

## CHAPTER 90

# WATER SYSTEMS

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**90.01 DEFINITIONS.** For the purpose of this chapter the following terms or words are interpreted or defined.

1. "Board" means the City Council established in Chapter 17 of this Code of Ordinances. *(Ord. 8-2011 - Dec. 11 Supp.)*
2. "City water mains" means any pipe laid in a City street or property easement accepted by the City, said pipe being owned or installed for distribution of City water throughout the area served.
3. "Combined service account" means a customer service account for the provision of two or more utility services.
4. "Customer" 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.
5. "Director" means the Public Works Department of the City or any duly authorized assistant, agent or representative.
6. "Service pipe" means the water pipe laid from the water main into the premises to be served with water. The service pipe shall include the corporation cock, laid-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.
7. "Dwelling Unit" means one room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, lease or agreement on a weekly, monthly, or longer

bases, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, toilet and sleeping facilities for residential occupancy whether or not separately metered for water service. (Ord. 6-2017 – Jul. 17 Supp.)

8. “Water Department” means all facilities and accessories for producing, treating, pumping, storing and distributing water for public use.

9. “Work” means all work upon and related to a public plumbing system, including a water supply system.

10. “Water emergency” is defined as equipment failure or drought. (Ord. 15-05 – Aug. 05 Supp.)

11. “Licensed Plumber” shall mean a person meeting the qualifications of a “master plumber” as defined in Section 156.30 of the Asbury Plumbing Code.

12. “City Approved Contractor” shall mean a contractor that has a current “Iowa Contractor Registration” and is insured and bonded and authorized to do business in the City. (Ord. 7-2016 – Sep. 16 Supp.)

**90.02 MUNICIPAL WATERWORKS ESTABLISHED.** There is hereby established a Municipal Waterworks Utility for the City, as approved by the voters at an election held November 5, 2002. Rates and charges for water service shall be established by resolution or ordinance of the Council. The Council may establish rules and regulations for the Municipal Waterworks Utility by resolution or ordinance.

**90.03 ASBURY PLUMBING CODE.** All work shall conform to the *Asbury Plumbing Code*, adopted by Section 156.15 of this Code of Ordinances. An official copy of the Plumbing Code shall be kept in the office of the City Clerk and available for public inspection.

**90.04 STATE NONPUBLIC WATER WELLS REGULATIONS ADOPTED.** The *State Nonpublic Water Wells Regulations*, as found in the Iowa Administrative Code (567), Environmental Protection, Chapter 49, are adopted and incorporated herein by this reference. All work upon or related to any nonpublic water well shall conform to such regulations. An official copy of such regulations shall be kept in the office of the City Clerk and available for public inspection.

**90.05 STANDARD SPECIFICATIONS.** The Council has adopted written *Standard Specifications and Standard Details for Water Main Construction*, which are incorporated herein by reference. Water main, water connection,

water and service line, and pipe excavation and work, wherever applicable, shall conform to the *Standard Specifications and Standard Details for Water Main Construction*, an official copy of which shall be kept in the office of the City Clerk and available for public inspection.

**90.06 PERMITS REQUIRED.** Permits are required for any work within the scope of this chapter. Procedures and fees provided in Section 95.07 of this Code of Ordinances are applicable for any permit required under this chapter.

**90.07 RULES AND REGULATIONS.** The following rules and regulations shall be considered a part of the contract with every person using water supplied by the City, through the water system, and every such person who takes water shall be considered as having expressed agreement to be bound thereby, even though such person does not sign or has not signed an application for the water service.

1. Independent Water Supply. No connection from any other water supply to any system of piping supplied by the City water shall be made or maintained unless authorized and the connection approved by the Board.
2. Access by Water Department Employees, Agents or Representatives. All employees, agents or representatives of the Water Department shall have free access at proper hours to all parts of every building in which meters are located or where water is or may be delivered or consumed. *(Ord. 16-07 – Jun. 07 Supp.)*
3. Shutting Off Water Supply. The City Water Department does not guarantee a constant supply of water to any customer and shall not be liable for damages for any failure to supply the same, nor shall it be liable for any claim or damage by reason of breaking of any service pipe, stop-cock, or other equipment or if for any reason 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 cut off the supply of water at any time. Whenever practicable, notice in advance of such shut off shall be given and the supply turned on again as quickly as possible. When it is necessary for employees of the Water Department to open the street to shut off a tap on account of a leaking service, nonpayment of bills, or noncompliance with these rules, the owner of the property shall be charged with all expenses incurred by the Water Department personnel. All bills for such work shall be due and payable ten (10) days after customer is billed unless other arrangements are made with the Administrator. Service may be discontinued for any delinquent account.

4. Abandoned Connections. Whenever a property owner abandons an old service line and tap, it shall be the responsibility of the property owner to disconnect the old line at the main, securely plug the tap hole and notify the water department to inspect the disconnection.

5. Use of Hydrants and Water Main Valves. No person other than an authorized employee, agent or representative of the City shall open or use a fire hydrant or water main valve without previous permission from the Water Department. Only hydrant wrenches of a design approved by the Water Department shall be used. Care shall be taken that the cap chains are not broken or caps lost and the caps shall be replaced after the use of the hydrants. No hydrants shall be used that appear to be in a defective condition, and, if a hydrant is in a defective condition, the Water Department should be notified immediately and given the location thereof. Fire hydrants are not to be obstructed by the users thereof and shall be available at all times for use by the Fire Department. A charge shall be made for setting a hydrant meter to facilitate persons using water from a hydrant for reflushing purposes only. This charge shall not be less than \$35.00 for 5 minutes of water flow and may be increased if necessary to cover increased costs. This charge will be in addition to the charge for the water used. Care shall be taken that water main valves are not broken. Water main valves that appear to be broken or in defective condition, the Water Department shall be informed immediately and given the location thereof. All unauthorized use of hydrants and water main valves may be subject to civil penalties as provided for in Chapter 3 of this Code of Ordinances. *(Ord. 22-04 – Dec. 04 Supp.)*

6. Maintenance of Plumbing. All persons taking water shall keep their service pipes, stop cock, curb cock, fixtures, meters and apparatus in good repair and protected against frost at their own expense and shall prevent all waste of water. The water customer is held responsible for any damage to water meters by freezing, over-heating, rough usage or loss. The meters are the property of the Water Department and may be repaired by the Department at the expense of the customer and without notice. The customer must keep the meter readily accessible for meter reading or inspection. The Water Department has the right to order replacement of a meter if a meter is not easily accessible to reader.

7. Deviation from Rules. If unusual sub-surface or other conditions make it impracticable, in the opinion of the Board, to complete any installation in conformity with these rules and regulations, the work may be performed in such a manner and under such plans as may be found to be practicable in the judgment of the Board.

8. Application for Service. An application for service, if required, shall state fully and truly the purpose for which same is required, and application shall answer all questions relating thereto and information furnished shall be in affidavit form when required.

9. Deposit. A deposit may be required from any person who has a poor payment record and who is continually delinquent. Such deposit shall be returned to customer when the customer moves from the City, less any charges due.

10. Permits. Where permission has been granted for water, service installation shall be made as hereinafter required. Permits shall be issued only as provided for in the City's Building Code. All work performed under permit shall be by the permittee or persons employed by the permittee in compliance with City's Building Code. Before a tap or service repair permit involving an opening of a street is issued, a street excavation permit must be obtained from the City Clerk.

11. Leaking Service. When a service is found to be leaking, the City shall notify the City Clerk who will then give notice in writing to the property owner, stating that the leak must be repaired or replaced within thirty (30) days. If not repaired or replaced within said thirty (30) days, the City will repair or replace the service and assess the costs against the property.

12. Taps.

A. Except with written permission of the Board, a separate tap and service shall be installed for each building located on a street in which there is a City water main and no customer will be allowed to supply water to other persons or premises. The siamesing of taps or service is prohibited. Any siamesing of taps or services made prior to this date may be retained by permission of the Board providing this type of service is approved by both property owners. Provision must be made for the shutting off of water service to either house or premises independently of the other house or premises.

B. Charges for taps and service calls made by employees of the Department shall be fixed by the Board and posted at the City Hall. These charges may be changed by the Board without notice to meet changes in cost of labor and material. No person or persons shall make a tap to any water main other than authorized employee, agent, or representative of the Department. Tapping sleeves and valves for services two inches and larger may be installed by independent contractors using proper tools if made

under the inspection of an authorized employee, agent, or representative of the Department. Material for service pipe two inches or less must be copper (Type K). Any service pipe larger than two inches must be four inch ductile iron pipe or C900 and plans must be designed by a licensed engineer. The diameter of the service pipe must be the same from the tap all the way into the building. Changing the diameter of the service pipe must be approved by the Director. *(Ord. 6-2013 – Jul. 13 Supp.)*

C. Any property owner whose water service line crosses private property other than property of the customer may be required to replace such service line in order to avoid crossing the private property of another party by request of the other party unless the customer can show written easement rights.

D. No taps will be inserted unless the location of the excavation agrees with the permit location. Excavation for taps shall be of sufficient size to permit easy access to the main by workmen and said excavation shall be safeguarded in accordance with ordinances pertaining thereto.

E. All taps shall be inserted in front of the property to be supplied with water if there is a City water main in the street.

13. Services.

A. A service pipe is designated as that portion of the water pipe supplying one or more buildings extending from the public main to the main stop cock or valve inside the building to a point where the supply is fully metered. A service pipe may be used for the combined domestic and business consumption and fire protection if branch pipe is metered as required by the rules.

B. The water service pipes in any building shall be of sufficient size to permit a continuous ample flow of water into the building under the average daily minimum service pressure in the street main. The minimum diameter of a service pipe shall be 3/4-inch and the service pipe shall not be less than the diameter of the taps controlling it.

C. The Board designates that copper (Type K) service pipe be used in all service pipes. The diameter of service pipe must be the same from the tap all the way into the building or to a point where the service is fully metered. Service pipes must be laid deep enough to prevent rupture from freezing.

D. Curb stops installed in service pipes of 3/4-inch through two inches shall be inverted key type with check, Mueller H-15200 or equivalent. Service taps four inches or larger shall use a

tapping sleeve and valve meeting standard specifications of the Department. The house control valve shall be placed in the service within two feet of the point of its entry in the building wall and shall be of a type approved by the City. All valves should be so located so as to be accessible at all times. Small valves and stopcocks shall be of the 125-pound test class as specified in the manufacturer's catalog.

E. The stop box used shall be of a design approved by the City Water Department, fitted with a substantial cover marked with the word *Water* and be located one foot inside the right-of-way. If impossible to install such box at this location, the same may be relocated with the permission of the City.

F. After a tap has been inserted or a service pipe installed, the backfill around the main and service shall be of clean earth free from stone and carefully tamped around and under the main and service. The remainder of the backfill shall be free from stone larger than six inches in diameter and shall be satisfactorily compacted either by tamping or flushing or both. The service pipe shall not be laid within six inches of any other sub-surface structure, conduit or pipe, unless subsurface conditions make it impossible to do otherwise. Where new service pipe runs parallel to a sewer service line, it shall be separated by ten feet horizontal distance for its entire length whenever feasible. Otherwise, the water service pipe shall be laid on an undisturbed shelf of earth at least 18 inches above the top of the sewer service line and at one side of the common trench throughout its entire length, with a minimum three-foot horizontal separation.

G. Licensed Plumbers or City approved contractors installing water service pipes shall close the curb shut off and leave it closed upon completion of their work. Service pipes shall be thoroughly flushed before meter is attached.

H. Each new service or repair to a service shall be subjected by the licensed plumber or City approved contractor to a water test under the main pressure for a period of ten minutes. All pipes and appurtenances shall remain uncovered for the duration of the test and shall show no signs of leakage.

I. Where the service pipe is damaged by the contractor for the City or a public utility corporation, the licensed plumber or City approved contractor making the repair will only be obligated to replace the damaged portion of the service in conformity with

the regulations even if the repair is more than one-half of the service or if a new tap is inserted.

J. A licensed plumber or City approved contractor may, without a permit, render assistance in case of an accident to a service pipe whenever the Department is not open for business, but said licensed plumber or City approved contractor shall apply for a permit immediately after said office is reopened. Where it is necessary to open a street to render such service, the plumber or City approved contractor shall obtain an emergency permit from the Public Works Department.

*(Ord. 7-2016 – Sep. 16 Supp.)*

14. Meters.

A. All water furnished for domestic and business consumption through the water mains shall be measured by meters of a pattern and type approved by the Board. No unmetered City water shall be used in any premises where the supply is recorded as fully metered or on that part of any premises that is recorded as being supplied through a meter or meters. A complete record shall be maintained on each individual meter showing make, size, date of installation (purchase), residence or place of business where installed and date removed for routine tests and repairs.

B. In setting or resetting a meter, the dial shall be set horizontal; the connection shall be made by coupling, unions or flanged union on both inlet and outlet end, then bored for sealing with holes not less than 3/32 of an inch in diameter; between the meter and the meter main a stop cock or valve shall be placed on the service within one foot of the meter; there shall be a valve on the outlet side of the meter in addition to the inlet valve.

C. No meter shall be set or reset in a pit within the building without the permission of the Board. For one-inch or smaller meters, the pit shall not be less than two feet, six inches wide by three feet, six inches long and less than four feet in depth and shall be provided with a cover so constructed so as to permit the entire pit being uncovered by one main. For larger meters, pits shall be of sufficient size to permit access to all portions of the meter and connections and if covered shall be provided with an opening of at least two feet square or two feet, six inches in diameter. The cover to such opening shall be provided with a suitable handle or grip and shall not be too heavy for one man to lift. Pits more than four feet in depth shall be provided with a permanent built-in ladder. Meter boxes approved by the Board



may be used. All water meters shall be sealed by an employee, agent or representative of the Department when set.

D. No seal placed by the Department personnel for the protection of any meter, valves, fittings or other water connections shall be tampered with or defaced. It shall not be broken except on written authorization from the Water Office. Where the seal is broken, the Board reserves the right to order the meter removed for testing at the expense of the customer.

E. Meters must always be accessible to and handled only by the employees, agents, or representatives of the Department. They must be protected from freezing, hot water or other injury by the care and at the cost of the customer, who is held responsible for all damages. Meters may be repaired without notice.

F. All meters shall be set or reset by the Department employees, agents or representatives so that they may be easily examined and read. In the premises which are to be fully supplied by water, the meter shall be set within two feet of the building or vault wall at the point of entry of the service pipe. The service pipe between the meter control valve and the meter shall be kept exposed. When a building is situated back of the building line or conditions exist in the building that prevent a setting of a meter at the point of entry, the meter may be set outside of the building in a proper water tight and frost proof pit or meter box or at other locations approved by the Board.

G. When a meter is removed without permission, it will be tested before being reset, or it shall be replaced by a new meter.

H. The meter size will be determined by the *Asbury Plumbing Code*. Routine tests and normal repairs to the water meters will be made by the Department employees, agents or representatives with no charge made to the customer. However, special tests requested by the customer and repairs as a result of failure by the customer to properly protect a water meter or seal will be billed to the customer on the basis of the cost of repair parts plus labor.

I. In any premises where water may be obtained through more than one metered service, the Board reserves the right to shut off and seal any service.

15. Inspection of Meters, Pipe and Fixtures. The Department employees, agents or representatives shall be permitted at all reasonable hours to enter the premises or buildings of customers for the purpose of

reading meters and examining the water pipe and fixtures, and the manner in which water is used. The Department reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, customer or occupant of any premises served with City water to permit an employee, agent or representative of the Department to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to discontinue the water service at such premises. Should a meter become out of order, the customer shall be charged with the average monthly consumption, as shown by the meter, when in order, for the six months previous, or fraction thereof, if the same has not been used for that length of time.

16. Maintenance of Service Pipes. The City shall not be responsible for pipes and fixtures belonging to any customers or damage to same for any reason. All owners, at their own expense, must install and maintain service pipes from the City water mains and their apparatus in good working order and properly protected from frost and other dangers. No claims shall be made against the City by reason of breaking of any of the service pipes or apparatus or for accidental failure in the supply of water. A bill for materials, labor, taps or service charges for which customer has been billed and has failed to pay by the due date shall be a delinquency, and the amount of the delinquency and any penalty fees shall constitute a lien upon the real property owned by any person liable for the same. The fact of any delinquency and lien may be certified by the City Clerk to the County Treasurer for collection in the same manner as taxes.

*(Ord. 16-07 – Jun. 07 Supp.)*

17. Contractor's Service. When work has progressed to the place where water is installed, the contractor will make application at the City Clerk's office for a meter. Should the contractor fail to have a meter set at this time the contractor shall be assessed a \$25.00 noncompliance fee for each month the property was without a meter, with service subject to termination in the event the noncompliance fee is not paid and the meter set within two days.

18. Repair or Removal of Meter. No one except an employee, agent or representative of the Department shall repair, or remove a water meter, except with the permission of the Department. Anyone tampering with a water meter shall be assessed a \$25.00 noncompliance fee.

19. Water Restrictions. The Mayor shall exercise discretion in determining and declaring a water emergency. During water improvement construction periods and water emergencies, the Mayor may proclaim such water restrictions, including but not limited to water

restrictions schedules, to be in effect as the Mayor deems appropriate and may amend or revoke restrictions as the Mayor deems in the interests of the City. The City Council may review and revise any restrictions. Water restrictions will be uniform in application. Water usage shall be limited to essential uses. Non-essential uses include, but are not limited to the following: garden watering, lawn watering, car washing and filling of swimming pools. The City Administrator shall publish the declaration of emergency and restrictions and amendments to restrictions pursuant to Code of Ordinances Section 18.05, and inform news media of the declaration and of any significant newsworthy changes. A violation of a water restriction shall be deemed a violation of this subsection and may be punishable as provided in Chapters 1 and 3 of this Code of Ordinances. *(Ord. 15-05 – Aug. 05 Supp.)*

**90.08 WATER RATES FOR DWELLING UNITS INSIDE CITY LIMITS.** Water rates for residential dwelling units whose premises are located within the City limits or single family dwelling units who have signed a pre-annexation agreement shall pay a base rate of \$24.00 per month per unit and a use rate as follows:

0 to 500 CF	\$0.0240 per cubic foot or \$0.0032083 per gallon per unit per month
501 to 1,000 CF	\$0.0225 per cubic foot or \$0.0030078 per gallon per unit per month
1,001 to 20,000 CF	\$0.0200 per cubic foot or \$0.0026736 per gallon per unit per month
Greater than 20,000 CF	\$0.0175 per cubic foot or \$0.002339 per gallon per unit per month

Effective July 1, 2018

0 to 500 CF	\$0.0300 per cubic foot or \$0.004010 per gallon per unit per month
501 to 1,000 CF	\$0.0275 per cubic foot or \$0.003676 per gallon per unit per month
1,001 to 20,000 CF	\$0.0225 per cubic foot or \$0.003008 per gallon per unit per month

Greater than 20,000 CF      \$0.0200 per cubic foot or \$0.002676 per gallon per unit per month

*(Ord. 7-2017 – Jul. 17 Supp.)*

**90.09 WATER RATES FOR MULTI-FAMILY RESIDENTIAL DWELLING UNITS.** Multi-Family Residential Dwelling Units located within the City limits shall pay a base rate of \$24.00 per unit per month and a use rate as follows:

0 to 500 CF                      \$0.0240 per cubic foot or \$0.0032083 per gallon per unit per month

501 to 1,000 CF                \$0.0225 per cubic foot or \$0.0030078 per gallon per unit per month

1,001 to 20,000 CF            \$0.0200 per cubic foot or \$0.0026736 per gallon per unit per month

Greater than 20,000 CF      \$0.0175 per cubic foot or \$0.002339 per gallon per unit per month

Effective July 1, 2018

0 to 500 CF                      \$0.0300 per cubic foot or \$0.004010 per gallon per unit per month

501 to 1,000 CF                \$0.0275 per cubic foot or \$0.003676 per gallon per unit per month

1,001 to 20,000 CF            \$0.0225 per cubic foot or \$0.003008 per gallon per unit per month

Greater than 20,000 CF      \$0.0200 per cubic foot or \$0.0026746 per gallon per unit per month

*(Ord. 7-2017 – Jul. 17 Supp.)*

**90.10 PLUMBING INSPECTOR.** The Plumbing Inspector designated by the Council under Section 95.05 of this Code of Ordinances shall have authority and responsibility to enforce this chapter.

**90.11 WATER RATES FOR DWELLING UNITS OUTSIDE CITY LIMITS.** Residential dwelling units located outside the City limits shall pay a base rate of \$36.00 per unit per month and a use rate as follows:

0 to 500 CF	\$0.0265 per cubic foot or \$0.0035425 per gallon per unit per month
501 to 1,000 CF	\$0.0250 per cubic foot or \$0.0033420 per gallon per unit per month
1,001 to 20,000 CF	\$0.0225 per cubic foot or \$0.0030078 per gallon per unit per month
Greater than 20,000 CF	\$0.0200 per cubic foot or \$0.0026736 per gallon per unit per month

Effective July 1, 2018

0 to 500 CF	\$0.0325 per cubic foot or \$0.004345 per gallon per unit per month
501 to 1,000 CF	\$0.0300 per cubic foot or \$0.004010 per gallon per unit per month
1,001 to 20,000 CF	\$0.0250 per cubic foot or \$0.003342 per gallon per unit per month
Greater than 20,000 CF	\$0.0225 per cubic foot or \$0.003008 per gallon per unit per month

*(Ord. 7-2017 – Jul. 17 Supp.)*

**90.12 COMMERCIAL WATER RATES.**

1. Base Rate. Commercial customers, whether located inside or outside the City limits, shall pay a base rate based upon the size of their water meter, determined as follows:

<u>Meter Size</u>	<u>Base Rate</u>
Up to 1"	\$ 33.25 per unit per month
Up to 2"	\$180.00 per unit per month
3"	\$350.00 per unit per month
4"	\$500.00 per unit per month
6"	\$1,000 per unit per month
8"	\$1,500 per unit per month

Meter size shall be determined by reference to the *Asbury Plumbing Code*.

2. Use Rate. In addition, commercial and industrial customers shall pay a use rate as follows:

A. Inside the City limits

0 to 500 CF	\$0.0240 per cubic foot or \$0.0032083 per gallon per unit per month
501 to 1,000 CF	\$0.0225 per cubic foot or \$0.0030078 per gallon per unit per month
1,001 to 20,000 CF	\$0.0200 per cubic foot or \$0.0026736 per gallon per unit per month
Greater than 20,000 CF	\$0.0175 per cubic foot or \$0.002339 per gallon per unit per month

Effective July 1, 2018

0 to 500 CF	\$0.0300 per cubic foot or \$0.004010 per gallon per unit per month
501 to 1,000 CF	\$0.0275 per cubic foot or \$0.003676 per gallon per unit per month
1,001 to 20,000 CF	\$0.0225 per cubic foot or \$0.003008 per gallon per unit per month
Greater than 20,000 CF	\$0.0200 per cubic foot or \$0.0026746 per gallon per unit per month

B. Outside the City limits

0 to 500 CF	\$0.0265 per cubic foot or \$0.0035425 per gallon per unit per month
501 to 1,000 CF	\$0.0250 per cubic foot or \$0.0033420 per gallon per unit per month

1,001 to 20,000 CF	\$0.0225 per cubic foot or \$0.0030078 per gallon per unit per month
Greater than 20,000 CF	\$0.0200 per cubic foot or \$0.0026736 per gallon per unit per month
Effective July 1, 2018	
0 to 500 CF	\$0.0325 per cubic foot or \$0.004345 per gallon per unit per month
501 to 1,000 CF	\$0.0300 per cubic foot or \$0.004010 per gallon per unit per month
1,001 to 20,000 CF	\$0.0250 per cubic foot or \$0.003342 per gallon per unit per month
Greater than 20,000 CF	\$0.0225 per cubic foot or \$0.003008 per gallon per unit per month

*(Ord. 7-2017 – Jul. 17 Supp.)*

**90.13 CONTRACTOR’S RATE DURING NEW CONSTRUCTION.**

Contractors shall pay a water rate of \$20.00 per month for property under construction until a water meter and reader are installed. The water meter and reader must be installed and fully operational when the building is enclosed.

**90.14 COMMUNITY PROTECTION CHARGE.** For dwelling units located within City limits that do not receive City water service, shall be assessed a community protection charge of \$6.50 per unit per month, which is separate and distinct from any water fees established in this chapter. The community protection charge shall be billed and collected by the City in the same manner as the water rates established in this chapter. The charge is billed and collected upon receipt.

*(Ord. 7-2017 – Jul. 17 Supp.)*

**90.15 WATER METERS AND READERS.**

1. All water shall be measured by meter. All water users must be metered on or before January 1, 2004. Water meters shall be installed and fully operational on or before that date.
2. All water meters installed on or after the effective date of Ordinance No. 6-03 (May 16, 2003) shall be Neptune meters, which shall be furnished by the City. The City shall pay for the meters and readers and the customer shall be responsible for the cost of installation.

3. Readers are required on all water meters. Readers must be installed and fully operational. *(Ord. 8-2011 – Dec. 11 Supp.)*
4. *(Repealed by Ord. 8-2011 – Dec. 11 Supp.)*
5. All water meters twelve years of age or older shall be tested for accuracy by the City. In the event a meter is found to be faulty, the water meter shall be replaced with a water meter authorized by this chapter at the expense of the City. If the meter becomes faulty due to tampering or vandalism, the water meter shall be replaced at the expense of the customer.
6. The City may assess a \$25.00 noncompliance fee for any violation of a customer's obligations under this chapter.

**90.16 ACCOUNT ESTABLISHMENT FEE.** Any applicant for new or initial water service shall pay an initial non-refundable account establishment fee as follows:

1. Residential customers, for premises located within the City limits, or residential customers who have signed a pre-annexation agreement shall pay a fee of \$350.00.
2. Residential customers, for premises located outside the City limits, shall pay a fee of \$550.00.
3. Apartment units and manufactured home park units located within the City limits shall pay a fee of \$350.00 provided the water meter serving the unit or premises is 5/8". Units or premises requiring water meters larger than 5/8" shall pay a fee of \$100.00 plus the actual cost of the water meter and shipping.
4. Commercial or industrial customers shall pay a fee of \$350.00 unless the water meter serving the premises is one-inch or larger, in which case the fee shall be \$100.00 plus the actual cost of the water meter and shipping.
5. Any subsequent customers to an account shall pay a \$15.00 fee for setting up their accounts for computer billing.

*(Ord. 4-09 – May 10 Supp.)*

**90.17 BILLING FOR WATER SERVICE.** Water service shall be billed as part of a combined service account, payable in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. **Bills Payable.** Payments of current bills for combined service accounts shall be made at the office of the City Clerk in person or by mail. The City Clerk shall issue all bills at the end of each month.



Duplicate bills will be mailed upon request for reasonable cause. Change in ownership of property and change in mailing address shall be reported at the office of the City Clerk.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth (15<sup>th</sup>) day of the following month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of three percent (3%) of the amount due per month shall be added to each delinquent bill.

4. Insufficient Funds Check. Any customer who issues a check payable to the City which is returned by the financial institution for insufficient funds shall be charged a fee equal to the financial institution's charge for the insufficient fund check, in addition to other penalties and charges which may be applicable.

5. 24-Hour Delinquency Notice. The City shall serve a written notice on the delinquent customer by posting a hand bill on the door of the customers premises. The hand bill shall notify the customer that the customer has twenty-four (24) hours to make payment in full of the delinquent amount. The hand bill shall also inform the customer that failure to pay the delinquent amount will result in water, sewer and solid waste service being discontinued. If the customer fails to pay the delinquent amount within the prescribed twenty-four (24) hours the City shall initiate the service discontinuance procedure. The customer shall be assessed a fee of \$25 each time a hand bill is posted and/or hung on the door of the property. Said fee shall be deemed to be a fee for water service and shall constitute a lien on the property and collectible pursuant to and consistent with Section 90.19 Lien for Nonpayment. If service is discontinued, this fee shall be added to the delinquent bill and must be paid prior to reconnection. No water will be reconnected after working hours. (Ord. 3-2014 – Jul. 14 Supp.)

*Jul. 14 Supp.)*

**90.18 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Clerk shall conduct an informal hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The Clerk shall make determinations as to whether the disconnection is justified and effect a discontinuance or restoration of service.
4. Fees. The City shall assess a fee at the rate of \$40.00 per hour for connections, disconnections and reconnections to the water system.

**90.19 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**90.20 LIEN EXEMPTION.** (Repealed by Ordinance No. 12-2010 – Dec. 10 Supp.)

**90.21 LIEN NOTICE.** (Repealed by Ordinance No. 12-2010 – Dec. 10 Supp.)

**90.22 OTHER FEES OR CHARGES.** The City Council shall establish a schedule of other fees, charges or expenses for any applicant for new or initial water services or for any customer that are payable to the City. The Schedule of fees shall be posted in the office of the City Clerk.

**90.23 RESPONSIBILITIES OF THE PROPERTY OWNER.**

1. Obligations of Property Owners. The property owners shall be responsible for all costs of repair and maintenance to the service pipe, up to and including the connections of such service pipe to the main, and all water lines within the private property.
2. City Repair and Recovery of Costs. The City may repair any leak within public streets or other public property. If the leak is the responsibility of a property owner, the City may charge its costs to the property owner including those for excavation, property repair, water pipe repair and other related expenses. The charge shall be paid and

collected in the same manner as other rates and fees pursuant to this chapter.

#### **90.24 MANDATORY WATER CONNECTIONS.**

1. Whenever a water main extends to within one hundred fifty (150) feet of a property line of any property on which there is either a building or mobile home used for human occupancy, employment, recreation or industry, the City Council may:

A. In connection with any public improvement as defined in Iowa Code §384.37(19) and in accordance with Iowa Code §384.40, either (1) make connections from the main to the property as part of the public improvement, or (2) order the property owner to make, repair or relocate such connections. The order shall be delivered by publication of notice thereof once each week for two (2) consecutive weeks in a newspaper published at least once weekly and having general circulation in the City. The City will also make reasonable effort to deliver a copy of the order to the house, office or primary building on the premises or to such other address as the City may have for the owner. If the owner fails to comply with the order by the end of thirty (30) days after the date of the first publication, the City may cause the work to be done and assess the cost against the property served by the connection.

B. In all other cases, fix a reasonable time for connection from the main to the property and give written notice thereof to the owner of the property concerned by delivery to the house, office or primary building on the premises or to such other address as the City may have for the owner. Notice shall inform the owner that connection is mandatory within the specified time period and that if the owner fails to do so the City will do so and collect the cost in the manner of a property tax. The City Council may extend the such time period for good cause shown.

2. Connections shall comply with the *Standard Specifications and Standard Details for Water Main Construction* as adopted in Section 90.05.

3. Non-public water wells upon property connected to the municipal water system shall not be used for human consumption but may be used for irrigation, swimming pools or such other use as may be approved by the City Council on a case by case basis. (Ord. 16-07 – Jun. 07 Supp.)

4. Nothing herein shall be construed to discourage non-mandatory connections under agreement with the City.
5. Nothing herein shall be construed to prevent the City from entering into agreements to the contrary or to supersede any law relating to annexation, special assessments or subdivision control.

*(Ord. 20-04 – Nov. 04 Supp.)*

**90.25 PERMITS CITY APPROVED CONTRACTORS.** Operating permits may be granted to city approved contractors only upon payment of an annual fee set the by the City Council. Permits shall be renewed each year. There shall be one permit per business. Upon making application for a permit, the applicant must furnish the City with satisfactory evidence of the following requirements:

1. The applicant must have a minimum of three years' experience as a contractor working on water service lines and list said experience.
2. The application for permit shall be made in writing to the City and must state the full name of the applicant, applicant's place of business and the firm name under which the business is carried on.
3. Applicant Federal I.D. number shall be included in said application.
4. Application must have a copy of the applicant's "Iowa Contractor's Registration and number.

After application for such permit has been approved and before the same shall be issued, the party applying for the same shall execute and deposit with the Clerk a performance bond in the penal sum of two thousand five hundred dollars (\$2,500), conditioned that such party will indemnify and save harmless the City from all accidents and damages caused by any negligence in prosecution and protecting their work, and that they will restore all earth, pavement and other materials in and over any opening they may have made in condition as it was before said opening was made. Applicant must annually submit to the City a copy of current paid in full liability insurance that covers a minimum five hundred thousand dollars (\$500,000) blanket of coverage. All contractors employed by such permit must be experienced in their business and skilled practical workers. Any contractor found guilty of a violation of any of the rules, regulations or ordinances adopted by the Council shall forfeit the permit. A forfeiture of the permit of any contractor shall operate as a suspension of the permit held by any person in the same business or any person in his or her employment.

*(Ord. 7-2016 – Sep. 16 Supp.)*

**90.26 IRRIGATION METERS.** An irrigation meter may be installed to measure water that is not disposed of through the public sanitary sewer system. The water measured by an irrigation meter may include water for swimming pools, watering yards, watering gardens or other outside water uses. The following regulations apply to irrigation meters:

1. Irrigation meters shall be installed not more than four (4) feet from the prime meter and shall be installed parallel to the prime meter.
2. Any request for the installation of an irrigation meter shall be directed to the Public Works Director. The Public Works Director shall review the request and make a determination that the separate line will not discharge into the sanitary sewer system of the City.
3. A City approved backflow preventer must be installed after the irrigation meter to protect against contamination of the water system.
4. The irrigation meter must be installed horizontal to the floor with the arrow of the meter being in the direction of the flow of water to the outside.
5. No underground irrigation systems are allowed in the public right of way.
6. The property owner shall be required to purchase the irrigation meter and equipment.
7. The irrigation meter is required to be installed by a licensed plumber.
8. A plumbing permit is required.
9. The property owner shall pay the current monthly minimum water charge and use rate for this meter. Sewer charges do not apply to this meter.
10. If at any time, it is brought to the attention of the City that the outside water meter is being used to provide water for use in a building or such outside water enters the sanitary sewer system, the irrigation meter shall be removed and the customer shall no longer be eligible for outside water service.

*(Ord. 11-2017 – Jul. 17 Supp.)*

**90.27 FIRE SPRINKLER SERVICE.** Customers who have fire sprinkler service shall be billed for this service on a monthly basis. The monthly charge shall be as follows:

Number of Heads	Monthly Charge
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Up to 300	\$25.00
301-600	\$35.00
601-900	\$45.00
Over 901 for each additional 300 heads or fraction there of	\$4.00

*(Ord. 12-2017 – Jul. 17 Supp.)*

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