

## CHAPTER 3

**WATER AND SEWER USE AND SERVICE**

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7-3-1: **DEFINITIONS:** For the purpose of this chapter, certain words, terms and phrases are defined as follows:

**AUXILIARY WATER SUPPLY:** Any water supply on or available to the premises other than the city public water supply. Auxiliary water supplies may include water from another purveyor's public potable water supply

or any natural source(s) such as a well, spring, river, stream, etc., or used water or industrial fluids. Auxiliary water supplies may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.

- BACK PRESSURE:** The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source(s) other than the intended source.
- BACK SIPHONAGE:** The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.
- BACKFLOW:** The reversal of the normal flow of water caused by either back pressure or back siphonage.
- BACKFLOW PREVENTION ASSEMBLY:** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the uniform plumbing code, chapter 6, and the cross connection control program for Idaho. All backflow prevention assemblies must be approved by the department of environmental quality.
- CITY:** The city of Driggs, Idaho.
- CLERK:** The city clerk of the city of Driggs, Idaho.
- CONTAMINATION:** An impairment of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

- CROSS CONNECTION:** Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow can occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multiport tubes.
- Containment:** The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water supply where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).
- Controlled:** A connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- SUPERINTENDENT:** The person designated by the mayor and city council to be responsible for the operation and maintenance of the city water and sewer systems. This person is given the authority and responsibility for implementation and enforcement of the provisions of this chapter.
- UTILITY SYSTEM:** The entire water and sewer system owned and operated by the city of Driggs.

**WATER PURVEYOR:** A supplier of water; also, the person designated to be in charge of the water department of the city of Driggs, i.e., the superintendent. (1985 Code § 13.08.010)

**7-3-2: WATER AND SEWER DEPARTMENT:**

A. Created: The city water and sewer department is created. It shall be comprised of all property, equipment and personnel necessary for the maintenance and operation of the city water and sewer systems and shall administer the maintenance and operation of those systems. (1985 Code § 13.08.020)

B. Superintendent Of Department:

1. Created: There is created the position of superintendent of the water and sewer department who shall be designated by the city council. (1985 Code § 13.08.030)

2. Duties: The superintendent of the water and sewer department shall manage and supervise the city water and sewer systems pursuant to the provisions of this chapter, and pursuant to resolutions, rules or regulations adopted by the city council from time to time prescribing his/her powers and duties and directing the manner and frequency with which he/she shall make reports to the mayor and/or city council relating to the utility system. All functions and activities of the superintendent shall be carried on under direction of the mayor and/or city council. (1985 Code § 13.08.040)

**7-3-3: APPLICATIONS FOR CONNECTIONS AND SERVICE; CONDITIONS:**

A. Applications For Connections:

1. Other Than Subdividers Or Developers: Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the city water or sewer system shall file with the superintendent a completed and signed "Application For Water Connection" or "Application For Sewer Connection" using forms found in appendix A attached to ordinance 222 on file in the office of the clerk. (1985 Code § 13.08.050)

2. Subdividers Or Developers: Whenever a subdivider or developer desires or is required to install water or sewer connections or extensions for a subdivision or development, the subdivider or developer shall enter into a written development agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the extensions and connections shall be made and the payments that shall be required. (1985 Code § 13.08.060)

- B. Applications For Services: Any person who desires or is required to secure water or sewer service when such service is available from the city utility system shall file with the superintendent a completed and signed "Application For Water Service" or "Application For Sewer Service" using forms found in appendix A attached to ordinance 222 on file in the office of the clerk. (1985 Code § 13.08.070)
- C. Compliance With Building And Plumbing Codes: Permission to connect with the city water or sewer system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the city. (1985 Code § 13.08.340)

**7-3-4: USE OF PUBLIC AND PRIVATE SEWER SYSTEMS:**

- A. It is unlawful for the owner or any other person occupying or having charge of any premises within the city located within three hundred feet (300') of a sewer main to dispose of sewage therefrom by any means other than by use of the city sewer system.
- B. It is unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool or septic tank on the property, except by written approval of the city council. (1985 Code § 13.08.080)

**7-3-5: RATES AND CHARGES:**

- A. General Provisions: The rates, penalty fee for delinquency in payment, connection fee, inspection fee and other charges incidental to connection and services from the city water or sewer system shall be fixed from time to time by resolution enacted by the city council. The city council may, from time to time, promulgate rules for levying,

billing, guaranteeing and collecting charges for water and sewer services and all other rules necessary for the management and control of the water and sewer systems. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may be hereafter established. (1985 Code § 13.08.090)

B. Rates And Charges Established:

1. Water And Sewer Main Charges:

a. Water Main Charge: Any person, firm, corporation or entity, before obtaining a permit to connect to any water main, shall pay a water main charge therefor at the rate established by resolution of the city council per linear foot at the widest point approximately parallel to the right of way within which the connection is made. This water main charge shall be in addition to all other hookup fees or charges required by the city; provided, however, no water main charge shall be required if the installation is within a recently platted and improved subdivision where the permittee can establish to the satisfaction of the city that the water line was not constructed substantially at city expense. (1985 Code § 13.04.010; amd. 2010 Code)

b. Sewer Main Charge: Any person, firm, corporation, or entity, before obtaining a permit to connect to any public sanitary sewer, whether lateral, main or interceptor, shall pay a sewer main charge therefor at the rate established by resolution of the city council per linear foot at the widest point approximately parallel to the right of way within which the connection is made. The sewer main charge shall be in addition to all other hookup fees or charges required; provided, however, no sewer main charge shall be required if the installation is within a recently platted and improved subdivision where the permittee can establish to the satisfaction of the city that the sewer line was not constructed substantially at city expense. (1985 Code § 13.04.030; amd. 2010 Code)

c. Reimbursement Of Costs: If the city places stub outs from a main sewer or water line accessible to an owner's property, the property owner shall reimburse the city for the cost of such stub out when the property owner obtains a permit to hook up to a city sewer or water line. (1985 Code § 13.04.020)

d. Future Water And Sewer Main Fees: From and after the effective date hereof, all water main fees and sewer main fees shall

be reviewed annually and set by resolution of the city council. (1985 Code § 13.04.040; amd. 2010 Code)

2. Special Rates: The city council may, from time to time, fix, by arrangement or resolution, special rates and conditions for users of exceptionally large amounts of water or sewer service or making use of the systems under exceptional circumstances upon such terms and conditions as they deem proper. (1985 Code § 13.08.100)

C. Board Of Equalization For Complaints: The city council is constituted a board of equalization of utility rates to hear complaints and make corrections of any assessment deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the utility bill of any indigent person. (1985 Code § 13.08.110)

D. Payment For Water And Sewer Use Required: It is unlawful for any person to utilize the city water or sewer system without paying therefor, as provided in this chapter. (1985 Code § 13.08.120)

E. Bills For Service; Delinquent Payments:

1. Rendition Of Bills: On a monthly basis, the clerk shall mail to each user a printed statement stating the amount of water and sewer service charges assessed against him/her. The statement shall specify the amount of the bill for water and sewer services and the place of payment and date due.

2. Due Date; Notice Of Delinquency: If any person fails to pay the entire charges within thirty (30) days of the date due, the clerk shall give the customer notice in writing of intent to discontinue water service unless the customer pays the bill in full within five (5) days of the date of the notice.

3. Turn Off Of Water For Nonpayment; Conditions For Reconnection: If the water service is therefore discontinued for failure to make payment, then, before the water service shall again be provided, all delinquent water and sewer charges must have been paid to the clerk or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of water charges, before water service shall again be provided, the customer shall also pay such extra charge for turning the water on and off as the city council may have established by resolution.

F. Enforcement Official: The clerk is authorized and empowered to enforce the payment of all delinquent water and sewer charges by an action of law in the name of the city. (1985 Code § 13.08.130)

7-3-6:           **UNAUTHORIZED TURN ON OF WATER:** It is unlawful for any person, after the water has been turned off from the premises for nonpayment of water or sewer charges or other violation of the ordinances, rules, regulations or resolutions pertaining to the utility system, to turn on or allow the water to be turned on or used without authority from the superintendent or clerk. (1985 Code § 13.08.140)

7-3-7:           **USE REGULATIONS:**

- A.     Separate Connections Required: It is unlawful for two (2) or more families or service users on separate properties to be supplied from the same service pipe, connection or water meter. A failure on the part of any one of the users to comply with this subsection shall warrant a withholding of the supply of water through the service connection until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the city for all water and sewer services utilized on all such premises. Nothing in this chapter shall be deemed to preclude the power of the city to require separate pipes, connections, or meters at a subsequent time. (1985 Code § 13.08.150)
  
- B.     Unauthorized Users: It is unlawful for any water or sewer service user to permit any person from other premises or any unauthorized person to use or obtain water or sewer service regularly from his/her premises or facilities, either outside or inside his/her premises. (1985 Code § 13.08.160)
  
- C.     Visitors With Recreational Vehicles: Individuals visiting the premises of an authorized user in a recreational vehicle and continuing to live therein during the period of visitation may receive water or sewer service from the service pipes or facilities of the host during the visitation for a period of time not to exceed three (3) months. Continued use for a period of time longer than three (3) months shall be deemed unauthorized and a violation of the provisions of this section relating to separate connections and unauthorized use. (1985 Code § 13.08.170)

7-3-8:           **SERVICE PIPES:**

A.     Specifications; Installation:

1. All service and other pipe used in conjunction with the water and sewer systems of the city shall be of such material, quality, and

specifications as the city council may, from time to time by resolution, provide, and shall be installed at such distance below ground level as may be specified by regulation relating to the water and sewer department.

2. All work, alterations, or extensions affecting water or sewer pipes shall be subject to the inspection and acceptance of the superintendent, and no connections with any main lines shall be made without first obtaining a permit therefor from the superintendent.

3. No person shall be permitted to conduct water or sewer pipes across lots or buildings to adjoining premises without permission from the superintendent and subject to such requirements relating to controls as may be imposed thereby. (1985 Code § 13.08.190)

- B. Maintenance And Repair: All users of water and sewer services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the superintendent, shall be allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe. (1985 Code § 13.08.180)

**7-3-9: OWNERSHIP OF CONNECTING LINES AND METERS:**

A. Sewer Lines:

1. The city shall retain ownership and control of all sewer main collection lines.

2. Sewer service lines shall be retained by and be the responsibility of the owners of the property serviced by such lines.

B. Water Lines And Meters:

1. The city shall retain ownership and control of all water service lines delivering water to the meter.

2. The city shall also retain ownership and control of all water meters.

3. The maintenance of water meters shall be the responsibility of the property owner.

4. The property owner shall retain ownership and control of the service line from the meter to the property. (1985 Code § 13.08.200)

**7-3-10: CONSTRUCTION OF WATER AND SEWER LINES:**

A. **Permit Requirements:** It is unlawful for any person to lay, repair, alter or connect any water or sewer line to the city system without first having received a construction permit from the clerk or superintendent. A written request for a construction permit must be made by a licensed plumber, his/her authorized agent, or by the owner of the premises, using the form found in appendix A attached to ordinance 222 and on file in the office of the clerk. The request shall be granted if the superintendent determines that:

1. The connection, repair, alteration or installation will cause no damage to the street in which the utility main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the main.

2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the city.

3. All connections, alterations or installations shall be to the line and grade designated by the city's adopted specifications.

4. All applicable fees for connection, permits and inspection services have been paid. (1985 Code § 13.08.320)

B. **Moving Or Replacement:** In the event that the city, in its sole discretion, determines that any city water or sewer line must be moved or replaced, the city shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. (1985 Code § 13.08.330)

**7-3-11: ADDITIONAL WATER USE REGULATIONS:**

**7-3-11-1: METERS:**

A. **Metered Water Required:** Except as otherwise expressly permitted by this chapter, all structures, dwelling units, establishments and persons using water from the city water system must have such number of water meters connected to their water system as are

necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.

B. Purchase Of Meters; Property Of City:

1. Meters will be purchased through the city upon application for a connection and upon payment of such connection fees and other costs as have been established by the city council.

2. Meters shall be deemed to be and remain the property of the city. Whenever a dispute between the superintendent and a property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved.

C. Reading Meters: The clerk shall cause meter readings to be taken regularly and shall have such readings delivered to the recorder thereof for the purpose of recording the necessary billings for water service.

D. Checks, Inspections And Adjustments:

1. Meters may be checked, inspected or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer.

2. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the city.

E. Testing Meters: If a customer submits a written request to the superintendent to test his/her water meter, the city may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If the request is made within twelve (12) months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from ninety seven percent (97%) to one hundred three percent (103%) of accuracy under methods of testing satisfactory to the city council, the meter shall be deemed to accurately measure the use of water.

F. Nonfunctioning, Malfunctioning Meters:

1. If the city meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned.

2. In the event a meter is found to be recording less than ninety seven percent (97%) or more than one hundred three percent (103%) of accuracy, the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances. (1985 Code § 13.08.310)

7-3-11-2:     **DAMAGE TO SYSTEM:** All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall, in the discretion of the city, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including reasonable attorney fees, which may arise or accrue to the city through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer. (1985 Code § 13.08.310)

7-3-11-3:     **HYDRANTS:**

- A.     Water for fire hydrants will be furnished free of charge by the city.
- B.     Installation and repairs on the hydrants shall be at the expense of the city and shall be made under the direction of the city.
- C.     All customers shall grant the city, upon demand, a right of way or easement to install and maintain hydrants on their premises if the city concludes that hydrants shall be so installed for the protection of the residents of the city. (1985 Code § 13.08.360)

7-3-11-4:     **PROHIBITED USE OF WATER:** No water shall be supplied from the pipes of the city water system for the purpose of driving motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the city council. (1985 Code § 13.08.260)

7-3-11-5:     **CONSERVATION MEASURES; EMERGENCIES:**

- A.     General Prohibitions: It is unlawful for any water user to:
  - 1. Waste water.

2. Allow water to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
  3. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
  4. Use the water for purposes other than for those which he/she has applied, or use water in violation of the rules and regulations for controlling the water supply. (1985 Code § 13.08.220)
- B. Vehicles Used For Sprinkling Water: Water supplied to vehicles for sprinkling shall be regulated and controlled by the superintendent. (1985 Code § 13.08.230)
- C. Sprinklers: It is unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler and outlets as will, in the opinion of the superintendent or city council, materially affect the pressure or supply of water in the city water system or any part thereof, and the city council may, from time to time by resolution, specify combinations or numbers of outlets which may have such effect. The city council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination, in writing, ordering such use discontinued and advise that such continued usage constitutes a violation of this chapter. (1985 Code § 13.08.280)
- D. Shortage Of Water: In time of scarcity of water, whenever it shall, in the judgment of the mayor and the city council, be necessary, the mayor shall, by proclamation, limit the use of water to such extent as may be necessary. It is unlawful for any person or his/her family, servants, or agents to violate any proclamation made by the mayor in pursuance of this chapter. (1985 Code § 13.08.290)
- E. Wasting Water:
1. Users of water from the city water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the superintendent or any of the officers of the city, a user of city water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the city council.

2. The city council may thereupon consider terminating the right of the individual to use city water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his/her water connection at least five (5) days prior to the meeting of the city council at which termination of water service is to be considered. The notice shall inform him/her of the time and place of the meeting and of the charges which led to the consideration of the termination.

3. A water user whose right to utilize city water is being reviewed shall have the opportunity to appear with or without counsel and present his/her reasons why water service should not be discontinued.

4. After due hearing, the city council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him/her of the decision and of the period during which the service will remain discontinued. (1985 Code § 13.08.300)

**7-3-12:            ADDITIONAL SEWER USE REGULATIONS:**

**7-3-12-1:        PROHIBITED DISCHARGES INTO SYSTEM:**

- A.    **Inflammables:** It shall be unlawful for any person to discharge into a sewer any flammable gas, gasoline or oil, any calcium carbide or residual therefrom, or any liquid or other material or substance which will emit an inflammable gas when in contact with water, sewage or fire. Oil separators installed in any building where volatile fluids are used must not be connected directly or indirectly with a sewer.
  
- B.    **Waste From Certain Establishments:** The contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substances, car barns, buildings for the stabling or keeping of livestock or other animals, or plants using milk or processing milk products, and all similar establishments shall not be disposed of through connection with the city sewer system unless such contents are discharged into settling tanks properly trapped and vented. The sewage from the tank shall not be allowed to flow into the sewer until satisfactory alterations have been made and the construction approved by the superintendent.

- C. **Obstructive Material:** It is unlawful for any person to empty or discharge into the city sewer system any garbage, refuse, or other similar matter or substance likely to obstruct the sewer, or any substance, solid or liquid other than the waste products for which the sewer is provided.
- D. **Stormwater And Surface Waters:** It is unlawful for any person to connect with the city sewer system any drain or pipe which discharges rainwater, cellar or surface water, acids, alkalis, lye or other injurious liquids or the contents of any spring, flowing well, creek, ditch or other watercourses. (1985 Code § 13.08.270)

7-3-12-2: **DAMAGE TO SYSTEM:** It is unlawful for any person to injure, break or remove any part or portion of any sewer appliance or appurtenance. (1985 Code § 13.08.270)

7-3-13: **EXTENSION OF WATER AND SEWER MAINS:**

A. **Within The City:**

1. Any person, including any subdivider or developer, who desires to have water or sewer mains extended within the city and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the city council by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension, together with an offer to advance the whole expense thereof, which cost shall be verified by the superintendent with help from an engineer. The city council may grant or deny the petition as in its discretion seems best for the welfare of existing utility users within the city.

2. Upon receipt of such petition and map and before the petition is granted, the city council shall obtain from the superintendent a certified statement showing the whole cost and expense of making such extension.

3. If the city council grants the petition, the cost of making the extension, as certified by the superintendent, shall be deposited with the clerk before any work shall be done on such extension. The deposit shall be made within thirty (30) days, or such other time as the city council shall indicate, after the granting thereof. In the event any deposit remains unclaimed for a period of five (5) years after the

depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.

4. At the time the city council decides whether or not to grant the petition for an extension, it shall also decide whether or not any portion of the costs are to be refunded and the manner and circumstance under which such refund shall be made or credited to the applicant, his/her successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished the applicant.

5. Any extension shall be deemed the property of the city. (1985 Code § 13.08.370)

B. Outside The City:

1. The city may furnish water and sewer service from its systems to persons outside the city in accordance with the provisions of this chapter.

2. Any person, subdivider or developer located outside the city limits who desires to be supplied with water or sewer service from the city systems and is willing to pay in advance the whole expense of extending the system to his/her property, including the cost of extending the water main beyond its present location, may make application to the city council by petition containing:

a. A description of the proposed extension.

b. A map showing the location thereof.

c. An offer to pay the whole expense incurred by the city in providing such extension and to advance such expenses as shall be verified by the superintendent. The city council and the person seeking such extension may enter into an agreement providing, in detail, the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded. (1985 Code § 13.08.380)

d. An acknowledgment that the city, in granting the petition, need supply only such water or sewer mains to the petitioner which, from time to time, the city council deems beyond the requirements of users within the city limits, and that such extension shall be the

property of and subject to the control of the city. (1985 Code § 13.08.380; amd. 2010 Code)

e. When an extension serving more than one house or user outside the city limits is connected to the city water or sewer mains, the superintendent may require a master meter to be installed near the point where the connection is to be made to the city main. This installation will be made at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for utilities supplied through the meter at the applicable rates. (1985 Code § 13.08.380)

7-3-14:       **DISCONTINUANCE OF SERVICES BY USER:** Any customer desiring to discontinue water or sewer service shall notify the city in writing of such fact at least ten (10) days before the date when such service shall be discontinued. Upon giving such written notice, the customer shall not be responsible for utility bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit will be refunded upon discontinuance of service immediately following the next regularly scheduled city council meeting following the date of disconnection. (1985 Code § 13.08.350)

7-3-15:       **TAMPERING WITH, DAMAGE TO SYSTEMS:**

- A. It is unlawful for any person to open any manhole, fire hydrant, stopcock, valve, or other fixture attached to the system of water supply or sewer collection unless it is done pursuant to proper application, agreement, or resolution.
- B. It is unlawful to injure, deface or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water or sewer system. (1985 Code § 13.08.210)

7-3-16:       **ACCESS TO PREMISES:** The superintendent and his/her agents shall, at all ordinary hours, have free access to any place supplied with utility service from the city systems for the purpose of examining the apparatus and ascertaining the amount of service being used and the manner of its use. (1985 Code § 13.08.240)

7-3-17:       **NONLIABILITY OF CITY FOR DAMAGES:** The city shall not be liable for any damage to a utility user by reason of stoppage or interruption of the user's water or sewer service caused by fires, scarcity of water, accidents to the utility system or its mains, or which occurs as the result of maintenance and extension operations, or from any other avoidable cause. This section shall not be construed to extend the liability of the city beyond that provided in the state governmental immunity act<sup>1</sup>. (1985 Code § 13.08.250; amd. 2010 Code)

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1. IC § 6-901 et seq.

## CHAPTER 3

## WATER AND SEWER USE AND SERVICE

**ARTICLE A. CROSS CONNECTION CONTROL<sup>1</sup>**

## SECTION:

- 7-3A-1: City Policies
- 7-3A-2: Responsibilities Of City
- 7-3A-3: Responsibilities Of Plumbing Inspector
- 7-3A-4: Responsibilities Of Customer
- 7-3A-5: Responsibilities Of Certified Backflow Assembly Technician

7-3A-1: **CITY POLICIES:** The city adopts the following policies concerning backflow prevention:

- A. No water service connection to any premises shall be installed after the effective date hereof unless the water supply is protected as required by state laws, regulations and codes and this article. Existing service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this article is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises. Services will not be restored until such conditions or defects are corrected.
- B. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections exist. When such a condition is known, the water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with state statutes and city regulations relating to plumbing and water supplies and the regulations adopted pursuant thereto.

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1. See section 7-3-1 of this chapter for definitions applicable to this article.

- C. An approved backflow prevention assembly shall be installed on each service to a customer's water system, at or near the property line, or immediately inside the building being served but, in all cases, before the first branch line leading off the water supply.
- D. The type of protective assembly required shall depend on the degree of hazard which exists at the point of cross connection (whether direct or indirect) as stipulated in the uniform plumbing code, chapter 6.
- E. All presently installed backflow prevention assemblies which do not meet the requirements of this article but were approved assemblies for the purpose described in this article at the time of installation and which have been properly maintained, shall be upgraded to current code and/or regulations for the installation and degree of hazard. (1985 Code § 13.08.390)

**7-3A-2: RESPONSIBILITIES OF CITY:** The water purveyor shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connections. If, in the judgment of the purveyor, an approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the water purveyor or his/her designated agent shall give notice, in writing, to such customer to install such approved backflow prevention assembly(ies) at specific location(s) on his/her premises. The consumer shall immediately install such approved assembly(ies) at his/her own expense; and failure, refusal or inability on the part of the consumer to install, have tested and maintain such assembly(ies) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (1985 Code § 13.08.390)

**7-3A-3: RESPONSIBILITIES OF PLUMBING INSPECTOR:**

- A. The designated plumbing inspector has the responsibility to not only review building plans and inspect plumbing as it is installed, but has the explicit responsibility of preventing cross connections from being designed and built into structures within his/her jurisdiction.
- B. When the review of building plans suggests or detects the potential for a cross connection being made an integral part of the plumbing system, the building official has the responsibility to require such

cross connections be either eliminated or provided with an approved backflow prevention assembly in accordance with the plumbing code.

- C. The designated plumbing inspector's responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of the customer's water system.
- D. The inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans.
- E. When such a cross connection is discovered, it will be mandatory that a suitable, approved backflow prevention assembly be required by the plans and be properly installed in accordance with the uniform plumbing code. (1985 Code § 13.08.390)

**7-3A-4: RESPONSIBILITIES OF CUSTOMER:**

- A. It is the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the customer's expense. In those instances where the water purveyor deems the hazard to be great, it may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician, licensed through the Idaho department of environmental quality or equal certification. It is the duty of the water purveyor to see that these tests are made according to the standards set forth by the Idaho DEQ.
- B. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the uniform plumbing code, chapter 6. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.
- C. All backflow assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working order by the person having control of such assemblies. If, upon inspection, such backflow assemblies are found to be defective or inoperative, the water purveyor shall require the replacement thereof. No assembly shall be removed from use, relocated, or another assembly substituted without approval from the water purveyor.

- D. All backflow assemblies shall be tested upon installation, relocation, and repair, and annually thereafter.
- E. No backflow assembly shall be installed to create a safety hazard (for example, installed over electrical panels). (1985 Code § 13.08.390)

**7-3A-5: RESPONSIBILITIES OF CERTIFIED BACKFLOW ASSEMBLY TECHNICIAN:** When employed by a consumer or the water purveyor to test, repair, overhaul and/or maintain backflow prevention assemblies, a certified backflow assembly technician will have the following responsibilities:

- A. To use acceptable testing equipment and procedures.
- B. To make reports of such testing and/or repair to the consumer and water purveyor on forms approved by the water purveyor.
- C. To include on such report a complete list of materials or replacement parts used.
- D. To ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
- E. To not change the design, material or operational characteristics of the assembly during repair or maintenance.
- F. To ensure that a certified technician performs the work and to be responsible for the competence and accuracy of all tests and reports.
- G. To ensure that his/her license is current and that all testing equipment being used is acceptable to the state and is in proper operating condition.
- H. To be equipped with, and be competent to use, all tools, gauges and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies.
- I. To tag each assembly and air gap application showing date tested and by whom and reference number to test form.

- J. To report any failing assembly(ies) to the water purveyor. Such failure to report may be grounds for revocation of the technician's certification. (1985 Code § 13.08.390)

