

CHAPTER 1  
**WATER SYSTEM**

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8-1-1:       **SERVICE CONNECTIONS:**

- A.    Permit Required: No property service connection to a city water line shall be made without a permit being issued by the city council and the installation of a proper water meter by the maintenance superintendent.
  
- B.    Supervision; Inspection: All such connections shall be made under the supervision of the maintenance superintendent and no connections shall be covered until the work has been inspected by the maintenance superintendent.
  
- C.    Cross Connection: No person shall make or permit the cross connection of any private water system to a water line that is served by the city water system.
  
- D.    Private Water Service Connection: The private water service connection to the city water service line shall conform to the requirements of the building and plumbing codes as adopted by the city. (Ord. 156, 6-9-1981)

**8-1-2: WATER LINE EXTENSIONS:**

- A. **Costs:** The total expense of extending any existing water mains, laterals, or lines through the streets, avenues, alleys and other thoroughfares of the city or easement rights of way granted to the city, or adjacent territory for supplying water to property within the area to be served by such extension shall be borne by the property owners receiving direct benefit for such extension. Extensions connected to extensions previously paid for by property owners shall be paid for in total by the property owners receiving direct benefit thereof from such future extension; however, in no instance will property owners be required to pay the cost, or part thereof, of a preceding extension.
- B. **Plans And Approval:** Plans for the extension of any water mains, laterals, or lines through the streets, avenues, alleys and other thoroughfares of the city or easement rights of way granted to the city or adjacent territory shall be submitted to the city engineer and maintenance superintendent for their approval after which they shall submit the approved plans to the city council for their approval. In no instance shall construction of such water line extensions begin prior to the approval of the city council. All plans submitted for approval shall be clearly and neatly drawn to a scale of not more than one hundred feet to the inch (1" = 100') showing the placement of all valves, meters, hydrants, other accessories and connections, their size and type. All lots or parcels of land affected by the water line extension will be shown on each plan together with the names of the property owners.
- C. **Water Line Extension Specifications:**
1. **Service Line Connections:** All connections of the service line, as previously installed by the city, shall be made in accordance with the requirements of the state of Idaho plumbing code for such an installation. The connection of the service line shall be inspected by the city before the installation is backfilled and before the water is turned on for use at the premises.
  2. **Power To Reject Materials Or Workmanship:** The city may reject any materials or workmanship for cause, and upon such order the rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances such as excavations, backfilling and other work items.

3. Fire Hydrants: It shall be the property owner's or his agent's responsibility to install all necessary fire hydrants and city water service lines for all extensions of the city water system at no expense to the city. Unless a special permit is granted by the city, all city water system extensions, including the city water service line, into newly developing areas shall be installed prior to the construction of any new streets.

4. Certification By Registered Professional Engineer; Acceptance By City: After the construction of the city water system extensions, it shall be the obligation of the owner, or his agent, to have a registered professional engineer certify to the city that the said system extensions were installed substantially in accordance with the approved plans and specifications on file in the office of the city clerk. Following certification by the registered professional engineer and acceptance by the city, the entire extension of the city water system, including the city water service lines, shall become the property of the city and it shall be the city's responsibility to maintain and operate the system thereafter.

5. Service Line Needed After Acceptance By City: If it is necessary for the city to provide a city water service line after the extension has been accepted by the city, the owner, or his agent, shall be required to pay the hookup fee and standard installation charge as well as the standard permit and inspection fee.

D. Proportioning Cost:

1. Cost Statement; Audit: Any person or persons constructing an approved water line extension may file with the clerk, within, but not exceeding, thirty (30) days after the completion of such extension, an itemized statement of the costs of constructing such water line extension. The maintenance superintendent, together with the city engineer, within fifteen (15) days after filing, shall audit this cost statement and determine the reasonable cost of such extension and file a written report thereon with the clerk indicating the appropriate share of the total to be charged against each property receiving direct benefit thereof.

2. Notice Of Cost; Payment Required Prior To Use: Within sixty (60) days of the filing of a proportionate cost with the clerk, the clerk shall notify each property owner receiving such direct benefit of his proportionate share of the cost of constructing such extended water line, and the maintenance superintendent shall refuse to supply

water to any so affected property until such proportionate share shall be paid to the city treasurer.

- E. **Right Of Appeal:** The approval or disapproval of a water line extension, the reasonable cost of a water line extension as determined by the maintenance superintendent and city engineer, the proportioned share of the total cost of such extension charged to affected property owners may be appealed to the city council within ten (10) days after such determination. The city clerk shall notify such affected parties of the time and place the city council shall review such determination. The decision of the city council on all such matters shall be final and binding upon all parties.
- F. **Reimbursement For Original Construction Cost:** As property owners who receive water service through water line extensions constructed by other property owners pay their proportionate share of the original construction cost as determined by provisions of this chapter, the property owners paying for such original water line extension shall be entitled to such monies upon filing a claim therefor with the city clerk to be allowed by the city council as other bills against the city are allowed and paid. No extra allowance shall be made for interest upon the original investment in such water line extension, and no deduction shall be made for depreciation thereon.
- G. **City Not Liable:** The city shall, under no circumstance, become liable to any person who has constructed a connecting water line except to the extent of the monies collected to any person claiming to be the rightful owner of the land to which the right to be reimbursed for subsequent connections may be appurtenant, and shall not be liable to any other person for and on account of such monies. (Ord. 156, 6-9-1981)

8-1-3:           **WATER METERS:**

A.     **Water Distributed Through Meters:**

1. **Meter Required:** All property owners, upon whose premises water is consumed by the owners, by tenants or otherwise, must have a water meter, to be furnished by the city at the expense of the property owner, installed in, at, and upon the respective premises, and all city water used therein or upon said premises shall pass through and be measured by said water meter.

2. Failure To Comply: In the event that any property owner shall refuse to allow such meter to be installed or refuse to pay for the same, or refuse to pay for the metered water used, it shall be the duty of the maintenance superintendent to forthwith discontinue the water from the premises of such property owner or the property.

B. Meter Requirement And Installation Charge:

1. Separate Meters Required: Each residence and business establishment to which water is supplied by the city, whether inside or outside the city, must have a separate meter connected directly to the main; excepting, however, those portions of buildings used principally for office or apartments where the property owner furnishes the water supplied to the tenants.

2. Payment Of Costs Prior To Installation: Before a meter is installed, the property owner shall pay to the city clerk the cost of said meter together with the cost of installation thereof, such charge to be set by the city council.

C. Charges Against Property Owner: When a meter has been installed, water will not thereafter be supplied to the premises of such property or property owner, except upon metered water rates to be paid by the property owner for all water used upon said premises, whether by himself, tenant or otherwise. For the convenience of the property owner, the city shall be allowed to send the water statement to a tenant and accept payment from the tenant on behalf of the property owner. Provided, however, in any event the property owner shall be liable for all water charges due and owing the city. (Ord. 156, 6-9-1981)

D. Damage To Meters; Liability: When any water meter has been damaged by reason of the negligence of the water user, or by reason of the defective condition of the plumbing on the premises of the water user, or by reason of the backing up of hot water from premises of the water user, then such water user shall be liable and punishable under the provisions of this chapter, and must pay for the replacement or repair of said meter in an amount to be determined by the city council. (Ord. 156, 6-9-1981; amd. 2010 Code)

E. Requirements After Repairs For Turning On Water: When the maintenance superintendent is called upon to repair or replace a meter which has been damaged as set forth in subsection D of this section, he may, at his discretion, refuse to repair or replace said meter, and disconnect the water service line to said premises, and

refuse to reconnect same until a check valve is installed between the water meter and the premises on which water is used in order to prevent the water from backing up from said premises, and he may also require that a safety valve or "pop off" be placed in service to relieve pressure on the hot water tank or other plumbing fixtures located upon said premises.

- F. Maintenance And Repair Of Meters: The city will repair, or replace all defective meters without cost to the property owners, except in those instances where the meter has been damaged by reason of the negligence of the water user, or by reason of the defective condition of the plumbing on the premises of the water user, or by reason of the backing up of hot water from the premises of the water user. (Ord. 156, 6-9-1981)

8-1-4: **WATER RATES AND CHARGES:**

- A. Established By Resolution: Water service charges shall be established by separate resolution of the city council, and when so established shall be incorporated herein as if fully set forth herein.
- B. Water Service Outside City Limits:
1. Power To Provide: The city may provide service from the city water system to individual properties that are partially or entirely outside the corporate limits of the city.
  2. Request For Service: Each request for such service must be approved by the city council, and all regulations of this chapter must be complied with by such special water users. The water user will be considered a special user as long as the property being served remains outside the corporate limits of the city.
  3. Charges: The special water user shall be charged a hookup fee, installation charge, connection charge and a monthly user charge which shall be 1.4 times the rate of a similar user who is entirely within the corporate limits of the city. The fixing of water rates by the council for water service outside the city is not to be read as imposing a duty upon the city to make such water service.
  4. Right To Terminate: In the event of need and/or at the discretion of the council, any service outside the city limits may be terminated at any time by order of the council.

C. Time Of Meter Readings:

1. Reading Of Meters: The maintenance superintendent shall commence reading all water meters on the twentieth day of each month and shall continue to continuously read the same until all the water meters have been read.

2. Computation Of Charges: On or before the last day of each month, the maintenance superintendent shall give the clerk a true and correct list of all the readings of all water meters read by him during the reading period. The clerk shall, on or before the first day of each month, compute the water charges due for city water used through each water meter and compile accounts containing the names and amount due from each individual water consumer, together with receipts for the payment thereof. (Ord. 156, 6-9-1981)

D. Rates, Fees And Charges: See chapter 3 of this title for rates, fees and charges. (2010 Code)

8-1-5: **DISPUTED CHARGES:**

- A. Meter Tested, Read And Investigated: Where any question arises as to the validity of any amount due for water consumed during any one month, the clerk is hereby authorized to have the water meter, through which the water flows, over which controversy arises, tested, read and investigated by the maintenance superintendent, and, if such meter is found to have been overread or an overcharge made to the customer, such customer shall be given credit for the amount of the overcharge on future charges against him for water consumed.
- B. Maintenance Superintendent To Reread; Report Before Refunds: The maintenance superintendent is hereby ordered to reread or test meters whenever ordered by the clerk. No officer or employee of the city shall rebate or refund any money for overcharges on water consumed until a full investigation by the maintenance superintendent has been made and his report having been filed with the mayor and council, and an order made by the said council ordering such rebate. (Ord. 156, 6-9-1981)

8-1-6: **LIEN ON PROPERTY:**

- A. Lien: All charges for water and sewer connections and service, and all service charges provided by this chapter, together with penalties

and interest thereon, shall be a lien upon the property with which such connections are made or to which such sewage service or domestic water service is rendered, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such liens shall be in the manner provided by law.

- B. Procedure When Charges Become Lien: In case any charges for water shall become a lien against any premises, the water shall be shut off until such charges are paid. In the event of a disputed account and tender by the owner of the premises or other interested persons of the amount claimed by him to be due prior to the discontinuance of service, the right to refuse service to such premises shall not accrue until suit has been entered in a court of competent jurisdiction by the city; provided, however, that upon the filing of a complaint by the city in such court for recovery of water rentals as herein provided, the defendant or any interested person desiring such water service to be continued shall file with the court in which such action is pending a surety bond in the amount of the water rentals sought to be collected in such suit, together with costs, attorney fees and all other charges due the city in relation thereto; or, if a personal bond is filed, then in double the amount thereof, conditioned upon the payment forthwith by the defendant or the person furnishing such bond, of the amount found in the judgment of the court to be due, including court costs, attorney fees and all other charges due the city in relation thereto; and provided further, that nothing in this section shall be construed to affect the procedure provided in this chapter for the collection of water rentals for water furnished such premises subsequent to the date of the filing of the complaint. (Ord. 156, 6-9-1981)

8-1-7: **WATER SYSTEM PROPERTY OF CITY:** All mains, laterals, pipes, hydrants and fixtures now laid, constructed or installed, or hereafter to be laid, constructed or installed, in, under, across or through the streets, avenues alleys, and other thoroughfares of the city or easement rights of way granted to the city, or adjacent territory, for supplying water to said city and the inhabitants thereof, are hereby declared to be the property of the city, under the control thereof and subject to the provisions of this chapter. No person or persons will be allowed to claim the right to exclusive use of any such water line. (Ord. 156, 6-9-1981)



**8-1-8: INJURY TO CITY WATER SYSTEM:**

- A. No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, pipeline, fire hydrant, fitting connection, appurtenance, or equipment which is a part of the city water system.
- B. It shall be unlawful for any person, except one duly authorized by the city, to open, close, operate, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any part of the water system, including, any fire hydrant or auxiliary valve belonging to the city. Further, it shall be unlawful for any person to obstruct the access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt, or other material, or to wilfully or carelessly injure the same. (Ord. 156, 6-9-1981)

**8-1-9: VIOLATION; PENALTY:**

- A. Notice Of Violation: Any person found to be violating any provisions of this chapter shall be served by the city with a written notice stating the nature of the violation and providing thirty (30) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 156, 6-9-1981)
- B. Failure To Comply; Misdemeanor: Any person who shall continue any violation beyond the time limit provided for in subsection A of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 156, 6-9-1981; amd. 2010 Code)
- C. Liability For Expense, Loss Or Damage Occasioned By City: Any person violating any of the provisions of this chapter shall be liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. 156, 6-9-1981)