

Chapter 3-4

WATERWORKS

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Section 3-4-1 Rules, Regulations

The rules, regulations and water rates, specified herein or set forth in Chapter 5 of this Title shall be considered a part of the contract with every person, who is supplied with water through the water system of the City and every such person, by taking water shall be considered to have expressed his assent to be bound thereby, and whenever any of them are violated or such others as the City may hereafter adopt, the City Administrator or his/her designee is empowered to cut off the supply of water from the property where such violation occurs.

Section 3-4-2 Permit Required

No person shall begin work on the construction, reconstruction, alteration or repair of any water pipes connected to the City water system in any building, or connecting water pipes to any main or part of said water system, unless he/she is a licensed plumber and before beginning such work has first obtained a permit for the same from the Code Enforcement Officer.

Section 3-4-3 Application For Permit

Any licensed plumber desiring such permit shall file with the Code Enforcement Officer an application in writing on the standard form provided by the City for such application, stating therein the location of such work, owner's name, the name of the plumbing contractor and the amount and nature of the work to be performed under the permit, and that such work is to be done in accordance with the provisions of this Code, and the rules and regulations of the local and State Boards of Health.

Section 3-4-4 Permit Issued

Upon approval by the Code Enforcement Officer of the application for a permit as provided in Section 3-4-3 hereof, he/she shall issue a water permit to the plumber applying therefor. Said permit shall not be in force or effect until all inspection and other fees as provided herein have been paid.

Section 3-4-5 Permit And Connection Fees

Fees shall be set by Council Resolution.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-4-6 Users Outside City

(A) From and after the date of the passage of this Section, no permit to connect to the City water system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City if any portion of that property is contiguous to the City limits of the City of Storm Lake, Iowa.

(B) From and after the date of the passage of this Section, no permit to connect to the City water system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City and not contiguous to said City limits unless the City Council, by a four-fifth (4/5) majority of all members, shall approve such connections as in the best interests of the City. As a special exception to the foregoing, Council approval shall not be required if the applicant is seeking to serve a single residence which may be serviced from an existing main, and which property is located within one-half (1/2) mile of the City limits (or within one-half (1/2) mile of an existing water main outside the City limits which is owned by the City of Storm Lake), provided that the applicant agrees to all of the other requirements set forth in Section 3-4-6(C).

(C) As a condition of providing water service to a noncontiguous property, the property owner or owners must sign a contract with the City agreeing to all of the following conditions:

1. The user to be serviced will be charged for the consumption of water at a rate equal to 150% of the rate charged to the City's residential consumers, and if the user is other than the property owner, the owner

must guarantee the payment of all charges for water consumption.

2. Each contract to supply water shall be for a specific term and which term shall not exceed ten years unless specific approval of a longer term shall be given by the City Council. The contract shall provide that, in the absence of a breach of contract by the opposite party, it cannot be terminated during the term of the contract except upon written consent of both the City and the property owner.

3. All water service line materials and associated items shall meet the most current City specifications.

4. Consumption of water shall be for human consumption and household use only. Water shall not be used for livestock, poultry or other farming operations.

5. The applicant must agree to quantity limits for usage which shall be set by the City staff in accordance with a formula developed by the City Administrator.

6. All costs for the hook up to the main and for the construction of the service line shall be paid by the applicant. In addition to the actual costs of connection to the water main, the applicant must agree to pay a hookup fee which must be paid prior to the installation of the line and which fee shall be determined on an annual basis by the Council.

7. The applicant and all users must agree by contract to adhere to all of the provisions of Title III, Chapter 4 of this Code relating to the respective rights and responsibilities of water consumers in the City of Storm Lake which are not inconsistent with this Section and further, all applicants and users must agree by contract to adhere to the provisions of Title III, Chapter 5 relating to water conservation measures at any time that such conservation measures are activated for residents of the City of Storm Lake.

8. All applicants and all users must agree that the City of Storm Lake shall be responsible only for the quality of the water and for the maintenance of the water main and they must acknowledge that the City shall not be liable for failure to supply a particular quantity of water provided that the City is operating in good faith and is not intentionally treating consumers outside the corporate limits differently than it is treating consumers within the corporate limits.

9. All applicants and/or users must agree that they will not resell water provided by the City of Storm Lake to any other consumer.

10. All contracts for water shall include a specific legal description of the real property to be served by water and which legal description shall be for the entire parcel of real estate owned by the applicant which is contiguous to the residence site for which water service is sought.

11. Each contract for the supply of water shall provide that for the term of the contract, the rights and obligations of the applicant shall run with the land and shall be binding on all successors, beneficiaries or assigns of the applicant property owner with regard to the real estate described.

12. Every applicant property owner must agree as a condition of receiving water to voluntarily annex to the City of Storm Lake at any time in the future when any boundary of the City of Storm Lake shall be contiguous to any boundary of the property receiving service. Each applicant must also agree that the applicant will not file nor permit to be filed on the applicant's behalf any resistance to a plan of involuntary annexation filed by the City with respect to the serviced property during the term of the contract.

13. All applicants must agree that breach of any of the requirements of Subsections C(1) through C(12)

shall be grounds for the City to bring an action in specific performance, or to terminate the water service, at the option of the City, or as a further option with respect to breaches of the provision relating to consumption (Subsections C(5) and C(7)), the City shall be entitled to charge a penalty rate for the excess water consumed at a rate to be set forth in the contract, but which rate shall not be less than 150% of the rates otherwise provided for in Subsection C(1).

(D) In addition to the provisions of Subparagraph c hereof, any applicant seeking City water who shall require the installation of a new water main shall agree in writing that all costs of construction of the water main shall be paid solely by the user or developer and that the water main shall meet all current City specifications and shall be of a size determined by the City staff and in no case less than six inches (6"). The applicant developer or user shall also agree to install fire hydrants as required by the City staff at the sole cost of the applicant.

(Ord. No. 049495, Amended, 10/03/94)

Section 3-4-7 Supervision Of Work

When a permit has been issued for water connections the doing of such work shall be under the supervision of the Street Superintendent, or his authorized representative at all times and until its completion and acceptance by the City, and he may revoke said permit at any time when such work is not being done in accordance with the provisions of this Chapter or the approved plans or permit; and if such permit is revoked, it will be unlawful for any person to proceed further with said work without written consent of the Street Superintendent. When a water permit has been issued, the work included therein shall be started within sixty (60) days from the date of the permit, and be completed within one year after the beginning of the work, otherwise such permit is null and void and a new permit must be obtained.

Section 3-4-8 Consumer To Permit Inspection

Every person owning or occupying property receiving a supply of water from the City or connected to the City main, shall permit any officer of the City at all hours of the day from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M. on or into their premises or building to examine the pipes and fixtures and the manner in which the water is being used, and they must at all times answer all questions relating to its consumption.

Section 3-4-9 Applicants Charges

Applicants for water will be charged for all service pipe and trenching from the center of the street and the Council shall have power to make such arrangements as they may deem expedient to carry this clause into effect. Said applicant is hereby charged with the duty of keeping all service pipes leading from the mains to the meter free from leaks and in good repair at all times, and any consumer who knowingly allows the same to become out of repair and leak or who shall fail to repair any such leaks within twenty-four (24) hours after being notified by the City Clerk or his designee will be charged for all water wasted the same as though it has passed through said consumer's meter. The City hereby reserves the right to render special services in connection with furnishing water such as installing and maintaining water service connections, and repairing leaks, at prices and terms to be determined from time to time by the Council. When no prices have been determined, charges shall be made at the actual cost of labor and material, plus twenty percent (20%) for overhead expenses.

Section 3-4-10 Service Connections

The laying of all service connections and pipes, setting of water service fixtures in streets, public grounds and in premises to be served City water, shall be made by employees of the City Street Department, or by duly licensed plumbers.

Section 3-4-11 Service Pipe Extensions

After a service connection has been laid, no plumber or other person shall make any attachment or connection to it to serve other premises so as to connect the same with the water system unless he shall procure a written permit from the Code Enforcement Officer specifying the particular additions, repairs or alterations to be made, and shall perform such work in conformity with such permit, provisions of this Code, and the rules and regulations of the City.

Section 3-4-12 Service Pipes On Private Property

No consumer shall be permitted to install water pipes across lots or buildings or adjoining premises, but all service pipes shall be laid on streets, alleys or public ground to the premises to be served, and enter at the front or rear of the building nearest the main.

Section 3-4-13 Separate Connections

Not more than one single family, two family or multi-family dwelling unit or commercial or industrial unit shall be supplied with water from one service location provided nothing herein shall be construed to prohibit additional service connections, if approved by the City Administrator or his/her designee, for duplexes, multi-family units, or commercial or industrial units with more than one tenant if said tenants desire separate service lines. The requirements of the preceding sentence shall apply to all new construction commenced after the adoption of this ordinance and to any substantial reconstruction involving the replacement of the water service line and its connection at the water main.

If any building shall include five (5) or more units of residential, commercial, or industrial users, the water service line shall include a master meter which shall be located as close to the stop cock as possible unless otherwise specified by the City Administrator or his/her designee. The preceding sentence shall apply to all new construction commenced after the effective date of this ordinance or to any reconstruction involving the replacement of the existing service line.

If a master meter shall be installed in a service line, and if the various tenants served by the service line shall be separately metered as provided in 3-4-16, and if the total of the consumption for all of the individual meters shall be less than the total consumption shown on the master meter, the owner of the building, or the owner's association in the case of condominiums, shall be liable to the City for the difference between the total amount of water billed to the individual consumers and the total amount shown as consumed on the master meter.

Section 3-4-13A Water Service in Mobile Home Parks

(a) EXCEPTION. As an exception to the requirements of Section 3-4-13, water consumption in mobile home parks shall be measured only from the master meter or meters serving the mobile home parks and shall not be measured from meters serving the individual mobile homes. Water consumed shall be billed at the residential rate and shall be subject to the multiplier provision of Section 3-5-1(E).

(b) DEFINITION. Mobile Home Park: The term "Mobile Home Park" shall mean any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are parked and connected to utilities, either free of charge or for revenue purposes and shall include any buildings, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park.

(c) APPLICABILITY. The provisions of this Section shall become effective for water billings made on or after May 1, 2002.

(d) FINANCIAL RESPONSIBILITY. The owner of a mobile home park shall be liable for all water charges billed pursuant to this Section. Nothing contained herein shall be deemed to prohibit the owner of the mobile home park from in turn assessing the occupants of the mobile homes for their fair share of the cost of water provided."

(Ord. 10-O-2001-2002, Add, 02/04/2002)

Section 3-4-14 Tapping Mains

No person except those specifically authorized by the Code Enforcement Officer will be permitted to tap any water main, and in any case, all connections to the water main shall be at the location designated by the Code Enforcement Officer. The City shall furnish the water mains and the owner shall furnish the water services to the property line and which water service lines shall be of a type which is in conformance with City specifications and which water service line shall be installed in accordance with City specifications.

Section 3-4-15 Maintenance Of Service Pipes

All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains and stop cocks shall be installed and maintained at the expense of the owners and any leaks or other defects in the same shall be promptly repaired by them, or if not promptly repaired, the water shall be turned off until such repairs have been made, and the expense incurred thereby shall be charged against such owner and must be paid before water shall again be turned on.

Stop cock locations shall not be in sidewalks, driveways, or any type of concrete improvement. Stop cocks shall be placed within and as close as otherwise practical to the boundary lines of the property owner's property. Exact stop cock location shall be as determined by the City.

In the event the City should discontinue and abandon the use of an existing water main and relocate the new water main on the opposite side of the street, the City will install, at the City's expense, that portion of the service pipe from the abandoned water main to the newly-installed water main.

Section 3-4-16 Meters

All water furnished consumers shall be metered. All meters shall be furnished by the City but paid for by

the consumer and shall be installed by a licensed plumber in accordance with City specifications at the building owner's expense and the building owner must provide a suitable location within the building piping system for said meter. Unless the City Administrator or his designee shall determine that the meter is readily accessible and available to be read at all times, all residential consumers shall also have installed a remote control meter reading device which shall be furnished and installed by the City at a building location to be determined by the City and with the cost paid by the property owner.

All residential, commercial and industrial buildings built or substantially reconstructed from and after the date of this Chapter shall provide separate meters for each unit of the building which shall measure all hot and cold water used or consumed in each individual unit, provided however that if the building is serviced by one central hot water heating system, or if hot water to the units is provided from one central hot water heater, and for so long as either of those conditions continue, the requirement that each unit be separately metered shall not apply and the building may instead be serviced by one master meter.

All residential, commercial and industrial buildings being newly constructed or reconstructed from and after the date of this chapter shall have included within their plans and thereafter installed wiring to service remote control reading devices with the exact location of wiring to be approved by the City, and to the extent that the preceding paragraph requires separate meters for each unit of a building, each such unit shall also be equipped with remote control meter reading devices.

Section 3-4-16A Stopcocks

All residential, commercial and industrial buildings separately metered, including apartment units, condominium units, or mobile homes which are separately metered, shall have a stopcock installed in the service line serving only that customer. The stopcock shall be installed prior to the meter and as close to the property line as possible. The stopcock shall be maintained at the owner's expense as provided in 3-4-15. If the location of a particular service line to an individual customer does not permit the installation of a stopcock, a shut off valve may be installed as an alternative with the approval of the City Administrator or his or her designee. Existing service lines serving an individual customer that do not have a stopcock, or alternatively, a shut off valve, which is installed and operational at the time of the adoption of this Ordinance shall comply with this Ordinance not later than December 1, 2001.
(Ord. Ord. 01-O-2001-2002, Add, 07/16/2001)

Section 3-4-17 Location Of Meters

All meters shall be so placed as to be easily accessible to meter readers and inspectors at all times. A remote controlled meter reading device shall be placed so as to allow the meter reader to read the meter from outside the building and without the necessity of entering the building, and in the event of a dispute as to location, the City shall have the final authority to determine the location of the remote meter.

Section 3-4-18 Meters Out Of Order

When meters or remote control meter reading devices shall fail to register or are inaccessible for reading, the consumer will be charged at average consumption as shown by the meter or remote control meter reading device when working.

Section 3-4-19 Owners To Protect Meters

The owner or occupant of premises where a meter or remote control meter reading device is installed shall be held responsible for its care and protection from freezing or hot water and from other damage or interference from any person. In case of any damage to the meter or remote control meter reading device, or in case of its stoppage or imperfect working, he shall give immediate notice to the office of the City Clerk. In all cases where the meters or remote control meter reading devices are broken or damaged by negligence of owners or occupants of premises, or by freezing, hot water or other damage except ordinary wear and tear, the necessary repairs to the meter or remote control meter reading device shall be made by the City and the costs of such repairs paid for by such owner or occupant, and in case payment thereof is neglected or refused, the water supply shall be turned off and shall not be turned on until full payment has been made, together with a fee, in the amount set by Council Resolution, for turning on the water again and a fee, in the amount set by Council Resolution, for posting the disconnect notice(door tag). Damaged meters or remote control meter reading devices may be repaired by the City without first giving notice thereof to the owner of the premises served by such meter or remote control reading device. (Every hot water heater and hot water storage tank must have a check valve on the supply pipe line and a suitable relief valve on the discharge line of such heater or tank.)

No one shall in any way interfere with the proper registration of a water meter or remote control meter reading device, and no one except an authorized employee of the Water Department shall break a seal of a meter or remote control meter reading device or shall remove, relocate or alter a remote meter; provided, however, that the City Administrator or City Clerk may grant written permits to licensed plumbers in case of emergency to break such seal for draining pipes or stopping water leaks.

(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

Section 3-4-20 Testing Meters

In case there is a doubt on the part of the consumer as to the accuracy of a water meter or remote control meter reading device, he/she may have the meter or remote control meter reading device tested by the City at which test he/she may be present or have a representative present if he/she so desires, and if the meter or remote control meter reading device is found to register within two percent (2%) of being correct, a fee, in the amount set by Council Resolution, will be charged to pay for a part of the labor for making such tests. If the meter or remote control meter reading device is found to measure more than two percent (2%) incorrectly, no charge shall be made for making the test. If the meter or remote control meter reading device should be found to over-register more than two percent (2%) there shall be a proportional deduction made from the previous water bill. A water meter or remote control meter reading device shall be considered to register satisfactorily when it registers within two percent (2%) of accuracy.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-4-21 Reading Meters

Meters or remote control meter reading devices shall be read monthly and the amounts of water charged to the consumer together with any other charges which may be due from said property. All water passing through said meter will be charged for whether used or wasted.

Section 3-4-22 Fire Hydrants and Valves

No person except an authorized employee of the City in the discharge of his/her duty shall be permitted to open or close any valve or hydrant connected to the City water supply without the specific consent of the City Administrator to do so. No person except firemen in case of an emergency shall attempt to open any fire hydrant with a wrench other than the special hydrant wrench designed to fit the spindle nut.

Section 3-4-23 Shutting Off Water

The City reserves the right at any time, when necessary, without notice, to shut the water off at its mains for the making of repairs or extensions or for other purposes. The City shall give notice of shutting off water if conditions are such that it is possible to do so.

Section 3-4-24 Right To Suspend Use

The right is reserved to suspend the use of hose and fountains for sprinkling streets, lawns and gardens whenever, in the opinion of the City Administrator, a public emergency requires.

Section 3-4-25 City Not Liable

It is expressly stipulated that no claim shall be made against the City by reason of breaking of any service cock, or if from any cause the supply of water should fail, or from damage arising from shutting off the water to repair mains, make connections or extensions, or for any other purpose that may be deemed necessary. The right is hereby reserved to cut off the supply of water at any time, notwithstanding any permit granted to the contrary.

Section 3-4-26 No Cross Connections

No person shall cross-connect with the City water system or its appurtenances, with any other water system pumping or supplying water not supplied by the City. No owner or tenant of a residential structure, commercial building, industrial building or other structure supplied with water from a source other than the City shall be permitted to purchase water from the City provided, however, that private water systems that are designed and plumbed so that their use is strictly limited to the watering of lawns, shrubbery and trees, or the washing of vehicles, shall not disqualify the owner or tenant from purchasing water from the City.

(Ord. 18-O-2001-2002, Amended, 06/03/2002)

Section 3-4-27 Application For Water

Any person desiring a supply of water upon real estate owned or occupied by them must make application therefor to the Clerk.

Section 3-4-28 Fluoride Installed, Water System

(A) There shall be installed in the water system of the City of Storm Lake, Iowa, the necessary

equipment to provide a continuous and controlled addition of fluoride into the public water supply of the City.

(B) The Water Department of the City is directed to install said equipment and to operate the same for the addition, and supplementing of fluoride in continuous and controlled amounts of the public water supply of the City subject to inspection by and direction of the Iowa Department of Health.

(C) This ordinance shall be deemed a valid exercise of the general police power delegated to cities and towns by the General Assembly of the State of Iowa contained in Section 366.1 of the Code of Iowa.

Section 3-4-29 Water Lines No Longer In Use

The owner of every lot on which is installed a water service line which is in turn connected to the City water main shall, at the owner's expense, cause the service line to be disconnected and removed from the main in accordance with the City specifications if the building serviced shall be, or shall have been previously, demolished, removed, damaged beyond repair or abandoned, or if water service to the building serviced shall have been permanently discontinued.

Section 3-4-30 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal Infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Section 3-4-31 Separation Distances

No property owner within the city limits of the City of Storm Lake, Iowa shall permit any use of their property which would violate the separation distances required to protect water wells as set forth in Table A of the Iowa Administrative Code, Section 567-43.3(7)(455B).
(Ord. 13-O-2008-2009, Add, 05/18/2009)