

## ARTICLE III. - WATER

### DIVISION 1. - GENERALLY

#### Sec. 40-49. - Water conservation and use restrictions.

- (a) Whenever there is a fire in any area served by the public water system, all lawn hoses, sprinklers, and other irrigation systems must be shut off and all other unnecessary use of water must be stopped immediately.
- (b) Whenever the city manager determines that a shortage threatens the city's water supply, the city manager may, by published notice, limit the times and hours during which water may be used for lawn or garden watering, irrigation, car washing, swimming pools, recreational use, air conditioning or other uses, notwithstanding any provision of this section to the contrary. No person may violate the terms of this published notice. A notice of these special limitations shall be mailed or delivered to a violator upon a first offense. The city may discontinue water service to any customer who continues to cause or otherwise permits water to be used in violation of the provisions after notification of the first offense.
- (c) To conserve water resources and allow the city's water system adequate opportunity to replenish the water supply in the city's water storage tanks, certain limitations must be placed on the use of the city's water supply. At any time of year, a person may only sprinkle or irrigate lawns, gardens, or other planted landscaping or vegetation in the city before 11:00 a.m. and after 5:00 p.m. on calendar dates ending in an odd number for properties with street addresses ending in an odd number, or on calendar dates ending in an even number for properties with street addresses ending in an even number.
- (d) The restrictions established in this section do not apply to the use of water:
  - (1) From a hose being held by a person during the entire time it is in operation.
  - (2) Under the conditions of a permit issued by the public works director or his designee for special situations such as the watering of new sod or when establishing new turf areas by seeding.
  - (3) From a source of water other than the city's water system if the water user has registered the other source with the city and obtained a water appropriation permit if required under state law and posted a sign provided by the city that clearly informs the public of the alternative water source. The city reserves the right to inspect the property of any person that is using water under an exception to ensure compliance with the exception provisions.
- (e) Penalties. A violation of this section is a petty misdemeanor; however, a third or subsequent violation within a 12-month period is a misdemeanor. In addition, an administrative penalty may also be imposed for each violation. The penalty will be \$50.00 for the first violation and will increase by \$25.00 for each subsequent violation within a calendar year. The administrative penalty will be collected with water usage charges as a surcharge for the premises where the violation occurred. The city manager or designee will mail a notice of surcharge to the violator upon imposition of a surcharge. A surcharge may be appealed in writing within 20 days to the public works director or his designee.

(Code 1986, §§ 710.39, 710.40)

Secs. 40-50—40-71. - Reserved.

### DIVISION 2. - CONNECTIONS AND PERMITS

Sec. 40-72. - Connection permits.

- (a) *Required.* No public water main shall be tapped or connection made thereto from any lot without first securing the permits required by this Code from the building official and the superintendent and paying the required fees.
- (b) *Application.* Application shall be made in writing to the building official for a permit to tap a public water main located in a right-of-way. The application shall be made upon forms to be provided therefor by the city and shall contain the following information:
  - (1) Exact legal description of premises for which water or sewer connection is applied, including plat and parcel number;
  - (2) Address of premises;
  - (3) Name and address of plumber or other contractor;
  - (4) Name and address of owner of premises;
  - (5) Date of opening and installation of connection;
  - (6) General description of type and method of connection to be used or made; and
  - (7) Such other pertinent information as the building official may require.

(Code 1986, § 710.09)

Sec. 40-73. - Taps.

No permit to tap any main will be granted unless application therefor has been made in writing and signed by the owner or his agent duly authorized by him to do the work. The application must be made to the city's inspection division on a form furnished by the city, and all information required by the form shall be provided.

(Code 1986, § 710.11)

Sec. 40-74. - Charges.

The following charges shall accompany each application for each connection of any premises to the public water mains:

- (1) The charges and cost of inspections as established by city council resolution;
- (2) If, for the parcel described in such application, the city has not been reimbursed or otherwise secured for said parcel's proportionate beneficial share of the special benefit and total cost of the construction and installation of the public sewers within the project district or area in or from which said parcel is to be served, the applicant shall pay in addition to all other permit fees, a sum equal to that proportionate share of such special benefit and cost which said parcel bears to such entire area or district and which was specially assessed or charged for said public improvement, plus interest on said sum at the rate of seven percent per annum from the date of the original construction or installation of such public improvements to the date of the issuance of the connection permits.

(Code 1986, § 710.13)

Sec. 40-75. - Special fund.

Charges shall be deposited or paid into a special assessment fund or account and may be credited to the special assessments which may have been theretofore levied for water improvements involving the premises for which the special connection fee has been collected.

(Code 1986, § 710.15)

Sec. 40-76. - Meter installation, responsibility and testing.

- (a) All meters shall be an approved brand that is compatible with the city's meter reading system and must measure by gallon units. A city permit from the public works department is required prior to the replacement of any commercial meter or any meter larger than one inch. All meters must be equipped with a transponder approved by the city. All meters that are two inches or larger shall have a transponder for each register, one for high flow and one for low flow. The approval of meters shall be made by the city manager or his designee. No turbine meters shall be installed, unless it has been approved by the utility superintendent or an approved designee. The owner shall pay for the meter and transponder larger than one inch in diameter in advance. The owner shall ensure that the meter and transponder are readily accessible to city staff, with a 12-inch clear radius around the meter and transponder.
- (b) The city will maintain and repair or replace all residential meters up to and including one inch when rendered unserviceable through ordinary wear and tear. When replacement, repair or adjustment of a meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of a premises, the expense caused to the city thereby will be charged against and collected from the owner or occupant of the premises by a statement of charge itemizing the repairs. The property may be tagged and appropriately charged, and the water service may be disconnected until the cause is corrected and the charge collected. All residential meters up to and including one inch are the property of the city, and may be replaced or changed by the water superintendent when necessary.
- (c) Repair and maintenance of all meters over one inch shall be the responsibility of the property owner. Maintenance of meters over one inch shall include certification testing once every ten years or when deemed necessary by the city's utility billing department, necessary meter repairs to correct deficiencies, meter replacement when deemed necessary by the city public works department or finance department to ensure water metering accuracy or to maintain compatibility with a city meter reading program and technology, and submittal of test results to the city's billing department demonstrating the meter is accurate.
- (d) Failure to allow the city access to the water meter for inspection or repair purposes, or failure to test and repair all meters after 30 days' written notice from the city shall be considered an act of negligence and shall be subject to a fine of \$100.00 per month including the 30-day notice period. A person violating this subsection is guilty of a misdemeanor and the superintendent may disconnect the water supply to such meter.

(Code 1986, § 710.30)

Sec. 40-77. - Special connections.

- (a) Where a connection is made to an automatic sprinkler system, stand pipe for standby service only, or a fire hydrant on private property, meters or detector check valves must be installed on such services as required by the city. Should it be found that water not metered is used through a fire connection for any purpose other than the extinguishing of fire upon the premises, the owner and occupant will be notified, and if such improper conditions are not corrected within ten days, the water will be shut off until proper adjustments are made and the owner shall be subject to the penalties as provided in this article. Regular inspections shall be made of all fire service connections with all piping, fire gates and other attached appurtenances.
- (b) Employees of the water and fire departments shall have access to the premises for such inspection and shall keep a record of all inspections made.

(Code 1986, § 710.33)

Sec. 40-78. - Private water supplies.

- (a) *Separation.* Water pipes of the city's public water system may not be connected to a pump, well or tank that is connected to a private waterworks system.
- (b) *Time for connection; testing.* All properties consuming water for domestic purpose must either connect to the municipal water system within two years after such service becomes available, or annually submit a water test to the city's inspection department that was performed by a state-certified laboratory. This test must be submitted by May 1 of every year, along with the proper processing fee established by the city council. Tests must indicate that the water is potable according to the standards of the state department of health and that there is no evidence of recirculated sewage, including nitrates and coliform bacteria. If, from any cause, the water is not potable according to the standards, or the owner fails to submit the certification by June 15 of each given year, the owner shall make connection with the municipal water system within 30 days after written notice is given to the owner or occupant by the city. After the connection has been completed, the city will notify the department of health that a well, not in use, is located on said property.
- (c) *City installation.* If the owner or occupant of any property notified in writing to install a water service and make the proper water connections thereto, fails, refuses, or neglects to make such connections within 30 days after written notice pursuant to subsection (b) of this section has been given, the council may, by resolution, direct that a water service be installed and connections be made with the water mains and that the cost of the installation be paid in the first instance out of the permanent improvement revolving fund of the city, and the actual cost thereof assessed against the property so benefited.
- (d) *Cost assessed.* After such installation and connections are completed, there shall be served a written notice of such assessment and an order directing the owner or occupant of the property to pay the assessment within ten days after the service of notice. Upon proof of the service of such notice and order and proof that said assessment has not been paid within the ten days allowed, the clerk shall certify to the county auditor for collection of other assessments and benefits. The assessments shall be spread over a term of three years and shall become a lien upon said property until paid.

(Code 1986, § 710.25)

Secs. 40-79—40-99. - Reserved.

DIVISION 3. - STANDARDS AND SPECIFICATIONS

Sec. 40-100. - Permit conditions.

- (a) *General rule.* Permits shall be subject to the following terms and conditions, and the making of the application for such a permit, the granting of the permit by the city, and the tapping of the water main pursuant to the permit shall constitute a binding acceptance of such terms and conditions by the owner of the property, and by all assignees, successors, grantees, heirs or representatives of such owner.
- (b) *Backfill.* The applicant shall backfill the opening in the street and leave the street, curb and sidewalk in a condition satisfactory to the city.
- (c) *Authorized use.* No permit shall authorize anything not stated in the application, and for any misrepresentation in such application the permit will be revoked. The owner shall abide by all the laws, rules and regulations governing or relating to the use of city water, or pertaining to the water system of the city that are now in force or may hereafter be enacted. The permit is to be used for no premises other than those stated in the application.

- (d) *Additional mains.* The owner shall make no objection to the laying of additional water mains in the streets adjoining said land, and upon any such mains being laid the owner shall sever the permitted connection and make a new connection with such mains laid after the granting of such permit if required by the superintendent so to do.
- (e) *Waiver.* By the permit the owner waives all claims for damages against the city on account of damages to water pipes caused by freezing, breaking or from any other cause.
- (f) *Water charges.* Water charges accruing for water used through the permitted connection shall be a charge against and payable by the owner of the land served, as well as by the person using the water. The city may cut off the connection permitted for nonpayment of water charges, and to keep the same cut off until the provisions of the permit have been complied with and all back charges and penalties have been fully paid.
- (g) *Moving transponder unit.* The transponder unit shall not be moved or removed from the property without proper authorization from the city manager or his designee. If the transponder or wires connecting to the meter have been moved or removed without authorization, the property owner will be charged for the cost of relocation or replacement of the unit.

(Code 1986, § 710.17)

Sec. 40-101. - Construction method and materials.

- (a) *Placement.* Service pipes must be laid in such a manner as to prevent rupture by settlement and must extend from the main to the inside of the building or, if not taken into a building, then to the hydrant or other fixtures which it is intended to supply, and a stop-cock must be placed outside in an extension service box placed between the sidewalk and the curb, and shut-off stop-cock or other stop-cock, with waste, of the size and strength required, shall be placed close to the inside of the building, well protected from freezing. Where a pipe passes through or is laid within two feet of foundation walls the pipe should be protected from frost by enclosing in wood.
- (b) *Material requirements.* Service pipes from the main to the inside shut-off shall be as follows: for repairs to existing three-quarter-inch service, a three-quarter-inch corporation stop, one-inch copper tubing or plastic tubing for water supply (PEX) with tracing wire, ground stop curb stop with extension service box including a riser operating rod fastened to the curb box; for a one-inch service and all new residential services, a one-inch corporation stop, one-inch copper tubing, ground stop curb box with extension service box including riser operating rod fastened to the curb stop; for 1½-inch or two-inch services, a tapping saddle will be used, and the appropriate corporation stop installed into the saddle and copper tubing to a curb stop box with a riser operating rod installed. Copper pipe must conform in all respects to the standards published by the American Water Works Association, copies of which will be kept available in the office of the water superintendent. The service pipes must be a continuous piece from the main to the curbstop and from the curbstop to the structure if new construction. For service lines over two inches, stainless steel tapping sleeves and rubber edged gate valves must be used and ductile iron service pipe; all materials to be of approved size and design. No deviation in size or weights or pipe is permitted unless a written special permit is obtained for that purpose.
- (c) *Supply from one corporation stop.* No more than one house maybe supplied from one corporation stop, which may not be larger than one inch, unless by special permit. No more than one building may be supplied from one pipe, connecting with the distribution main. Each building must have a separate stop box.
- (d) *Manifold repairs.* When manifolds incorporating two or more corporations are in need of repair the manifold system must be abandoned and a new corporation installed in accordance with this chapter. No deviation from this is permitted unless a written special permit is obtained from the superintendent.

- (e) *Old stops plugged.* When new buildings are erected on the sites of old ones, and it is desired to increase or change the old water service, no connections with the mains are permitted until the old corporation stops have been removed and the main plugged or the old corporation stops have been shut off if not leaking. When a building is demolished or being moved the existing water service must be shut off at the main and a section of the water line must be cut off so that a physical break exists.
- (f) *Responsibility of owner.* The operation and maintenance of the service pipe from the property served to the main is the responsibility of the owner of the property served including the corporation stop connection at the main and the curb stop and curb box in the boulevard, and other valves and fixtures inside the building.
- (g) *Street excavation.* The street must be opened in a manner which will occasion the least inconvenience to the public, and provide for the passage of water along the gutters. One half of the street must be in good and safe condition at all times for the passage of vehicles or an adequate detour provided. No tunneling is permitted except when the exigencies of the case require such a permit. No excavation in any street or public place shall be left open overnight except thoroughly barricaded or fenced off in accordance with the state manual on uniform traffic control devices, and properly lighted so as to secure public safety. When a trench for pipe must be left open during the night, a sufficient number of lighted lanterns shall be placed over such trench, from twilight until daylight, and the trench shall be properly fenced.
- (h) *Refilling openings.* In refilling openings the earth must be replaced in the trench, and thoroughly tamped as directed by the water superintendent. The water superintendent may require new trench material hauled in and existing material hauled away if existing material is unacceptable. Disposing of the unacceptable material is the responsibility of the contractor.
- (i) *Pipes: protection.* If openings are made for any purpose whatsoever, and water mains and service pipes exposed, measures must be taken to protect them from frost. In refilling openings, all the earth must be replaced in the trench, and if the earth is frozen, it must be removed and the excavation filled with pure bank sand, in layers of not over six inches, and thoroughly tamped to prevent after-settlement.
- (j) *Inspections.* The superintendent or inspector may examine, inspect and superintend plumbing work, excavating, refilling, materials and fixtures. A refusal to permit such inspection, or any interference with the inspector in the performance of his duty, is grounds for a suspension or forfeiture of the permit.
- (k) *Change in schedule; notice required.* If the plumber laying the service pipe fails to have the corporation stop inserted at the time specified in the application, notice must be left with the superintendent or inspector fixing another day on which the plumber wishes the corporation stop to be inserted. The notice must be given at least two days previous to the excavation for laying of the service pipe, and the corporation stop must be inserted before 4:00 p.m., local time, except in special cases, and then the work shall be done only by written order from the superintendent.

Sec. 40-102. - Plumber's return.

Plumbers shall make full returns of the ordinary and special uses to which the water is designed to be applied with a description of the apparatus and arrangements for using the water. The return shall be made by the plumber who obtained the permit within five days after the main is tapped and filed with the superintendent. The plumber's return shall also contain a correct measurement of the distance north or south, east or west, of the particular service pipe from the nearest corner, the measurement to be made on the face or front of the houses on the streets. The return shall contain the name of the street containing the pipe which has been tapped and whether the service pipe enters on the north, south, east or west side of the street, and the exact location of the stop-cock, and any other information required by the superintendent.

Sec. 40-103. - Leaks; failure to repair.

In case of failure upon the part of any consumer or owner to repair any leak occurring upon a service pipe, within 24 hours after verbal or written notice to the owner or occupant of the premises, the water will be shut off and will not be turned on until the charges established by city council resolution have been paid, together with such additional sum as may be necessary to reimburse the city of all expenses incurred by it because of such break. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of the notice.

(Code 1986, § 710.19)

Secs. 40-104—40-134. - Reserved.

#### DIVISION 4. - PROHIBITED ACTS

Sec. 40-135. - Unauthorized tapping or turning service off and on.

No person, except those authorized by the superintendent, shall tap any distributing pipes, or insert stop-cocks or corporation stops therein, or turn on or off water from any service pipe or cause water to be so turned on or off.

(Code 1986, § 710.07)

Sec. 40-136. - Water towers access.

It is unlawful for a person to ascend the ladders or steps connected with the water towers or tanks of the city, or stand upon the platforms thereof, unless authorized to do so by the superintendent or manager. Violation of this subsection is a misdemeanor.

(Code 1986, § 710.35)

Sec. 40-137. - Thawing frozen services with electric welders.

It is unlawful to connect electric welders to any portion of the water service for the purpose of thawing out a service. Any other method used for this purpose must be approved by the water superintendent.

(Code 1986, § 710.27)

Sec. 40-138. - Meter tampering.

Except for extinguishing fires, no person except authorized city employees may use water from the water system of the city or permit water to be drawn therefrom, unless the water is metered by passing through a meter supplied or approved by the city, or unless the water is paid for on a flat rate basis when using a hydrant. No person may connect, disconnect, take apart, or in any manner change, or cause to change, or interfere with a meter or the action thereof unless authorized by the water superintendent or his designee. Violation of this section shall subject the property owner to a fee of \$50.00. Violation may also result in the discontinuance of water service either by shutting off the water at the stop-box or by severing the service at the water main if the stop-box is inoperable. Should the water service be discontinued, reestablishment may not be made until:

- (1) All charges for discontinuance of the water service are paid, including the fee for interfering with a meter, if applicable;

- (2) All charges for reinstatement of water service are paid.

(Code 1986, § 710.29)

Sec. 40-139. - Hydrant tampering and maintenance.

- (a) A fire hydrant may not be opened without the proper authority. Any person violating this section shall be guilty of a misdemeanor and in addition thereto shall be liable to the city for the value, at regular city rates, for the amount of water running out of the hydrant during the period it was open, as such amount of water may be determined by the superintendent.
- (b) The owner of a commercial building, apartment building or townhome with a private water main and hydrant is responsible for the maintenance and repair to his structure to provide fresh drinking water. The city flushes its hydrants once per year in the spring and asks that owners with private systems do the same.

(Code 1986, § 710.31)

Secs. 40-140—40-161. - Reserved.

#### DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

Sec. 40-162. - Water superintendent.

The city manager shall appoint a superintendent who shall have control and management of the water works and system of the city. The superintendent shall do and perform all acts necessary for the efficient and economical management and protection of the system, including, without limitation, the following:

- (1) *Records.* The superintendent shall keep a complete set of books showing distribution of accounts of the water department, and shall keep a record of all tanks, reservoirs, mains laid, castings, valves, gates and hydrants located in the system.
- (2) *Collections.* The director of finance shall keep a correct account of all receipts and make out all bills for water usage or materials furnished to consumers, collect the same and deposit the money so collected with the treasurer, to the credit of the water utility fund of the city and in accordance with law and requirements of the city manager and council.
- (3) *Taps and permits.* The superintendent shall be notified of all permits issued for tapping mains, and shall keep a record of all taps and services, their sizes and location. The inspections division shall issue permits and shall be required to keep inspection records.
- (4) *Equipment and tools.* The superintendent shall see that hydrants and valves are in order and that all leaks are promptly repaired and is responsible for all city tools and material used by the department.
- (5) *Inspections.* The superintendent, or an inspector appointed by the city, shall supervise all taps for services and examine all service pipes and see that they are properly laid, and stop-cocks placed in proper position, and perform such other duties as may be directed by the manager.
- (6) *Inventory.* The superintendent shall keep a full set of record books, showing in detail the location and measurements for all water pipes, hydrants, valves, taps, stop-boxes, tees, crosses and other measurements or records which may be necessary in the department.
- (7) *Location.* The superintendent or inspector shall report the location, and at least two measurements taken from two separate permanent points, for each tap and stop-box made in the water mains and service pipes.

- (8) *Inspection of premises.* The superintendent shall inspect the premises entered by service pipes, and examine the condition of meters and other water fixtures; and shall be vigilant to detect and warn against all abuses, whether from waste or other improper use of water.
- (9) *Meter records.* The superintendent shall keep a record of each meter in use and of the amount of water used by each consumer. The superintendent shall perform such other duties as may be directed by the manager.
- (10) *Pumps; pumping stations.* The superintendent shall have charge of the pumping stations and of the pump machinery and tools therein.

(Code 1986, §§ 710.01, 710.03)

Sec. 40-163. - Fire chief's duties regarding gate and hydrant use.

The fire chief shall see that all gates and hydrants are restored to their proper condition after use by the fire department and report to the superintendent all breaks, defective hydrants and taps.

(Code 1986, § 710.05)

Sec. 40-164. - Right to shut off water or vary water pressure.

The public works department reserves the right, at any time when necessary and without notice, to discontinue water supply or to vary water pressure for the purpose of making repairs or extensions or for any other purpose deemed to be in the best interest of the general public health and welfare. No claim shall be made against the city for any damage that may result from shutting off water or from varying the water pressure. The public works department shall give notice prior to shutting off water if conditions are such that it is possible to do so.

(Code 1986, § 710.37)

Sec. 40-165. - Pressure and supply not guaranteed.

The public works department does not guarantee the customer any fixed pressure or a continuous supply. In emergencies, water may be shut off without notice.

(Code 1986, § 710.39)

Sec. 40-166. - Disclaimer of liability.

The public works department shall not be held responsible by reason of the breaking of any service pipe or apparatus, frozen water services, shut-off, fixtures within the premises, for failure in the supply of water, or variances in pressure.

Sec. 40-167. - Authority; manager.

The manager, with the approval of the council, may make rules and regulations supplemental and in addition to the terms and provisions of this section regulating and governing the water works system and the employees of the city working in, or assigned to the water utility department. The manager may limit, regulate or prohibit the use of city water furnished by the city water utility to any person and may, with the approval of the council, issue orders or regulations from time to time prohibiting or otherwise regulating the use of city-furnished water for sprinkling, air conditioning or any other use which may in the opinion of the manager be detrimental to the proper maintenance and functioning.

