

Appendix K: Sample Water Ordinance

ORDINANCE REGULATING WATER SYSTEM

24.01. GENERAL PROVISIONS ON WATER SYSTEM

1. Water Department--There is hereby established a water department, which shall be under the supervision of the Utilities Superintendent. The department shall be responsible for the management, maintenance, care, and operation of the water works system of the city.

2. Use of Water System Restricted--No person shall make or use any water service installation connected to the city water system except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

3. Applications for Service

A. Procedure--Application for a water service installation and for water service shall be made to the city clerk on forms prescribed by the City Council, and furnished by the city. By her/his signature, the applicant shall agree to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

B. Fees or Deposit--Application for a service installation shall be made by the owner of the property to be served or by her/his agent. The applicant shall, at the time of making application, pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or his agent or by the tenant or occupant of the premises.

4. Charges for Service Connections

A. Permit and Fee--No connection shall be made to the city water system without a permit received from the city clerk. The fee for each water main connection permit shall be set by resolution of the City Council. These fees shall be in addition to any fees required under 24.01:04B, C and D.

B. Connection Fees--When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs. Where city employees, agents, or engineers inspect the connections, taps, and installation of pipe and appurtenances, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary inspections.

C. Certification--No permit shall be issued to connect with any water main unless the city treasurer certifies to the truth of one of the following or the payment required under 24.01:04D is made:

1. That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or
2. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
3. That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

D. Additional Connection Fee--If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the city engineer. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The uniform charge shall be based on the number of equivalent residential units of water service the benefited premises will accommodate.

5. Accounting and Billing

A. Accounts in name of owner--All accounts shall be carried in the name of the owner. The owner shall be liable for water supplied to her/his property, whether he/she is occupying the property or not.

B. Bills for service--Water, sewer and refuse service charges shall be billed together. Bills shall be mailed to the customers bi-monthly and shall specify the water consumed and the water/sewer charges in accordance with the rates set out in this chapter and Chapter 29 of the City Ordinances.

C. Delinquent accounts--All charges for water, sewer and refuse service shall be due on the bi-monthly due date specified by the city for the respective account and shall be delinquent on the sixteenth (16) day of the month following. At that time, the city shall notify the delinquent owner/occupant of the delinquent bill and a penalty of 1½ % per month of the remaining balance. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the utilities superintendent may, after the procedural requirements of Section 24.01:05D have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee set by resolution of the City Council.

D. Procedure for shutoff of service--Water shall not be shut off under Section 24.01:05C or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served or mailed by certified mail to the last known address and shall state that if payment is not made before a day stated in the notice but not less than fifteen (15) days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in

which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request is made. If, as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.

6. Liens, Collection

A. All the connection charges stated in Section 24.01:04 and all the water charges stated in Section 24.01:05 shall be a lien on the real estate benefited thereby and against which same is established, and shall be of equal rank with the liens or taxes levied under the general laws of the state, and shall become due and payable as fixed by the resolution or ordinance establishing such charges. Such charges or delinquent installments of such charges may also at the option of the city be enforced against the owner, lessee, or occupant of the property benefited by the connection service, or availability of service, or against all of them in a civil action without the waiver of other remedies. Such charges, or delinquent installments of such charges, may also, at the option of the city, be enforced by the shut off of service in accordance with the procedure provided for in this ordinance, without waiver of other remedies.

B. The City Council may, by its resolution, provide that any connection charges stated in 24.01:04 and any delinquent water service charges stated in Section 24.01:05 be certified to the city clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption of each year for certification to the county auditor for collection along with taxes. Such action is optional and may be subsequent to any legal action to collect delinquent accounts.

7. Entry of Premises

The utilities superintendent or other designated official or employee of the city may, at all reasonable hours, enter any private premises for the purpose of inspecting water and sewer system connections, meters, plumbing, and appurtenances to assure compliance with this or other applicable laws, regulations and ordinances.

24.02 WATER SYSTEM REGULATIONS

1. General Water Regulations

A. Discontinuance of Service--The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in 24.01:05D for nonpayment of charges, or for violation of rules and regulations affecting utility service.

B. Supply From One Service-- No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

C. Turning On Water, Tapping Mains--No person except an authorized city employee shall turn on any water supply at the stop box, or tap any distributing main or pipe of the water supply system or insert a stop cock or other appurtenance therein without a city permit.

D. Repair of Leaks--The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If he fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until a sum has been paid to the city pursuant to resolution. When the waste of water is great, or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

E. Use of Fire Hydrants--No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the utilities superintendent.

F. Private Water Supply--No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the utilities superintendent shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, the department shall ascertain that no cross connection will exist when the new connection is made.

G. Restricted Hours--Whenever the council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution, no person shall use, or permit water to be used, in violation of the resolution, and any customer who does so shall be charged a fee set by resolution of the council for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

H. Permitting Use By Others--No person shall permit city water to be used for any purpose except upon his own premises except in an emergency and then only if written permission is first obtained from the utilities superintendent. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the utilities superintendent for such services.

2. Meters

A. Meters Required--Except for the extinguishments of fire, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the utilities superintendent shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

B. Deposit--Meters shall be provided by the city at its expense, but each customer shall pay a non-refundable deposit on each water meter in an amount fixed by the council by resolution.

C. Maintenance--The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

D. Complaints, Meter Testing--When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If the consumer remains dissatisfied, he/she may, on written request and the deposit set by resolution of the City Council, have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

E. Meters Property of City--Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

F. Meter Reading and Inspection--Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

3. Plumbing Regulations

A. Service Pipes--Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than four feet below the surface and be so arranged as to prevent rupture by freezing. A shut off or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Copper tubing shall be used for all services of two inches or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least 3/4 inch.

B. Water Meter Setting--Every water meter shall be installed in accordance with the following provisions:

1. The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be 12 inches above the floor.

2. The bottom of the meter shall be between six and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the utilities superintendent. A suitable bracket shall be provided to support the meter in a proper vertical position and to prevent noise from vibration.

3. Each meter installation shall have a stop and waste valve on the street side of the meter. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter.

4. The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.

5. Meter setting devices for 5/8 inch, 3/4 inch, and one inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop and waste valve on the building side.

C. Location of Stop Boxes--Curb stop boxes shall be installed generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the curb if on a Street or within one foot of the alley line if the main is located in the alley. They shall be installed so that the top of the stop box is level with the established grade and shall be left in an accurate vertical position when back-filling is completed.

D. Repairs--All repairs or replacements of service pipes between the curb stop and the building plumbing shall be made at the expense of the consumer. Any repairs or replacements between the main and the curb stop, including the curb stop shall be made at the expense of the city.

E. Freezing--A stop and waste cock will be required on every water service extension within the premises below the frost line in such location as to permit the pipe to be emptied to prevent freezing. All service pipes which become frozen between the curb stop and the premises served shall be thawed at the expense of the consumer. Any frozen pipes from the water main to the curb stop shall be thawed at the expense of the city.

4. Water Rates

Each water user shall pay a service charge bi-monthly during which water service is furnished as provided by resolution of the city council.

Unmetered Users

In the case a water user is furnished water service without a meter, the user shall pay a deposit in an amount as provided by resolution of the city council.

24.03 PENALTY FOR VIOLATIONS

A violation of this Ordinance shall be a misdemeanor. Each day that a violation continues shall constitute a separate offense.