Chapter 39

WATER*

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ARTICLE I. IN GENERAL

Sec. 39-1. Enforcement of chapter.

Officers and employees of the department of public works are especially charged with the enforcement of the provisions of this chapter, and for that purpose, are clothed with all the powers and functions of policemen. It shall be their duty to bring to the notice of the judge of the general district court every breach of this chapter. (Code 1959, § 32-13)

Sec. 39-2. Water and sewage disposal systems.

The construction, operation and maintenance of the water system and sewage disposal system of the city shall be under the direction and control of the utility division of the department of public works. (Code 1959, § 32-1)

Sec. 39-3. Supervision of utility division.

The utility division of the department of public works shall be under the direct control of the director of public works. The director of public works shall be the executive officer thereof, and as such shall be responsible for the construction, operation and maintenance of said systems. (Code 1959, § 22-2)

Sec. 39-4. Appointment and term of assistants.

The director of public works shall recommend to the city manager for appointment by the city manager, such employees as are necessary for the efficient operation of the utility division, whose respective terms of office shall be at the pleasure of the city manager. (Code 1959, § 32-3)

Sec. 39-5. Prohibited locations for private hydrants.

No private hydrant shall be placed on any sidewalk or on any street or other exposed position where water may be taken therefrom without detection. (Code 1959, § 32-5)

Sec. 39-6. Inspector's right of entry.

Every person occupying any lot or building into which water is introduced under this chapter shall permit any officer or employee of the department of public works, and also the inspector of plumbing, to enter such lot or building, at reasonable hours, to inspect the works therein or to see if the provisions of law have been complied with. (Code 1959, § 32-7)

***Charter reference**—Authority in relation to water generally, § 38(6).

Cross references—Department of public works, § 2-225 et seq.; building, Ch. 11; erosion and sediment control, Ch. 16; housing and hygiene, Ch. 22; nuisances, Ch. 26; planning, Ch. 30; sewers, Ch. 34.

State law reference—Water supply systems generally, Code of Virginia, § 15.1-1239 et seq.

Sec. 39-7. Maintenance generally.

When the occupant of a lot or premises on which fixtures to supply water have been installed shall permit the water to run from these fixtures without proper care to prevent waste or shall fail to keep his water pipes or fixtures in good repair and protected from freezing, there shall, in each case, be a fine on such occupant of not less than five dollars ($5.00) nor more than twenty dollars ($20.00) and, in either case, the utilities division shall stop the water from the lot or premises and not turn it on again until arrangements satisfactory to the department of public works are made to ensure against future waste or damage. In cases where there are two (2) or more premises supplied by a single tap and the fixtures are accessible to all, a like penalty shall apply to each of the several occupants having access to the fixtures, unless one of the occupants assumes sole responsibility. (Code 1959, § 32-8)

Sec. 39-8. Defacing property, swimming in reservoirs, etc.

It shall be unlawful and a class 2 misdemeanor for any person to deface or injure any property of the department of public works or to bathe in the reservoirs, basin or canal thereof, or to deposit matter of any character in such reservoirs, basin or canal or, without lawful authority, to enter the premises of the department of public works or place any obstruction upon any structure or fixture thereof, or obstruct access thereto, or remove or injure any such fixture, or to tamper with any such fixture. (Code 1959, § 32-9)

State law reference—Authority to prevent injury to waterworks, Code of Virginia, § 15.1-292.

Sec. 39-9. Unauthorized use of city water.

It shall be unlawful and a class 3 misdemeanor for any person to use city water without proper authority. (Code 1959, § 32-11)

Sec. 39-10. Allowing use by those not entitled thereto.

(a) Any occupant of premises, into which water has been introduced, who shall permit water to be used, taken or received by any person other than such occupant or members or visitors of his family, except as otherwise provided by this chapter, shall be deemed guilty of a class 3 misdemeanor; provided, that this shall not be construed so as to prevent any person who has contracted for water on his premises and whose fixtures are out of order from obtaining water from some other person, with the consent of the person from whom the water is obtained.

(b) In case of the violation of the provisions of this section the department of public works may discontinue the service of water to the premises of the person permitting such use of water from his premises and such water service shall be restored only upon proper application by the person occupying such premises, in the manner provided by this chapter for application to use water on new premises. (Code 1959, § 32-10)

Sec. 39-11. Information as to waste of water.

It shall be the duty of the police and every employee of the city to give prompt and immediate information of any waste of water to the department of public works. (Code 1959, § 32-12)

Sec. 39-12. Opening or using fire hydrants.

It shall be unlawful and a class 2 misdemeanor for any person, except a member of the fire division or an employee of the department of public works, to open or in any way use the high-pressure fire hydrant, which are painted lime green with a one (1) inch wide black band at the base. It shall be unlawful for any person, except a member of the fire division or an employee of the department of public works, to open or in any manner use any other fire hydrants of the city without the authority of the director of the department of public works. (Code 1959, § 32-14; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-13. Obstructing access to fire hydrants, meters.

It shall be unlawful and a class 3 misdemeanor for any person to place or cause to be placed around or near any of the fire hydrants or water meters of the city any goods or foliage or other thing in such a manner as to obstruct the free access to such hydrants or water meters. (Code 1959, § 32-15)

Sec. 39-14. Protection of meters from hot water; repair of meters injured by hot water.

The occupant of any real estate on which a water meter has been installed, which has a hot water connection on the service pipe so that there is a possibility of hot water entering the service pipe and injuring the meter, shall have installed, at his own cost, a proper double check valve in such service pipe between the meter and the hot water connection, so as to prevent hot water from flowing back into the meter. In addition, he shall have installed, likewise at his own expense, a water relief and temperature valve between the boiler and the check valve. In any case where the meter or meter disc is injured by the return of hot water from the premises into the meter, the meter shall be repaired by the department of public works and the cost thereof borne by the occupant of the property. All charges arising under this section shall be collectible in the same manner as are other charges for water and water connections; and for failure to pay such charges within ten (10) days after presentation, water may be cut off from the premises and not restored until such charges have been paid. (Code 1959, § 32-6)

Sec. 39-15. Protection from contaminants entering water system.

The owner of any property on which a water connection has been installed shall be responsible for control against contaminants entering the city water system. The owner shall provide, install and maintain approved devices to ensure said contaminants do not enter the system in cases where the potential for a hazard exists. The owner shall provide access to the city for inspection of said devices and furnish such reports and documentation of maintenance as may be required by the utilities administrator. Installation of said devices shall not relieve the owner of responsibility or liability related to contamination of the city water system. The utilities administrator may require measures to be taken by the owner where it is determined that a potential hazard exists. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-16. Responsibilities for maintenance of water services.

The city shall supply and maintain water in sufficient quantities and pressures as are necessary for the efficient operation of the city's water system. The owner of any property served by the city's water system shall be responsible for installing and maintaining any devices necessary for sustaining pressures meeting the owners' requirements. The city shall install and maintain all water services from the connection to the city main to and including the water meter and box. The owner shall be responsible for maintaining the service line from the water meter to his property in good working condition and shall be responsible for any contamination entering the service beyond the meter. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Secs. 39-17—39-25. Reserved.

ARTICLE II. CONNECTIONS WITH CITY WATER MAINS

DIVISION 1. GENERALLY

Sec. 39-26. Extension of mains—When authorized.

The city will grant the right to use water from its distribution system and will extend water mains where in the opinion of council it is practical and economically feasible under the following methods:

(a) Water mains installed by the city in the preservation of the health and general welfare of the citizenry for reasons of public necessity,

(b) Water mains installed in response to citizen request when evidenced by petition,

(c) Water mains installed in conjunction with industrial development and/or residential subdivision development. (Ord. of 10-27-75, § 32-16.1; Ord. of 6-15-77)

Sec. 39-27. General terms, conditions and provisions applicable to water mains extended or installed with city approval.

(a) Title to any water main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public water systems are already installed, replacement or enlargement of the water pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

(c) Whenever any person owning property along the line of any water main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the water service from said main to his premises, he shall be required to do the following:

(1) Fulfill the criteria as outlined under subsection (g) hereof, involving water main connections

(2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing transmission mains, booster pumping and distribution storage facilities. The availability charges are as follows:

a. Single-family residence:

1. Where fifty (50) to fifty-nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be one thousand two hundred twenty dollars ($1,220.00) per connection, for each such petitioner.

2. Where sixty (60) to sixty-nine (69) per cent of said customers sign such petitions, the charge shall be one thousand one hundred sixty dollars ($1,160.00) per connection, for each such petitioner.

3. Where seventy (70) to seventy-nine (79) per cent of said customers sign such petitions, the charge shall be one thousand one hundred dollars ($1,100.00) per connection, for each such petitioner.

4. Where eighty (80) to eighty-nine (89) per cent of said customers sign such petitions, the charge shall be one thousand forty dollars ($1,040.00) per connection, for each such petitioner.

5. Where ninety (90) to ninety-four (94) per cent of said customers sign such petitions, the charge shall be nine hundred eighty dollars ($980.00) per connection, for each such petitioner.

6. Where ninety-five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall nine hundred twenty dollars ($920.00) per connection, for each such petitioner.

b. Multifamily structures and mobile home parks where a master meter is used:

1. For the first five (5) units, six hundred ten dollars ($610.00) each.

2. For the second five (5) units, four hundred sixty dollars ($460.00) each.

3. For all additional units, three hundred ten dollars ($310) each, subject to a maximum charge of eleven thousand five hundred fifty dollars ($11,550.00) under this subsection b.

4. Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one (1) unit will require the availability charge as specified above in Section 39-27(c)(2)b.

c. Commercial service: Up to two thousand (2,000) square feet of floor space or if a meter one (1) inch in diameter or smaller is used, the charge shall be one thousand two hundred twenty dollars ($1,220.00). If a meter in excess of one (1) inch in diameter is required, the following charges shall apply:

Availability charge	Floor space
$1,220.00	0 to 2,000 square feet
$1,530.00	2,001 to 10,000 square feet
$2,290.00	10,001 to 20,000 square feet
$3,820.00	20,001 to 35,000 square feet
$6,110.00	35,001 to 99,999 square feet
As determined by city council	100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate changes.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city water main, the owner desiring city water service shall be required to sign a petition for extension of water mains.

(1) Single-family and multifamily structures and mobile home parks:

a. Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the water main extension, the city shall prepare an estimate for the installation of a water main.

b. Such estimate shall be prepared on the basis that the location, character and size of the extension and the plans and specifications for the extension and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service:

a. Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 39-27(c)(2)c. shall be applicable.

b. Where the council has determined that the petitioned project is not economically feasible to the city the cost of the project will be apportioned by council between the city and the benefitted property owners. The entire noncity portion shall be apportioned by council between the petitioning property owners as their availability charges. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers.

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities.

(f) Water main extensions involving industrial development, residential subdivision development of three (3) or more dwelling units per lot, and/or any other planned unit or special development are excepted from this section.

(g) In addition to the previous applicable requirements, whenever any person owning property along the line of any water main in the city shall desire water service into his premises, he shall execute an agreement known as an “application for water.” In addition thereto, the licensed plumber employed by him shall make written application therefor to the city on forms prescribed for that purpose.

Unless the service pipe and meter box have been previously installed, the plumber or building contractor shall clearly indicate at the premises by a stake or otherwise the exact location of the proposed meter and service. An applicant for any new service must make an estimate of the size connection needed for all meters greater than five-eighths (5/8ths) inch with a three-fourths (3/4ths) inch service for the particular building in order that the proper size service pipe and meter may be installed to satisfy the demand. Upon approval of the application and payment of certain fixed water connection fees as follows:

(1) 3/4-inch service—5/8-inch meter $360.00
(2) 1-inch service—5/8-inch meter 370.00
(3) 1-inch service—1-inch meter 450.00
(4) Over 1-inch service and 1-inch meter: Cost plus 15 per cent with a minimum of four hundred fifty dollars ($450.00);

The city will then install a service pipe leading from the main in the street to the water meter box near the property line and/or install the meter. This requirement also applies to houses formerly occupied by one (1) family, but which are converted into two (2) or more apartments, with a separate water service and meter for each apartment unit. When these requirements are complied with, the city will thereupon issue a permit for the plumber named in the application to make connection with the meter box. All such connections and all plumbing work incident to the introduction of water into the premises shall conform in all respects to the provisions of the plumbing code of the city.

(h) Residential subdivisions of no more than two (2) dwelling units per lot: For all subdivisions located within the city containing no more than two (2) dwelling units per lot, in addition to the construction of the system within the boundaries of the subdivision by the subdivider pursuant to Section 24.1-31(a) of the city's subdivision ordinance, there shall be paid by the property owner to the city at the time of connection to the system a connection fee (without an easement credit) as required by subsection (g) for each connection, and an availability charge, the purpose of which is to defray in part the cost of providing transmission mains, booster pumping and distribution facilities, the sum of three hundred dollars ($300.00) per lot; provided, however, that if in any subdivision development any lot is served by a connection directly to lines installed by the city, the availability charges as listed in Section 39-27(c)(2)a. will be paid by the property owner except, however, that where he or a previous owner of this property participated in the cost of such line, no availability charge shall be payable.

(i) Residential subdivisions of no more than one (1) dwelling unit per lot: Notwithstanding the conditions of Section 39-27(g) and 24-31(a) city council may, upon request and after having obtained appropriate commitments for development of streets, recreational facilities, and other issues related to providing for affordable housing in the city, enter into a special agreement with subdivision developers, whereas the city would reimburse the developer for 100% of the cost of installing waterlines within the subdivision boundaries provided that: the agreement provides for guarantees from the developer that 80% of the projected revenue from the annual water rates paid by customers connected to the installed waterline within the subdivision boundaries in the first ten years will pay the total cost of the reimbursed amount, within the following ten years. Guarantees may be in the form of liens placed on lots within the subdivision; cash payments; bonds; or other forms of securities satisfactory to the city attorney. Such guarantees shall remain in effect until the full amount of the security is paid. The director of public works shall review such records relating to the agreement to assure that the projected revenue from the development will recover the cost of the waterline reimbursement over a period of twenty years. The developer shall be responsible for providing all information necessary to assure compliance with the terms of the agreement. The city shall render a bill to the developer after the first 10 years that the agreement is in force for the difference of the amount of projected revenue from the customers connected to the waterlines at that time and the total amount of the reimbursement for the cost for the installation of the waterlines. If any covenants of the agreement are not satisfied, the city shall render a bill immediately relating to the remaining wateline costs.

(j) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city water lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's water system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of 5 percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants failed to make payments in accordance with the water and sewer service availability fee installment agreement the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the water line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupant of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings, or to commercial and institutional facilities. (Code 1959, § 32-16.4; Ord. of 6-14-77; Ord. of 8-8-78; Ord. of 5-22-79; Ord. No. O-81-153, § 2, 6-23-81; Ord. No. O-83-145, § 1, 6-28-83; Ord. No. O-89-280, § 1, 10-10-89, eff. 1-1-90; Ord. No. O-96-142, 5-28-96; Ord. No. O-00-017, 1-25-00; Ord. No. O-01-182, 9-25-01)

Sec. 39-27.1. Availability charges for city water service.

Those business firms which may be designated as "qualified business firm" pursuant to the provisions of Chapter 22, Title 59.1 of the Code of Virginia, 1950, as amended, (the Urban Enterprise Zone Act), shall be allowed to pay the availability charge imposed by Section 34-4(c)(2) as follows: Commencing with the second anniversary date of the submission of the city's registered bill in the amount of the availability charge, twenty-five per cent (25%) thereof will be due and annually thereafter on such anniversary date an additional twenty-five per cent (25%) will be due until the charge is paid in full. (Ord. No. O-84-170, § 1, 6-26-84, eff. 7-1-84)

Sec. 39-27.2. Waiver of availability charges for connection to the city water main in certain situations.

City council, upon request, may waive the availability charges required by Section 39-27(c)(2)a, of the city code under the following conditions:

(a) Construction is for single-family homes only.

(b) Construction is within a designated redevelopment or conservation area or rehabilitation district.

(c) Construction is for:

(1) An individual who agrees to occupy the home for a minimum of ten (10) years as his/her principle residence. If the home is sold or rented within that time, the availability fees would become due and payable; or

(2) A nonprofit corporation for resale to low-income persons with requirements for owner occupancy in the deed. (Ord. No. O-85-224, § 1, 9-10-85)

Sec. 39-27.3. Deferral of availability charges and connection fees to the city water system for certain persons.

For those owner-occupants of existing dwellings, who have an equity not exceeding thirty thousand dollars ($30,000.00) therein and who meet the financial eligibility requirements of the medicaid program for Group III Virginia localities, charges and connection fees imposed by Section 39-27(c)(2) shall, upon request, be deferred until such time as title to the property passes by sale or inheritance. Such persons shall, prior to connection with the city water system, execute a petition, approved by the city attorney, granting to the city a lien in the amount of the fees and charges plus all interest which may accrue. When the charges are so deferred, they shall be subject to the payment of an annual simple interest charge of six per cent (6%) on the unpaid balance of such fees and charges. Provided that such persons shall have the right at any time to make payments, partial or in full, of the balance due for such connection. Passage of title to a spouse shall not constitute inheritance under this section. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-28. Connections outside city.

When any person owning property outside the city shall desire to have city water introduced into his premises, he shall contact the appropriate service authority having jurisdiction over his location. The service authority shall make application to the city to have said connection installed in accordance with existing contracts between the city and the authority. (Code 1959, § 32-17; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-29. Turning water on after connection made within city.

Whenever any individual, commercial or industrial establishment desires the use of water on premises owned or leased by them within the city limits, where all connections have been made in accordance with the provisions of this chapter, they shall make application therefor to the utilities customer service office, accompanying each application with a fee of fifteen dollars ($15.00) for turning on and/or transferring the account. Whenever any person applying for water service shall have complied with this requirement and his water fixtures are in good condition, the utilities customer service office shall then cause the water to be turned on. (Code 1959, § 32-18; Ord. No. O-80-103, § 1(32-18), 4-22-80, eff. 8-22-80; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-92-071, 3-10-92; Ord. No. O-95-027, 2-14-95, eff. 7-1-95)

Sec. 39-29.1. Deposit

A deposit shall be required of any individual, commercial or industrial establishment desiring the use of water on premises owned or leased by them within the city limits, where all connections and applications have been made in accordance with the provisions of this chapter, if such applicant is known to have a poor payment history. Poor payment history is defined as non-payment of city fees and taxes in a timely manner or excessive late fees on water and sewer accounts.

However, existing accounts will be required to pay the deposit only if the customer thereafter allows service to be severed for nonpayment and subsequently has service reinstated. The amount of the deposit is the greater of the customer's average quarterly water and sewer bill or seventy-five dollars ($75.00) for a residential meter, or for a commercial meter, which deposit is based on meter size—five-eighth (5/8) inch meter, seventy-five dollars ($75.00); one (1) inch meter, one hundred forty-five dollars ($145.00); one and one-fourth (1 1/4) inch meter, two hundred dollars ($200.00); one and one-half (1 1/2) inch meter, two hundred fifty-five dollars ($255.00); two (2) inch meter, three hundred ten dollars ($310.00); three (3) and four (4) inch meter, five hundred seventy-five dollars ($575.00); over four (4) inch meter, one thousand dollars ($1,000.00)—to guarantee the payment of such account. The deposit shall be refunded, together with interest based upon the published rate in the daily Wall Street Journal for certificates of deposit having a maturity of one year, as of the date on which the city accrues interest for utility deposits, to each consumer who has maintained a satisfactory payment record for at least twelve (12) months. The deposit plus interest of any consumer not refunded will be credited against any final bill rendered to such consumer at the time service is discontinued. If at any time a satisfactory payment record is not maintained by any consumer from whom a deposit was not required, the director of finance may require that such deposit be made or, if at any time a consumer whose deposit has been refunded does not maintain a satisfactory payment record, the director of finance may again require such deposit. (Ord. No. O-95-027, 2-14-95, eff. 7-1-95)

Sec. 39-31. Wrongful connections.

It shall be unlawful for any person to introduce water from the water distribution system into any premises, except as provided in this chapter. (Code 1959, § 32-21)

Sec. 39-32. Unauthorized addition or alteration of fixtures.

It shall be unlawful for any person to make any addition to, or alteration of, any fixtures on any premises, without the permission of the department of public works. (Code 1959, § 32-22)

Sec. 39-33. Cutting off or restoration of water service.

Whenever a customer requests the city to cut off or restore water service, a fee of thirty dollars ($30.00) shall be charged for each call. (Ord. No. O-88-062, § 2, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91)

Secs. 39-34—39-38. Reserved.

DIVISION 2. AUXILIARY SYSTEMS

Sec. 39-39. Connections generally.

All connections shall be made in compliance with all applicable federal, state and city laws and regulations. Cross-connections are prohibited within the city. (Code 1959, § 32-23)

Sec. 39-40. Connections for fire-fighting purposes.

Every fire service connection from the public mains where the secondary supply is of unapproved quality, shall be provided in compliance with all applicable state and city laws and regulations and installed as to permit ready inspection and shall be subject to the approval of the department of public works utilities division and fire department. Fire service connections shall also conform to the requirements of Section 19-40.2 (Subsection F 410.0) of the fire prevention code. (Code 1959, § 32-24; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-41. Separation of manufacturing or domestic systems from fire-fighting systems.

Private pipe systems from which water is used for manufacturing or domestic purposes are to be entirely independent of private pipe systems used for fire-fighting service. (Code 1959, § 32-25)

Secs. 39-42—39-52. Reserved.

ARTICLE III. WATER RATES AND RENTS

Sec. 39-53. Assessment and collection.

The assessment and collection of the water rates and charges shall be under the direct charge of the office manager of the bureau of assessment and collection. (Code 1959, § 32-26)

Sec. 39-54.1. Schedule of water rates.

The monthly water rates for all consumers within the city shall be as follows:

0-30 h.c.f of water used	$1.67 per h.c.f.
31-700 h.c.f. of water used	1.40 per h.c.f.
over 700 h.c.f. of water used	1.27 per h.c.f.

There shall be, in addition to any other charge, a monthly account charge of three dollars and sixty nine cents ($3.69) per meter. (Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97- 038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02)

Sec. 39-54.1.2. Fire flow capacity charge.

The purpose of this charge is to recover the water system costs associated with providing fire protection and suppression capability from those customers with connections to the water system installed for the purpose of supplying water to on-site hydrants, standpipes, sprinkler systems or combinations thereof. The annual charges shall be as follows:

Hydrant or 8" or small fire line	$199.56
10" fire line	358.44
12" fire line	568.56

(Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97-038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, 3-9-99, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02)

Sec. 39-55. Separate service connection for each lot.

A separate connection shall be required for each subdivision lot upon which a building is constructed. Only one (1) sewer service connection will be required where multiple lots are used to construct a building. (Code 1959, § 32-28; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-56. Payment of flat rates; meters to be read, bills submitted, monthly or bimonthly.

In case of flat rates, water shall be paid for quarterly in advance. Where water is supplied through a meter, the meters shall be read and bills submitted therefor according to classification, monthly or bimonthly. (Code 1959, § 32-29)

Sec. 39-57. Reassessment upon repair of meter.

When any meter installed shall be out of order so as to prevent its use and the water has to be cut off so as to repair such meter, when the meter shall have been put in proper shape the reassessment for water shall be made at the average for the preceding three (3) months of consumption. (Code 1959, § 32-30)

Sec. 39-58. Rates for outside city.

The rates for water used outside the city shall be as provided in contracts between the city and the customers. (Code 1959, § 32-31)

Sec. 39-59. Correction of erroneous assessments.

The department of finance, utilities customer services office, may at any time, upon discovering an error in a computation of water rates and charges against any consumer, make the necessary correction in the computation. (Code 1959, § 32-33; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-60. When bills due.

Any charges for water furnished through meters for all customers shall be due and payable monthly on or before the due date shown on the bill. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1, (32-34), 4-22-80)

Sec. 39-61. Place of payment.

It shall be the duty of all persons against whom water charges are assessed to pay such assessments at the collection division or any of its collecting agencies during their office hours on or before the due date shown on the bill. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1, (32-34), 4-22-80; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

Sec. 39-62. Penalty for delinquency.

If any such water and sewerage bill is not paid within five (5) days after due date, it shall be declared delinquent and shall be subject to a penalty of five (5) percentum of the amount of the bill. The penalty shall be added to the unpaid bill or subsequent bills. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1(32-34), 4-22-80; Ord. No. O-85-270, § 1, 10-22-85)

Sec. 39-63. Discontinuance of service, reconnection and meter removal fees.

(a) The water furnished through meters to any customer shall be discontinued, at the discretion of the director of finance or his authorized representative, whenever any bill therefor is not paid within thirty (30) days after due date and, if utilities division employees are dispatched to disconnect service, customers will be assessed a $25.00 service charge to cover the extra costs incurred by the city. The customer shall be responsible for paying the $25.00 service charge, the delinquent utility bill, the late payment penalty and applicable deposit, if any. Payment arrangements can be made on the $25.00 service charge twice during the life of the account. The delinquent utility bill, the late payment penalty and the applicable deposit, if any, must be paid in full before service can be restored. Exceptions can be made, at the discretion of the director of finance or his authorized representative, for accounts that have had leaks, which can be validated by the city.

(b) If, after the service has been discontinued, an inspection of the meter reading on a subsequent date discloses, when compared to a record of the reading when service was initially discontinued, that service has been restored other than by utilities division employees without the authority of the customer service office, the water meter may then be removed to prevent further unauthorized use of water. Service may not be restored after the meter has been so removed until a sixty dollar ($60.00) "meter removal fee" has been paid, in addition to any unpaid bill, a $25.00 service charge and the appropriate deposit. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1(32-34), 4-22-80; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-99-042, 3-9-99; Ord. No. O-00-249, 11-28-00)

Sec. 39-64. Special water sales.

(a) Hydrant rental and meter deposit. The sale of water through temporary connections to fire hydrants shall be permitted by the city for short periods of time [less than thirty (30) days] if it is deemed practical by the director of public works or his designee. The purpose of these sales shall be for use of contractors requiring large amounts of water for short periods of time and customers for filling swimming pools. Connections shall be made by the city through an auxiliary valve and portable meter. In no case shall private citizens or contractors operate city fire hydrants for this purpose.

Customers desiring said service shall apply to the utility customer services office at least five (5) working days prior to the need for this service and service shall be provided on basis of availability of auxiliary valves and portable meters.

A deposit of one hundred dollars ($100.00) will be required at the time of application and will be refunded to the customer upon final settlement of charges for use of the temporary service; provided, that the auxiliary valve and portable meter are not damaged during service.

Charge for said service shall be thirty dollars ($30.00) per day of use of the auxiliary valve and portable meter starting from the date installed and extending through date of requested removal. In addition, the

water usage shall be metered and paid for at the regular city rates as described in Section 39-54(a) with a minimum charge of thirty dollars ($30.00) per day for the period of usage.

(b) Tank load of water. Customers desiring water by the tank load can obtain water coupons at the city collector's office. The charge for each coupon shall be twenty-five dollars ($25.00). The water coupons can be redeemed for water at the city's College Hill Filtration Plant located at 6th & Taylor Streets by contacting the water plant operator on duty at least twenty-four (24) hours in advance and arranging for filling of tanks at the College Hill Plant. Each coupon can be redeemed for one thousand (1,000) gallons of water, or a fraction thereof, and shall be based on the size of the tank provided by the customer. (Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-95-206, 7-11-95, eff. 9-1-95)

Secs. 39-65—39-74. Reserved.

ARTICLE IV. FLUORIDATION

Sec. 39-75. Supervision of treatment.

The director of health shall have general supervision over treatment of the public water supply with an approved fluoride compound. (Code 1959, § 32-35)

Sec. 39-76. Introduction of fluoride into water system.

Upon receiving a permit from the state department of health and until further direction of the council, the department of public works shall provide the means and proceed with the introduction of fluoride ion into the city water supply in such quantities as are required to maintain throughout the pipe distribution system a fluoride ion concentration as prescribed by the state health department. (Code 1959, § 32-36)

Sec. 39-77. Records to be kept; determination of fluoride ion concentration.

The department of public works shall keep an accurate daily record showing for each supply the number of gallons treated and the fluoride ion concentration of the water before and after treatment. The department shall also determine the fluoride ion concentration in the water distribution system at such points and at such intervals as may be directed by the director of health. (Code 1959, § 32-37)

Sec. 39-78. Records to be furnished to department of health.

The department of public works shall furnish to the department of health copies of the records required under Section 39-77 at daily, weekly and monthly intervals as may be requested by the director of health. (Code 1959, § 32-38)

Sec. 39-79. Reports to council; surveys as to beneficial effects of program.

The director of health shall make periodic reports to council on the fluoridation of the public water supply and shall seek the cooperation of educational and scientific institutions to conduct surveys and research as to the beneficial effect, if any, of the fluoridation program and project on the citizens of the city. (Code 1959, § 32-39)