

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 Supervisor of the City water system 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. The Council may from time to time review such rules and advise the Superintendent of any changes needed.

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

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

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 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit 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. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay one hundred dollars (\$100.00) for residential customers and one hundred ten dollars (\$110.00) for commercial or industrial customers to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspection of the work.

(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 Division 4, Plumbing Rules and Regulations, of the State Building Code.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of

any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. Before a permit may be issued, the person applying for such permit shall provide proof of insurance in an amount not less than \$1,000,000, such coverage being provided by a company acceptable to the City and insuring the City that the person will perform faithfully all work with due care and skill, in accordance with the laws, rules and regulations established under the authority of any ordinances pertaining to plumbing, water works or appurtenances. This insurance coverage shall run to the benefit of the City and shall indemnify the City and the owner of the premises and hold them harmless from all damages, costs, expenses, including reasonable attorneys' fees, outlays and claims of every nature and in every kind arising out of unskillfulness or negligence on said person's part in connection with the plumbing, water works or appurtenances as prescribed in this chapter. The insurance shall remain in force for a period of at least one (1) year to provide reasonable opportunity for claims and demands to be made that may have accrued thereunder prior to such expiration.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 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:

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 six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made at or

near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

3. Corporation Stop. A 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.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

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

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. Except as provided below, the City shall install and maintain at its expense that portion of the service from the main to the lot or easement line, including the necessary tap, fittings and shut-off valve, for all customers who have signed up for water service on or before the effective date of the ordinance codified in this chapter. All customers who have signed up for water services on or before the effective date of the ordinance codified in this chapter and who do not have a shut-off valve or stopbox between the main and the lot or easement line shall be responsible for the installation and maintenance of that portion of the service from the main to the lot or easement line, including the necessary taps and fittings and shall further install a shutoff valve or stop-box should excavation of that portion of the line become necessary. In that case, the customer shall bear the expense of the excavation and all costs connected with the installation of the shutoff or stopbox. After the date of the ordinance codified in this chapter, all other customers desiring to have water service shall install at their expense that portion of the service from the main to the lot or easement line, including the necessary tap, fittings and shutoff valve or stopbox, under the supervision of the City. All the customers shall also install and maintain at their expense that portion of the service from the lot or easement line to their premises, including a stop and waste cock at the end of the house side of their service. The minimum earth cover of the customer's service shall be four (4) feet. The City shall determine the size and kind of service to be installed.

90.13 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])

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

90.15 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.

90.16 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.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3a & h])

90.18 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.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb valve,

and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.20 EXTENSIONS. The City will construct extensions to its water lines to points within its service area, but the City shall not be required to make such installations unless the customer pays to the City the entire cost of the installation. All line extensions shall be evidenced by a contract signed by the City and the person advancing funds for the extensions. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the City, and such extension shall be the property of the City and no other person shall have any right, title or interest therein.

90.21 WATER FOR BUILDING OR CONSTRUCTION PURPOSES. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being ten dollars (\$10.00); and the amount to be determined by the City depending upon the size of the construction work contemplated. All water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench, and all use of water by other than the applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

90.22 AUXILIARY WATER SERVICE TO INDUSTRIAL USERS. The purpose of this section is to provide auxiliary water service to industrial users when the water provided is not to be returned to the sewer system. The water provided to an industrial user under this section would be in conjunction with regular water service and to be used for only certain limited purposes specifically authorized and approved by the Council.

1. There is hereby created a new classification of water user to be known as "auxiliary industrial user." In order to qualify for this classification:
 - A. The applicant must be an existing user of the water and sewer utility;
 - B. The site upon which the applicant proposes to use water supplied under this section shall be within the City limits and be zoned as an industrial classification;
 - C. The applicant must submit an application for approval to the Council specifying the amount of water which may be

consumed pursuant to this section, the disposal method of the water so consumed, and any other information required by the Council, in its discretion, to allow the City to determine whether or not the classification of auxiliary industrial user should be granted.

2. When an applicant has been approved as an auxiliary industrial user, the applicant shall purchase an additional water meter and said meter shall be installed in a manner acceptable with the Superintendent in order to meter the water consumed under this section and not returned to the City sewer system. The applicant shall be billed for this water in the same manner and at the same time as other billings for City utilities; provided, however, that there is no additional charge for sewer service for water consumed under this section.

3. The City may, by resolution, establish rules and procedures for implementing this section including further detailed rules for the application, establishing an application fee and related matters.

90.23 AUXILIARY WATER SERVICE TO NONINDUSTRIAL USERS.

The purpose of this section is to provide auxiliary water service to nonindustrial users when the water provided is not to be returned to the sewer system. Uses contemplated for the water provided by the auxiliary service would be watering gardens, shrubs and lawns, filling swimming pools and similar conforming uses. The water provided to a nonindustrial user under this section would be in conjunction with regular water service and to be used for only certain limited purposes specifically authorized and approved by the Council.

1. There is hereby created a new classification of water user to be known as "auxiliary nonindustrial user." In order to qualify for this classification:

A. The applicant must be an existing user of the water and sewer utility of the City;

B. The site upon which the applicant proposes to use water supplied under this section shall be within the City limits and have a zoning classification other than industrial;

C. The applicant must submit an application for approval to the Council specifying the amount of water which may be consumed pursuant to this section, the disposal method of the water so consumed, and any other information required by the Council, in its discretion, to allow the City to determine whether or not the classification of auxiliary nonindustrial user should be granted.

2. When an applicant has been approved as an auxiliary nonindustrial user, the applicant shall purchase an additional water meter at the applicant's expense and said meter shall be installed in a manner acceptable with the Superintendent in order to meter the water consumed under this section and not returned to the City sewer system.

3. For each month the applicant receives water as an auxiliary nonindustrial user, there shall be a monthly minimum fee in the amount of \$6.73 plus tax for the first 1500 gallons and \$2.47 plus tax for each 1,000 gallons thereafter. The applicant may request that the auxiliary nonindustrial service be disconnected. There is no fee for disconnection. In the event the applicant wishes to reconnect and begin receiving water again as an auxiliary nonindustrial user, there shall be a connection fee of ten dollars (\$10.00). All auxiliary nonindustrial users of water shall be billed at the same rates and be subject to the same rules and regulations as all other water service accounts except as to the monthly minimum billing, disconnection and reconnection charges as specifically provided in this section.

4. The City may, by resolution, establish rules and procedures for implementing this section including further detailed rules for the application, establishing an application fee and related matters.

90.24 WATER CONSERVATION

1. Water Shortages. From time to time during and following drought conditions, or due to equipment failure, or when the overall demand upon the City water supply system is so great as to endanger the public health, safety, and welfare, the Public Works Director or City Administrator may declare a public Water Watch, Water Warning or Water Emergency during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption until the Public Works Director or City Administrator declares the water shortage condition to be ended.

2. Conditions. A Water Watch, Warning or Emergency may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future.

A. Indicators of the need to impose a Watch, or Warning, include: system operating at sixty percent (60%) of pumping capacity; significant decrease in the pumping water level of wells or significant decrease in recovery rate of water levels in wells.

B. Indicators of the need to impose a Emergency include: severe system emergencies such as a chemical spill or major

system failure in feeder mains or treatment plant, prolonged power outages, or loss of one or more system wells.

3. Water Watch. Under a Water Watch, all customers of the City are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

A. No watering of lawns, shrubs or gardens between the hours of 8:00 a.m. and 8:00 p.m.

B. No water should be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.

C. No water should be used to wash vehicles, streets, parking lots, driveways, sidewalks or building exteriors.

D. Residents and developers are encouraged to refrain from seeding or sodding.

E. No filling, flushing or testing of water mains or distribution systems, without the consent of the Public Works Director.

4. Warning. Under a Warning no person shall use potable processed water of the City water service in any manner contrary to the following:

A. Outdoor watering or irrigation of lawn is prohibited.

B. Watering or irrigation of flower and vegetable gardens, recreational uses, such as athletic fields, trees and shrubs less than four (4) years old and new seedling or sod less than one year old is permitted once per week with an application not to exceed one (1) inch. Outdoor watering of any kind is prohibited between the hours of 8:00 a.m. and 8:00 p.m. daily.

C. Car washing is prohibited except in commercial establishments that provide that service.

D. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.

E. No water shall be used to wash vehicles, streets, parking lots, driveways, sidewalks or building exteriors.

F. No filling, flushing or testing of water mains or distribution systems, without the consent of the Public Works Director.

- G. Residents and developers are to refrain from seeding or sodding without the consent of the Public Works Director.

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the City water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow or private cisterns, may be used without restrictions.

5. Emergency. Under an Emergency, base allocations will be in effect. No person shall use potable processed water of the City in any manner contrary to the following:

- A. All outside water use, except for domestic, sanitation and fire, is prohibited.
- B. All commercial and industrial uses of water not essential in providing products or services are prohibited.
- C. Recreational and leisure water use, including lawn and other incidental or recreational use, is prohibited.
- D. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

6. Penalties. The following penalties shall apply for violation of the Water Watch, Warning or Emergency use restrictions imposed under this section.

- A. First Violation. For a first violation, the City shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Watch, Warning or Emergency.
- B. Second Violation. For a second violation within a 12-month period, a municipal infraction will be charged not to exceed \$750.00.
- C. Subsequent Violations. For any subsequent violation within a 12-month period, a municipal infraction violation will be charged not to exceed \$1,000.00 or severance of water service for a period not to exceed 30 days. The City Water Department shall interrupt water service to that customer at the premises at which the violation occurred. Services shall not be restored until the customer has provided reasonable assurance that future violations of Water Watch, Warning or Emergency use restrictions will not occur.

Any customer charged with a violation of the Water Watch, Warning or Emergency use restrictions may request a hearing before the Water

Appeal Board. The Water Appeal Board may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty. **Note:** Under a Emergency, use restrictions will be in effect and, in addition, each customer will be afforded a quarterly allocation of water.

7. Base Allocation. The base allocation of water for residential use shall be 4,000 gallons per household per billing period. For commercial, industrial or institutional use, the base allocation shall be established by resolution as a percentage of the average water used during the previous winter (November through April).

8. Appeal and Adjustment of the Base Allocation. Any person may file an appeal with the Water Appeal Board to adjust the base allocation amount. The Water Appeal Board may grant an adjustment to the appellant based upon the following criteria:

A. For single-family residential use, the base allocation may be increased by 1,000 gallons per person per billing period for all individuals residing at the appellant's residence for a period of more than thirty (30) days.

B. For commercial, industrial, institutional or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer; such as usage, production, service and occupancy data provided by the customer.

9. Water Appeal Board. A Water Appeal Board shall be appointed during any Water Warning or Water Emergency. The Water Appeal Board shall consist of the Mayor, the City Administrator and/or the Public Works Director and three (3) representatives of the community who shall be appointed by the Mayor with approval of the Council. The Water Appeal Board shall hear appeals of any action taken pursuant to a Water Watch, Warning or Emergency, except that, if a customer is charged with a municipal infraction relating to this section, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa.

10. Reduction In Flow of Water To Any Person. The Public Works Director is authorized, after giving notice and opportunity for hearing before the Water Appeal Board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this section during a Water Warning or Emergency.

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