

## CHAPTER 90

# WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Fee for Permit and Connection Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Curb Valves and Fire Hydrants
90.10 Tapping Mains	90.20 Vacuum Breaker Installation

**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 Public Works Director 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.** 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 the 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 AND CONNECTION CHARGE.**

1. Permit Fee. Before any permit is issued the person who makes the application shall pay ten dollars (\$10.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

2. Connection Charge. An additional fifteen hundred dollar (\$1,500.00) connection charge shall be required of each individual living unit for those dwellings located in the 400 and 500 blocks of West Barrick Road and abutting all of North Oak Street; however, all individual living units constructed and in existence prior to January 1, 1984, shall be exempt from this one-time connection fee.

**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 *International Plumbing Code*.

**90.08 PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

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

**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:

(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 six (6) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches 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

(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.

**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.** 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.

**90.13 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 City 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 VALVES AND FIRE HYDRANTS.**

1. Curb Valves. It is unlawful for any person except the Superintendent to turn water on at the curb valve.
2. Fire Hydrants. No person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever. Consumer connection to fire hydrants shall be permitted only when authorized by the Superintendent. All equipment used by a consumer for purposes of connecting to a fire hydrant shall be designed to avoid contamination of the City water system.

**90.20 VACUUM BREAKER INSTALLATION.** Customers engaged in filling water storage tanks or swimming pools shall install a vacuum breaker to prevent back flow contamination of the public water system.

[The next page is 433]

## CHAPTER 91

# WATER METERS

91.01 Purpose	91.06 Meter Costs
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems; Exception	91.08 Right of Entry
91.04 Location of Digital Meters and Read-Out Touchpads	91.09 Second Meter for Irrigation
91.05 Meter Setting	

**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.

**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 open 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 LOCATION OF DIGITAL METERS AND READ-OUT TOUCHPADS.** All meters shall be so located that they are easily accessible to meter readers and repair persons and protected from freezing. Touchpads shall be located on the exterior of the property owner's house or building and shall be easily accessible to meter readers and repair persons. The Superintendent shall approve all meter and touchpad locations and installations. Further, the property owner shall allow such attachment as necessary for such purpose.

**91.05 METER SETTING.** The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

**91.06 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.

**91.07 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.

**91.08 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.

**91.09 SECOND METER FOR IRRIGATION.** A second water meter for outdoor irrigation purposes, not utilizing the sanitary sewer system, shall be allowed for customer use. Plumbing from the water meter shall be limited to outdoor hose connections or irrigation systems.

1. Connection Fee. Customers shall pay the additional meter cost for installation plus a \$10.00 inspection fee.
2. Rates and Billing. Rates for service shall be the same as required for the first meter as provided by Section 92.02. Billing shall be monthly as required for the first meter.
3. Sewer Service Charge. No sewer service charge will be assessed to water usage through the irrigation meter.

[The next page is 439]

**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  
92.10 Community Incentive Housing Development  
Program Discount

**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 monthly rates within the City.

*(Code of Iowa, Sec. 384.84)*

1. That a Debt Service/Infrastructure Improvements Fee of \$10.00 be charged.
2. Metered Customers.
  - A. First 2,000 gallons or lesser amount used per month @ \$17.62 (minimum monthly bill).
  - B. All over 2,000 gallons used per month @ \$5.22 per 1,000 gallons.
3. Non-Metered Customers. In the event it is impossible or not practicable for the installation of a water meter, the minimum monthly water service charge shall be computed on a usage of 4,000 gallons for customers with three or fewer persons within the household and computed on a usage of 8,000 gallons for customers with four or more persons within the household.
4. Bulk Fire Hydrant Water. Bulk water from fire hydrants shall be furnished at the following rates:
  - A. First 1,000 gallons or lesser amount used per month @ \$17.62 (minimum monthly bill).
  - B. All over 1,000 gallons used per month @ \$17.62 per 1,000 gallons.

Provided, however, nonprofit organizations that utilize less than 1,000 gallons of water per month shall not pay a water service charge for that month.

*(Section 92.02 – Ord. 324 – Jun. 18 Supp.)*

**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 same rates provided in Section 92.02. 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. **Bills Issued.** The Clerk shall prepare and issue bills for combined service accounts on or before the fifteenth day of each month.
2. **Bills Payable.** Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifth day of the following month.
3. **Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.

**92.05 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 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.
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 Council shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. **Fees.** A fee of twenty dollars (\$20.00) shall be charged before service is restored to a delinquent customer. 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 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.** The lien for nonpayment shall not apply to a residential 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 rental property and that the tenant is liable for the rates or charges. In addition, a 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 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 ninety (90) days of such services to be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the 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 shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

*(Code of Iowa, Sec. 384.84)*

**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 thirty (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 who does not have title to, or an ownership interest in, the real estate to be supplied water service a deposit in advance of service in an amount equal to three times the minimum monthly charge established in Section 92.02(1)(A). The deposit shall be applied to any bill for water service delinquent more than thirty (30) days. Upon discontinuation of water service, any balance of such deposit shall be returned to the customer without interest.

*(Code of Iowa, Sec. 384.84)*

**92.10 COMMUNITY INCENTIVE HOUSING DEVELOPMENT PROGRAM DISCOUNT.** The City Council may, by resolution, waive the water connection fee and all monthly water service fees or any portion thereof for a period not exceeding twelve (12) months. However, this incentive shall be available only for residential (single-dwelling) housing, nontransferable and for new home construction that commences within twenty-four (24) months following such incentive resolution by the Council. Further, if the dwelling is constructed by a non-occupying developer, all incentives except the connection fee shall be extended or assignable to the eventual owner-occupant.

[The next page is 445]

## CHAPTER 93

# SEPARATION DISTANCES FROM MUNICIPAL WELLS

93.01 Purpose  
93.02 Definitions

93.03 Prohibited Use  
93.04 Nuisance Declared

**93.01 PURPOSE.** The following regulations and restrictions are enacted in this chapter to prevent contamination and to preserve the water quality available to the citizens of the City.

**93.02 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. "Occupants of real estate" means any individual, corporation, association, individually or collectively, having the right to control the use of a parcel or parcels of real estate as an owner or tenant thereof.
2. "Public water well" means Well No. 4, which is the deep water well constructed in 1998 and established for the purpose of providing water to the citizens of the City through the utility water well system as part of said City.

**93.03 PROHIBITED USE.** Occupants of real estate within the boundaries of the City shall be prohibited from using such real estate in any manner where such activity within a restricted distance could result in a source of contamination, more specifically identified as follows:

Source of Contamination	Restricted Distance from Public Water Well No. 4
Sanitary and Storm Sewers and Drains	Prohibited within 25 feet of well; If between 25 and 75 feet, it must be water main material; If between 75 and 200 feet, it must be sewer pipe.
Sewer Force Mains	Prohibited within 75 feet of well; If between 75 and 200 feet, it must be water main material.
Basements, Pits or Sumps	10 feet
Animal Pasturage	50 feet
Cisterns	50 feet
Land Application of Domestic Sludge	100 feet
Irrigation Using Treated Wastewater	100 feet
Concrete Vaults and Septic Tanks	100 feet
Chemical Application to the Ground	100 feet
Above Ground Chemical and Mineral Storage	100 feet
Animal Enclosures	100 feet
Land Application of Animal Sludge	100 feet
Irrigation Using Treated Animal Wastewater	100 feet
Animal Waste Storage Tanks	100 feet
Earthen Silage Storage Trench or Pit	100 feet
Sanitary or Industrial Discharge to the Ground	200 feet
Mechanical Wastewater Treatment Plants	200 feet
Cesspools and Earth Pit Privies	200 feet
Soft Absorption Fields	200 feet
Domestic Sewage Lagoons	200 feet

Source of Contamination	Restricted Distance from Public Water Well No. 4
On or Underground Chemical and Mineral Storage	200 feet
Animal Waste Solids Stockpiles	200 feet
Animal Waste Storage Basin or Lagoon	200 feet
Cemeteries	200 feet
Private Wells	200 feet
Solid Waste Disposal Sites	200 feet

**93.04 NUISANCE DECLARED.** Any activity by an occupant of real estate in violation of prohibited uses outlined and identified in Section 93.03 is hereby declared to be a nuisance and may be abated in the same manner as any other nuisance as provided by this Code of Ordinances or by State statutes.

[The next page is 455]