

CHAPTER 4

WATER SERVICE

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8-4-1: PURPOSE: The purpose of this Chapter is to:

- (A) Establish reasonable rules and regulations for the operation of the Water Department of the City.
- (B) To establish reasonable fees to be charged to customers receiving water service and provide fair, orderly and efficient procedures for collection and termination of delinquent accounts.
- (C) To establish a fair and equitable means of having persons who hook into and receive a direct and immediate benefit from existing water mains by requiring them to participate in the capital cost of water mains fronting upon their property and which have been constructed at taxpayer expense or from revenues derived from the operation of the water system.
- (D) To establish a fair and equitable charge for the actual cost of materials and labor expended by the City whenever City crews install water service for a customer.
- (E) To protect the public health and welfare by controlling cross-connections or other sources or potential sources of contamination to the City water supply.
- (F) To provide a clean, efficient and adequate water system for the residents of the City.

8-4-2: DEFINITIONS: Certain terms used in this Chapter shall have the meanings ascribed below:

APARTMENT: A structure in which two or more separate units are constructed and designed so the occupants share common dining or restroom facilities and for which the occupants pay rent or other consideration.

BACKFLOW: The flow other than in the intended direction of flow, of any
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non-potable waters, foreign liquids, gases or harmful or offensive substances into the City water supply as a result of reduced or reversed pressure.

BACKFLOW

PREVENTION DEVICE: A device which, when properly installed between the City water supply system and the terminus of the customer's water line or point of ultimate use, will prevent backflow.

CITY: The City of Shelley, Idaho.

CROSS-CONNECTION: Any physical arrangement whereby the City water system is connected with any other water supply system, sewer, drain, conduit, pool, storage reservoir or any other source of water supply which contains or may contain contaminated water, sewage or other waste or liquids which may be harmful to human health or which may deleteriously affect the City water supply.

CURB STOP: The service line valve owned by the City and located near the customer's property line.

CUSTOMER LINE: The pipe, valves and fittings leading from the curb stop into the premises served, including the water meter attached thereto.

METER: A water meter and its enclosure, valve and related appurtenances.

OPEN HOSE: The use of water through a hose without a nozzle or other pressure limiting device.

SERVICE LINE: The water pipe, valves and fittings laid from the main to the curb stop.

SINGLE FAMILY DWELLING:

All structures, except hotels, motels, rooming houses rooming houses and apartments, which contain sleeping, restroom, cooking and dining facilities.

SUPERINTENDENT: The term "superintendent" as used in this Chapter shall refer to the Director of Public Works Division of the City or a duly authorized representative of the City of Shelley appointed by the Mayor and confirmed by the City Council.

WATER MAIN: The water pipe laid in a street, road, alley or easement.

8-4-3: CITY TO HAVE EXCLUSIVE MANAGEMENT AND CONTROL: The

City shall have exclusive control and management of the City water system and shall have exclusive management and control of the supply and distribution of water to the inhabitants thereof. The City may make such rules and regulations as are necessary for the complete management, control, distribution and supply of water within and without the City. All structures which use water and are located within the City of Shelley shall connect to the City water distribution system unless a waiver is obtained from the City Council or designated agent.

8-4-4: GRANTING OF FRANCHISE PROHIBITED: No person shall be granted any franchise or permit to furnish or supply any inhabitant within the City any water for domestic or culinary use or for sprinkling of lawns and gardens within any portion thereof where the water mains have been extended or may hereafter be extended so as to supply said property with water.

8-4-5: CITY NOT LIABLE FOR DAMAGES: The City shall not be liable for damages caused by interruptions of water supply, scarcity of water, accidents to water works or mains or during the time of alterations, additions or repairs or for any other unavoidable causes. Nothing herein is intended to create any private duty to any customer or create a private right of action against the City, on account of any failure by the City or its officers, agents or employees, to provide water service or comply with the provisions of this chapter.

8-4-6: DUTIES OF SUPERINTENDENT: The Superintendent of the Water Department under the direction of the Director of Public Works shall supervise and manage the Water Department including all supply and distribution lines, pumps, and fire hydrant facilities.

8-4-7: RIGHT TO TURN OFF WATER: The Superintendent of the Water Department may turn off water within the City water system when deemed necessary to maintain or repair the water system or when ordered to do so by the Mayor or Council.

8-4-8: WASTE PROHIBITED: It shall be unlawful for any water user to waste water or allow it to be wasted by improper use or by faulty facilities. Irrigation by open hoses is prohibited.

8-4-9: MAYOR MAY LIMIT USE OF WATER: In times of, or in anticipation of, scarcity of water, or when the Water Department is unable to furnish a sufficient supply of water, the Mayor may, by public proclamation limit the use of water to such extent as may be necessary for the public good. Such proclamation shall be published in two (2) consecutive issues of the official newspaper, and after such publication, the proclamation shall have the same force and effect as a City ordinance.

8-4-10: INSPECTION OF PREMISES: Free access for inspection shall, upon such reasonable notice as the circumstances permit, be allowed to the Superintendent of the Water Department or to any other authorized person to all places supplied with water from the City water system.

8-4-11: PERMITS AND SERVICE CONNECTION FEES: It shall be

unlawful to install, alter or connect any water service within the City to any water line within the City without first obtaining a permit from the City and paying the service connection fees set forth in this chapter. Applications for water service shall be made at the office of the Director of Public Works.

8-4-12: EXTENSION OF WATER MAINS WITHIN CITY: The Water Department or the City Council may extend water mains within the City at City expense whenever, in their sole discretion, such extension is necessary for the health, welfare or safety of the residents of the City, and/or needed for the benefit and improvement of the entire water distribution system. Provided, however, that nothing herein shall require that such extension be made at City expense. The City may require any customer desiring water service to install, at the customer's expense, a water main along the entire frontage of such customer's property.

8-4-13: EXTENSION OF WATER MAINS OUTSIDE CITY: In areas contiguous to the City that may be annexed to the City, the City may require such areas to be annexed before water service is provided. Prior to annexation, the City shall require execution and approval of an annexation agreement which shall detail the conditions for water service.

The Council may make agreements to extend the water mains and shall consider the special benefit and improvement to the water distribution system by reason thereof. The expense of such extension shall be as determined by the City Council, and such agreement shall specifically reserve the right to terminate such service without cause at any time upon at least thirty (30) days advance written notice.

The Water Department shall not provide water service to any consumer whose residence or place of business is outside the corporate limits of the City until a service contract has been executed between the consumer and the City.

8-4-14: WATER SYSTEM CONNECTION FEES:

(A) Purpose: The purpose of this section is to establish an equitable system of charging new customers for the impact or burden created whenever they enlarge an existing water service or connect a new water service to the existing wells, storage tanks, pumps, outbuildings and appurtenances of the City water system, all of which were funded from revenues of the City water system or paid with revenues derived from ad valorem taxes. The City recognizes the inherent inequity of requiring existing customers or taxpayers to bear the entire cost of acquiring or building new facilities, or of utilizing excess capacity with existing facilities, in order to meet the needs of such new development. The Council hereby finds and recognizes the relationship between the nature of the uses of property and the impact thereof upon the City water system. The Council also finds that customers who connect to a water main located adjacent to their property receive a direct benefit from such water mains, which benefit is directly proportional to the frontage of the water main along their property. The Council further finds that it is fair and equitable to charge a main connection fee for customers who connect to such mains in order to fund a portion of the cost incurred by the City in installing such mains.

- (B) **Water System Connection Fees:** A water system connection fee shall be collected from any person requesting connection to the water system for any new building or structure or for any existing building for which a change in occupancy or use, as defined under Section 502 of the Uniform Building Code, is made and for which a new or larger water service line is installed. Such system connection fee shall be as determined by the City Council by resolution which may be amended and modified from time to time and which fee schedule in effect shall be maintained by the City Clerk and available for information to any interested parties upon request.

8-4-15: **WATER LINE CAPITAL IMPROVEMENT FUND:** A Water System Capital Improvement Fund is hereby established into which all revenues derived from water connection fees as set forth in this chapter shall be deposited. Expenditures from this fund shall be made only for the purposes set forth in Section 8-4-16 of this Chapter when authorized by the City Council.

8-4-16: **DISBURSEMENTS OF FUNDS:** Disbursements may be made from the Water System Capital Improvement Fund for the following purposes only:

- (A) Construction and installation of City water wells.
- (B) Construction, installation and extension of City water mains, including costs of construction of mains with extra capacity.
- (C) Payment of principal and interest on any revenue bond or bonds issued by the City to defray the cost of construction, extension or betterment of the City water or sewer systems.
- (D) Reimbursement of water main connection fees to any developer who has constructed that portion of a water main for which a water main connection fee has been charged by the City.

8-4-17: **INSTALLATION CHARGES:** Water service lines between the main line and the curb stop may be installed by the City or by a private contractor hired by the customer subject to inspection and approval by the City. The charges for labor and materials shall be made when such service line is installed by the City before the costs of such work, and the City Council may adopt a schedule for such charges which shall be based upon an estimate of actual charges and shall be filed with the City Clerk with the information thereon to be available to interested parties upon request.

8-4-18: **LENGTH OF SERVICE:** Where a water main is located in a public right of way, the maximum length of service line furnished and installed by the City for the standard installation fee set forth above shall be fifty feet (50'). Where the main is on private property, the maximum length of service line furnished and installed by the City for the standard installation fee shall be thirty feet (30'). If the length of the service line exceeds the maximums stated above, an additional charge shall be made, based on the actual cost to the City to furnish and install the extra pipe.

8-4-19: **INSTALLATION AND MAINTENANCE:** All service lines and connections from the main to and including the curb stop shall be installed, maintained, owned and exclusively controlled by the Water Department.

8-4-20: **ARRANGEMENT OF SERVICE PIPES:** The service lines must be so arranged that the water supply to each building, place of business or tract of land shall be controlled by a separate curb stop placed near the property line, unless permission for a different arrangement is first authorized in writing by the Water Department.

8-4-21: **BRANCH SERVICE:** No service connection serving more than one customer shall be made. Where an existing water service provides service to several customers, the City may terminate water service until a separate service is provided at the owner's expense. If the City does not terminate service to such existing services, the established rate shall be charged for each customer receiving service from the existing line.

8-4-22: **PERMIT REQUIRED:** No person shall dig into the streets or under the sidewalk for the purpose of laying, removing or repairing any water line without first obtaining a permit issued in accordance with Chapter 7 of this Title.

8-4-23: **CUSTOMER LINE MAINTENANCE:** All water users shall at their own expense keep their customer lines, connections and other apparatus in good repair and in a condition that avoids waste of water. Customer water lines that become frozen are the responsibility of the customer, provided the City may thaw the same and charge the customer for the fair and reasonable costs therefor.

8-4-24: **PERMIT TO DO PLUMBING:** No plumber or other person shall make any connections to a City main or make alterations in any conduit, pipe or other fixture connecting thereto, or connect pipes where they have been disconnected, or turn water off or on at the curb stop supplying any premises without first obtaining a permit from the City. If such work requires excavation within a public right of way, such person shall also obtain a permit under Chapter 7 of this title.

8-4-25: **SERVICE CALL CHARGE:** The City may assess and collect a service charge, in an amount not to exceed the actual cost to the City, for service calls which are requested on Saturday or a legal holiday or during a time other than normal working hours and which are only for the convenience and benefit of the customer, or which are necessitated because of plumbing which does not meet the requirements of the Uniform Plumbing Code.

8-4-26: **TAMPERING UNLAWFUL:** It shall be unlawful to damage, adjust or tamper with any portion of the City Water System or appurtenances, whether located upon public or private property, without having first obtained the express permission of the City. If any person damages the water system or in any way causes the City to expend extraordinary costs as a result of such unlawful acts, the City may assess and collect the same from the person committing the same, or from the parent or guardian of any minor who commits such acts. Such amounts may be included upon the customer's regular monthly billing statement for water service, and upon the customer's failure or refusal to pay the same, water service may be terminated in accordance with the

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procedures set forth in this chapter.

8-4-27: **AUTHORITY TO PLACE METER:** The Superintendent may, in his sole discretion, place a meter on any service line and change the method of billing from a flat rate to a metered rate.

8-4-28: **OWNERSHIP OF METERS:** All water meters installed by the City shall remain the property of the City and may be removed or replaced by the Water Department at any time. Meters for users outside City limits shall be purchased and maintained by users.

8-4-29: **MAINTENANCE OF METERS:** The Water Department shall maintain and repair all meters. Where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense incurred by the Water Department thereby shall be charged against and collected from the customer, and water service may be discontinued until the meter is repaired, replaced or adjusted.

8-4-30: **METERS; LOCATION AND ACCESS:** Meters shall be located near the customer's property line or within the structure served. The customer shall keep the area adjacent to the meter free from trees, shrubbery or other obstructions and shall allow the City access to the meter during normal working hours of any day of the week, except Saturdays and legal holidays.

8-4-31: **BILLING PERIODS:** All regular billing periods shall be on a monthly basis, but premises occupied less than one month shall be charged only for that occupied portion.

8-4-32: **BILLING PROCEDURES:** Metered accounts shall receive a billing separate from accounts billed on a flat monthly rate. Accounts receiving water service but no electric service shall receive separate billing. Nonmetered accounts shall be charged a flat rate in accordance with the rate schedule found in Section 8-4-36 of this chapter.

8-4-33: **DUE DATE:** Bills rendered for water service are payable upon receipt and become past due ten (10) days from the date on which rendered. When the past due date falls on a Saturday or a legal holiday or on a day when City offices are not open for business, the next regular business day is considered the past due date. Bills shall be deemed paid on the date payment is received by the City.

8-4-34: **DELINQUENT ACCOUNTS:** When bills are not paid within thirty-five (35) days from the past due date, the City Treasurer may terminate water service to the delinquent customer. If service is terminated for delinquency, it shall not be restored until the delinquency is paid or a written agreement for payment is made and signed by the City Treasurer and the customer pays a disconnection fee as established by the City Council. The disconnect fee shall be payable whenever a service trip is made for the purpose of disconnecting water service even though service is not actually disconnected.

8-4-35: **CITY TREASURER TO FURNISH STATEMENTS:** The City

Treasurer shall furnish to each property owner, landlord, tenant or agent, a monthly statement of the amount due for water service each month. The failure of any water user to receive a statement shall not excuse or release the customer from his obligation to pay for water service.

8-4-36: WATER RATES, FEES: Water Rates Established. The water rates shall be established by resolution of the City Council and shall be posted in the Clerk's Office and may be amended from time to time by resolution of the City Council.

8-4-37: WATER RATES OUTSIDE CITY: Monthly rates charged for water furnished outside the City limits, whether metered or non-metered shall be as established by the City Council by resolution and may be amended from time to time.

8-4-38: METER RATES FOR MULTIPLE METERS: Where an individual consumer is supplied with water through more than one metered service, charges shall be computed separately for each individual meter.

8-4-39: SERVICE OUTSIDE CITY: The Water Superintendent shall not provide any water service to any consumer whose residence or place of business is outside the corporate limits of the City unless a written service contract has been executed between the consumer and the City.

8-4-40: FIRE SERVICE CONNECTION: All fire service connections between water mains and property lines shall be installed and maintained by the Water Department, at the expense of the owner or occupant of the premises served, and shall be the property of the City. At the time of making application for service the applicant shall file with the Water Department detailed plans showing all piping installed or to be installed for fire protection, all fire gates, automatic sprinklers and all other outlets, gates or appurtenances. Each fire service connection shall have a gate valve with an adequate valve box installed between the main and the property line of the premises served. No fire service connection larger than six inches (6") shall be installed without special permission from the Council. Upon receipt of such application, the Water Superintendent shall determine the cost for the installation of such service, taking into consideration the length and size of pipe, condition of street and sidewalk, all relative to the character of service, and such cost shall be paid by the applicant before such installation is made. No customer receiving metered water service shall use a fire service connection for domestic purposes or any purpose other than for fire protection. If the water superintendent finds a fire connection is being used for any purpose other than for fire protection upon the premises, the owner or occupant shall be notified and if such improper conditions are not corrected within ten (10) days, water service to the entire premises may be shut off until proper adjustments are made.

8-4-41: FIRE HYDRANTS AND OTHER POINTS OF DIVERSION: All public fire hydrants shall be maintained by the Water Department. All paid or volunteer firefighters shall have free access to such hydrants in the scope and performance of their duties. No other person shall draw or attempt to draw any water from a fire hydrant or other point of diversion from the city water system unless he has the written permission of the Water Superintendent. The Water Superintendent may assess an equitable charge for water drawn from a fire hydrant or other point of diversion from the city water system.

8-4-42: UNLAWFUL CONTAMINATION OR CROSS-CONNECTIONS:
It shall be unlawful for the owner, tenant, occupant, lessee or other user of City water to introduce or permit the introduction of pollution or contamination of any kind into the City water supply system. It shall be unlawful for any person to install or maintain any cross-connection within the City.

8-4-43:

BACKFLOW PREVENTION DEVICES:

- (A) Backflow prevention devices shall be installed by the proper owner, tenant, occupant, lessee or other user of City water where the nature and extent of the activities conducted or the materials used or stored on the premises would present a hazard to the public health or be deleterious to the quality of the City water supply should a cross-connection occur. Even though cross-connections may not exist at the time, backflow prevention devices shall be installed under circumstances including, but not limited to the following:
- (1) Premises having an auxiliary water supply;
 - (2) Premises having internal cross-connections that are not correctable, or having intricate plumbing intricate plumbing arrangements which make it impracticable ascertain whether or not cross-connections exist;
 - (3) Premises where entry is restricted so that inspections for cross-connections cannot reasonably be made;
 - (4) Premises having a history of cross-connections being established or re-established;
 - (5) Premises on which any substance is handled under pressure so as to permit the entry of substance into the public water supply;
 - (6) Premises having pumps or devices which may affect the pressure within any line connected to the City water supply.
- (B) All backflow prevention devices shall be installed by the property owner at his expense, and shall be of a type commensurate with the degree of hazard which exists or which could exist. An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a public health hazard. In all other cases where the contaminant may be objectionable but not hazardous to the public health, a double check valve assembly, an air-gap separation, or a reduced pressure principle backflow prevention device shall be installed. All backflow prevention devices and the installation thereof shall be approved by the City Water Superintendent or his duly authorized representative.
- (C) All backflow prevention devices installed pursuant to this Chapter, except atmospheric vacuum breakers, shall be inspected and tested by a certified tester at the time of initial installation and annually thereafter, or more often if deemed necessary by the City. Whenever a backflow prevention device is found to be defective, it shall be repaired, overhauled or replaced at the owner's expense. The City Water Superintendent shall retain adequate records of all inspections, tests or repairs made pursuant to this Chapter.
- (D) If a backflow prevention device is found to be necessary, the owner, tenant,

occupant or lessee of the property shall apply in writing to the City Clerk for an installation permit, specifying the type and location of such device or devices. It shall be unlawful to install, relocate or remove a backflow prevention device without a permit.

8-4-44: INSPECTION OF NEW CONSTRUCTION: No building, improvement or other structure shall be connected to the City water supply unless such

structure has been inspected by the City Water Superintendent or other authorized officer of the City and found free of any cross-connections or other conditions for which a backflow prevention device is required by this Chapter.

8-4-45: INSPECTION OF EXISTING BUILDINGS, STRUCTURES OR IMPROVEMENTS AND TERMINATION OF WATER SUPPLY: Inspections by the City or its authorized agent may be made of any existing buildings, structures or improvements of any nature receiving water from the City supply. The City Water Superintendent or his authorized agent shall make an inspection of any building, improvement or structure of any nature receiving water from the City water supply if there is cause to believe that a cross-connection exists or that a backflow prevention device should be installed pursuant to this Chapter. Whenever a cross connection or other source of contamination to the water supply is found, or it is determined that a backflow prevention device is necessary, the City shall cease delivery of water to such premises and the water supply shall not be resumed until the cross-connection or source of contamination is eliminated or a backflow prevention device has been installed in accordance with this Chapter.

8-4-46: FIRE HYDRANTS: All public fire hydrants shall be kept in repair by the Water Department. Members of a Fire Department providing fire suppression in the City and such other persons as may be authorized shall have free access to such hydrants. No other person shall draw or attempt to draw any water from a fire hydrant unless he is an authorized employee of the City or has permission of the Water Superintendent. The Water Superintendent may assess an equitable charge for water drawn from the fire hydrant. No person shall obstruct the approach to a fire hydrant or place or allow to be placed any obstruction within a distance of three (3) feet from a fire hydrant.

No person shall willfully or carelessly drive or run any vehicle against any fire hydrant or park any vehicle within fifteen (15) feet of a fire hydrant. Any person who shall injure or damage any fire hydrant by accident or by carelessness or otherwise shall immediately such injury or damage to the Water Superintendent, and such person so injuring or damaging said hydrant shall be liable for any damage caused thereby.

8-4-47: PROPERTY OWNER/LANDLORD RESPONSIBLE FOR PAYMENT OF WATER USER FEE: The owner of property to which water is delivered by the City shall be responsible for the payment of the water user fee assessed to that property. Owners of rental properties shall be responsible to pay the water user fee for all rental units. The City staff shall bill the water user fee to the property owner for all rental units where City water services are provided. For example, if a property owner owns a duplex, the property owner will be billed for the water service to both rental units at the duplex and be responsible to pay the water user fee to the City. Likewise, if a property owner owns an apartment building with twenty (20) units in it to which City water is delivered, then the property owner shall be responsible to pay the City's water user fee for the twenty (20) units.

8-4-48: VIOLATION A MISDEMEANOR: Any violation of a provision of this Chapter shall be a misdemeanor and shall be subject to citation and penalty as a misdemeanor as provided in this Code.