

CITY OF ROBERTS  
ORDNANCE NO. 521  
WATER ORDINANCE

AN ORDINANCE RELATING TO THE WATER SYSTEM OF THE CITY OF ROBERTS, IDAHO; DECLARING ITS PURPOSE TO BE TO PROTECT AND IMPROVE THE PUBLIC HEALTH OF ITS CITIZENS; REQUIRING MANDATORY CONNECTION TO THE WATER SYSTEM, ESTABLISHING USER RATES, ESTABLISHING CONNECTION FEES, ESTABLISHING RULES FOR CONNECTION, ESTABLISHING RATES AND PROCEDURES FOR THE COLLECTION OF DELINQUENT ACCOUNTS OR DISCONTINUANCE OF WATER SERVICE IN THE EVENT OF DELINQUENCY; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; SETTING FORTH THE MANNER IN WHICH ITS PROVISIONS SHALL BE ENFORCED; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE PUBLICATION OF A SUMMARY HEREOF, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Roberts, Idaho, the "City" herein, under and pursuant to the powers vested in it by Idaho Code, in order to promote the public health and welfare, deems it necessary to make and place into effect certain rules and regulations to provide efficient service of the public water system of the City; and

WHEREAS, the City, pursuant to Idaho Code, has the power to prescribe and collect rates, fees; tolls or charges for the use of the public water system of the City, and it is necessary and expedient that such rates, fees, tolls, or charges be established to provide for the repayment of City indebtedness for the construction and installation of the system and for its efficient maintenance and operation, and in establishing such rates and charges the City has taken into account the cost and value of the system, operation and maintenance expenses, possible delinquencies, proper allowance for depreciation, contingencies and any amounts necessary to retire all bonds payable from net revenues and the reserve therefor, and

WHEREAS, the City deems it necessary to protect and improve the public health and general welfare of the citizens of the City to require mandatory connection of homes or other facilities within the City to the public water system, and the City has the power to require such mandatory connection, and

WHEREAS, the exercise of all such powers vested in the City is appropriately exercised by the passage of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROBERTS, IDAHO:

SECTION 1. Rules and Regulations.

(1) Short title. This ordinance shall be known as "Rates, Rules, and Regulations for the Operation of the Water System of the City of Roberts, Jefferson County, Idaho", and may be so cited and pleaded.

(2) Scope. The City and all customers receiving services from the City are bound by these rules and regulations of the City of Roberts.

SECTION 2. Definitions of General Terms.

(1) City. Whenever the word "City" is used, it shall mean the legally constituted municipal government of the City of Roberts, Jefferson County, Idaho.

(2) City Council. Whenever the words "City Council" are used, they shall mean the legally elected group of members composing the City Council, including the Mayor, of the City of Roberts, Idaho.

(3) Superintendent. Whenever the word "Superintendent" is used, it shall mean the person appointed by the City Council to superintend the affairs of the City. If not so appointed then the public works director.

(4) Applicant. Whenever the word "applicant" is used, it shall mean the person or persons, firm or corporation, making application for water service from the City under the terms of these regulations.

(5) Customer or user. Whenever the words "customer" or "user" are used, it shall mean the owner of a residence, building, or structure who has made application and who has been accepted under the terms of these regulations and who receives water service from the City. The term "customer" or "user" shall not include tenants as it shall be the owner's responsibility to apply for service and to pay for service.

(6) Single Family Dwelling: A building designed for or occupied by one family for living or sleeping purposes, and having kitchen or cooking facilities.

(7) Duplex: A building designed, built, rented, or leased for occupancy by two (2) families living independently of each other.

(8) Multi-Family Dwelling or Apartment House: Any building or portion thereof which is designed, built, rented, leased, lent, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families or persons living independently of each other and doing their own cooking within the premises, which shall include townhouses or condominiums.

(9) Trailer House or Mobile Home: a detached single-family dwelling unit used or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

(10) Auto Court, Motor Court, Travel Trailer Court, Motel, Hotel, etc.: The combination of group of two (2) or more dwelling units occupying a building site or area under one owner-ship, used for the purpose of furnishing transient living accommodations.

(11) For the purposes of this ordinance, the term cash includes not only currency, but cashiers check, money order, certified check and debit card if accepted by the City.

### SECTION 3. Service Area and Connection Requirement.

(1) Service Area. The area serviced by the City shall be all that area included within the corporate limits of the City of Roberts.

(2) Connection to water system required. Every parcel of land or premises within the boundaries of the City of Roberts, improved by new construction for occupancy and occupied or used by any person or persons, or as a commercial business, shall be connected to the public water system. The owner or person in charge of such land shall make or cause to be made, such connection within sixty (60) days after receiving official notice from the City to so connect. All charges associated with the laying of pipe from the home or facilities to be served by the City's mains shall be properly designed and constructed in conformity with requirements specified by the City. If a parcel of land is not within 300 feet of a water main, connection is optional.

#### SECTION 4. Description of Service.

(1) Supply. The City will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.

The City shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the City for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(2) Quality. The City will exercise reasonable diligence to supply safe and potable water at all times.

(3) Ownership of System. All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines", as defined in Section 7, subsection (1) herein, shall be the property of the City of Roberts.

(4) Classes of Service. The classes of service shall be Residential, Commercial, Standby Fire, and Contract as follows:

(a) Residential Service. Residential services shall consist of all services for domestic purposes, single family dwellings, homes, and municipal purposes.

(b) Commercial Service. Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings.

(c) Standby Fire. Standby fire service shall consist of those services where water is available or used for fire protection only.

(d) Contract Service. Contract services shall consist of those services for bulk acquisition, industrial, or independent water district purposes under written contracts authorized by the City Council.

(5) Special Contracts. When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the City Council reserves the right to make special contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules, and regulations. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney and signed by the Mayor and City Clerk of the City of Roberts.

(6) Resale of Water. Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties, or corporation selling the water.

(7) Service Preference. In case of shortage of supply, the City reserves the right to give preferences in the manner of furnishing service to customers and interest of the City from the standing of public convenience or necessity.

#### SECTION 5. Application for Service.

(1) Application form. Each applicant for water service shall sign an application form provided by the City giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which services are to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the City may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the City. The application is merely a written request for service and does not bind the City to serve.

(2) Application Amendments. Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the amount of water used shall give the City written notice of such change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location, or number of services shall fill out an amended application.

#### SECTION 6. Main Extensions.

(1) Within the City limits. Water main extensions to areas within the City limits not presently served with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(2) Locations of extensions. The City will make water main extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the City of Roberts, along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

#### SECTION 7. Services.

(1) Definition. The "service connection" shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke, and meter box. The "customer service line" shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(2) Ownership, installation, and maintenance. The customer shall own, install, and maintain the customer service line. All trenching and laying of the service pipe to be installed as part of the service connection shall be performed exclusively by the applicant, at the applicant's expense, and under such supervision that the City deems appropriate. The applicant shall use materials approved by the City. The City shall connect the "service connection" to the main lines and install the meter box, meter curb stop, and related appurtenances.

After installation of the service connection, the City shall own and maintain the entire service connection. Maintenance shall only be performed by authorized employees of the City.

(3) Service connection charge. At the time the applicant files for service where no service previously existed, he shall submit with his application the service connection charge for water service

and sewer service. This charge is to include a service connection fee plus the actual cost to the City to connect the service to the main and the meter and meter housing and related appurtenances.

The service connection fee (or charge) shall be established by the City Council by Resolution upon passage of this ordinance and be reviewed from time to time and updated by Resolution of the City Council.

(4) Size of service. The City will furnish and connect a service of 3/4 inch in diameter. The applicant may request another size service, provided such requests are reasonable for the applicant's needs. The City shall refuse to connect a service line other than 3/4 inch until the need has been determined by a study and report of the Superintendent to the City Council and the connection is approved by the City Council.

(5) Class of service. A monthly service charge shall be billed for each current hookup connected to the water system with the following exceptions:

(a) Multiple users on one hookup. One (1) monthly service charge will be billed for each occupied single-family dwelling, occupied trailer house, occupied mobile home, and occupied unit of a duplex. The City shall determine the number of premises on one connection and shall also determine the number of monthly service charges to be billed. If the number of premises changes, it shall be entirely the responsibility of the owner to promptly notify the City in writing as to the revised number of premises subject to a monthly service charge. This written notice must be received by the City before the last day of the month in which the change has occurred. The City may obligate the Owner in writing for payment of the bill prior to approving new construction. Multiple users of a single line raise issues relative to termination of service. Failure of the owner to notify the City of any increase in the number of premises shall be deemed a misdemeanor and will further authorize the City to proceed civilly for collection of such arrearages.

(b) Meters hooked to sprinkler systems. Meters hooked to sprinkler systems used only for summer irrigation will be charged by the number of gallons of water used. The base rate will apply to their home meter. Meters will be read before turning on the sprinkler system each spring. Cost for the extra meter will be paid by the homeowner.

(6) Changes in service size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the City for making the change.

(7) Length of service. Where the main is in a public right-of-way, the meter if required will be placed at the right-of-way line nearest the property to be serviced for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way.

Where the main is on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the City, provided the length of service does not exceed thirty feet (30).

If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the City for labor, materials and equipment plus 15 percent.

(8) Joint Service Connections. The City may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the

same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

(9) Number of service connections on premises. The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules, and regulations. However, the owner shall be required to pay for all services.

(10) Standby fire protection service connections.

(a) Purpose. Standby fire protection connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The City may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the State of Idaho.

(b) Charges for service. Charges for standby fire protection service shall be determined by Resolution by City Council upon written request for a standby fire protection connection. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.

(c) Violations of regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the City. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

(11) Fire service connections other than standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

(12) Temporary service connections. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the City. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

(a) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the City.

(b) Charge for water served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(c) Installation charge and deposits. The applicant for temporary service will be required:

1. To pay the City, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.
2. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the City.
3. To deposit with the utility an amount equal to the value of any equipment loaned by the City to such applicant under the terms of Section 7, Subsection 12 (d) hereinafter.

(d) Responsibility for meters and installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the City. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit fund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

(13) Customer's plumbing.

(a) Plumbing code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures, and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the State of Idaho.

(b) Control valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

It shall be a violation of these rules and regulations for the customer to operate, cause, or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

SECTION 8. Meters.

(1) Ownership. The City will own and maintain all water meters. The City will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

(2) Installation. Installation of water meters shall be performed only by authorized employees of the City. All meters shall be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(3) The size and type of meter. Applicant may request and receive any size meter regularly stocked or furnished by the City, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the City. The City reserves the right to determine the type of meter to be installed.

(4) Location of meters. Meters shall normally be placed at the curb or property lines; the meter will be installed by the City. The meters will not be located in driveways or other location where damage to the meter or its related parts may occur.

(5) Joint use of meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.

(6) Changes in size or location. If for any reason a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

#### SECTION 9. Water Charges: Review and Revision of Rates.

(1) Setting, Review, and Revision of Rates. The water user charges shall be established by Resolution by the Council upon the passage of this ordinance. These charges shall be reviewed from time to time and updated by Resolution of the Council, to reflect actual costs of operation, maintenance, replacement, and financing of the water system and their facilities. Any revisions of the user charges shall be based on actual operation, maintenance, replacement, and financing expenses and the total water usage. Revisions due only to changes in expenses and user class shall be made by the City. All changes in user charges applicable to this ordinance shall be computed by the methods outlined herein.

#### SECTION 10. Notices.

(1) Notices to customers. Notices from the City to the customer will normally be given in writing and either mailed or delivered to him at his last known address. Where conditions warrant and in emergencies, the City may notify either by telephone or messenger.

(2) Notices from customer. Notices from the customer to the City may be given by the customer or his authorized representative orally or in writing at the clerk's office in the City Hall or to an agent of the City duly authorized to receive notices or complaints.

#### SECTION 11. Billing and Payments.

(1) Meter readings. Meters will be read and customers billed on the basis of the meter reading to the nearest 1000 gallons.

The City will keep an accurate account on its books of all readings of meters and such account so kept shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

(3) Rendering of bills.



- (a) Billing period. All meters shall be read and bills rendered monthly.
- (b) Bills for other than normal billing period. Opening or closing bills, or bills that for any other reason cover a period containing 10 percent more days or 10 percent fewer days than in the normal billing period shall be prorated.
- (c) Bills for more than one meter. All meters supplying a customer's premises shall be billed separately, except that where the City has for operating purposes installed two or more meters in place of one, the reading may be combined for billing.

(3) Disputed bills. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under subsection (6) of this section.

(4) Failure to read meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for billing purposes for that period shall be estimated.

(5) Payment of bills. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with the City in writing that specify another due date.

(6) Delinquent accounts.

(a) Delinquent notice. A reminder of account delinquency may be sent, at the discretion of the City Clerk, to each delinquent account on or about ten (10) days after the account becomes delinquent.

(b) Late Charges. Ten (10) days after an account becomes delinquent, late charges shall be assessed. Delinquent account late charge shall be established by the Council by Resolution upon the passage of this ordinance and be reviewed from time to time and updated by Resolution of the Council.

(c) Turn-off notice. On or about fifteen (15) days after an account becomes delinquent, a turn-off notice may be sent to the customer. Said notice shall state a date on which water will be turned off if delinquent account is not paid in full prior thereto.

(d) Service turn-off. On the turn-off date, the meter reader or other agent of the City of Roberts shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the City shall immediately thereafter turn off the service. A deliver to the premises served by the meter shall be considered a deliver to the customer.

(e) Service charge. In all instances where water has been turned off because of delinquent accounts, a service charge shall be made for the restoration of services, and replacement of cash deposit as stated in Section 5, subsection (2) herein, will be required. The service charge for restoration of delinquent accounts shall be established by the Council by resolution upon the passage of this ordinance and be reviewed from time to time and updated by Resolution of the Council after consideration of the relative

cost of such efforts.

(7) Installment payment of delinquent accounts. In cases of extreme hardship, the City shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

#### SECTION 12. Meter Error.

(1) Meter accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2 percent under conditions of normal operation.

(2) Meter test.

(a) Standard test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(b) On customer request. A customer may, giving not less than seven days' notice, request the City to test the meter servicing his premises. The City will require the customer to deposit the testing fee. This fee shall be an estimate of the cost of testing the meter as determined by the City. The deposit will be returned to the customer if the test reveals the meter to over register more than 2 percent under the standard test conditions. However if the meter tests within 2 percent accuracy, the deposit shall be retained by the City. Customers may at their option witness any meter tests which they request.

(c) On City request. If, upon comparison of past water usage, it appears that a meter is not registering properly, the City may at its option test the meter and adjust the charges accordingly if the meter either over registers or under registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

(3) Adjustments of bill for meter error.

(a) No credits or debits will be borne by the City or the customer should the tested meter show variance high or low, from the accuracy defined in Section 12, subsection (1).

(b) Non-registering meters. The City will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

#### SECTION 13. Discontinuance of Service.

(1) On customer request. Each customer about to vacate any premises supplied with water service by the City shall give the City written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the City shall receive notice of such removal.

At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(2) Nonpayment of bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section it, subsection (6) of these rules and regulations.

Nonpayment of sewer service charges. If said sewer service charges are not paid when due by any such person, firm, or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the City of Roberts City may be discontinued because of the default in the payment of the sewer service charges.

(4) Improper customer facilities.

(a) Unsafe facilities. The City may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using water are dangerous, unsafe, or not in conformity with the plumbing code of the State of Idaho.

(b) Cross connections. A cross connection is defined as any physical connection between the City's system and another water supply. The Idaho State Health Division and the U.S. Environmental Protection Agency prohibit cross connections.

The City will not permit any cross connection and will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the City on the same premises shall maintain separate systems for each; and the City's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

(5) Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue service if such conditions are not corrected after due notice by the City.

(6) Service detrimental to others. The City may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(7) Fraud or abuse. The City will refuse or discontinue service to any premises where it is deemed necessary to protect the City from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the City that the condition or conditions exist.

(8) Unauthorized turn-on. Where water service has been discontinued for any reason and the

water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the City plus 15 percent overhead. These charges shall be billed to the offending customer, and water shall not be furnished to the premises or customer until such charges are paid and the City has reasonable assurance that the violation will not re-occur.

(9) Noncompliance with regulations. The City may, upon five days notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

#### SECTION 14. Restoration of Service.

Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus a service charge and posting a deposit as hereinbefore provided.

Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the policies, rules, and regulations will only be made after the irregularity has been corrected and the City has been assured that the irregularity will not re-occur. The service charge as herein provided shall be in addition to any other charges due or past due that the City may have incurred to correct the irregularity.

#### SECTION 15. Unusual Demands.

When an abnormally large quantity of water is desired for filling a swimming pool, pond, or for other purposes, arrangements must be made with the City prior to taking such water. The cost of the water shall be at the bulk acquisition rate set by Resolution of the City Council, and payment in full shall be made at the time the water is provided.

Permission to take water in unusual quantities will be given only if the City facilities and other consumers are not inconvenienced.

#### SECTION 16. Access to Property.

All duly appointed employees of the City, under the direction of the Public Works Director, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used or being delivered. The City does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefor.

#### SECTION 17. Responsibility for Equipment.

(1) Responsibility for customer equipment. The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment; nor shall the City be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

(2) Responsibility for City equipment. City equipment on the customer's premises remains the property of the City and may be repaired, replaced, or removed by the City employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove City equipment on his premises. The property owner must keep

vicious dogs or other animals secured or confined to avoid interference with the utility operations and maintenance.

(3) Damage to City equipment. The customer shall be liable for any damage to equipment owned by the City which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water, steam, and damaged meter boxes, curb stops, meter stops, and other appurtenances.

#### SECTION 18. Fire Hydrants.

- (1) Operation. No person or persons other than those designated and authorized by the City shall open any fire hydrant belonging to the City, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.
- (2) Moving a fire hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the City has fulfilled its obligation. If a property owner or other party desires to change the size, type, or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the City and the Fire Department or fire suppression authority.

#### SECTION 19. Penalties.

Any person violating any of the provisions of these rules and regulations, shall, upon conviction thereof, be punished by a fine not exceeding \$300 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

#### SECTION 20. Suspension of Rules.

No employee of the City is authorized to suspend or alter any of the policies, rules, and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

#### SECTION 21. Easement.

Each applicant and user gives and grants to the City of Roberts an easement and right-of-way on and across his property for the installation and maintenance of water mains and the necessary valves and equipment in connection therewith.

#### SECTION 22. Prior Ordinances.

All prior Water Ordinances for the City of Roberts are hereby repealed and superseded.

#### SECTION 23. Constitutionality, Saving Clause.

If any clause, sentence, paragraph, section, or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect,

impair, invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

SECTION 24. Ordinance Authorization.

This Ordinance shall be in full force and effect immediately upon its passage and publication of a Summary of this Ordinance according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

Signed in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Mayor Gary Mitchell

ATTEST:

\_\_\_\_\_  
Gale Scrivner  
City Clerk

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Signed in open session in authentication of its passage this 13<sup>th</sup> day of JUNE, 2006.

Gary L. Mitchell  
Mayor Gary Mitchell

ATTEST:

Gale Scrivner  
Gale Scrivner  
City Clerk