

## TITLE 13

### UTILITIES

#### Chapters:

- 13.04 Required Connections
- 13.08 New Water Equipment Installation
- 13.12 Water Connections
- 13.14 Water Service Regulations
- 13.15 Water Service Rates, Charges and Revenue Regulations
- 13.16 Water Rates
- 13.18 Sanitary Sewer System
- 13.24 Sewer Rentals
- 13.25 New Sewer District
- 13.28 National Electric Code
- 13.32 Storm Sewer Rentals
- 13.33 Electric Connections

#### CHAPTER 13.04

#### REQUIRED CONNECTIONS<sup>65</sup>

#### Sections:

- 13.04.010 Pipes to be connected prior to paving streets
- 13.04.020 Connections by city.
- 13.04.030 Corporation failing to connect.
- 13.04.040 Assessment of costs incurred by city.

#### **13.04.010 Pipes to be connected prior to paving streets.**

The council, prior to the time of passing any resolution to pave or macadamize any street or alley in Eldon, may by resolution, require the connections from as pipes, water pipes, sewer pipes and steam heating pipes to the curb line of all adjacent property to be made upon such street or alley as it may desire to pave or macadamize.

#### **13.04.020 Connections by city.**

Should the property owner or owners fail to make the connections with water pipes and sewer pipes as provide for in Section 13.04.010 within the time to be fixed by such resolution, the public work superintendent or other person directed by the council, shall proceed to cause such connections to be made.

#### **13.04.030 Corporation failing to connect.**

In the event that any corporation, firm or individual owning and operating a gas plant within this city fails to make such connections within the time fixed by such resolution it shall be prohibited from ever disturbing any pavement for the purpose of making such connections

---

5 <sup>65</sup>For statutory provisions authorizing cities and towns to provide utility services, see ICA §384.24.

**13.04.040**      **Assessment of costs incurred by city.**

In the event that the property owner or owners fails to make the connections with the water pipes and sewer pipes and they are made under and by direction of the council, the cost of making the same shall be assessed against the property in front of which such connections are made.

## CHAPTER 13.08

### NEW WATER EQUIPMENT INSTALLED

#### Sections:

13.08.010	Replacement pipe.
13.08.020	Water meters.
13.08.030	Water meter ground pits.
13.08.060	Nuisance declared when.

#### **13.08.010**      **Replacement pipe.**

It is unlawful for any water custody of the city to replace or to install any lead-in pipe for the conveyance of water to his or her property with other than a three-fourths inch diameter "K" copper tubing or pex plastic tubing with tracer wire. Use of 90-degree fitting shall be of the solid type no swivel fittings. No splices or fittings between main and curb stop. "K" copper shall be installed from the main to the curb stop. Pex plastic may be installed from the curb stop in. The installation of "K" copper and pex plastic with wire tracing shall be installed at the expense of the property owner.

#### **13.08.020**      **Water meters.**

Hereafter, all water customers of the city shall have their water metered through a water meter, including therein cement, tile, lid and a water meter yoke. This section applies to all meter installations. Equipment required for the installations may be purchased from the city, at the actual cost thereof plus thirty percent. All installations must be approved by an authorized representative of the city. Customers shall have a mandatory check valve directly after the water meter.

#### **13.08.030**      **Water meter ground pits.**

The water meter ground pits are to be located by mutual agreement between the authorized representative of the city and the customer, and the placement of such water meter ground pits as required herein shall be done at the sole expense of the customer.

#### **13.08.060**      **Nuisance declared when.**

It is declared that any violation of this chapter constitutes a public nuisance by virtue of its danger to the health and welfare of the citizens of Eldon and as a public nuisance, the city may refuse to provide water service to any person, firm or corporation in violation of this chapter.

## CHAPTER 13.12

### WATER CONNECTIONS<sup>68</sup>

#### Sections:

13.12.010	Rules and regulations generally.
13.12.015	Mandatory Water Connection.
13.12.020	Application – Blanks required.
13.12.030	Permit issuance.
13.12.040	One house per tap – Exceptions.
13.12.050	Keeping in good repair.
13.12.060	Owners to protect meters
13.12.070	Prevention of water waste – Repair cost assessment.
13.12.080	Cut off water for repair or other purpose.
13.12.100	Unmetered use of water.
13.12.110	Defective or leaky pipe lines.
13.12.130	Inspection of connections – Notice to inspect.
13.12.140	Water meters – Ownership.
13.12.150	Relocation of meter.
13.12.160	Service pipes to be flushed before meter attached.
13.12.170	Testing meter after attachment.
13.12.190	Water charged to user.
13.12.200	Turning on water – Permission required – Exception.
13.12.210	Shut off of water by plumber – Report.
13.12.215	Private Wells Prohibited.
13.12.220	Violation – Penalty.

#### **13.12.010**      **Rules and regulations generally.**

The rules and regulations in this chapter shall be a part of the contract with consumers, companies, corporations or individuals supplied with water by the city and every such party shall be considered to express consent to be bound thereby, and whenever these or other rules and conditions hereafter adopted are violated, the city is empowered to cut off the supply of water from the property affected, although more than one party may receive a supply of water through the same service pipes, charges for shutting off the water to be against the property.

#### **13.12.015**      **Mandatory Water Connection.**

All residences and business establishments within the city limits intended or used for human habitation, occupancy, use, or consumption of water shall be connected to the city water supply provided that the residence or business establishment is within 100 feet of a public water main and the property does not meet the exceptions contained in section 13.12.215. The owner of the residence or business establishment must make the connection at the owner's expense in accordance with the provisions of this chapter within three hundred sixty (360) days after initial notice to do so.

#### **13.12.020**      **Application – Blanks required.**

Any person, firm or corporation desiring water service must make application upon blanks obtained from the city council.

#### **13.12.030**      **Permit Issuance.**

A permit will then be issued authorizing any bonded plumber to make application to the city tapper for the desired

---

8 <sup>68</sup>For statutory provisions authorizing cities and towns to establish and maintain a waterworks system, see ICA §384.81.

connection to the water main. A tapping fee of \$100.00 shall be submitted with the permit application in addition to the application fee. All excavations and installations of water service pipes and connections to the water system shall be made by a bonded plumber, except as set forth below. The plumber shall provide the City Clerk with a surety bond in the sum of \$10,000.00 secured by a responsible surety bonding company authorized to operate within the State of Iowa. The bond shall state that the surety company will indemnify and save harmless the City of Eldon against all damages, costs, expenses, outlays and claims of every nature and kind arising from carelessness, lack of skill or negligence in performing the work.

**13.12.040      On house per tap – Exceptions.**

No more than one house shall be supplied from one tap except by permission from the council.

**13.12.050      Keeping in good repair.**

All persons using city water shall keep the tap, hose, water closets, urinals, bath or other fixtures in good repair, and shall be responsible for any damage or injury resulting to others from improper use or waste of water.

**13.12.060      Owners to protect meters**

The owners or occupants of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, he or she shall give immediate notice to the City. In all cases where water meters are broken or damaged by negligence of owners or occupants of the premises, or by freezing, hot water, or other injuries except ordinary wear the necessary repairs to the meter shall be made by the City and the cost of such repairs shall be paid for by such owner or occupant, and in case payment thereof is neglected or refused, the cost of such repairs shall be invoiced. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

No one shall in any way interfere with the proper registration of water meters, and no one except as authorized by the City shall break a seal of a meter, provided, however, that the City may grant written permission to approved plumbers in cases of emergency to break a water meter seal.

Wherever a water meter is installed on a water service in the premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such meter, and free access to such meter shall be provided at least twenty-four hours after such notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given. If the meter is covered or lost, he or she shall be required to pay to the City a sum equal to the fair, reasonable market value thereof. The replacement cost thereof is presumed to be its fair reasonable market value.

**13.12.070      Prevention of water waste – Repair cost assessment.**

All persons taking city water shall keep their own pipes, stop cocks and apparatus in good repair and prevent unnecessary waste of water. Should any service pipe, stop cock, boxes or apparatus get out of order, or the stop boxes become covered up so they cannot be seen readily, after expiration of the ten (10) day notice, the city is authorized to repair the same in proper condition charging the cost thereof to the property as a bill for water used.

**13.12.080      Cut off water for repair or other purpose.**

No claims shall be made against the city by reason of breaking of service pipes or cocks, or from damage arising from shutting off water to repair mains, make connections or extensions, or other purpose deemed necessary. The right is reserved to cut off the supply of water at any time, notwithstanding any permit granted to the contrary.

**13.12.100      Unmetered use of water.**

No person shall use city water for sprinkling, fountains or hose who has not his own meter, except by written permission from the city council.

**13.12.110      Defective or leaky pipe lines.**

Defective or leaky pipelines will be cut off until adjustment has been made by the city's authorized representative.

**13.12.130      Inspection of connections – Notice to inspect.**

Upon making connections with water mains and laying of service pipes, they shall be left exposed for inspection by the public works superintendent or other authorized person, and notice must be given promptly that the work is ready for inspection.

**13.12.140      Water meters – Ownership**

A water meter, the property of the municipality, shall be attached to every service pipe at the expense of the municipality, by the city's authorized representative or by any plumber working under his direction.

**13.12.150      Relocation of meter.**

The authorized representative of the city may order the relocation of any meter when same is not located satisfactory to the representative, and shut off the water when owner refuses or neglects to do so after being properly notified to make such change, within ten days from the service of notice. All meters shall be placed easily accessible to meter readers and inspectors and must be kept uncovered. If meters should be inaccessible or covered, the city representative may order the water turned off at expense to the property. The location of the meter shall not be changed without permission of the authorized representative of the city in writing.

**13.12.160      Service pipes to be flushed before meter attached.**

Service pipes must be thoroughly flushed before meters are attached and space left prepared in an approved location for the attachment of meter and conditions.

**13.12.170      Testing meter after attachment.**

When meters are attached to service pipes, at least ten cubic feet of water shall be run through the meter to ascertain working order and reading shown on the returns. Upon customer request, a city representative shall cause a water meter to be tested for accuracy. Should said water meter be found to be in proper working order, the custody shall pay for testing services. Should the water meter fail to be in proper working order, the city shall be responsible for paying for the water test and to average the customer's bill in accordance with Section 13.14.140.

**13.12.190      Water charged to user.**

All water passing through the meter will be charged for whether used or wasted.

**13.12.200      Turning on water – Permission required – Exception.**

Plumbers and others are prohibited from turning on water in any service pipe except by permission of the city's authorized representative. This rule is not to apply to testing pipes.

**13.12.210      Shut off water by plumber – Report.**

Any plumber shutting off water from any property except for a few days' repairs shall report same to the city's representative.

**13.12.215      Private Wells Prohibited.**

Except as hereinafter provided, private wells and water systems shall not be maintained or constructed by any individual or property owner within 100 feet of the city limits or a public water main. Private wells or water systems shall be allowed only if one or more of the following conditions are met:

A.      Pre-existing Well. A private well or water system was in existence prior to October 1, 2005 is allowed if duly registered. Any individual or property owner who has a private well or water system in existence prior to the effective date of this Ordinance must register the private well or water system with the city. The registration shall specify the location, including address and legal description, of the private well or water system, the name and address of the property owner of the well of the private well or water system, the name and address of all persons using the private well or water system, and the address and legal description of all properties serviced by the private well or water system. There shall be no fee for registration of a pre-existing private well or water system.

B.      Shallow Well. A shallow well, sometimes known as a "sand point," will be allowed if used for purposes other than for human consumption.

C.      Monitoring Well. A monitoring well, used for soil and groundwater investigation, will be allowed.

**13.12.220      Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## CHAPTER 13.14

### WATER SERVICE REGULATIONS

#### Sections:

- 13.14.010 Written application by customer required.
- 13.14.020 Compliance with chapter required.
- 13.14.030 Cost responsibility of municipality and customer.
- 13.14.040 Application for service discontinuance for violation.
- 13.14.080 Fees and regulations after discontinuance for nonpayment of bills.
- 13.14.100 Customer desiring discontinuance of service must give written notice.
- 13.14.110 Meters – Installation and routine maintenance at municipality expense.
- 13.14.130 Removal of structures – Capping of water service line.
- 13.14.140 Bases for determining charge when no meter reading.
- 13.14.150 Conditions of water supply for building or construction purposes.
- 13.14.160 Service interruption to be minimal – Advance notification if possible.
- 13.14.170 Municipality nonliability for claims and damages.
- 13.14.180 Check valves and vacuum valves required for boilers or pressure vessels.
- 13.14.190 Premises, services lines and fixtures subject to inspection by authorized employees.
- 13.14.200 Special terms and conditions for municipality or community use.
- 13.14.210 Permit and bond required for uncovering or working on appurtenances of water works - Requirements.
- 13.14.220 Loss or damage of municipality property is responsibility of customer under certain conditions.
- 13.14.230 Sale or gift of water furnished by municipality prohibited.
- 13.14.240 Easement and right-of-way to be granted by customer.
- 13.14.250 Line extensions – Conditions of construction.
- 13.14.260 Right of municipality to refuse service when facilities inadequate.
- 13.14.270 Complaints and appeals.
- 13.14.280 Power of amendment.

**13.14.010 Written application by customer required.**

The property owner or his agent, hereinafter called customer, must make written application for water service at the clerk's office of the municipality, and said application, including service receiving thereunder, is unassignable by the customer.

**13.14.020 Compliance with chapter required.**

All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of waterworks personnel and constructed in accordance with the provisions of this chapter.

**13.14.030 Cost responsibility of municipality and customer.**

The municipality shall install the tap, saddle and corporation stop and the customer shall install and maintain at the customer's expense all other fittings, piping and valves from the city's main to the customer's premises, including a stop and waste cock at the property line, or as close as practicably possible. The minimum earth cover of the customer's service shall be five feet. The municipality shall determine the size and kind of service to be installed.

**13.14.040 Application or service discontinuance for violation.**

Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- A. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water;
- B. Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water;
- C. Resale or giving away of water;
- D. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair;
- E. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others;
- F. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality;
- G. Nonpayment of bills.

**13.14.080 Fees and regulations after discontinuance for non-payment of bills.**

Where the water supply to a customer has been discontinued for nonpayment of delinquent bills, a charge of fifty dollars (\$50.00) will be made for the disconnection of water services. An additional charge of fifty dollars (\$50.00) will be made for reconnection of water services, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid. A fee of forty dollars (\$40.00) shall be charged for dishonored checks, and customers shall be placed on cash only payment after incurring three (3) dishonored checks. Once all delinquent bills and other charges, if any, have been paid, including charges for disconnection and reconnection of water services, the City shall be required to reconnect water services to the premises no sooner than the next business day.

**13.14.100 Customer desiring discontinuance of service must give written notice.**

Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system, otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality.

**13.14.110 Meters – Installation and routine maintenance at municipality expense.**

All meters shall be installed, provided routine maintenance, and renewed by and at the expense of the municipality, and the municipality reserves the right to determine the size and type of meter used. If, however, non-routine maintenance or replacement is required due to a meter freezing or breaking as a result of the homeowner's failure to insulate or protect the meter, the property owner is responsible for reimbursing the municipality for replacement costs.

**13.14.130 Removal of structures – Capping of water service line.**

Any property owner who causes a building or other structure to be destroyed, demolished and removed, where water service has been provided by the city, shall be responsible at the owner's expense, to cap at the main. The capping of the water service line at the main shall be inspected by an authorized representative of the city and should a property owner fail to cause the capping at the main, then and in such event the city may cap the same at the property owner's expense. With city council approval, any property owner may ask for the water to be capped at the curb stop.

**13.14.140 Bases for determining charge when no meter reading.**

Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six months' consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

**13.14.150 Conditions of water supply for building or construction purposes.**

Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being one hundred dollars and the amount to be determined by the municipality, depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

**13.14.160 Service interruption to be minimal – Advance notification if possible.**

The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

**13.14.170 Municipality nonliability for claims and damages.**

The municipality shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary.

**13.14.180 Check valves and vacuum valves required for boilers or pressure vessels.**

Customers having boiler and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice. Customers shall have a mandatory check valve directly after the water meter.

**13.14.190 Premises, service lines and fixtures subject to inspection by authorized employees.**

The premises receiving a supply of water and all service lines, meters and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection by duly authorized employees of the municipality.

**13.14.200 Special terms and conditions for municipality or community use.**

Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc.

**13.14.210 Permit and bond required for uncovering or working on appurtenances of water works - Requirements.**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit. A permit may be issued to a bonded contractor, or to the homeowner in limited circumstances set forth in subsection E. below. A tapping fee of \$100.00 shall be submitted with the permit application in addition to the application fee.
- B. Before such a permit may be issued, the person applying for such permit shall:
  - 1. Have executed unto the municipality and deposited with the clerk a corporation surety in the minimum sum of ten thousand dollars (\$10,000.00) conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any ordinances pertaining to plumbing, waterworks or appurtenances. This bond shall state that the person will indemnify and save harmless the municipality and the owner of the premises against all damages, costs, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, waterworks or appurtenances as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of a minimum of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration, and
  - 2. All persons applying for a permit shall first submit to the City a certificate of insurance for liability, bodily injury, and property damage, satisfactory to the City in the amount of \$300,000.00 for each person bodily injury and \$1,000,000.00 per occurrence of or aggregate limit or \$1,000,000.00

combined single limit, and which must include excavation coverage. The permittee further agrees to indemnify the City for and to hold the City harmless from any damages that may result from any such excavation, directly or indirectly, also conditioned that the applicant will comply with this Code and all ordinances and resolutions relating to excavations.

- C. There shall be two classes of permit applications; one for residential service, and the second for commercial and industrial service. In either case, the owner or his agent shall make application. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of forty dollars for a residential service connection and forty dollars for a commercial or industrial service connection shall be paid to the municipality at the time the permit application is filed.
- D. Service lines and appurtenances shall be constructed in accordance with the State Plumbing Code

**13.14.220 Loss or damages of municipality property is responsibility of customer under certain conditions.**

If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of his household, his agent or employee, the cost of necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer.

**13.14.230 Sale or gift of water furnished by municipality prohibited.**

Water furnished by the municipality may be used for domestic consumption by the customer, member of his household, and employees only. The customer shall not sell or give the water to any other person.

**13.14.240 Easement and right-of-way to be granted by customer.**

Each customer shall grant or convey, or shall cause to be granted or conveyed, to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

**13.14.250 Line extensions – Conditions of construction.**

The municipality will construct extensions to its water lines to points within its service area but the municipality shall not be required to make such installations unless the customer pays to the municipality the entire cost of the installation.

- A. All line extensions shall be evidenced by a contract signed by the municipality and the person advancing funds for said extensions.
- B. If refund of the advance is to be made, the following method shall apply: twenty percent of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

- C. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title or interest therein.

**13.14.260 Right of municipality to refuse service when facilities inadequate.**

The municipality may refuse service to persons, not presently customers, when in the opinion of the municipality the capacity of the facilities will not permit such service.

**13.14.270 Complaints and appeals.**

Complaints may be made to the operator of the system and may be appealed to the council within ten days.

**13.14.280 Power of amendment.**

These rules may be changed or amended.

**13.14.300 Unauthorized use of water and other violations.**

- A. Unauthorized water use at any location for any purpose, without prior authorization of the City Council, shall be billed at the usual water service rates set by the City Council; See Code §§ 13.16.050 and 13.14.140. In addition, continued usage of water under any circumstances after a customer has been notified of discontinuance of service by the City for any reason shall constitute a theft of city services, punishable either as a simple misdemeanor or municipal infraction.
- B. In addition to the remedies previously set forth in this chapter or elsewhere in this Code, a violation of this chapter is a simple misdemeanor. A violation of this chapter is also a municipal infraction and the relief requested from the court may include injunctive relief.

## CHAPTER 13.15

### WATER SERVICE RATES, CHARGES AND REVENUE REGULATIONS

#### Sections:

13.15.010	Water service application – Filing requirements and fee.
13.15.020	Owner of premises liable – Deposit required from tenants.
13.15.040	Bills – Payment and delinquency.
13.15.050	City to read meters.
13.15.060	Disposition of revenues and moneys in waterworks fund account.
13.15.070	Record keeping.

#### **13.15.010      Water service applications – Filing requirements and fee.**

Applications for water service shall be filed with the council upon a form to be supplied by the municipality. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the water system shall be accompanied by a fee of one hundred dollars (\$100.00) payable to the municipality for the connection charge. The fee shall be applied towards the final bill. Any fee remaining shall not be returned until service is disconnected.

#### **13.15.020      Owner of premises liable – Deposit required from tenants.**

The owner of the premises served and the occupant thereof and the user of the water service shall be jointly and severally liable for the water service provided said premises.

#### **13.15.040      Bills – Payment and delinquency.**

Users of the municipal water system shall be billed for purposes of paying monthly water bill. The city shall read the customer water meter each month and the user must pay for water usage to the city clerk or an authorized collection agent for the city on or before the tenth day of the month. If any charge for the services of the system is not paid by the tenth day of the month in which it becomes due and payable, a penalty of twenty percent shall be added to the water use charge and if not paid ten days after notice is mailed, service may be disconnected. Any notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing at City Hall of the municipality and the municipality shall not otherwise be responsible for delivery of any notice not will a customer be excused from nonpayment or from any performance required in said notice.

#### **13.15.050      City to read meters.**

The city through its authorized representatives, shall cause each water meter being serviced by the municipal water system, to be read monthly, to verify that all customer readings being received from the customers of the municipal water system are being reported accurately. In the event that it is found that a user or users of the municipal water system are inaccurately reporting water usage or purposely failing to report accurate water usage to the city, the city council may, in its discretion, terminate water service unto a customer.

**13.15.060      Disposition of revenues and moneys in waterworks fund account.**

All revenues and moneys derived from the operation of the water system shall be paid to and held by the municipality separate and apart from all other funds of the municipality and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the municipality, shall be deposited in a separate fund designated the "waterworks fund account" and said council shall administer said fund in every respect in a manner provided by the Code of Iowa and all other laws pertaining thereto.

**13.15.070      Record keeping.**

The municipality shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water system and at regular annual intervals to the council shall cause to be made an audit by an independent audit concern of the books to show the receipts and disbursements of the water system.

**CHAPTER 13.16**

**WATER RATES**

**Sections:**

- 13.16.040      Deposit for service.
- 13.16.050      Water service rates designated.

**13.16.040      Deposit for service.**

All applications for water service from the city, received by customers, shall be accompanied by a deposit of one hundred dollars for residents and commercial property, and the deposit sum may be increased at the discretion of the city clerk for commercial property to an amount not to exceed three months estimated monthly consumption of water. Such deposit shall be held by the city as a meter deposit and guaranty of prompt payment of all charges for water service from the consumer. Said deposit shall not bear interest. All such deposits received shall be held by the city as security for the payment of water service charges by the consumer. In all events, a refund shall be made when the consumer ceases to be a water service customer of the city and the deposit shall be returned to the consumer less any sums due for water service from the consumer due unto the city after service has been disconnected.

**13.16.050      Water service rates designated.**

- A.      Charges for water service effective for all water meters of the city on and after January 10, 2023, shall be as follows:

<b><u>Rate of Use</u></b>	<b><u>Charge</u></b>
First 1000 gallons	\$15.50 per month (minimum monthly charge)
Over 1000 gallons	\$10.00 per 1000 gallons per month

- B.      The charge for bulk delivery of water by the city to customer’s receptacles or tanks shall be ten dollars and fifty cents (\$15.50) for each 1000 gallons.
- C.      Charges for water service usage to users of the municipal water system become due and payable on the first day of the month, and become delinquent after the tenth day of the month, at which time a penalty of twenty percent shall become due and payable, and if charges for water usage are not paid by the twentieth day of the month, service may be disconnected without notice to the consumer or user of the municipal water system.

- D.      Beginning with the water readings billed after January 10, 2023, and annually thereafter, the water rates shall include an automatic inflationary rate adjustment factor. Such factor shall be calculated as the greater of 2% or the change in the current Consumer Price Index (CPI-U- Midwest Calculation Chart) {Ordinance 376}

## Chapter 13.18

### Sanitary Sewer Service

#### PUBLIC SEWERS – GENERALLY

##### I. PUBLIC SEWERS – GENERALLY

- 13.18.010 Definitions.
- 13.18.020 Unlawful deposit of sewage or industrial waste prohibited.
- 13.18.030 Discharge of pollutants into natural outlet – Restricted.
- 13.18.040 Privy, privy vault, septic tanks – General prohibition.
- 13.18.050 Toilet facilities – Construction, connection to public sewer required.
- 13.18.060 Construction and maintenance responsibilities – General designation.
- 13.18.070 Private sewage disposal system – Permitted when.
- 13.18.080 Private sewage disposal system – Abandonment of facilities.
- 13.18.090 Private sewage disposal system – Maintenance.
- 13.18.100 Private sewage disposal system – Provisions nonexclusive.
- 13.18.110 Discharge of specified substances into sanitary sewer prohibited.
- 13.18.120 Discharge of substances obstructing or interfering with sewer function prohibited.
- 13.18.130 Service disconnection – Grounds.
- 13.18.140 Regulation of discharges into public sewers – Authority designated.
- 13.18.150 Grease, oil and sand interceptors – Requirement specified.

##### II. BUILDING SEWERS AND CONNECTIONS

- 13.18.160 Waste water testing – Control manhole.
- 13.18.170 Permit and bond required for uncovering or working on appurtenances of Sewer System – Requirements.
- 13.18.180 Permits – Classifications – Fees.
- 13.18.190 Liability and expense responsibility designated.
- 13.18.191 Removal of Structures – Capping of Sewer Service
- 13.18.200 Separate sewers required for separate building – Exception.
- 13.18.210 Connections of old sewers to new buildings.
- 13.18.220 Construction – Material specifications.
- 13.18.230 Construction – Joint specifications.
- 13.18.240 Construction – Size and slope.
- 13.18.250 Construction – Excavation – Depth of pipe.
- 13.18.260 Specifications for building drains too low to permit gravity flow to public sewers.
- 13.18.270 Connection to public sewer – Y branch designated.
- 13.18.280 Construction – Inspection and connection.
- 13.18.290 Construction – Excavations require barricades and lights.
- 13.18.300 City not liable for damage caused by utility.
- 13.18.310 Right of entry to inspect premises receiving sewage service.

**Sections:** (Continued)

##### III. ADMINISTRATION AND ENFORCEMENT

13.18.320	Vandalism of municipal property unlawful.
13.18.330	Right of entry to inspect – Authority assigned.
13.18.370	Interruption of service.
13.18.380	Violation – Penalty

**13.18.010     Definitions.**

Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

- A.     “*Building drain*” means that part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- B.     “*Industrial waste*” means the liquid wastes from industrial processes as distinct from sanitary sewage.
- C.     “*Inspector*” means any person or persons duly authorized by the city council to inspect and approve the installation of building sewers and their connection to the public sewer system.
- D.     “*Person*” means any individual firm, company, association, society, corporation or group.
- E.     “*Sewage*” means a combination of the water carried wastes from residence, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
- F.     “*Sewage works*” means all facilities for collection, pumping, treating, and disposing of sewage.
- G.     “*Sewer*” means a pipe or conduit for carrying sewage.
- H.     “*Sewer, building*” means the extension from the building drain to the public sewer or other place of disposal.
- I.     “*Sewer, combined*” means a sewer receiving both surface runoff and sewage.
- J.     “*Sewer, public*” means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- K.     “*Sewer, sanitary*” means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- L.     “*Shall*” is mandatory. “*May*” is permissive.
- M.     “*Superintendent*” means the superintendent of the municipal sewage works of the city, or his authorized deputy, agent or representative, as designated by the city council.

**13.18.020                    Unlawful deposit of sewage or industrial waste prohibited.**

It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

**13.18.030                    Discharge of pollutants into natural outlet – Restricted.**

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

**13.18.040                    Privy, privy vault, septic tanks – General prohibition.**

Except as provided in this chapter, it is unlawful to construct or maintain and privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

**13.18.050                    Toilet facilities – Construction, connection to public sewer required.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within three hundred sixty days (360) after date of official notice to do so; provided that said public sewer is within one hundred feet of the property line. Billing for sanitary sewer service will begin the date of official notice to connect to public sewer.

**13.18.060                    Construction and maintenance responsibilities – General designation.**

The municipality shall install and maintain at its expense all public (sanitary) sewers and the customer shall maintain at his expense the building sewer extending to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the municipality, but in no event shall the diameter be less than four inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

**13.18.070                    Private sewage disposal system – Permitted when.**

Where a public sanitary or combined sewer is not available under the provisions of Section 13.18.050, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the Iowa State Board of Health.

**13.18.080                    Private sewage disposal system – Abandonment of facilities.**

At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 13.18.050, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and rendered unusable.

**13.18.090**      **Private sewage disposal system – Maintenance.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

**13.18.100      Private sewage disposal system – Provisions nonexclusive.**

No statement contained in Sections 13.18.070 through 13.18.090 shall be construed to interfere with any additional requirements that may be imposed by the Iowa State Department of Health. Properties with private sewage systems are subject to the Iowa Code and Iowa Administrative Code and any rules of the Iowa Department of Natural Resources, including inspection and time of transfer requirements. The property owner is responsible for any fees, including inspection or transfer fees, as set forth in the 28E Agreement with Wapello County.

**13.18.110      Discharge of specified substances into sanitary sewer prohibited.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, foundation drainage, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

**13.18.120      Discharge of substances obstructing or interfering with sewer function prohibited.**

No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

**13.18.130      Service disconnection – Grounds.**

Applications may be cancelled and/or sewer serviced discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- A.      Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system;

- B. Nonpayment of bills;
- C. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

**13.18.140 Regulation of discharges into public sewers – Authority designated.**

The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the Iowa State Department of Health. No construction of such facilities shall be commenced until approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**13.18.150 Grease, oil and sand interceptors – Requirement specified.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

**II. BUILDING SEWERS AND CONNECTIONS**

**13.18.160 Waste water testing – Control manhole.**

When required by the public works superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with “Standard Methods for the Examination of Water and Sewage,” and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

**13.18.170 Permit and bond required for uncovering or working on appurtenances of Sewer System – Requirements.**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit. A permit may be issued to a bonded contractor, or to the homeowner in limited circumstances set forth in subsection E. below. A tapping fee of \$100.00 shall be submitted with the permit application in addition to the application fee.
- B. Before such a permit may be issued, the person applying for such permit shall:
  1. Have executed unto the municipality and deposited with the clerk a corporation surety in the minimum sum of ten thousand dollars (\$10,000.00) conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any ordinances pertaining to plumbing, waterworks or appurtenances. This bond shall state that the person will indemnify and save harmless the municipality and the owner of the premises against all damages, costs, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, waterworks or appurtenances as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of a

minimum of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration, and

2. All persons applying for a permit shall first submit to the City a certificate of insurance for liability, bodily injury, and property damage, satisfactory to the City in the amount of \$300,000.00 for each person bodily injury and \$1, 000, 000. 00 per occurrence of or aggregate limit or \$1, 000, 000. 00 combined single limit, and which must include excavation coverage. The permittee further agrees to indemnify the City for and to hold the City harmless from any damages that may result from any such excavation, directly or indirectly, also conditioned that the applicant will comply with this Code and all ordinances and resolutions relating to excavations.
- C. There shall be two classes of permit applications; one for residential service, and the second for commercial and industrial service. In either case, the owner or his agent shall make application. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of forty dollars for a residential service connection and forty dollars for a commercial or industrial service connection shall be paid to the municipality at the time the permit application is filed.
  - D. Service lines and appurtenances shall be constructed in according with the State Plumbing Code.

**13.18.180 Permits – Classification – Fees.**

There shall be two classes of building sewer permits:

- A. For residential service;
- B. For service to establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the city clerk. The permit applications shall be supplemented by any specifications or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of forty dollars for a residential or commercial building sewer permit and forty dollars for industrial building sewer permit shall be paid to the city clerk at the time the application is filed.

**13.18.190 Liability and expense responsibility designated.**

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation. A property owner shall, upon the destruction and removal of a dwelling or other building which has been served by city sewer, disconnect the building sewer service line from the city sewer main at the sewer main, and cap the same. All such work shall be inspected and approved by an authorized representative of the city and all costs of removing the sewer line and capping the same shall be borne by the property owner and should the property owner fail to perform removal of the service lines, the same may be done by the city and the costs thereof charged to the property owner.

**13.18.191 Removal of Structures – Capping of Sewer Service**

Any property owner who causes a building or other structure to be destroyed, demolished and removed, where water service has been provided by the city, shall be responsible at the owner's expense, to cap at the main. The capping of the sewer service line at the main shall be inspected by an authorized representative of the city and should a property owner fail to cause the capping at the main, then and in such event the city may cap the same at the property owner's expense. With city council approval, any property owner may ask for the sewer to be capped at the clean out.

**13.18.200 Separate sewers required for separate building – Exception.**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an

adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the city council upon recommendation from the superintendent.

**13.18.210 Connection of old sewers to new buildings.**

Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this chapter.

**13.18.220 Construction – Material specifications.** The building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength clay sewer pipe, asbestos cement, plastic P.V.C. pipe and fittings meeting the current A.S.T.M. specifications (Schedule 40), extra heavy cast iron soil pipe meeting the current A.S.T.M. specifications or the Department of Commerce commercial standards for extra heavy cast iron soil pipe and fittings or concrete sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength concrete sewer pipe. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or concrete pipe may be accepted if laid on a suitable improved bed or cradle as approved by the inspector. D2665 or D1785 pressure pipe meet A.S.T.M. specifications.

**13.18.230 Construction – Joint specifications.**

All joints and connections shall be made gastight and watertight. Vitrified clay sewer pipe shall be fitted with factory made resilient compression joints meeting the A.S.T.M. “Specifications for Vitrified Clay Pipe Joints Having Resilient Properties” (designation C425). Concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specifications for vitrified clay pipe.

**13.18.240 Construction – Size and slope.**

The size and slope of the building sewers shall be subject to the approval of the inspector, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot. A slope of one-fourth inch per foot shall be used wherever practical.

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead, well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved. Joints for cast iron soil pipe may also be of an acceptable compression type.

Asbestos cement pipe joints shall be made with sleeves and rubber sealing rings. Plastic P.V.C. pipe joints shall be made with sleeves and/or rubber sealing rings.

**13.18.250 Construction – Excavation – Depth of pipe.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. No backfill shall be placed until the work has been inspected by the inspector or his representative. Backfill for the drivable portion of the street, alley and sidewalk shall be sand up to 12 inches from the top.

**13.18.260 Specifications for building drains too low to permit gravity flow to public sewers**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated

sewage ejector shall be used.

**13.18.270 Connection to public sewer – Y branch designated.**

The connection of the building sewer into the public sewer shall be made at the “Y” branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated “Y” branch in the main sewer shall be made only as directed by the inspector.

**13.18.280 Construction – Inspection and connection.**

The applicant for the building sewer shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative.

**13.18.290 Construction – Excavations require barricades and lights.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the building from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the inspector.

**13.18.300 City not liable for damage caused by utility.**

The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

**13.18.310 Right of entry to inspect premises receiving sewage service.**

The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the municipality.

**III. ADMINISTRATION AND ENFORCEMENT**

**13.18.320 Vandalism of municipal property unlawful.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or other appropriate law or ordinance of the city or the state.

**13.18.330 Right of entry to inspect – Authority assigned.**

The superintendent, inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

**13.18.370 Interruption of service.**

The municipality shall make all reasonable efforts to eliminate interruption of service. When such interruption occurs, the city will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

**13.18.380 Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## CHAPTER 13.24

### SEWER RENTALS<sup>73</sup>

#### Sections:

13.24.010	Purpose.
13.24.020	Sewer district created.
13.24.030	Sewer system defined.
13.24.040	Persons served to pay.
13.24.050	Rate of sewer use charge.
13.24.060	Method of payment.
13.24.070	Private water systems.
13.24.080	Special rates.
13.24.090	Nonpayment – Lien – Suspension of service.

#### **13.24.010**     **Purpose.**

The purpose of this chapter is to collect from all users of the city sewer system the cost in whole or in part of constructing and maintaining the main sewers and sewage treatment plant in proportion to the service provided to each user.

#### **13.24.020**     **Sewer district created.**

One sewer district is created which includes all of the city.

#### **13.24.030**     **Sewer system defined.**

For use within this chapter, “*sewer system*” includes main sewers, sewage pumping stations, treatment and disposal of plants, lateral sewers, drainage conduits or channels and sewer connections in public streets for private property.

#### **13.24.040**     **Persons served to pay.**

Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the city sewer system shall pay rent to the city at the rate and in the manner provided in Sections 13.24.050.

#### **13.24.050**     **Rate of sewer use charge.**

The rate of sewer use charge for users of the city sewer system on and after June 30, 2023, shall be a minimum monthly billing of \$28.46 for 1,000 gallons of water usage as billed on the water bill and an additional charge of \$6.70 for each additional 1,000 gallons of water used for each premises within the sewer district created in Section 13.24.020, and a minimum monthly bill of \$17.00 for 1,000 gallons of water used and \$4.00 for each additional 1,000 gallons of water used for premises.

The rate of sewer use charge for users of the city sewer system on and after June 30, 2022, shall be a minimum monthly billing of \$27.63 for 1,000 gallons of water usage as billed on the water bill and an additional charge of \$6.50 for each additional 1,000 gallons of water used.

Beginning with the meter readings billed after June 30, 2023 and annually thereafter, the sewer rates shall include and automatic inflationary rate adjustment factor. Such factor shall be calculated as the greater of 2% or the change in the current Consumer Price Index {CPI-U} – Midwest Calculation Chart.

#### **24.060**     **Method of payment.**

- A. Users of the municipal sewer system shall be billed for purposes of paying monthly sewer bill. Users of the municipal sewer system of the municipality, shall be billed for municipal sewer usage, as a percentage of water service as provided in Section 13.24.050. The city shall read the customer water meter each month and the user must pay for sewer usage to the city clerk or an authorized collection agent for the city on or before the tenth day of the month. If any charge for the services of the system is not paid by the tenth day of the month in which it becomes due and payable, a penalty of twenty percent shall be added to the sewer use charge and if not paid ten days after notice is mailed, service may be disconnected. Any notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing at City Hall of the municipality and the municipality shall not otherwise be responsible for delivery of any notice not will a customer be excused from nonpayment or from any performance required in said notice.
- B. Where the water and/or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the municipality reserves the right to request that sum be placed on deposit with the municipality for the purpose of establishing or maintaining a customer's credit. Reconnection will not be made until all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid in full. Such deposit shall be held by the city as a deposit guaranty of prompt payment of all charges and shall not bear interest. All such deposits shall be held as the security for the payment of sewer charges by the consumer. In all events, a refund shall be made when the consumer ceases to be a sewer use customer of the city and the deposit shall be returned to the consumer less any sums due for sewer use from the consumer due unto the city.

**13.24.070**      **Private water systems.**

All sewer users of the city who have and maintain private water systems, shall cause said private water systems to be metered at the consumer's expense. All charges for sewer service shall be based upon the amount of water metered and used by the consumer, and shall be reported monthly to the city and the charges for such sewer use paid as provided in Sections 13.24.050 and 13.24.060.

**13.24.080**      **Special rates.**

Where, in the judgment of the city council, special conditions exist that would make the application of the basic sewer rental inequitable or unfair to either the city or the sewer user, a special rate may be established by the city. Such rates shall be subject to approval by resolution of the city council.

Special rates shall be established in the same way for all sewer users under like situations and shall take into account the quantity of sewage and its strength, concentration and river pollution qualities in general.

Whenever sewer users desire special rates, they shall at their own expense supply the information required by the council to establish special rates. Whenever the city desires to establish special rates, the sewer user shall cooperate with the city in obtaining the necessary information at the expense of the city.

**13.24.090      Nonpayment – Lien – Suspension of service.**

The amount of rent charged shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due.

Water or sewerage service, or both, to the property for which rent has not been paid may be suspended until that payment is made.

## Chapter 13.25

### Sections:

13.25.010	Purpose.
13.25.020	Out of Designated Sewer district created.
13.25.030	Out of Designated Sewer system defined.
13.25.040	Persons served to pay.
13.25.050	Rate of sewer use charge.
13.25.060	Sewer Meter.
13.25.070	Method of Payment.
13.25.080	Nonpayment – Lien – Suspension of service.

#### **13.25.010**      **Purpose.**

The purpose of this chapter is to collect from all users of the sewer system the cost in whole or in part of constructing and maintaining the main sewers and sewage treatment plant in proportion to the service provided to each user.

#### **13.25.020**      **Out of Designated Sewer district created.**

A sewer district is created which includes users outside of city limits.

#### **13.25.030**      **Sewer system defined.**

For use within this chapter, “*sewer system*” includes main sewers, sewage pumping stations, treatment and disposal of plants, lateral sewers, drainage conduits or channels and sewer connections in public streets for private property.

#### **13.25.040**      **Persons served to pay.**

Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the city sewer system shall pay rent to the city at the rate and in the manner provided in Sections 13.25.050.

#### **13.25.050**      **Rate of sewer use charge.**

The rate of sewer use charge for users of city sewer system on and after July 1, 2022, shall be a minimum monthly billing of \$82.89 for 1,000 gallons of usage as billed on the sewer bill and an additional charge of \$19.50 for each additional 1,000 gallons of sewer used for each premises within the sewer district created in Section 13.25.020.

Beginning with the meter reading billed after June 30, 2023, and annually thereafter, the sewer rates shall include an automatic rate adjustment factor. Such factor shall be calculated as the greater of 2% or the change in the current Customer Price Index {CPI-U – Midwest Calculation}.

#### **13.25.060**      **Sewer Meter**

Hereafter, all sewer customers of the city shall have their sewer metered through a meter. Equipment may be purchased from the city, at the actual cost thereof plus thirty percent. All installations must be approved by an authorized representative of the city.

#### **13.25.070**      **Method of payment.**

A. Users of the municipal sewer system shall be billed for purposes of paying a monthly sewer bill. Users of the municipal sewer system of the municipality, shall be billed for municipal sewer usage. The city shall read the customer sewer meter each month and the user must pay for sewer usage to the city clerk or an authorized collection agent for the city on or before the tenth day of the month. If any charge for the services of the system is not paid by the tenth day of the month in which it becomes due and payable, a penalty of twenty percent shall be added to the sewer use charge and if not paid ten days after notice is mailed, service may be disconnected. Any notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing at City Hall of the municipality and the municipality shall not otherwise be responsible for delivery of any notice not will a customer be excused from nonpayment or from any performance required in said notice.

B. Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the municipality reserves the right to request that sum be placed on deposit with the municipality for the purpose of establishing or maintaining a customer's credit. Reconnection will not be made until all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid in full. Such deposit shall be held by the city as a deposit guaranty of prompt payment of all charges and shall not bear interest. All such deposits shall be held as the security for the payment of sewer charges by the consumer. In all events, a refund shall be made when the consumer ceases to be a sewer use customer of the city and the deposit shall be returned to the consumer less any sums due for sewer use from the consumer due unto the city.

**13.25.080      Nonpayment – Lien – Suspension of service.**

The amount of rent charged shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due.

Sewer service to the property for which rent has not been paid may be suspended until that payment is made

**CHAPTER 13.28**

**NATIONAL ELECTRIC CODE<sup>74</sup>**

**Sections:**

- |           |  |
|-----------|--|
| 13.28.010 | Purpose.                                   |
| 13.28.020 | Conformance with National Electrical Code. |
| 13.28.030 | Inspection.                                |

**13.28.010      Purpose.**

The purpose of this chapter is to provide for the adoption of the National Electrical Safety Code for the installation of electric services in the city, and to protect the health, safety and welfare which would otherwise result from the uncontrolled installation of electrical services and to provide for the final disposition of electric funds.

**13.28.020      Conformance with National Electrical Code.**

All electrical installations shall be in accordance with the National Electrical Code, issued by the National Board of Fire Underwriters, as now or hereafter adopted, any copy of the same is on file in the office of the clerk, and no installation of electric equipment or wiring shall be made in the city except in conformance thereto.

**13.28.030      Inspection.**

The mayor or an authorized representative of the city may inspect electric service wire, electric fixtures, and electrical installation for conformance to the National Electrical Code and unless the same does not comply, changes for compliance shall be so ordered. Such inspector shall have free access to any premises or buildings at all reasonable times to inspect the wiring and fixtures to see that they are in proper condition.

---

4 <sup>74</sup>For statutory provisions authorizing cities and towns to sell the products of electric light or power plants, see ICA §384.84.

## CHAPTER 13.32

### STORM SEWER RENTALS<sup>75</sup>

#### **Sections:**

13.32.010	Purpose.
13.32.020	Storm water drainage system.
13.32.030	Sewer water drainage system defined.
13.32.040	Persons served to pay.
13.32.050	Rate of sewer use charge.
13.32.060	Method of payment.
13.32.070	Special rates.
13.32.080	Nonpayment – Lien – Suspension of service.

#### **13.32.010 Purpose.**

The purpose of this chapter is to collect for the city storm sewer drainage system the cost in whole or in part of constructing, operating, and maintaining the main sewers and appurtenances thereto.

#### **13.32.020 Storm water drainage system.**

One storm water drainage system is created which includes all of the city.

#### **13.32.030 Sewer water drainage system defined.**

For use within this chapter, “*sewer water drainage system*” includes main sewers, pumping stations, lateral sewers, drainage conduits or channels and sewer connections in public streets for drainage of surface waters.

#### **13.32.040 Persons served to pay.**

Every person, firm or corporation whose premises are in the city limits and now or hereafter are directly or indirectly served by a connection to the city sewer system or who are City water customers shall pay rent to the city at the rate and in the manner provided in Sections 13.32.050 and 13.32.060.

#### **13.32.050 Rate of storm sewer use charge.**

The rate of storm sewer use charge for users of the city sanitary sewer system or water system shall be three dollars each month.

**13.32.060**      **Method of payment.**

- A.      The office of the city clerk is authorized and directed to bill for the storm sewer use charges and collect for such charges in the same manner as water and sanitary sewer charges.
  
- B.      Where the water and/or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the municipality reserves the right to request that sum be placed on deposit with the municipality for the purpose of establishing or maintaining a customer's credit. Reconnection will not be made until all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid in full. Such deposit shall be held by the city as a deposit guaranty of prompt payment of all charges and shall not bear interest. All such deposits shall be held as the security for the payment of sewer charges by the consumer and a refund may be made at any time in the sole discretion of the city. In all events, a refund shall be made when the consumer ceases to be a sewer use customer of the city and the deposit shall be returned to the consumer less any sums due for sewer use from the consumer due unto the city.

**13.32.070**      **Special rates.**

Where, in the judgment of the city council special conditions exist that would make the application of the basic storm sewer rental inequitable or unfair to either the city or the sewer user, a special rate may be established by the city. Such rates shall be subject to approval by resolution of the city council.

Whenever sewer users desire special rates, they shall at their own expense supply the information required by the council to establish special rates. Whenever the city desires to establish special rates, the sewer user shall cooperate with the city in obtaining the necessary information at the expense of the city.

**13.32.080**      **Nonpayment – Lien – Suspension of service.**

The amount of rent charged shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due.

Water or sewerage service, or both, to the property for which rent has not been paid may be suspended until that payment is made.

## Electric Connection

### Sections:

- 13.33.010 Mandatory Water Connection.
- 13.33.020 One house per connection
- 13.33.030 Violation – Penalty.

### **13.33.010**     **Mandatory Electric Connection.**

All residences and business establishments within the city limits intended or used for human habitation, occupancy, or consumes water shall be connected to the electric supply provided by the City of Eldon's Franchise Agreement Holder. The owner of the residence or business establishment must make the connection at the owner's expense.

### **13.33.020**     **One house per connection**

No more than one house shall be supplied from one connection except by permission from the council.

### **13.33.030**     **Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

