

### 8-1-3: RATES AND CONNECTION FEES; PAYMENT PROVISIONS:

A. Rate Setting; Promulgation Of Rules: The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the city water system shall be fixed from time to time by the city council. The city council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

B. Special Rates: The city council may from time to time fix by agreement, ordinance or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

C. Use Without Payment Prohibited: It shall be unlawful for any person, by himself, family, servants or agents, to utilize the city water system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve or other fixture attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution. It shall be unlawful to injure, deface or impair any part or appurtenance of the water system, or to cast anything into any reservoir or tank belonging to the water system.

#### D. Billings; Delinquency; Discontinuance Of Service:

1. The city shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month, or at such other regular interval as the city council shall direct.

2. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within thirty (30) days of the date due, the city shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five (5) days from the date of notice.

3. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the city treasurer or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the city council may have established. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied

to the payment of delinquent bills. The ~~city recorder~~ utility clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the city. (Ord. 2012.03, 4-12-2012, eff. 4-12-2012; amd. 2014 Code)

#### 8-1-5: WATER METERS:

A. Required: Except as otherwise expressly permitted by this section, all structures, dwelling units, establishments and persons using water from the city water system must have such number of water meters connected to their water system as are necessary in the judgment of the water superintendent to adequately measure use and determine water charges to the respective users. (Ord. 2012.03, 4-12-2012, eff. 4-12-2012)

B. Furnished By City: Meters will be furnished by the city upon application for connection, and upon payment of such connection fees and other costs as may be established by the city council from time to time. (Ord. 2012.03, 4-12-2012, eff. 4-12-2012; amd. 2014 Code)

C. Ownership; Disputes Regarding Required Number: Meters shall be deemed to be and remain the property of the city. Whenever a dispute between the water superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved.

D. Readings: The water superintendent shall cause meter readings to be taken regularly and shall advise the ~~city recorder~~ utility clerk thereof for the purpose of recording the necessary billings for water service.

E. Adjustments And Inspections: Meters may be checked, inspected or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off water, except by an authorized representative of the city, unless special permission is given by the city through its representatives to the customer to do so.

F. Testing: If a customer submits a written request to the water superintendent to test his water meter, the city may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve (12) months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from ninety seven percent (97%) to one hundred three percent (103%) of accuracy under methods of testing satisfactory to the city, the meter shall be deemed to accurately measure the use of water.

G. Meter Failure: If the city meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than ninety seven percent (97%) or more than one hundred three percent (103%) of accuracy,

the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

H. **Damage Or Injury:** All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall, in the discretion of the city, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the city through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer. (Ord. 2012.03, 4-12-2012, eff. 4-12-2012)

#### 8-1-8: BACKFLOW AND CROSS CONNECTIONS:

A. **Definitions:** For purposes of this section, the following definitions shall be observed and applied, unless the context of the subject matter requires otherwise:

**BACK PRESSURE:** The flow of water or other liquids, mixtures or substances under pressure into the feeding distribution pipes of a potable water supply system from any sources other than the intended source.

**BACK SIPHONAGE:** The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source, other than the intended source, caused by the reduction of pressure in the potable water supply system.

**BACKFLOW:** Reversal of the normal flow of water caused by either back pressure or back siphonage.

**BACKFLOW PREVENTION ASSEMBLY:** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the most current version of the international plumbing code (IPC) adopted by the city.

**CONTAMINATION:** A degradation of the quality of the potable water supply by nonpotable water, sewage, industrial fluids or waste liquids, compounds or other materials.

**CROSS CONNECTION:** Any physical connection or arrangement of piping or fixtures which may allow nonpotable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multipart tubes or other plumbing arrangements.

B. **Responsibility Of City:** The water department shall be responsible for the protection of the drinking water distribution system from the foreseeable conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.

C. Protection Required: No water service connection to any premises shall be installed or maintained by the city, or any other water utility, unless the water supply in the premises is protected as required herein.

D. Notification Of Public: Although failure of a consumer to be aware of these provisions shall be no defense to violation hereof, the water department shall use reasonable means to notify its consumers of the hazards of cross connection and the need for annual inspection of backflow prevention assemblies. Drinking water system surveys or inspections of the consumer's water distribution system shall be conducted by individuals deemed qualified by and representing the city. Survey records shall indicate compliance with state regulations. All such records will be maintained by the water department. The water department shall schedule and notify, in writing, all consumers of the need for the periodic system survey to ensure compliance with the existing applicable minimum health and safety standards.

E. New Construction: The city will review all plans for new construction to ensure that unprotected cross connections are not an integral part of the consumer's water system. All systems that are using culinary water to irrigate or to be used where cross connections or backflow could enter the city's system, a mechanical backflow prevention assembly will be installed to IBC rules and regulations. The assembly will be installed within six feet (6') of the city's water connection into the property and cannot be tied into before assembly. The owner shall provide the **building official water superintendent** with verification of a certified test of all the backflow prevention assemblies before a certificate of occupancy is issued.

F. Installation Required: Whenever the city or the water department deems a service connection water usage contributes a sufficient hazard to the water supply, installation of an approved backflow prevention assembly shall be required on the lateral service line of the consumer's water system, at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral service line in any event. The type of protective assembly required shall depend upon the degree of hazard existing at the point of cross connection (whether direct or indirect) so as to comply with local and state requirements. The water department shall be provided by the owner with a certified test of such backflow prevention assemblies within ten (10) working days after their initial usage in order to determine their adequacy.

G. Inspection; Access For Inspections: A consumer's system shall be open for inspection at all reasonable times to authorized representatives of the water department in order to determine whether cross connections or other structural or sanitary hazards, including violations of this chapter, exist. In order to determine whether cross connections or other structural or sanitary hazards exist or if a backflow prevention assembly has been installed in such manner as to create a safety hazard, the city or water department may inspect and access areas on a consumer's property above and beyond water meters, sealing areas, pits, paneled interior areas, or other locations where cross connections might exist. The consumer shall be responsible to provide a route of access across his property for inspection purposes that is free from litter, overgrowth, the threat of vicious animals, or

other hindrance that may be detrimental to the safety of the inspector or obstructive to his ease of access.

H. Duty To Inspect Annually: It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys or inspections and operational tests made at least once per year at the consumer's expense. In those instances where the water department deems the hazard to be great, it may require certified surveys or inspections and tests at a more frequent interval. It shall be the duty of the water department to see that these tests are made according to the standards set forth by the state department of environmental quality, division of drinking water.

I. Testing By Certified Backflow Technicians: All tests of mechanical devices or assemblies shall be conducted by a certified backflow technician who will be responsible for the competence and accuracy of all tests and reports. Such technicians shall be responsible for the following:

1. Assure that acceptable testing equipment and procedures are used for the testing, repairing or overhauling of backflow prevention assemblies.

2. Make reports of such testing and/or repairs to the consumer and the water department on a form approved for such use by the water department, within the time frames as described by the division of drinking water.

3. Include in all reports a list of any materials or replacement parts used.

4. Ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.

5. Ensure that his/her license is current, the testing equipment being used is acceptable to the state and is in proper operating condition.

6. Be equipped with, and competent to use, all necessary tools, gauges and other equipment necessary to properly test and maintain backflow prevention assemblies.

7. Tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by who, including the technician's license number.

J. Repair And Maintenance: The maintenance, including necessary repairs, of all backflow prevention assemblies and cross connection control devices required by this section shall be the responsibility of the consumer, and failure to adequately maintain any required equipment shall be a violation hereof. All installations and repairs of such equipment shall be effected by a certified journeyman plumber, properly licensed landscaper or other agent of the owner, provided he/she is a certified backflow technician as provided in subsection I of this section.

K. Existing Equipment: All backflow prevention assemblies existing at the time this chapter and section are adopted but which do not meet the requirements hereof shall nonetheless be excluded from the requirements of this chapter, provided they were approved for the purposes described herein at the time of installation and have been

properly maintained so as to function in the manner originally intended. Such previously existing assemblies nonetheless shall be subject to the periodic inspection and testing required by subsections H and I of this section. Whenever an existing assembly is moved to another location or requires more than minimum maintenance, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.

L. Records Maintenance: The water department shall keep reasonable records of cross connection hazards and the condition of backflow assemblies, including those records required by the state and federal agencies. It shall provide the tags required by subsection I7 of this section upon request by certified backflow technicians.

M. Suspension Or Shut Off Of Water Service: The city or water department may suspend, discontinue or shut off water service to consumers on an emergency basis, as the city and/or water department deems reasonably necessary, in the event of a cross connection or suspected cross connection to prevent or limit contamination of the water supply or water system.

N. Violations:

1. Conditions Constituting Violations: Service of water to a consumer found to be in violation of this section shall be discontinued by the city or water department after written notice of the violation, and appropriate times suspended for voluntary compliance, and the due process entitlements otherwise extended by the city or water department before termination of water services. A violation exists if:

- a. A backflow prevention assembly required by this section for control of cross connections is not installed, tested or maintained.
- b. It is found that a backflow prevention assembly has been removed or bypassed.
- c. An unprotected cross connection exists on the premises.
- d. The periodic system inspection has not been conducted.

2. Failure To Correct: Where written notification of a deficiency is provided by the city or water department, in the event of a failure by the consumer to take the required corrective action within ten (10) days after the date of mailing such notice, the city or water department shall immediately discontinue service in accordance herewith. Water service will not be restored until all such conditions or defects are corrected. (Ord. 2012.03, 4-12-2012, eff. 4-12-2012; amd. 2014 Code; Ord. 2020.07, 3-12-2020)