

CHAPTER 38**PUBLIC WATER SYSTEM**

38.01 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Water System" or "Water Works": means all public facilities for securing, collecting, storing, pumping, treating and distributing water.
2. "Water Main": means a water supply pipe provided for public or community use.
3. "Water Service Pipe": means the pipe from the water main to the building served.
4. "Consumer": 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.

38.02 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 public source.

38.03 ABANDONED CONNECTIONS. When an old 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 cock and made absolutely water-tight.

38.04 PERMIT. Before any person shall make a connection with the public water system, a written permit must be obtained from the Clerk. The application for the permit shall be filed with the Clerk on blanks furnished by him. The application 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. No different or additional uses will be allowed except by written permission of the Superintendent. The Clerk shall issue the permit, bearing his signature and stating the time of issuance, if the proposed work meets all the requirements of this Chapter and if all fees required under this Chapter have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this Subchapter and require that the work be stopped.

(Code of Iowa, 1995, Sec. 372.13 [4])

38.05 FEE FOR PERMIT. All permit fees under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

(Code of Iowa, 1995, Sec. 384.84 [2a])

38.06 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 Plumbing Code.

38.07 BONDED PLUMBER REQUIRED. All installations of water service pipes, and connections to the water system, shall be made by a competent plumber licensed by this City.

38.08 EXCAVATIONS. All trench work, excavation and back-filling required in making a connection shall be performed in accordance with applicable excavation provisions as provided in this Code.

38.09 TAPPING MAINS. All taps into water mains shall be made under the direct supervision of the Superintendent and in accord with the following:

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 premise 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 three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top 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 Cock. A brass corporation cock, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than 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 he shall require.

(Code of Iowa, 1995, Sec. 372.13 [4])

38.10 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper or approved P.V.C. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

38.11 CURB STOP. There shall be installed a main shut-off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

38.12 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock 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 and the pipes drained. 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.

38.13 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 so that it will meet with the Superintendent's approval. 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.

38.14 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 Superintendent 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 the plumber can receive another permit, and the plumber's bond shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, 1995, Sec. 364.12 [3a & h])

38.15 SHUTTING OFF WATER SUPPLY. After giving reasonable notice allowing the consumer five (5) working days to reply, the Superintendent may shut off the supply of water to any consumer because of any substantial violation of this Chapter, or valid regulation 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.

38.16 PROPERTY OWNER'S RESPONSIBILITY. 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.

38.17 FAILURE TO MAINTAIN. When any corporation cock, water service pipe or curb stop 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, 1995, Sec. 364.12 [3a & h])

38.18 OPERATION OF CURB STOP. It shall be unlawful for any person except the Superintendent to turn water on at the curb stop.

38.19 MAIN EXTENSION BY PRIVATE PARTY. No person shall install or construct any water main or extend any water main except in accordance with the following:

1. Permit. No such installation, construction or extension shall be commenced without first receiving from the City a permit therefor.
2. Plat Filed. A plat showing the proposed location of new or extended mains, and the proposed location of fire hydrants to be connected to such main, shall be filed with the Council prior to consideration of any request for permit to construct or extend.
3. Review By Council. The Council shall review such proposals and make such additions, deletions or changes as it deems appropriate. The Council shall approve or reject the proposals as amended. All construction shall proceed in conformance with such approved proposals only.
4. Costs. Installation or construction of mains by private developers shall be without cost to the City. Such installation or construction shall include the necessary tee joints, valves and valve boxes for the connection of fire hydrants, as shown on the approved proposal. The cost of fire hydrants only shall be the

responsibility of the City; the cost of installation thereof, and all other necessary tee joints, valves and valve boxes therefor shall be at the expense of private developers and without cost to the City.

5. Failure to Comply. Water mains not installed or constructed in compliance with this Chapter shall not be connected to the City water system or any other water system or be used for water distribution after such connection shall have been made.

38.20 SUPPLY OF WATER. Water shall be supplied to consumers in the City pursuant to the City's Total Service Contract with the Board of Water Works Trustees of the City of Des Moines, Iowa (hereinafter referred to as "Water Board"), which contract was approved by the Council on May 23, 1989. Said contract is incorporated herein by reference as if fully set forth. The City does not guarantee a constant supply of water to any consumer and shall not be liable for any damages for any failure to supply the same if for any cause the supply of water shall be shut off to make repairs, connections, or extensions or for any other purpose that may be found necessary. The right is reserved to cut off the supply of water at any time.

38.21 NONLIABILITY OF CITY. The City shall not be liable for any claim or damage on account of the breaking or injury to any service pipe, corporation cock, curb stop cock, stop and waste cock, or other equipment.

38.22 WATER USE METERED. All water furnished to consumers shall be supplied and measured through meters furnished and installed by the Water Board, pursuant to its Total Service Contract with the City.

38.23 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 can 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.

38.24 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repair persons and protected from freezing.

38.25 METER RESPONSIBILITY. All meters are the property of the Water Board, which has responsibility for the meters, including the reading of individual meters, regular inspection and preventive maintenance, and appropriate repair of the individual meters. No person shall tamper with, alter, or damage any meter.

38.26 RIGHT OF ENTRY. Water Board employees shall be permitted to enter the premises of any consumer upon reasonable notice and at a reasonable time to remove, repair or change a meter.

38.27 SERVICE CHARGES. Each consumer shall pay for water service provided to him or her based upon his or her use of water as determined by meters provided for in this Chapter and pursuant

to the Total Service Contract between the Water Board and the City. Each location, building, premises or connection shall be considered a separate and distinct consumer whether owned or controlled by the same person or not.

38.28 RATES AND SERVICE. The Water Board shall provide service to consumers of the City pursuant to its obligations under the Total Service Contract, which includes a program of regular inspection and preventive maintenance, and repair for the purpose of leaks, meter regularities, leaking services, valve and hydrant maintenance and main repair and replacement on a scheduled basis. The rate per gallon and the minimum charge for each water meter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such rates and charges may from time-to-time be amended by the Council by resolution. A copy of the resolution setting forth the currently effective water rates and meter charges shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

38.29 RATES OUTSIDE THE CITY. Water service shall be provided to any consumer located outside the corporate limits of the City which the City has agreed to serve at the rates provided in Section 38.28. No such consumer, however, will be served unless he or she shall have signed a service application agreeing to be bound by the ordinances, rules and regulations established by the City with respect to water service.

38.30 APPLICATION FOR SERVICE. Any person desiring to receive water service in the City shall make application to the Water Board.

38.31 BILLING FOR WATER SERVICE. Billing and payment for water service shall be in accordance with the Total Service Contract between the City and the Water Board and shall include the following:

1. Billings to consumers shall be done on a monthly basis by the Water Board.
2. Billings for water service shall be due and payable to the Water Board upon receipt by the consumer or as otherwise indicated by the Water Board.

38.32 DELINQUENT ACCOUNTS AND DISCONTINUANCE OF SERVICE. Water service to delinquent consumers shall be discontinued in accordance with the following:

1. Delinquency. Bills are considered past due and delinquent after twenty-five (25) days following issuance.
2. Schedule of Notices. A current bill with a previous bill balance will have a reminder message that states, "REMINDER - PAYMENT HAS NOT BEEN RECEIVED FOR THE PREVIOUS BALANCE. IF PAID RECENTLY, PLEASE DISREGARD." Final notices will be mailed ten (10) days after mailing of reminder notices and scheduled to be cut in an additional ten (10) days.

3. Extensions. The Water Board may grant extensions on unpaid accounts to avoid the water being turned off for non-payment.
4. Turn Off List. A daily computer generated list for turn offs will be sent to the Service Department of the Water Board for all accounts with a water balance greater than \$10.00 that has a bill date that is 50 days old unless an appeal is pending.
5. Disconnection of Water. The Service Department of the Water Board will communicate with its Customer Service on a daily basis as to which turn offs are scheduled each day. If a turn off is ordered, the turn off is to be made the first trip out. In cases where a consumer indicates he/she has recently moved in and the service has not been changed to his/her name as yet, the service person shall read the meter and ask the party to go to the Des Moines Water Works general office within two working days and apply for water service or water will be turned off. On any extenuating circumstance such as a customer showing the service person a paid receipt, the service person can use his or her judgment and leave the water on with instructions to the customer to call the Des Moines Water Works general office within twenty-four (24) hours or he/she will return and shut the water off. As turn offs are made, the service person will radio to the dispatcher so the information can be entered on the customer comment screen on the computer.
6. Payments and Penalties. If a service is disconnected for nonpayment, the bill and penalty must be paid in full before service can be restored. If a customer's service has been disconnected for nonpayment and the customer indicates that he/she paid the bill at a pay station prior to the day the service was turned off, a service person may be instructed to go to the property and determine if the receipt is valid and restore the service. The Water Board can forgive a penalty or make exceptions for service to be restored without payment. Payment must be made at the Water Works general office during business hours. After business hours, the service person can accept a check or money order for the amount of the bill plus penalty. Penalties are those as printed in the most recent schedule of charges adopted by the Board of Water Works Trustees.
7. Turn Ons. The customer must be at home in order for the service person to restore service. If arrangements cannot be made for someone to be at the property, the owner can go to the Des Moines Water Works general office and sign a "Turn On Agreement." (Not to be used for multiple family dwellings.) Turn ons telephoned to the Service Department by 10:00 a.m. may be turned on before noon. Otherwise service will be restored in the afternoon. Turn ons telephoned to the Service Department by 2:00 p.m. may be turned on before 4:00 p.m. Otherwise service will be restored after 5:00 p.m. by the night service person. The above schedule is

contingent on the availability of the Service Department personnel and the daily work load during normal working hours. There will be no restoration of service after 10:00 p.m. and no Sunday restoration of service.