

WATER

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CHAPTER 90

WATER SERVICE SYSTEM

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90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "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.
2. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
3. "Water main" means a water supply pipe provided for public or community use.
4. "Water service pipe" means the pipe from the water main to the building served.
5. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERVISION; RULES AND REGULATIONS. The Superintendent or the City Manager shall supervise the installation of water service pipes and their connections to the water main and shall enforce all regulations pertaining to water services in the City, in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Manager may make such regulations as are necessary and that do not conflict with this chapter.

90.03 NOTIFICATION; MULTIPLE SERVICE. Each property owner or person desiring water service shall notify the Water Department of the date service is to begin. Such person must agree to be bound by the rules governing the use of water as are and may be made from time to time by the Council. In existing facilities where service pipes are intended to supply two or more distinct premises, and only one service cock is used, the notification must be made by the person controlling the cock, who must pay the water rents of all parties thus supplied, as separate water bills will not be made.

90.04 PLUMBER REQUIRED. The installation of the water service pipe and its connection to the water system shall be made only by a licensed plumber who has obtained a permit to perform such work in accordance with Chapter 126 of this Code of Ordinances.

90.05 TAPPING MAINS. All taps into water mains shall be made by or 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 premises 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 over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two 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 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.

90.06 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the water 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.

90.07 CURB BOX REQUIRED. Every service line shall be provided with a curb box approved by the Superintendent. Unless otherwise permitted by the Superintendent or City Manager, the curb box shall be placed in the service line on the sidewalk near the abutting curb. Such curb box shall be protected by a box and/or iron pipe reaching from the point of connection to the service line up to the surface grade. Said iron pipe shall be of suitable size to permit a curb box key to be inserted for turning the valve on and off. A heavy iron cover with the letter "W" indelibly stamped on it shall cap the iron pipe to prevent foreign objects and/or matter from entering the pipe. Said cover shall be flush with the grade of the surface it lies within.

90.08 REPAIR AND MAINTENANCE. The water main corporation, curb box and service line from the water main to the property is entirely owned and maintained in good repair by the property owner served by said line. The Superintendent shall notify any property owner whose curb box is not in operating condition, and said property owner shall be given thirty (30) days to repair the same. Less than thirty (30) days will be allowed in the event there is a water loss. If not repaired, the Superintendent shall order repair work to be done. The water will then be shut off and will not be turned back on until all costs of repair work have been paid. Service lines from the main to the curb box shall be copper. Service lines from the curb box valve to the house (building) shall be either copper or galvanized pipe. Brass valves shall be installed on the inlet and outlet sides of all meters. When one service line is intended to supply two or more customers, there shall be a separate curb stop (shutoff valve) for each customer. All plumbing work must be done by a licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the applicable excavation provisions of Chapter 135.

90.10 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.

90.11 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.

90.12 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 receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

90.13 RESPONSIBILITY FOR TURNING ON WATER AND FOR ABANDONED CONNECTIONS. In turning on water, the City shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections or for any other causes. Any water service line discontinued and abandoned by the property owner being served by said line shall be shut off at the owner's expense. The service line shall be shut off and disconnected at the corporation.

90.14 OPERATION OF CURB STOP. It is unlawful for any person except the Superintendent (or a licensed plumber at the direction of the Superintendent) to turn water on at the curb stop.

90.15 RIGHT OF CITY TO INTERRUPT SERVICE. The right is expressly reserved by the City to shut off the supply of water at any time and without notice, any permit granted or regulation to the contrary notwithstanding. No claim shall be made against the City by reason of any breakage or for any interruption of the supply.

90.16 INSPECTION OF PREMISES; CORRECTION OF DEFECTS. Each person taking water from the City shall permit the City Manager, the waterworks committee or such persons as may be directed by the Council, at all reasonable hours of the day, to have free access to the premises or buildings to examine the pipes and fixtures and location thereof, and the manner in which the water is used, and must at all times frankly and without concealment answer all questions put to said person relative to the waterworks, the consumption of water, and similar matters. In case an unsatisfactory condition is found the City Manager or the committee may leave notice thereof, and if such condition is not remedied within twenty-four

(24) hours thereafter, the water shall be shut off and shall not be turned on again until the condition has been remedied, and the other conditions of this chapter complied with. However, nothing herein shall be construed to vest in the customer a right of any notice.

90.17 DISCONNECTION OF WATER SERVICE. Water service may be disconnected or shut off by the City for the following reasons:

1. A meter is not applied to service pipes in such a manner and place as to measure all water passing through the tap or service pipe from the City mains.
2. Tampering with the meter, meter seal, service or valves or permitting such tampering by others. The Superintendent shall have the authority to permit exceptions to this provision to licensed plumbers in special or emergency situations.
3. Connection, cross-connection or permitting same of any separate water supply to a premises which receives water from the City.

90.18 USE OF HYDRANTS. It is unlawful for any person, except the Superintendent or Chief of the Fire Department, to take water from any public or private hydrant, fire plug, street washer, hose pipe or fountain, except for fire purposes or for the use of the Fire Department in case of fire, or in any way use or take water from the waterworks system for private use, unless such person shall first pay a fee fixed by the Council for the privilege and receive a written permit from the Superintendent to do so.

90.19 OPENING HYDRANTS. It is unlawful for any person authorized to open hydrants to delegate such authority to another or let out or allow any person to take the hydrant wrenches from said person's possession or allow them to be taken, except for purposes strictly connected with the Fire Department, or as they accompany the fire apparatus on occasions of fire, unless such person shall first pay a fee fixed by the Council for the privilege and receive a written permit from the Superintendent to do so.

90.20 WATER MAINS. All newly installed water mains shall be iron or ductile iron, unless otherwise approved by the waterworks committee.

90.21 MAIN EXTENSION COSTS. The total cost of construction and installation, including cost of pipes, valves and appurtenances, from the existing City mains to the premises upon which services are required, shall be borne by the applicant. No such extensions will be approved which do not extend the full width of applicant's premises abutting on the extension. The Council will determine the size of all mains to be installed. In the event that service to the area in which the applicant's development or other facility requiring water service is located shall require the extension of existing City water mains, the Council will, upon the request of the applicant, consider the extension of said mains to the nearest property line of the applicant's premises upon which said development or facility is situated as a public project without cost, or on a cost-sharing basis, to the applicant; provided, however, no such application for extension as a public project shall be granted unless the application states, and the Council shall find, that there is a reasonable possibility that the area lying between the existing main and the proposed development will require substantial water service within the ten-year period following the extension of said main or that the benefit to the residents of the City from the proposed development, project or facility in terms of general revenue from taxation, employment opportunities, consumption or other tangible public benefit shall appear to the City to justify the cost of said extension.

90.22 CONNECTION ORDERED BY COUNCIL. The Council may, by resolution adopted by majority vote of the Council, direct and order all owners of adjacent property fronting upon any street, highway or alley whereon water pipes are located to make the connection from the water pipes to the curb line in front of the adjacent property before the commencement of the permanent improvement of the street or alley whereon such pipes are located, and the resolution therefore shall state the time in which said connections shall be made. Whenever the person owning the real estate shall fail to make the connections within the time fixed by the Council, the Council shall cause such connections to be made, and shall assess against the property in front of which such connections are made the cost and expense thereof.

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CHAPTER 91

WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems; Exception

91.04 Location of Meters

91.05 Meter Setting

91.06 Meter Installation Fee

91.07 Installation and Removal

91.08 Right of Entry

91.09 Meter Maintenance; Protection from Freezing; Repairs

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.

1. No water for any but public purposes shall be taken from the mains of the City water system or through service pipes connected therewith unless the water has first passed through a water meter and has been duly measured. This section shall not apply to cases, if any, where special contracts in writing now or hereafter entered into by special authority of the Council between the customer and the City for the use of water and fixing the price therefore.

2. Each dwelling, commercial and/or industrial unit shall be served separately by an individual water meter unless otherwise permitted by the superintendent or City Manager.

3. Each dwelling unit must be supplied by water passed through a water meter that has been approved by the City. Each single dwelling unit shall have an approved water meter which shall be three-quarters inch in size; if there is more than one dwelling unit being served by a meter, then that meter shall be an approved compound meter. Meters larger than three-quarters inch shall be furnished by the property owner at the owner's own expense. This subsection shall apply only to all new remodeled installations occurring after the effective date of the ordinance codified in this subsection.

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 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.

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 have provided all necessary piping and fittings for proper setting of the meter including the brass valve on the inlet and outlet sides of the meter. Meter pits may be used only upon approval of the Superintendent and of a design and construction approved by the Superintendent.

91.06 METER INSTALLATION FEE. The property owner shall pay an installation fee in an amount as specified by resolution of the Council for each new installation of a water meter to a three-fourths inch (3/4") line. Such meter is to remain the property of the City.

91.07 INSTALLATION AND REMOVAL. All water meters shall be installed and removed by the City. The exceptions to this rule are for mobile homes or meters used exclusively to measure water that does not flow through the City's sanitary sewer system; in which case, the landowner is responsible to install or remove meters. A customer shall give the City at least twenty-four hours' advance notice prior to the installation or removal of a meter. For mobile homes, the landowner shall notify the City within forty-eight (48) hours if a meter is installed or removed. Property owners can purchase water meters to separately meter water that will not be cycled into or passed through the City's sanitary system. This meter becomes the property of the landowner and said installation shall be inspected by the Superintendent. No one shall break the seal on a water meter or remote box without permission of the Superintendent. No one shall use or take unmeasured water.

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 MAINTENANCE; PROTECTION FROM FREEZING; REPAIRS. Any meter needing maintenance will be replaced by the water department, except in the case of mobile homes, where the meter shall be removed and a new meter installed by the landowner within three (3) days after the date of notification from the City. Failure to install the replacement meter in a timely fashion will result in a penalty of \$20.00 per day until the meter is installed. All landowners shall be charged for meters that are lost or stolen. When any customer allows the water meter to freeze by said customer's failure to protect the meter from frost, the customer will be charged for repairing same; and failure to pay for such repairs will entitle the City to shut off the supply.

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CHAPTER 92

WATER SERVICE RATES AND CHARGES

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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. The service charges shall be billed as part of a combined service account which means a customer service account for the provision of two or more utility services.

(Code of Iowa, Sec. 384.84)

92.02 RATES ESTABLISHED. Water service shall be furnished at the following bimonthly rates within the City:

Basic Service Charge of \$9.00 plus \$1.50 per each 1,000 gallons.

92.03 MULTIPLE METERS. When water is supplied by two or more meters to one customer, or two or more premises owned by one person, the readings will not be combined, but a bill will be rendered for the gross amount of water used in each meter, according to the meter rates in effect, except in such cases as are provided for by written permission granted by the waterworks committee.

92.04 BASIC SERVICE CHARGES FOR LARGER METERS. Where a customer required the installation of a water meter larger than a standard three-quarter-inch water meter, the customer shall buy the special meter as approved by the Superintendent. However, the meter shall then become the property of the City and shall be maintained by the City. The monthly basic service charge shall be as follows:

METER SIZE	BASIC SERVICE CHARGE
1-inch meter	\$ 27.00
1¼-inch meter	\$ 36.00
1½-inch meter	\$ 45.00
2-inch meter	\$ 54.00
4-inch meter	\$ 75.00
6-inch meter	\$ 100.00
8-inch meter	\$ 125.00

92.05 RATES FOR MULTIPLE UNITS.

1. Multiple units, including dwelling, mobile home courts, businesses, may be serviced from a single meter. The Basic Service Charge for such service shall be multiplied by the number of dwellings, and/or other units serviced from the meter.
2. It shall be the responsibility of the property owner to notify the Clerk of any vacancies in multiple dwelling and/or business units and until such notification is received, the City will charge according to the total number of dwelling units serviced by one meter.
3. A dwelling unit is defined as a self-contained living facility (i.e., including kitchen and bath), such as an apartment or a mobile home space, including those dwelling units being served by one meter which also serves one or several businesses.
4. A business unit is defined as any room or multiple of rooms engaged in a single commercial or mercantile activity as a means of a livelihood and has water accessible within the confines of the area operated by the business. In the event the owner of a building rents out office spaces in the building, each office space that has water accessible in that office space shall be considered as one business unit and in the case where there are common restrooms to serve the entire building, the owner or a designated manager shall be billed for one unit. (For example, if there are four businesses in a building without water accessible in each of the businesses and one common restroom, there shall be billed to the owner a bill based on one unit; if there are four businesses and two of the businesses have water accessible within the businesses and the other two do not and there are common restrooms, the owner shall be billed for three units.)

92.06 SPRINKLER SYSTEMS; PRIVATE HYDRANTS AND WATER USED DURING NEW CONSTRUCTION.

1. There shall be a charge for fire protection sprinkler systems connected directly to the City water mains, which charge shall be two cents (2¢) per month for each wet head and one cent (1¢) per month for each dry head. Regardless of the number of heads, the charge per month shall not be less than three dollars (\$3.00).
2. There shall be a charge of twenty-five dollars (\$25.00) per hydrant per year for the flushing and maintaining by the City of private fire hydrants located on private property.

92.07 RATES OUTSIDE THE CITY. The schedule of all water rates, fees, charges and deposits as established in this chapter shall be increased by one hundred percent (100%) for all customers of the water system who are located outside the limits of the City and who have been granted permission by the City to connect to the system.

92.08 RATES FOR USERS OF WATER NOT RETURNING TO SANITARY SEWER SYSTEM. All water that flows through a special meter, where the water does not pass through or cycle into the City's sanitary system, shall be billed on a bi-monthly basis. The rate schedules for water consumption shall be as follows:

Basic Service Charge of \$1.50 plus \$1.80 per each 1,000 gallons

92.09 NO REDUCTION FOR LEAKAGE. No deduction from the water charges will be made on account of leakage after the water has passed through a meter.

92.10 DUE DATE AND DELINQUENCY DATE. 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 for combined service accounts shall be due on the first day of the month following the close of billing and shall be paid to the City.
2. Bills for combined service accounts shall become delinquent if not paid within twenty (20) days of the date of the bill. If this day happens to be a Saturday, Sunday or holiday, said bill shall not become due until the next working day. A five percent (5%) penalty shall be added at that time, except as in the following subsection 3.
3. Each customer will be forgiven the five percent (5%) penalty, on one delinquent payment only, in each calendar year.
4. Each customer may elect to have the combined service account paid by a Direct Bank Payment. If customer elects this service, the customer must complete a Direct Bank Payment Authorization form whereby bank name, bank account number and signature will be required. All Direct Bank Payments will be made on the 20th day of the month following the due date of the bill. If the 20th falls on a Saturday, Sunday or holiday, the payment will be made on the next working day.

92.11 MONTHLY BILLING FOR CUSTOMERS USING OVER 300,000 GALLONS PER MONTH. Any water customer in the City who has a minimum usage of three hundred thousand (300,000) gallons per month shall be billed each month. This shall apply only when it can be determined that the average consumption each month will be over 300,000 gallons, and shall not apply to intermittent billings of 300,000 gallons approximate. The rates shall be the amount as established in this chapter.

92.12 DEPOSIT.

1. The City Manager shall require that any person who shall make application to the City for water service and who does not own the property where the water is to be furnished, and who does not have a valid prior deposit on record, shall pay to the City a deposit set by resolution of the Council prior to providing water service. Said deposit shall be held in trust by the City until the account is closed, and shall not be refunded to the customer until all bills due the City by said customer have been paid in full.
2. Any person wishing to be reconnected to City utilities, who has left an account for combined utility service by the City unpaid, which is unpaid or was paid by another individual who was the owner of property served by the unpaid account, shall be required to make a deposit set by resolution of the Council.
3. The mobile home court owner shall verify that a water deposit has been made prior to installing or turning on water to a mobile home.

92.13 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The City Clerk's office 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 and shall inform the customer

of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice of Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If a delinquent bill exists for a mobile home, the landowner shall shut the water off at the City's direction. After payment is received, the landowner shall reconnect the meter at the City's direction.

3. Hearing. If a hearing is requested by noon of the day preceding the shutoff, the City Manager shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Manager's decision to the Water/Sewer Committee, and if the Water/Sewer Committee finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

92.14 FEES FOR RESTORING SERVICE. When water has been turned off to any customer for failure to pay for water service furnished and related charges, the water service shall not be restored without the written consent of the Council or the City Manager, and said customer shall have paid to the City the disconnection for nonpayment fee as specified by resolution of the Council.

92.15 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[1])

92.16 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential 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 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 water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential 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. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

92.17 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. If the customer is a tenant and if the owner or landlord of the property 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)

92.18 ADDITIONAL FEES AND CHARGES. The fees for locating underground private water lines, for blowing out curb boxes, for the reading, removal and installation of water meters and for the installation of water taps, for the temporary removal and replacement of remote readers, for disconnection for nonpayment of delinquent account, for posting of a disconnect notice due to nonpayment and for repair of a frozen meter shall be set by resolution of the Council. The water department shall charge for any extra materials and time need to completed any services on a material and labor basis.

92.19 CONNECTION FEE.

1. A connection fee per frontage foot of the lot or parcel of property served by a new water connection, in an amount set by resolution of the Council, will be charged to offset the water main construction costs. Lot frontage means the narrowest portion of the lot fronting a public street. If the water main has been stubbed for a water service line, into the lot(s) as platted at the time the main was installed, there will be no connection fee. A minimum frontage of seventy (70) feet shall be billed for residential and commercial connections. Industrial connections shall be billed for a minimum frontage of one hundred (100) feet. A residential structure located on land used for agricultural purposes may, subject to the approval by the Council, enter into an agreement for partial deferral of the connection fee. The agreement shall require payment of a minimum connection fee based upon 70 frontage feet, with the balance of frontage fees deferred until such time as additional construction and/or development occurs on the property. The agreement shall be further subject to such other terms and conditions as may be determined necessary by the Council. The cost of recording the agreement shall be paid by the owner of the land served by the water connection.

2. The connection fee is due prior to connection to the water main. In lieu of paying the connection fee prior to connection to the main, the property owner may choose to enter into a voluntary assessment agreement which would allow this fee to be paid over a period of years as approved by the Council.

3. For connections that require a long service line (greater than 100 feet from the main to the nearest point of the property line), the connection fee shall be reduced by the property owner's cost of the service line in excess of 100 feet.

4. Special allowances will be made to this fee when a developer has paid for the water main construction in accordance with Section 90.21 of the Code of Ordinances. In developments and subdivisions where a developer has paid to install water main, and where the water main was not stubbed for service lines into the development as part of the water main project, the following connection fees will be assessed:

A. If the connection occurs within the first five (5) years following the City's acceptance of the main or adoption of the ordinance codified by this subsection, whichever is later, there will be no additional connection fee.

B. If the connection occurs after five (5) years, but before ten (10) years lapse following the City's acceptance of the water main or adoption of the ordinance codified by this subsection the connection fee will be one-half of the fee referred to in subsection 1.

C. If the connection occurs more than 10 years following the City's acceptance of the water main or adoption of the ordinance codified by this subsection, the connection fee will be the same as specified in subsection 1.

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CHAPTER 93

WELLS

93.01 Purpose

93.02 Establishment of Separation Distances

93.03 Definitions

93.04 Separation Distances Table

93.01 PURPOSE. The purpose of this chapter is to establish separation distances from wells from all structures and uses, to protect the public, and to preserve the health and welfare of the community by protecting water purity.

93.02 ESTABLISHMENT OF SEPARATION DISTANCES. The distances for separating uses and construction around all wells within the City, including old wells as well as new wells, have been established by State requirements relative to possible pollutants and their distances from wells, and the Council has found that the said State requirements shall be adopted as the minimum acceptable requirements for separation distances from wells, and no construction or use shall be allowed within said minimum distances to City wells as set forth herein.

93.03 DEFINITIONS. For use in this chapter, the following terms are defined. Use of the word “building” includes the word “structure.”

1. “Animal enclosure” means a lot, yard, corral or similar structure in which the concentration of livestock or poultry is such that a vegetative cover is not maintained.
2. “Animal pasturage” means a fenced area where vegetative cover is maintained and in which the animals are enclosed.
3. “Animal waste” means animal waste consisting of excreta, leachings, feed losses, litter, washwater or other associated waste.
4. “Animal waste storage basin or lagoon” means fully or partially excavated or diked earthen structure including earthen side slopes or floor.
5. “Animal waste storage tank” means a completely fabricated structure, with or without a cover, either formed in place or transported to the site, used for containing animal waste.
6. “Cistern” means a covered tank in which rain water from roof drains is stored.
7. “Deep well” means a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at a depth of at least 25 feet below the normal ground surface and above the aquifer from which the water is to be drawn.
8. “Low permeability” means an unconsolidated soil layer of well sorted fine grain-sized sediments that under normal hydrostatic pressures would not be significantly permeable. Low permeability soils may include homogeneous clays below the zone of weathering, mudstone, claystone and some glacial till.
9. “Privy” means a structure used for the deposit of human body wastes.
10. “Sanitary sewer pipe” means a sewer pipe complying with the standards of sewer construction of the Department of Natural Resources.

11. "Septic tank" means a watertight tank which receives sewage.
12. "Shallow well" means a well located and constructed in such a manner that there is not a continuous five-foot layer of low permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.
13. "Water main pipe" means a water main complying with the Department of Natural Resources standards for water main construction.

93.04 SEPARATION DISTANCES TABLE. No building or use shall be allowed within the separation distances from City wells as set out in the following chart:

SEPARATION DISTANCES FROM WELLS

Source of Contamination		Distances (Feet)									
		5	10	25	50	75	100	200	400	1000	
POINT DISCHARGE TO GROUND SURFACE	Well house floor drains	A									
	Water treatment plant wastes				A						
	Sanitary and industrial discharge								A		
WASTEWATER STRUCTURES	Well house floor drains to surface	ENC A	WM A	A	SP	A	-----Unknown-----				
	Well house floor drains to sewers			A	WM	A	SP	A	--Unknown--		
	Water plant wastes			A	WM	A	SP	A	--Unknown--		
	Sanitary and storm sewers, drains			A	WM	A	SP	A	--Unknown--		
	Sewer force mains					A	WM	WM	A	SP	
	LAND DISPOSAL OF WASTES	Land application of solid waste						D	S		
		Irrigation of wastewater						D	S		
		Concrete vaults and septic tanks						D	S		
		Mechanical wastewater treatment plants							D	S	
		Cesspools and earth pit privies							D	S	
Soil absorption fields								D	S		
Lagoons								D	S		
CHEMICALS	CHEMICAL AND MINERAL STORAGE						D	S			
	Above ground						D	S			
	On or under ground							D	S		
ANIMALS	ANIMAL WASTES				A						
	Animal pasturage				A						
	Animal enclosure						D	S			
	Land application of solids						D	S			
	Land application of liquid or slurry						D	S			
	Storage tank						D	S			
	Solids stockpile							D	S		
Storage basin or lagoon								D	S		
MISCELLANEOUS	Earthen silage storage trench or pit						D	S			
	Basements, pits, sumps		A								
	Flowing streams or other surface water bodies				A						
	Cisterns				D	S					
	Cemeteries							A			
	Private wells							D	S		
	Solid waste disposal sites									A	

KEY	
D	Deep Well
S	Shallow Well
A	All Wells
WM	Pipe of Water Main Specifications
SP	Pipe of Sewer Pipe Specifications
ENCWM	Encased in 4 inches of Concrete

No building permit shall be issued which is in violation of the separation distances from municipal wells if in violation of this chapter or a source of contamination for said well. Any

use or construction in violation of this chapter is a nuisance as defined in Chapter 50 of this Code of Ordinances; and the notice requirements regarding abatement of nuisances and all provisions of this Code of Ordinances in regard to abatement, costs of collection, hearings and penalties for maintaining a nuisance or prohibited condition as set forth herein are applicable. Specifically, and in addition to any other remedies allowed by ordinance or at law, the City shall recover any costs for water treatment which are created by any source of contamination which is identified, where said source is in violation of this chapter.

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CHAPTER 94

PRIVATE WELLS AND WATER SYSTEMS

94.01 Required Conditions

94.02 Permit for New Well

94.03 Annual Renewal of Permit

94.04 Non-renewal of Annual Permit

94.05 Revocation of Permit

94.06 Health and Safety Standards; Right of Interpretation

94.07 Permit Fees

94.08 Termination and Abandonment

94.01 REQUIRED CONDITIONS. Except as hereinafter provided, private wells and water systems shall not be maintained by any individual or property owner, nor shall any new wells be established within the City limits. Private wells and water systems shall be allowed only if one or more of the following conditions are established by the applicant to the satisfaction of the City:

1. Existing Well. The well or water system was in existence prior to October 1, 2002, and duly registered with the City, which registration specified the location of the well, by address and legal description, the name and address of the property owner of the well, the name and address of all individuals using the well, and the address and legal description of all properties serviced by the well.
2. Location. No part of a tract of ground from which a private well or water system is proposed is within 200 feet of a City water main.
3. Undue Hardship. The property owner or individual applying for a private well permit can show that denying the permit and not allowing the private well or water system will cause the individual or property owner undue hardship. Undue hardship in this case means that the particular tract of land is so topographically situated that connection to the City water main system would be unfeasible and that the particular conditions causing the unfeasibility of the connection are in no way caused or contributed to by the property owner or permit applicant. The Council shall rule on all questions of undue hardship and their decision shall be final.
4. Special Circumstances. A well may be allowed where the circumstances of the proposed use of the well, location of the well, and the surrounding circumstances of the proposed use of the well are such that the City Council has determined the granting of a well permit is consistent with protection of public water supplies, maintenance of a public water system, and economic development of the community.

94.02 PERMIT FOR NEW WELL. All individuals who desire to construct or maintain a new private well or water system within the City must first make application to the Building Inspector for a private well permit. The request for permit shall show that the well will be in compliance with the separation distances referred to in Section 93.04 of this Code of Ordinances. In addition, the request shall further indicate why the property should be served by a private water system rather than utilize the public water system provided by the City of Manchester. In determining whether to grant a request for well permit, the City Council shall consider the availability of public water systems to serve the subject properties, the effect the proposed well may have upon future development within the vicinity of the proposed well, and any other reasons which are consistent with public policy. No permit for a new well or water system shall be granted unless one or more of the required conditions under Section

94.01 are established and the well meets all applicable City, County, State and Federal rules, regulations and laws.

94.03 ANNUAL RENEWAL OF PERMIT. Every well, including existing wells and future wells, shall be tested annually and results of the tests filed with the City. An individual well owner may cause to have a sample of the well water taken to an authorized testing agency for testing, and a copy of such test results shall be filed with the City. Every well shall be tested annually during the month of September of each year, and the test results shall be filed with the City on or before the first day of October of each year. If a well owner fails to comply with this annual test requirement, the City shall send a notice to the well owner at the last known address, advising the well owner no annual test results have been filed with the City. The notice shall further specify that if the well owner does not properly test the well and file the test results with the City within sixty (60) days after the date of mailing of the notice, the City shall declare the well abandoned, and the owner shall forthwith terminate use of the well as required under Section 94.08 of this chapter. In the event a well owner has timely filed the annual test results with the City or timely filed test results after notice and the test results show compliance with all applicable health and safety standards as required by appropriate City, County and State rules, regulations and laws, the City shall renew the original permit for an additional one-year period.

94.04 NON-RENEWAL OF ANNUAL PERMIT. In the event a well owner receives annual test results that indicate lack of compliance with appropriate City, County and State rules, regulations and laws, the well owner shall immediately advise the City of the test results and immediately correct the problems and bring the well up to applicable standards. The well owner shall have an additional ninety (90) days after October 1 of each year to correct any problems shown by the annual test. If applicable standards cannot be met or if the problems are not timely corrected, no renewal permit shall be issued and the well owner shall forthwith terminate use of the well as required under Section 94.08.

94.05 REVOCATION OF PERMIT. If at any time it is determined that a private well or water system does not meet applicable City, County or State rules, regulations or laws, the permit issued pursuant to this chapter shall automatically terminate without further notice to the well owner. The well owner shall have ninety (90) days to correct the problems so that applicable standards are met. In the event applicable standards cannot be met, the well shall be abandoned and the well owner shall forthwith terminate use of the well as required by Section 94.08. In the event a private well or water system is not used for any consecutive nine-month period of time, then at the expiration of the current private well permit period, the permit shall not be renewed unless the well owner shows good cause for the non-use and all provisions of this chapter for a new well are complied with.

94.06 HEALTH AND SAFETY STANDARDS; RIGHT OF INSPECTION. All private wells and private water systems for which permits are granted pursuant to this chapter shall meet all applicable City, County and State rules, regulations and laws. All permit holders, as a condition of receiving a permit, grant to the City the right to enter the well owner's property solely to inspect and test any private well and water system maintained upon the permit holder's property. In the event the private well or water system so inspected and tested by the City does not meet applicable standards, the City shall notify the well owner in writing of the failure to meet applicable standards. The well owner shall have ninety (90) days from the date of mailing the notice to correct the problems. If the owner fails to timely correct the problems, the permit issued pursuant to this chapter shall terminate without further notice to the well owner, and the well owner shall forthwith terminate use of the well as required under Section

94.08. In the event a private well or water system cannot be brought up to applicable standards in the time period allowed herein and the well owner is not otherwise connected to the City's water system, the well owner shall connect to the City water system within 180 days in accordance with this Code of Ordinances.

94.07 PERMIT FEES. The following fee schedule applies to permits for private wells and water systems:

1. Initial Permit. No fee is charged for the initial registration permit for an existing well.
2. Annual Renewal Permit. There is no fee for each annual renewal permit, provided the well owner does the test at the owner's own expense. In the event a well owner fails to have the well tested as required pursuant to this chapter and the City makes the test, the costs of testing shall be charged to the well owner, and the well owner shall pay an annual permit fee in an amount set by resolution of the Council.
3. Permit Fees for New Wells. Any person desiring to install a new well or water system shall make application to the Building Inspector for a permit, and prior to start of construction shall pay the following permit fees:
 - A. For a new "sand point" or shallow well, a fee established by resolution of the Council.
 - B. For a new well to be used for a supply of potable water, a fee set by Council resolution; and in addition, the well owner shall file with the City a certificate from the State authorized laboratory that a State bacteriological test has been made on the water and the water supply is potable.

All permit fees shall be paid to the City at the time the application is filed. In the event the permit is not granted, the application fee shall be returned to the applicant.

94.08 TERMINATION AND ABANDONMENT. In the event any private well or water system is no longer being used, due to failure to comply with applicable standards, the well owner's connection to the City water system, or other reasons, the well owner or property owner shall cut off the service mains to the well and the well shall be abandoned in such manner to preclude its further use. The termination of use shall be done by the owner in accordance with the standards and guidelines of the Iowa Department of Natural Resources.

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