

## **Chapter 38**

### **Water**

**Section 38-1 Reserved. (Amended 7-3-12)**

**Section 38-2 Reserved. (Amended 7-3-12)**

**Section 38-3 Reserved. (Amended 7-3-12)**

**Section 38-4 General rules and regulations.**

The following rules and regulations are hereby established for the governing of the water department of the city, and the control of all persons doing any plumbing in and upon any of the mains, connections, or appliances appertaining to the city waterworks.

Any person applying for and receiving water from the water works system belonging to the city, receives such water on the express condition that such water is taken subject to all rules, regulations and penalties provided by the city for any infraction of said rules and regulations.

The rules and regulations prescribed by this Chapter shall not be considered as a contract between the city and any parties affected thereby in a manner as to prohibit the council from altering or amending the same, or from establishing such additional and reasonable regulations as may from time to time appear to be necessary.

No person, firm, corporation or association, shall willfully and wantonly waste any metered water in the city.

**Section 38-5 Connecting to city water.**

Any person desiring to be connected to the water distribution system of the city shall make application for connection with the city finance officer. A water deposit as set by resolution of the city council shall be required in the following circumstances:

- A. For all persons who are renting the property where the water meter is located; or
- B. For people who own the property where the water meter is located and do not have a water account that has been in good standing for one (1) year prior. After one (1) year of not receiving a Notice of Delinquent Account or an insufficient funds check, such deposit shall be returned.

**Section 38-6 Approval required. (Amended 7-3-12)**

It shall be unlawful and it is prohibited for any plumber, owner or occupant of any premises, or any person, to turn on the water or to cause the water to be turned on connecting the plumbing and water pipes, installations and fixtures on any premises, or any part thereof, with the water distribution system of the city unless such connection shall have first been approved by the Water Department of the city as being in conformity with the ordinances and regulations of the city. In event the water is turned on to any premises without the prior approval of the Water Department as herein provided, then the water department may cause the water distribution system of the city to said premises to be shut off and the water shall not be turned on again to said premises without the approval of the Water Department.

**Section 38-7 Test completion.**

In no case shall any plumber or person, after the completion and test of any plumbing work, if it be the first introduction of service pipe, leave the water turned on in the premises.

When plumbers make repairs to pipes or fixtures on any premises, they shall leave the water turned on or turned off as they found it to be when they entered upon the premises to make such repairs. When a plumber drains the water pipes in any building or removes a water meter for any reason, the water department shall be notified immediately.

**Section 38-8 Guarding excavations.**

No person shall leave any excavation open unless the same shall be properly guarded and barricaded.

**Section 38-9 Tapping main.**

Property owners desiring to have a main tap to their property, shall pay to the finance officer a fee as set by resolution of the city council for each main tap.

**Section 38-10 Service pipe connection.**

All work to be done in laying of the pipe from the main or other distributing pipe into said premises, and all labor connected therewith by the provisions of this Chapter, shall be done at the expense of the owner or consumer, who shall at all times save the city harmless and indemnify said city against all accidents or damage to person arising from neglect in performance of the said work.

All property owners who shall discontinue an old service for any reason shall at his own expense have said old service disconnected at city main and if said property owner fails to do so, there shall be no water service to said premises. It shall be the duty of all plumbers, in the event they replace an old service, to disconnect any discontinued service line serving said premises from city main. All service lines, including private lines, must run parallel or at right angles to street.

**Section 38-11 Service pipes.**

The standard connection with the main shall be copper or plastic pipe from the curb stop. No service line from the curb stop to the city water meter shall be less than one (1) inch in diameter. If plastic is used, it must pass at least a two hundred (200) pound test.

**Section 38-12 Depths of service pipe.**

Service pipes shall in no case be laid at a depth less than five (5) feet below the lowest part of the gutter, except in the case of a lawn sprinkling system.

**Section 38-13 Excavations. (Amended 7-3-12)**

Prior to any trench or excavation being made in the city, the property owner or the person doing such trenching or excavating, shall obtain the consent of the Water Department. The Water Department may refuse to grant consent for such work if there is a possibility of damage to the city utilities. All trenches and excavations made by any person in the streets, alleys or public grounds, or under the sidewalks in the city for the purpose of making a sewer or water connection, shall be partially filled with dirt, wet down

with water, and thoroughly compacted; and such process continued until all of the earth removed from the excavation is put back into the trench, leaving the road or street in a smooth, even and firm condition.

**Section 38-14 Curb stop.**

There shall be a brass curb stop in each service pipe. Such stop shall be of the inverted ground key type and be under the exclusive control of the water department; said curb stop to be placed in the pipe on the outer side of the sidewalk or at the alley line, where it is readily accessible at all times; and no person not a direct employee of the city shall open or close or otherwise interfere with said curb stop. In no case shall a curb stop be placed on private property.

If a curb stop is damaged, the homeowner is responsible for the cost to replace or repair.

**Section 38-15 Separate cut-off boxes.**

Each separate building or water consumer location must have its own separate cut-off, placed at the outside edge of the sidewalk or in the alley.

**Section 38-16 Service ditch inspection. (Amended 7-3-12)**

No water service ditch shall be filled or service pipe covered until the same shall have first been inspected by the Water Department or his authorized assistants, and all persons making such service shall give at least five hour's notice to the department of the time such service pipe will be ready for inspection, and it shall be the duty of the Water Department, within reasonable time of the notice, to inspect the service and if, in his judgment, the service connections are properly connected and materials are of a quality specified in this Chapter, he shall give permission for the trench to be filled; but if he shall find the same to be improperly made, the work must be rectified and corrected according to his directions.

**Section 38-17 Service pipe responsibility. (Amended 7-3-12)**

The water department will not be responsible for service pipes and fixtures. All service pipes and fixtures on the premises and out to the curb stop, shall be installed and kept in good working order, and properly protected from frost and other danger, at the expense of the owner in possession of the premises served. If such owner or person shall fail to properly repair any leaky service pipe or other apparatus promptly upon receipt of due notice from the Water Department, his assistants or any person authorized by him, the water may immediately be shut off from said premises and remain shut off until the necessary repairs have been made. The city shall not be liable for any damage resulting from the breaking of any of the service pipe or apparatus, or for any other damage that may result from shutting off water for repairing or for any other purpose, or for any variation in pressure. No reduction will be made from the regular water rates because of leaking fixtures. If a service line develops a leak between the curb stop and meter and is not immediately repaired, the Water Department may cause said service pipe to be repaired and assess the actual cost of the repair plus 10 percent, to the property.

**Section 38-18 Sewer repair procedure. (Amended 7-3-12)**

If any person shall fail to promptly and properly repair any leaky, clogged, or inadequate private sewer line or house service sewer line, or if any person shall fail to promptly and properly empty or repair any septic tank, after being notified by the Water Department to do so, the supply of city water may immediately be shut off from the premises of all water users on that line and shall remain shut off until the necessary repairs have been made. The city shall not be liable for any damage resulting from the shutting off of the water, and no deductions shall be allowed from the regular water rates during the

period that the water is shut off. The water supply shall not be turned on to the premises until all work ordered by the Water Department has been satisfactorily completed and all applicable fees paid for turning the water off and on.

**Section 38-19 Fire protection.**

When regular customers of the water works, wish to lay larger pipes with hydrants and hose couplings, to be used only in case of fires, they will be permitted to connect with the street main at their own expense, upon granting of permission by the city council, and will be allowed to use the water for fire purposes only, free of charge.

**Section 38-20 Sprinkling restriction.**

All water used for air-cooling systems, street, lawn, or garden sprinkling is subordinate to domestic use or fire protection, and may be restricted at any time, should a scarcity of water or an emergency of any kind so require.

**Section 38-21 Pipe substitution.**

The service pipes not of plastic or copper, now connected in the city shall not be repaired when the same become leaky, but plastic or copper pipe shall then be substituted therefore. The owner of the property on which such service pipes are laid shall be liable and pay the expense of such replacement.

**Section. 38-22 Service connections before paving.**

All persons owning property abutting upon streets and alleys upon which paving is ordered, shall cause water connections to be installed to the lot line of such property in advance of paving work. If connections are not installed, the city shall cause the same to be installed and actual cost plus 10 percent assessed to the property.

**Section 38-23 Placing meters. (Amended 7-3-12)**

Each owner or water user must provide, at his own expense, a suitable place for the water meter; safe from damage due to frost, hot water, steam, or other causes and accessible for examination. Wherever possible, meters shall be located in the cellar or basement of the building to be supplied with water and provided with a shut off valve between the meter and the main; provided that the Water Department may permit the locating of the meters in other places when, in his opinion, such meter shall be safe from frost or other destructive conditions. No meter will be allowed in a pit under the floor of a dwelling or building, unless there is a trap door directly over the meter pit, unless special permission is obtained to do otherwise. The by-pass around the meter shall have an approved valve that can be locked or sealed by the water department. There shall also be a valve on each side of the meter. The correct size of meter to be used on any service shall be determined by the Water Department.

**Section 38-24 Meter pits. (Amended 7-3-12)**

All meters located outside of buildings must be placed in pits. The property owner or water user shall construct all such meter pits according to plans and specifications furnished by the water department and placed in the location selected by the Water Department.

**Section 38-25 Meter responsibility.**

In all cases where the meter is injured by freezing or use of torch, or otherwise damaged by the act of neglect of the occupant of the premises, or of his agents or servants, the cost of repair or replacing the same shall be paid by the owner or occupant. In case of neglect or refusal to pay the same on demand, the water supply may be turned off or meter removed, or both, and shall not be turned on until such cost and a penalty as set by the city council is paid. The owner or occupant of premises where the water meter is located shall see that the meter is kept free from obstruction on or around the same and conveniently accessible during all the reasonable hours of the day for the purpose of reading, inspecting or repairing such meter. If the consumer or property owner refuses to grant access to any water meter or refuses to keep free access to said water meter for the purpose of reading or checking by the water department, the water may be shut off from such property and not be turned on again until such violations have been corrected and a reconnection fee has been paid.

**Section 38-26 Meters failing to register.**

In cases where the water meters fail to register the amount of water passing through them by being stopped up or from any cause whatever, the quantity used shall be determined and the charge based upon the average amount used during the same period of the preceding three (3) years. If figures for the preceding three (3) years are not available, the quantity used shall be estimated as being equal to the amount used during the identical time period immediately following the repairing or replacing of the meter and the charge will be made on that basis. In case of breakage or stoppage or any other irregularity in the meter installed by the city, the owner or consumer is to immediately notify the city water department.

**Section 38-27 Testing meters at request of user.**

Upon the written request of any owner or consumer, the water department will test the meter supplying the premises. If the test of the meter shows that it fails to register correctly within two percent, the water department shall make a charge or allow a credit in proportion to the error, for all water registered in excess of the minimum amounts allowed by the established rates. If the meter test shows that the meter is registering within two percent, the cost of such meter test shall be assessed against the owner or consumer who made such request.

**Section 38-28 Check valve between meter and boiler. (Amended 7-3-12)**

Where a meter has been placed on a pipe connection to a boiler or other hot water apparatus, a check valve must be placed and maintained between the meter and the boiler or hot water apparatus, when so ordered by the Water Department, which shall protect the meter from back pressure of steam or hot water. In case the meter shall be damaged by hot water or steam, the owner or occupant of the premises shall pay for the damage.

**Section 38-29 Denial of city liability.**

The city will not be responsible for damages caused by the breaking of meters or for any accidents resulting from variation in the water pressure or the ram of the water in the mains.

**Section 38-30 Interference-Violation.**

Every person who shall break or deface the seal of any water meter or who shall obstruct or injure the action of any water meter, or who shall make any connection to obtain water without such water being metered, or who shall with intent to defraud make any connection or reconnection with such main or pipe,

to turn on or off, or in any manner interfere with any valve, stopcock or other appliances connected therewith, shall, upon conviction thereof, be punished as provided by this Ordinance.

**Section 38-31 Water rates.**

A charge as set by the city council shall apply and be paid to the city for each connection, disconnection and reconnection of any existing meter within the city. For accounts with no prior credit history within the city, a deposit as set by resolution of the city council shall be paid prior to hookup.

All water consumed shall be charged for and paid at rates as set by resolution of the city council.

**Section 38-32 City meter read. (Amended January 1, 2013)**

The city shall read all meters during the last week of the month and provide notice to account holders by mail or other electronic communication within five (5) days of such meter read.

**Section 38-33 Payment for utility services. (Amended January 1, 2013)**

All utility services shall be paid at the office of the municipal finance officer. Payment of utility services shall be due on the fifth day of each month and delinquent after the fifteenth day of the month, even if notice of amount due is not received by the account holder. All delinquent accounts shall be assessed a late payment charge as set by resolution of the city council.

**Section 38-34 Delinquent utility payments.**

- A. Persons who are delinquent on their utility services as defined above will be mailed a "Notice of Delinquent Account", which will state that the person has ten (10) days to make payment in full. The "Notice of Delinquent Account" shall provide notice to said person that utility services will be terminated after ten (10) days from the date of the Notice of Delinquent Account. The notice shall also give the time and date when the utility services will be terminated and the dollar amount that is delinquent, which must be paid to retain utility services, and the reason upon which the proposed disconnection is based. The notice will also inform the person of their right to a hearing with the city council concerning the disconnection of utility services. If the delinquent amount is not paid in full prior to the termination time and date, as set forth in the Notice of Delinquent Account, the utility service will be terminated and all utilities will be disconnected.
- B. Receipt of a written request for a hearing with the city council concerning the disconnection of utility services will suspend the termination of the utility services until after the hearing. The hearing with the city council concerning the disconnection of utility services will be at the next regularly scheduled meeting of the city council. Failure to appear at the hearing with the city council will result in a disconnection of services.
- C. Once a person has received a Notice of Delinquent Account, such person shall not allow that person's utility account to become delinquent. If a person allows their utility account to become delinquent within twelve (12) months of having received a Notice of Delinquent Account, the city may immediately terminate service without further notice. Upon termination of utility service as provided in this paragraph, all reconnection charges shall apply.
- D. Utility services that have been terminated for nonpayment of account will not be resumed until all billings on said account have been paid in full, including a reconnection charge as set by the city

council. If the city does not have a deposit for such terminated account, then prior to reconnection, there shall also be collected a deposit as set by resolution of the city council, to be held under the same conditions as apply to new account holders.

**Section 38-35 Interfering with fire hydrants. (Amended 7-3-12)**

No person except as authorized by the Water Department or the fire department in the discharge of their duties, shall open to take any water from any fire hydrant belonging to the city nor shall any person in any way interfere with, injure, break, or deface any fire hydrant. If any person requests any fire hydrant to be removed from its existing location and it is the opinion of the Water Department and the city mayor that the present location of said fire hydrant is satisfactory as far as the city is concerned, the person requesting the moving of said fire hydrant shall pay the entire cost of moving fire hydrant. Any person damaging a fire hydrant or water main or any connection thereto shall notify the water department or the city police at once, and the person responsible for the damage shall pay the cost of repairs or replacements.

**Section 38-36 Repair shut-offs.**

The city reserves the right at any time to shut off the water on any main for the purpose of repairing, making connections, extensions, or cleaning the same, and it is expressly provided that no claim shall be made against the city by reason of such break in service. The water department, before shutting off water as provided in this Section, shall give reasonable notice thereof to water users affected.

**Section 38-37 Changing pipes.**

Pipes and appurtenances already put in which are not in accordance with the provisions of this Chapter, must be made to comply with the rules laid down in this Chapter, and if not complied with in a reasonable time, the water supply will be shut off.

**Section 38-38 Cross-connections.**

No plumber or any other person shall make any cross-connection to the water system of the city with any other water system, supply from a well, cistern, or any other source whatever. Nor shall any plumber or any other person make any cross-connection to the water system of the city and any drain pipe, sewer pipe or septic tank.

**Section 38-39 Emergencies--Private lines.**

Should a privately owned water line break, the water department may shut off all water supply to all water users on that line forthwith, and all water service may be terminated by the water department until the break is adequately remedied, as shown by water department inspection of such repair work.

**Section 38-40 After-hour service calls.**

There shall be a charge, in addition to any other authorized charge, as set by resolution of the city council, to any account owner who requires the water department to make water calls or sewer service calls after 4:30 p.m. on any day or at any time on Saturdays, Sundays or holidays. All such charges are to be added to the appropriate water bill.

**Section 38-41 Liability for damages—Interpretation.**

This Chapter shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any water service equipment or piping, for damages to persons or property caused by any defect therein or negligence in the handling thereof, nor shall the city be held as assuming any such liability by reason of any inspection or re-inspection authorized herein or by reason of any approval issued as herein provided, or by reason of the approval or disapproval by the city or any employee thereof, of any equipment or installations as authorized herein.