

# WATER

## TABLE OF CONTENTS

|  |     |
|--|-----|
| CHAPTER 90 - WATER SERVICE SYSTEM..... | 381 |
| CHAPTER 91 - WATER METERS.....         | 391 |
| CHAPTER 92 - WATER RATES.....          | 393 |
| CHAPTER 93 - PRIVATE WELLS.....        | 397 |



## CHAPTER 90

### WATER SERVICE SYSTEM

|  |  |
|--|--|
| 90.01 Water System Established           | 90.13 Responsibility for Water Service Pipe      |
| 90.02 Definitions                        | 90.14 Failure to Maintain                        |
| 90.03 Superintendent's Duties            | 90.15 Curb Valve                                 |
| 90.04 Mandatory Connections              | 90.16 Interior Valve                             |
| 90.05 Abandoned Connections              | 90.17 Inspection and Approval                    |
| 90.06 Permit Required                    | 90.18 Completion by the City                     |
| 90.07 Fee for Permit                     | 90.19 Shutting off Water Supply                  |
| 90.08 Compliance with Plumbing Code      | 90.20 Operation of Curb Valve and Hydrants       |
| 90.09 Plumber Required                   | 90.21 Prohibited Acts                            |
| 90.10 Excavations                        | 90.22 Refusal or Discontinuance of Water Service |
| 90.11 Tapping Mains                      | 90.23 Waiver of Fees                             |
| 90.12 Installation of Water Service Pipe |  |

**90.01 WATER SYSTEM ESTABLISHED.** By virtue of the power vested in the City Council by the voters at a special election held on November 6, 2012, pursuant to Section 388.2 of the *Code of Iowa*, there is hereby established in the City a public water system. Said public water system shall be known as the "Hills Water System." Future projects that include water main construction will require connection by adjacent properties within one year of final acceptance of the project unless otherwise provided in a development agreement, annexation request, annexation agreement, or resolution approved by the City Council.

**90.02 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 Superintendent 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.

**90.03 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])*

**90.04 MANDATORY CONNECTIONS.** The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within sixty (60) days after the date of official notice to do so, provided that said public water main is located within one hundred (100) feet of the property line of such owner.

**90.05 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.

**90.06 PERMIT REQUIRED.** 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.

**90.07 FEE FOR PERMIT.** Before any permit is issued the person who makes the application shall pay three hundred fifty dollars (\$350.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

*(Code of Iowa, Sec. 384.84)*

**90.08 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 *State Plumbing Code*.

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

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

**90.11 TAPPING MAINS.** All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance 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 shall receive no smaller than a one-inch tap. 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.
5. **Costs.** All costs and expenses incident to the tapping into a water main and installation of the corporation stop, service pipe and curb shutoff valve shall be borne by the property owner.

**90.12 INSTALLATION OF WATER SERVICE PIPE.** Water service pipes and installation thereof shall comply with all applicable provisions of the *State Plumbing Code*. The surface of any area excavated must be returned to its condition prior to excavation and to the satisfaction of the City.

**90.13 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.

**90.14 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])*

**90.15 CURB VALVE.** There shall be installed within the public right-of-way, or within a perpetual easement granted to the City, 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.

**90.16 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.

**90.17 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.

**90.18 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])*

**90.19 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.

**90.20 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. The City shall maintain all fire hydrants. Maintenance performed on private fire hydrants shall be paid for by the property owner. The City does not guarantee a constant supply of water and shall not be liable for failure to supply the same. The City may limit the use of water in the event of an emergency wherein the supply of water is limited or needed to meet the emergency.

**90.21 PROHIBITED ACTS.** It is unlawful for any person to injure, destroy, deface, or disturb any portion of the Hills Water System, to interfere with or obstruct the water supply, or to tamper with or turn a water valve for the purpose of turning on water service which has been previously disconnected, without permission of the City. Further, it is unlawful to make use of water which is provided through a shut-off valve which has been turned on without permission of the City. It is unlawful to interfere with normal distribution system pressures and to impede, obstruct, or otherwise cause any potential hazards to the water system.

**90.22 REFUSAL OR DISCONTINUANCE OF WATER SERVICE.** Water service may be refused or discontinued by the City upon reasonable notice to the customer for any violation of any rule, regulation, or condition of service including, but not limited to:

1. Misrepresentation in any application regarding the intended use of water or the property or fixtures to be served;
2. Failure to report to the City change in or additional use of water or additions made to the property or fixture to be served;
3. Resale or giving away water;
4. Waste or misuse of water due to failure to maintain service pipes or fixtures;
5. Tampering or permitting tampering with the meter, meter seal, service or valves;
6. Connection or cross-connection of any separate water supply to premises that is connected to the Hills Public Water System;
7. Nonpayment of bills for combined service account;
8. Refusal to allow City access to service or install meters;

9. Any unlawful act or violation of the regulations contained in these Water Service Chapters.

**90.23 WAIVER OF FEES.** The fees provided for in this chapter shall not be collected for properties connected to the City's water system under the City's initial contract to construct the water system, executed in April 2014. The owner of any property included in the bids and specification for connection under such contract that is not so connected due to the owner's refusal shall be required to pay all fees provided for in this chapter, and the owner of such property shall be responsible for the costs of installing a water service connection to the property. Any other building constructed prior to the completion of the initial construction and full activation of the City's water system shall not be charged the fees provided for in Chapter 90, but the owner or developer of such building shall be responsible for the costs of installing a water service connection to the building.

[The next page is 391]



## CHAPTER 91

# WATER METERS

|   |                                 |
|---|---------------------------------|
| 91.01 Purpose                           | 91.07 Meter Repairs             |
| 91.02 Water Use Metered                 | 91.08 Right of Entry            |
| 91.03 Fire Sprinkler Systems; Exception | 91.09 Meter Installation Fee    |
| 91.04 Location of Meters                | 91.10 Accuracy Test             |
| 91.05 Meter Setting                     | 91.11 Meter Reading Unavailable |
| 91.06 Meter Costs                       |                                 |

**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 other open, unmetered 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 METERS.** All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

**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 METER INSTALLATION FEE.** There shall be a fee charged to the property owner for each new installation of a water meter in accordance with the schedule of such fees approved by resolution of the Council. Such meter shall remain the property of the City.

**91.10 ACCURACY TEST.** The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing, but not more often than once in six months. Such request shall be accompanied by a refundable deposit of five dollars (\$5.00) guaranteeing payment of costs if found due. If the meter is found to overrun to the extent of two percent (2%) or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than three months, plus the meter test deposit. If the meter is found to be accurate or slow, or less than 2% fast, the customer deposit shall be forfeited as the reasonable costs of the test, and the customer shall be liable for any deficiency over 2% up to three months.

**91.11 METER READING UNAVAILABLE.** Where a meter has ceased to register, or meter reading could not be obtained for any reason, the quantity of water consumed for billing purposes shall be based upon an average of the prior six (6) months consumption, unless such calculation can be shown by the customer to be inaccurate.

**CHAPTER 92**  
**WATER RATES**

- |                                 |                          |
|---------------------------------|--------------------------|
| 92.01 Service Charges           | 92.07 Lien Exemption     |
| 92.02 Rates For Service         | 92.08 Lien Notice        |
| 92.03 Rates Outside the City    | 92.09 Customer Deposits  |
| 92.04 Billing for Water Service | 92.10 Temporary Vacancy  |
| 92.05 Service Discontinued      | 92.11 Use By Customer    |
| 92.06 Lien for Nonpayment       | 92.12 Refusal of Service |

**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.**

*(Code of Iowa, Sec. 384.84)*

1. Until such time as the City's water system, including water treatment plant, is complete and operational, water service within the City shall be furnished at the monthly rate of \$35.00.
2. Upon the completion of the City's water system, including water treatment plant, water service in the City shall be furnished as follows:

| Gallons Used Per Month     | Rate                     |
|----------------------------|--------------------------|
| First 4,000 gallons        | \$44.44 (minimum bill)   |
| Excess above 4,000 gallons | \$5.00 per 1,000 gallons |

3. In addition to the rates stated in subsection 2, each customer shall be assessed a monthly infrastructure fee of \$10.00. This provision shall not apply in the case of rates pursuant to subsection 1.

**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 rates five percent (5%) above the 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 5<sup>th</sup> 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 20<sup>th</sup> day of the same month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of twenty dollars (\$20.00) 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 shall inform the customer of the opportunity for a hearing prior to the discontinuance, and the procedure for requesting a hearing.
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. The customer may request a hearing regarding a notice of delinquency by requesting such a hearing in writing not later than three (3) days prior to the date of discontinuance, contained in the notice of delinquency. If a hearing is requested in accordance with this provision, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the Mayor finds that the disconnection is justified, the customer may appeal the Mayor's decision to the Council by requesting such an appeal in writing within three (3) days of the Mayor's decision. The Council shall hear the appeal at its next regular meeting. If the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. A fee of forty dollars (\$40.00) 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.**

*(Code of Iowa, Sec. 384.84)*

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial 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 or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. **Other Service Exemption.** The 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 for a residential rental property 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. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial 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 for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. 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. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

**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 not the owner of the premises served a one hundred dollar (\$100.00) deposit intended to guarantee the payment of bills for service.

*(Code of Iowa, Sec. 384.84)*

**92.10 TEMPORARY VACANCY.** A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. Should the owner request shut off or turn on after normal business hours, a fee of forty dollars (\$40.00) for each after-hours trip shall apply.

During a period when service is temporarily discontinued as provided herein the account-holder shall be liable for the minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

**92.11 USE BY CUSTOMER.** Water furnished by the City may only be used for domestic consumption and production by the customer, members of the customer's household, or the customer's employees. The customer shall not sell or offer to sell to any other person or entity water provided by the City without the prior written approval of the City.

**92.12 REFUSAL OF SERVICE.** The City may refuse service to new customers when, in the opinion of the City, the capacity of the City's water facilities will not permit such additional service.

## CHAPTER 93

# PRIVATE WELLS

93.01 Private Wells  
93.02 Contamination Prevention

93.03 Separation Distances from Wells  
93.04 Enforcement

### 93.01 PRIVATE WELLS.

1. No person shall construct a well within the City limits for the production of water when the property to be served is within 100 feet of a municipal water main, unless such construction is approved by the City Council. The Council may approve a request to construct a well for non-potable water use upon the terms and conditions the Council deems appropriate.
2. Any private well in existence upon a property at the time an active municipal water main is placed within 100 feet of the property may be maintained by the owner. Any such well may not be connected to the potable water supply plumbing of any building located on the property.

### 93.02 CONTAMINATION PREVENTION.

1. In order to prevent contamination of the City's potable water supply, the Superintendent may require any user of the City's public water system to install a backflow prevention device on the building service line where such line enters the building, or at another point designated by the Superintendent.
2. At no time may any private well or other non-City water source or any other possible source of contamination be connected directly to the City's public water system or to the potable water plumbing system of a building served by the City's public water system. The Superintendent shall have the authority to enter any property to ensure such cross-connections do not exist.

**93.03 SEPARATION DISTANCES FROM WELLS.** The separation distances contained in Iowa Administrative Code Section 567, Chapter 43, TABLE A, are hereby adopted and incorporated herein. These separation distances shall apply to any existing City water supply wells and any new water supply wells as may be constructed or otherwise connected to the system.

### 93.04 ENFORCEMENT.

1. Any violation of the provisions of this chapter shall be a municipal infraction and may be prosecuted as such pursuant to Chapter 3 of this Code of Ordinances.
2. Should the City determine that a violation of this chapter has resulted in any contamination of the City's water system, the person or entity responsible for the violation shall be required to pay damages in an amount sufficient to decontaminate the water system and return it to acceptable operating status, as required by the Iowa Department of Natural Resources or the Environmental Protection Agency, including all City staff time attending to the contamination.
3. The enforcement provisions of this chapter are not mutually exclusive.

[The next page is 405]