

CHAPTER 90

WATER SERVICE SYSTEM

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90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "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.
3. "Superintendent" means the Superintendent of Public Works of the City or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

(Code of Iowa, Sec. 372.13[4])

90.03 MANDATORY CONNECTIONS. The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service Chapters within 180 days after the date of official notice to so do, provided that said public water main is located within 100 feet of the property line of such owner.

The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way, may be exempted from the preceding provisions of this section to the extent that such houses, buildings or structures have never been connected to the City's public water system, only for so long as said property is registered to such owner, upon the making of a written application to the City requesting such exemption. In any event, such exemption shall terminate upon the transfer of ownership of such real property from the then current owner or owners to any subsequent owner or owners.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 APPROVAL. Before any person makes a connection with the public water system, approval must be obtained from the City Manager. A request for approval shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water.

90.06 MAIN TAPPING FEE. It is unlawful for any person except a person designated by the Superintendent to tap or make connection with any water main. Any person desiring a connection with a water main shall pay to the Clerk a fee of \$100.00 plus the cost of fittings for a tap into a water main for a service pipe of one-inch diameter or less and a fee of \$125.00 plus the cost of fittings for a tap into a water main for a service pipe of over one-inch diameter. New home construction fee is waived except for the costs of fittings.

(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *Uniform Plumbing Code*.

90.08 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the provisions of the *Uniform Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

90.09 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

(Code of Iowa, Sec. 372.13[4])

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains four inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains six inches and larger in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen inches apart. No main shall be tapped nearer than two feet of the joint in the main.

3. Corporation Stop. A wrap-around tapping saddle and brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

90.10 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be as specified in the *Uniform Plumbing Code*.

90.11 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.12 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.
(*Code of Iowa, Sec. 364.12[3a & h]*)

90.13 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe 10 feet from the property line of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.14 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

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

90.16 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. Such assessment may be collected with and in the same manner as general property taxes.
(*Code of Iowa, Sec. 364.12[3a & h]*)

90.17 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.18 OPERATION OF CURB VALVE. It is unlawful for any person except the Superintendent or a person designated by the Superintendent to turn water on at the curb valve.

90.19 HYDRANTS. It is unlawful for any person except the Superintendent or Fire Chief to take water from any public or private hydrant, fireplug, street washer, hose pipe or fountain, except for fire purposes or for the use of the Fire Department in case of fire, or in any way to use or take water from the waterworks system for private use unless such person first pays a fee fixed by the Council for the privilege and receives approval from the City Manager to do so.

90.20 CHECK AND RELIEF VALVE. If a meter is placed on a pipe connected with a boiler or other hot water apparatus, a check and relief valve must be placed between the meter and the boiler or other hot water apparatus, to protect the meter from back pressure of steam or hot water. All house boilers shall be constructed with one or more air holes near the top of the inlet pipe and be sufficiently strong to bear a pressure of 100 pounds and withstand the ram of the water in the mains.

CHAPTER 91

WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems; Exception

91.04 Meter Costs

91.05 Meter Repairs

91.06 Right of Entry

91.07 Inspection of Meters

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City. Service pipes must be thoroughly flushed before a meter is attached. All meters shall be placed on a loop at least six inches above the service pipe and shall not be placed on a straight run. All meters shall be placed in such a position as to be handy for removing or for making repairs and so as to be easily read. It is unlawful to install any meter in any attic, closet, bathroom or on the outside wall of any building. It is unlawful for anyone except a City employee or a plumber to repair or try to repair a water meter. The meter shall be placed in the cellar or basement, except where the service pipe does not pass through the cellar or basement, in which case the meter shall be placed in the pipe at the location designated by the Superintendent. Each meter installed outside of a building shall be placed in a meter box or pit to be approved by the Superintendent without charge to the customer. All meters shall be of the size, kind and make approved by the Superintendent and must be placed on all service pipes under the direction of the Superintendent. The City shall furnish and place the meter in position free of charge to the customer.

91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.05 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.06 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.07 INSPECTION OF METERS. Water meters shall be inspected whenever directed by the City Manager or whenever the Superintendent believes that any meter is not registering

correctly. If any customer believes that a meter is not accurate, the customer may request that the water meter be tested. Should the meter register fast, the customer shall be entitled to a readjustment of bills for water for the preceding two months on the basis of the over-registration. The Superintendent shall cause all water meters to be in repair and in working order. All meters shall be tested for accuracy of measurement and if necessary the meters shall be closed and any meter that shows a substantial variation shall be condemned or repaired or a new meter placed as the Superintendent decides. If a meter fails to register the quantity of water, the customer shall pay an amount equal to the customer's bill for the previous billing period.

CHAPTER 92

WATER RATES

92.01 Service Charges
 92.02 Rates For Service
 92.03 Rates Outside the City
 92.04 Billing for Water Service
 92.05 Service Discontinued

92.06 Lien for Nonpayment
 92.07 Lien Exemption
 92.08 Lien Notice
 92.09 Customer Deposits

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service shall be furnished at the following rates within the City:

(Code of Iowa, Sec. 384.84)

1. Service Availability Charge. There is imposed for each billing period regardless of actual metered usage during such billing period a service availability charge to each separately metered residential, commercial, industrial or educational premises, directly or indirectly served by a connection to the water system. This charge is \$19.00 per month. *(Ord. 447 – May 19 Supp.)*
2. In cases where a single water meter serves more than one unit (where a unit can be a dwelling), the fee to be assessed shall be computed by multiplying the service fee by the number of units served by the water meter, times 80%.
3. Water Use Rates. In addition to the service availability charge, there are imposed the following water rate charges based on actual metered usage during the billing period for which such charges are assessed:
 - A. For the first 37,500 gallons used, \$9.25 per 1,000 gallons, plus
 - B. For all gallons used in excess of 37,500 gallons, \$8.08 per 1,000 gallons.
 - C. The rate for bulk water is \$23.00 per 1,000 gallons.

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the rate of \$23.00 per 1,000 gallons.. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

92.04 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. Commencement of Billing. Billings for the combined service account shall commence upon the initial installation of the water meter.
2. Bills Issued. The City Clerk shall prepare and issue bills for combined service accounts twelve times per year. Bills shall be deemed issued as of the date indicated on the bills.

3. Bills Payable. Bills for combined service accounts shall be due and payable at City Hall on the 15th of the following month. If the 15th falls on a Saturday, Sunday or legal holiday, the bill shall be due the next regular business day thereafter.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent of the amount due shall be added to each delinquent bill.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The City Clerk shall notify each delinquent customer that service will be discontinued or disconnected 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 to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection. If payment is not received by the date specified in the notice of delinquency, a disconnect notice, which shall include a \$25.00 delivery charge, will be delivered informing the customer of pending disconnection as specified in the notice.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Clerk shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the City Clerk's decision to the City Manager, and if the City Manager finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.
4. Fees. A fee of \$25.00 shall be charged before service is restored to a delinquent customer Monday through Friday by 3:00 p.m. and \$50.00 shall be charged any other time. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 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 property or 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)

92.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental

property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer a deposit, in the amount set by resolution of the Council, intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

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