules and regulations established by the City with respect to water service, and the Council has specifically approved such application.

### **90.31 CLASSIFICATION OF WATER SERVICES, PAYMENT OF BILLS.**

1. Water service shall be divided into two classes, namely: domestic and commercial. Services having meter of one inch or smaller in size set in private dwelling shall be considered domestic, and all other services shall be designated commercial.
2. Meters on commercial services shall be read monthly, and the bills for water used during the previous month shall be payable within 15 days after such readings.
3. Meters on domestic services shall be read bimonthly and bills for water used during the previous two months shall be payable within 20 days after the reading of the meter.
4. A bill for water rental under commercial service shall become delinquent 15 days after the date of reading of the meter and under domestic service 20 days after the date of reading the meter.
5. Ten days after a bill has become delinquent the water may be shut off on the premises and when so shut off shall not be turned on again until water rents and all other charges due for services to the consumer, together with a charge for turning on the water have been paid. Collection service trips will be subject to a service charge for each trip.
6. The notice of delinquency on domestic services shall be mailed no less than seven calendar days prior to shutoff. The notice will specify a date of informal hearing prior to service termination. The consumer may call or appear at the Water Department business office on said date before a designated staff person to resolve any billing questions. The designated staff persons are water utility customer representative, revenue fiscal technician, customer collection representative, customer service supervisor, and water utility business manager. The Water Department shall not discontinue service for the period of time the customer enters into bona fide discussions with the authorized staff person to settle the dispute.
7. All bills for municipal utility services are payable only at the Water Department business office.

### **90.32 REFUND OF PAYMENT.**

1. Refunds will be made to consumers who have paid water rents in advance when they give notice in writing at the Water Department office to discontinue service and the meter has been removed. The amount so refunded shall be computed, based on the amount of water used or the un-expired time for which advance payment has been made.
2. No refunds or discounts on water rentals shall be made on account of the premises having been vacant or no water used, unless water has been shut off by the Water Department upon written request of the owner or consumer.

### **90.33 RESPONSIBILITY FOR PAYMENT.**

1. Water service accounts shall be kept in the name of the most recent applicant at a given address. Only such person or persons shall be recognized as the consumer.
2. No deposit is required for applicants who have established a credit rating of prompt payments (paid before delinquent) with the Water Department, or a rating in the Credit Guide Publication of the Iowa Adjustment and Credit Bureau of all prompt payments. In the event such applicant has less than all prompt payments, an advance deposit of four months' average service may be required.
3. Payment of water service accounts shall be the responsibility of whoever is the applicant for water service. Failure of the applicant to pay all charges for water service as provided herein may result in a lien being imposed on the premises served pursuant to Sections 384.84 and 384.93 of the Iowa Code.

**90.34 CROSS-CONNECTION CONTROL.** The purpose of cross-connection control is to safeguard potable water supplies by preventing backflow into public water systems.

1. Plans shall be submitted to the Water Department for review on all new water services in order to determine the degree of hazard.
2. For contaminant other than private well sources, the Water Department, with the concurrence of the City, shall determine the type of backflow prevention assembly required for containment based on the degree of hazard. The City shall require the installation of the appropriate backflow prevention assembly for containment before the initiation of water service.
3. For private well sources a complete separation between the Municipal Water System and the Private Well Piping System will be required. Under no circumstances shall there be any physical connection

between these systems, regardless of use of mechanical backflow preventers.

4. The Superintendent and the Water Department shall have the authority and the right to enter any property to inspect for possible cross connections.

**90.35 INFORMATION AT PLUMBERS' RISK.** Such information as may be obtained from the records, maps, employees, etc., of the City or Water Department relative to the location of water mains or service pipes, will be furnished to licensed plumbers and interested persons, but the City and Water Department do not guarantee the accuracy of such information.

**90.36 INSPECTION OF METERS, PIPE AND FIXTURES.** The employees of the City, the Superintendent and Water Department shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and examining the water pipe and fixtures, and the manner in which water is used. The City and/or Water Department reserves the right to set or remove a meter whenever it is deemed advisable so to do. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit any of these persons to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

**90.37 OPENING HYDRANTS.** No persons except members or employees of the City Fire Department, or the Water Department, acting in regular performance of their duties, shall open any public or private hydrant without a permit signed by an authorized representative of the Water Department or the Superintendent of Public Works.

**90.38 ACTUAL CONSUMPTION RATES.** The rate charged a person with a total annual household income equal to or less than the value stated in the current resolution establishing water rates, and who is totally disabled or who is 62 years of age or older shall be based on the actual consumption of water and a flat monthly service charge as stated in the current resolution establishing water rates, provided an affidavit hereafter described is filed. This rate is applicable only to the applicant's legal residence. Such person may obtain the afore-stated rate by filing an affidavit on a form furnished by the Water Department, at such place or places prescribed by the Water Department, stating the total income received, including earned and non-earned income, social security, pension and any other benefits received for the preceding calendar year. The reduced rate shall then be charged for each billing period commencing 30 days or more after the filing of the affidavit, for the fiscal year commencing July 1 of each year. An affidavit for the continuation of the reduced rate must be filed before June 1 of each year.

**90.39 DEMOLITION OR REMOVAL OF STRUCTURES.** Structures cannot be demolished or removed from a property which is served by City water until prior water service disconnect has been completed. Such a disconnect is to be at the stop-box for a service which is to be used again and at the main for service which is abandoned.

**90.40 WATER RESTRICTIONS.** The City Council may from time to time impose such restrictions as the Council deems necessary, for purposes of conserving water to protect public health, by resolution, upon consumers using City water. The restrictions shall be published in a newspaper of general circulation in the City to give notice to the public. The restrictions shall continue in effect for such period of time as provided in the resolution, or until the resolution is rescinded. In the event of an emergency, the resolution and public notice may be waived, with subsequent notice to be provided at such time and by such means as may be deemed appropriate at the time.

1. Enforcement. The Superintendent of Public Works, the Water Department, or a duly designated representative is authorized to turn off the City water supply at the curb stop box valve serving any property on which a violation of the restrictions is found to exist, to terminate the use of the water in violation of the restrictions. Such immediate turnoff is declared to be an emergency to avoid further waste of water to preserve the public health.
2. Notice. Upon turn-off of the water, the Superintendent or Water Department or designee shall promptly notify the consumer by informing any adult person found on the property, and in the event no one is located, by posting a written notice on the front door of the property, informing the consumer of a right to hearing, and fixing a time and place for such hearing.
3. Hearing. Each consumer whose water is turned off under the provisions of this section shall be entitled to hearing at the headquarters of the Water Department, or other place fixed by the Director within 15 hours after the water is turned off.
4. Turn On Cost. At the hearing, in the event it is determined there was not cause for turning off the water, the same shall promptly be turned on without cost to the consumer. Otherwise, the water will not be turned back on until the consumer makes application at the Water Department headquarters, and pays in advance a charge to be fixed by the Director to cover all costs and expenses of the City including pro rated salary costs incurred by the City as a result of the violations of the restrictions by the consumer.
5. Appeal. Any decision of the Director, or the Hearing Officer, can be appealed by the consumer to the City Council, and the consumer will be

provided prompt notice and hearing. The costs of prompt notice and hearing shall be paid by the consumer prior to water turn on, when the Council affirms the Director's determination.

6. Continued Violations. In the event there are more than two violations on the same property of the same restrictions during the period of time provided in a specific resolution, or during an emergency, the water will not be turned on until there is a hearing before the Director to determine whether or not there is sufficient evidence to ensure that further violations will not occur. If the Director determines such evidence does not exist, then the water will not be turned on until authorized by the City Council. The burden shall be upon the consumer to make application to the City Council, where the consumer will be provided prompt notice and hearing. The costs of prompt notice and hearing shall be paid by the consumer prior to water turn on, when the Council affirms the Director's determination.

**90.41 EXCAVATIONS.** All trench work, excavation, back-filling, and surface replacement required in making a connection shall be performed in accordance with applicable excavation provisions as provided in local, state, and federal Codes, Ordinances, Design and Construction Standards. It is unlawful to make any excavation in any street or highway within six feet of the existing water main or water service pipe while the ground is frozen, or to dig up or uncover so as to expose to frost any water main or water service pipe in the City without the special permission in writing of the Superintendent or the City Engineer. Where conflicts arise over surface replacement, the Superintendent or City Engineer shall specify the appropriate measures to be taken.

**90.42 WELLS.** After the effective date of Ordinance No. 98-06, no person shall construct or reconstruct (re-drill) a well, for the production of water when the property to be served has a municipal water main adjacent to the said property, except that property owners may construct and/or reconstruct existing wells that are used solely to service agricultural livestock or for irrigation, and other non-human uses. The replacement and repair of pump equipment will be allowed. A permit will be required for any such construction, reconstruction, or pump repair or replacement. The Council may approve a request to construct or reconstruct a well for human consumption or other uses when municipal water services are not currently available to the property. Any person granted permission to construct or reconstruct a well may, as a condition of that permission, be required to extend and connect to the municipal system, pay the required fees, and exclusively use municipal water service when:

1. Any new construction is undertaken on the property, and the municipal water system is immediately adjacent or along said property, or

2. Testing or inspection by Linn County Health Department or any other agency approved by the City indicates that further use of the well is a health hazard and the permission to construct or reconstruct the same may be conditioned upon periodic testing.

A person wishing to construct or reconstruct a well pursuant to this section shall make application with the City and, upon approval of the same, shall sign a Memorandum of Agreement agreeing to the provisions of this section, said Agreement to be recorded with the property.