

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 Division 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. (Ord. 3003, 04-23-15)

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 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 Idaho Falls, 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 and apartments, which contain sleeping, restroom, cooking and dining facilities.

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

8-4-3: **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.

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 Division under the direction of the Director of Public Works shall supervise and manage the Water Division including all supply and distribution lines, wells, pumps, and fire hydrant facilities. (Ord. 3003, 04-23-15)

8-4-7: **RIGHT TO TURN OFF WATER:** The Superintendent of the Water Division 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. (Ord. 3003, 04-23-15)

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 Division 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. (Ord. 3003, 04-23-15)

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 Division or to any other authorized person to all places supplied with water from the City water system. (Ord. 3003, 04-23-15)

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.

8-4-12: **EXTENSION OF WATER MAINS WITHIN CITY:** The Water Division or the Council may extend water mains within the City at City's expense whenever, in their sole discretion, such extension is necessary for the health, welfare or safety of the residents of the City, provided however 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. The City may also require the customer to submit design drawings and specifications prior to the commencement of the construction of such extension. (Ord. 3003, 04-23-15)

8-4-13: **EXTENSION OF WATER MAINS OUTSIDE CITY:** Water mains shall not, without the approval of the Council be extended outside the corporate limits of the City, unless adequate excess water is available for such service. Such agreements shall specifically reserve the right to terminate such service without cause at any time upon at least thirty (30) days advance written notice.

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 3406.0 of the International Building Code, 2006 Edition, is made and for which a new or larger water service line is installed. Notwithstanding the foregoing, no system connection fee shall be charged for connection of water service solely for fire protection services. Such system connection fee shall be in an amount set from time to time by Resolution of the Council.

(C) Water Main Connection Charge. Before connecting to any water main constructed in whole or in part at City expense, all persons desiring such connection shall pay a water main connection fee in an amount set from time to time by Resolution of the Council per front foot of property owned by such person and fronting upon a street or public right of way within which a water main is located. Such fee shall be in addition to the water system connection fee set forth above. Despite the foregoing, if any person requests annexation to the City and as part of such annexation also requests connection to such water main, then the fee shall be due in full at the time such property is annexed to the City. If any such property is located upon a corner or is bounded by two or more streets in which a water main is located, the calculation for the fee shall be based upon the frontage of the longest street in which a water main is located. All water mains within the City shall be deemed to have been constructed in whole or in part at City expense, unless the applicant presents written evidence conclusively demonstrating such main was constructed entirely from private monies or was constructed entirely with funds from a state or federal grant. If any person constructs a water main entirely at his or her expense, the City may, by written agreement, pay over to such person all water main connection fees collected by the City from any other person who subsequently connects to such water main. (Ord. 2753, 5-22-08; Ord. 2964, 8-14-14)

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. Whenever a water service line is installed by the City, a charge, in an amount set from time to time by Resolution of the Council, for labor and materials shall be made for the costs of installation.

Additional fees, in an amount set from time to time by Resolution of the Council, may be included for the costs related to blasting or unusual rock removal. The necessary and reasonable costs for such services shall be added to the charge to the customer. (Ord. 2267, 3-12-98; Ord. 2964, 8-14-14)

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 Division. (Ord. 3003, 04-23-15)

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 Division. (Ord. 3003, 04-23-15)

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 unthaw 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 plumbing 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 Water Division Superintendent 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. (Ord. 3003, 04-23-15)

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 procedures set forth in this Chapter.

8-4-27: **AUTHORITY TO PLACE METER:** The Water 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 Division at any time. (Ord. 3003, 04-23-15)

8-4-29: MAINTENANCE OF METERS: The Water Division 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 Division thereby shall be charged against and collected from the customer, and water service may be discontinued until the meter is repaired, replaced or adjusted. (Ord. 3003, 04-23-15)

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. Premises occupied for any portion of a month shall be charged the established rate for the entire month.

8-4-32: BILLING, COLLECTION, AND TERMINATION OF UTILITY SERVICE: Billing, collection, and termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution.(Ord. 3039, 11-24-2015)

8-4-33: WATER RATES, FEES: The City shall establish monthly rates for water service supplied by the City in an amount set from time to time by Resolution of the Council for the following:

(A) Non-Metered Rates (Inside City): Single-family dwellings and mobile homes (excluding separate apartment units within such dwelling), per dwelling or unit; Apartment unit – per unit; Apartment unit occupied by landlord or manager; Office buildings, banks, bowling alleys, lodges, markets Per one thousand (1,000) square feet of area; Laundromat – per machine; Travel trailer court; Plus per occupied space; Barber or beauty shop, each bowl; Hotel, motor hotel, motel or rooming house – per room; Restaurant and fast-food establishment; Elementary Schools (Grades 1-6) – Per fifty (50) students or fraction thereof; Secondary Schools (Grades 7-12) – Per fifty (50) students or fraction thereof; and All other non-metered nine (9) customers – per premises or building

(B) Irrigation Service. In addition to the regular monthly charges for use of City water, the City shall establish annual rates, set from time to time by Resolution of the Council, for customers using City water for lawn sprinkling or irrigation for the following: Each customer, landlord, tenant, or agent; and Each non-metered, nonresidential property with lawn or cultivated area measuring more than 1/20th of an acre - per acre or fraction thereof. During the third quarter of each calendar year, the City Treasurer shall furnish each property owner, landlord, tenant, or agent a statement of the amount due for seasonal sprinkling or irrigation service.

(C) Metered Rates (Inside City). The rate for customers receiving metered water service shall be in an amount set from time to time by Resolution of the Council, subject to a minimum monthly charge in an amount set from time to time by Resolution of the Council: For 5/8” meter;

For 3/4" meter; For 1" meter; For 1-1/4" meter; For 1-1/2" meter; For 2" meter; For 3" meter; For 4" meter; For 6" meter; and For 8" meter.

(D) Testing Fee. In addition to the monthly rates, each customer shall pay an annual Environmental Quality Assessment Fee in an amount set from time to time by Resolution of the Council per connection to the City water system. Such fee shall be billed by the City Treasurer during the third quarter of each calendar year. (Ord. 3039, 11-24-2015)

8-4-34: WATER RATES OUTSIDE CITY: Monthly rates charged for water furnished outside the City limits, whether metered or non-metered, shall be twice the rates charged for water furnished inside the City limits, including minimums. (Ord. 3039, 11-24-2015)

8-4-35: METER RATES FOR MULTIPLE METERS: Where an individual consumer is supplied with water through more than one (1) metered service, charges shall be computed separately for each individual meter. (Ord. 3039, 11-24-2015)

8-4-36: 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. (Ord. 3039, 11-24-2015)

8-4-37: FIRE SERVICE CONNECTION:

(A) All fire service connections between water mains and property lines shall be installed and maintained by the Water Division, 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 Division 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.

(B) All fire service connections shall conform to the requirements of this Section and Section 8-4-40 hereof. However if a customer requests the use of one (1) service line for both the culinary and fire protection connections, he or she shall submit drawings or specifications which identifies the line sizes for each culinary or fire service connection to each site for which the connection is requested. (Ord. 3039, 11-24-2015)

8-4-38: FIRE HYDRANTS: All public fire hydrants shall be maintained by the Water Division. Members of the Public Works, Police, and Fire Departments shall have free access to such hydrants. No other person shall draw or attempt to draw any water from a fire hydrant unless he has the written permission from one of the directors of such departments. The Water Superintendent may assess an equitable charge for the consumption or use of water drawn from a fire hydrant. (Ord. 3039, 11-24-2015)

8-4-39: 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. (Ord. 3039, 11-24-2015)

8-4-40: 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 arrangements which make it impracticable to 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.
- (7) Whenever water is drawn from a public fire hydrant.

(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 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. (Ord. 3039, 11-24-2015)

8-4-41: 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. (Ord. 3039, 11-24-2015)

8-4-42: 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. (Ord. 3039, 11-24-2015)