

Chapter 12.12.
WATERWORKS

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12.12.030 Owners responsibility.

The city shall not be responsible for pipes and fixtures. All owners, at their own expense, must keep service pipe from city water mains and all their apparatus in good working order and properly protected from frost and other danger. No claim shall be made against the city by reason of the breaking of any of the services or service pipe apparatus, water coils in furnaces or stoves, or for accidental failure in the supply of water. No reduction from the regular rates will be made for any time that service pipes or fixtures may be frozen.

12.12.040 Right of city to prohibit certain uses.

The city reserves the right to prohibit the use of water for the use of yard sprinklers, elevators and large consumers of water when in the judgment of the city manager it shall be necessary.
(Ord. 98/U-6342)

12.12.060 City not responsible for accidents.

The city will not be responsible for accidents resulting from insecure boilers or from variation in the water pressure or the ram of the water from the mains, or from collapse from any cause whatever.

12.12.070 City's right to shut off water.

The city reserves the right at any time, without notice, to shut off water in the city mains for the purpose of making repairs or extensions or for other purposes, and the city shall not be liable for any damage resulting from such temporary cessation of service.
(Ord. 98/U-6342)

12.12.080 Right of entry.

An officer or employee of the environmental services department or the finance and administrative services department shall be permitted at all times to enter the premises or buildings of consumers to examine the water pipes and fixtures and the manner in which the water is used, and in case of fraudulent representation on the part of the consumer or willful or unreasonable waste of water, such consumer shall forfeit any payment made, and the department may cause the water to be turned off and assess the damages to the premises.
(Ord. 2006-0415; 98/U-6342)

12.12.085 Special connection charge.

If the property to be connected to a public water main has not been assessed for any part of the costs of construction of the public water main, the owner shall pay a special connection charge to the city. The city shall determine the amount of the charge for such permit, which charge shall be an equitable portion of the cost of the public water main, and the amount so determined shall, upon confirmation by the city council by resolution, be paid to the city treasurer and credited to the proper fund before a permit to make such connection shall issue. Such permit, when issued, shall be in writing and signed by the city manager or his designee.
(Ord. 98/U-6342; S-32784, 1977)

12.12.090 Taps.

1. No tap shall be made to the mains until the applicant for whom such connection is to be made has obtained a plumber's permit authorizing a plumber to lay such pipe and connection as shall conform to the application and this chapter.

2. All such taps 2" and smaller shall be made by licensed plumbing contractors or utility contractors utilizing city-owned tapping equipment in order to assure uniformity in the quality and type of tap. The applicant shall submit with his application a contract in the form approved by the field services department setting forth the conditions and obligations of the plumber or utility contractor in using city-owned equipment.

3. The fee charged for using city-owned tapping equipment for 2" and smaller taps shall be \$150.00.

4. All taps to any private, public or city mains shall require the approval of the field services department whether using city-owned tapping equipment for small taps (3/4" to 2"), large taps (4" to 12"), or using privately owned equipment for larger taps (14" & up). All taps shall be done under the inspection of field services department personnel who shall have the power and authority to determine if such tap is performed correctly and stop work, if necessary, to protect public health or to prevent damage to city equipment or the water main.

5. The maximum size of tap on cast iron pipe without the use of an approved saddle is as follows:

- a. On 4 inch pipe 3/4 inch tap
- b. On 6 inch pipe or larger. . . 1 inch tap

All other taps require the use of an approved saddle.

6. Corporation cocks, curb stops, stop boxes and all other materials needed to make a tap and install a customer's service line shall be furnished by the customer or his agent. Materials used shall meet the specifications of the field services department.

7. Effective seven days from the passage of this resolution, the fee charged by the field services department for a 4" to 12" tap shall be \$1,200.00. This fee includes labor only. The contractor shall be responsible for providing all necessary material to complete the tap including saddle, valve, gaskets, nuts, bolts and valve box. Materials and methods used shall meet the specifications of the field services department.
(Ord. 2013-0272; 2004-0394; 99-7746; 98/U-6424; 95/U-3561; 95/U-3462; 89/T-7553)

12.12.095 Reimbursement for privately installed water mains.

Upon approval of the city council, a private firm or individual may, at their expense, install in public right-of-way water mains in front of property not under their control and recoup a pro rata portion of their costs from noncontributing abutting property owners as hereinafter provided. The pro rata share for each noncontributing property shall be approved by the city council by resolution, and the predetermined fee shall be collected by the city treasurer upon application for connection. All fees collected by the city treasurer, less a ten percent administrative fee, shall be paid to the private firm or individual originally installing the water main. Fees received more than ten years after the date of the passage of the resolution by the city council approving the fee shall be retained by the city.
(Ord. S-32784, 1977)

12.12.100 Connecting pipes between adjoining premises.

No consumer shall be permitted to install water pipes across lots or buildings adjoining premises, but all service pipe shall enter at the front of the building nearest the sidewalk. In unusual cases, the environmental services director may permit deviations from this rule.
(Ord. 98/U-6424)

12.12.110 Separate owners - Single connection.

Two or more premises with separate owners cannot be supplied from a single connection.

12.12.120 Placement of stop boxes and cut offs.

All stop boxes and cut offs for controlling the supply of water to consumer shall be placed not less than six feet or more than eleven feet from property line with the top of the stop box brought even with the sidewalk. Where area walls prevent the location of the stop box and cut off at the point indicated, they shall be placed immediately within the area wall. In cases where this rule creates difficult construction problems, the environmental services director may permit deviations therefrom.
(Ord. 98/U-6424)

12.12.130 Types of pipe.

Except as hereinafter provided, consumers will be required to use, in making connections with the water mains of the environmental services division between the main and the water meter, either type K copper pipe with flare or compression fittings, or 200 PSI class polyethylene pipe (PE-3408), or pressure class 350 ductile iron pipe or C900 PVC pipe. Before using any type of plastic pipe it shall be the responsibility of the consumer or installer to verify the absence of any contaminated soil which may negate the option of PVC or polyethylene pipe. If specified levels of contamination are discovered, the use of PVC or polyethylene pipe is prohibited. Information on contamination levels at which PVC or polyethylene pipe use is prohibited is available through the city engineering department.

(Ord. 99-8054; 98/U-6424)

12.12.140 Stop cock specifications.

All stop cocks shall be Mueller 300 Ball Curb Valves with Mueller 110 Connection or equivalent. The valve shall be a quarter turn check and both ends shall be conductive compression connections for CTS O.D. tubing. All equivalents shall be approved by the public works department. Service pipes must be laid at least five and one-half feet below the finished surface of the ground. Minimum size for replacement water service lines shall be .75 inch inside diameter. Minimum size for new water service lines shall be 1 inch inside diameter. All curb stop boxes shall be a 2-1/2" curb service box. The curb service box shall be injection molded and commercially manufactured utilizing a proprietary Armor™/Plymouth Products compound known as PLYMOUTH SUPERFLEXON® per ASTM D-2853-70, Class 1212. Material shall be a rigid combination of polyolefin with fibrous inorganic component reinforcing and UV stabilizer additives to assure resistance to material degradation from ultraviolet light. The box shall be telescoping two-piece (screw style) with polycarbonate ring, pentagon bolt and Superflexon® cover. Upper section shall be locatable electronically and magnetically with ring riveted to the top piece. Lower section shall be a full threaded shaft 9f 2.35" ID over a Buffalo style arch, 4" wide by 7" high and saddle, 3-1/3" wide by 4" high or equivalent. All equivalents must be approved by the public works department. Minnesota style curb boxes are not acceptable.

(Ord. 2006-0833, 2006-0415; 98/U-6424)

12.12.150 Two or more meters on one service connection.

In the event that two or more meters are placed, by permission of the finance and administrative services department, upon one service connection, they shall be so placed that no one of them shall measure water which has passed through another meter. Provided, however, that in cases of multiple family dwellings or office buildings where the owner desires to have each tenant metered separately, the finance and administrative services director is authorized to enter into either of the following arrangements:

1. The city will install one "master meter" billing the owner solely upon the water consumed through this meter, but permitting the owner to provide and install at his own expense "submeters" to measure the quantity consumed by each tenant. In this case, the owner must assume the responsibility for maintaining, reading and billing the submeters.

2. The owner must install a separate stop box and cut off for controlling the supply of water to each dwelling unit.

(Ord. 2006-0415; 98/U-6342)

12.12.160 All water to be metered.

Except as noted in Sections 12.12.170 and 12.12.180 all water consumed for any purpose whatever shall be metered. All meters shall be placed on the service pipe at a point not to exceed two feet from the place where such pipe enters the structure or premises. A stop valve shall be installed between such meter and the wall, and such meter shall be so placed as to be kept dry, clean, and readily accessible.

(Ord. 2002-0692)

12.12.170 Connections to automatic fire sprinklers.

Connections to automatic fire sprinklers may be made in such a manner that the water used therein does not pass through the water meter provided such sprinkler systems are of the so-called "dry-pipe" type or are so equipped that any flow of water therein automatically registers an alarm of fire on the central ADT board or in the city's alarm headquarters.

An annual demand charge for automatic sprinkler systems shall be made as follows:

- (1) 8" connection or larger..... \$150.00 per year
- (2) 6" connection but less than 8" \$75.00 per year
- (3) 4" connection but less than 6" \$50.00 per year

12.12.180 Emergency or temporary needs.

To meet emergency or temporary needs for water, the finance and administrative services director is authorized to arrange for unmetered supplies, making such charges therefor as seem equitable and in reasonable accord with the rates charged for metered water.

(Ord. 2006-0415; 98/U-6424)

12.12.190 Maintenance of meters by city.

On and after the effective date of the ordinance codified in this chapter the city will furnish and maintain all meters necessary to serve new customers, regardless of meter size required. Upon receipt of written request of those customers who, under the former water department regulations, were required to purchase their own meters, the city, will assume ownership, maintenance and replacement when necessary of these meters. The term "maintenance" as used in this section shall not apply to damage to meters resulting from the negligence of the customer. The actual cost of repairs resulting from such damage will be charged back to the customers.

12.12.210 Billing - monthly required.

All customers shall be billed on a monthly basis.

(Ord. 2004-0603; 2002-0692; 96/U-3987)

12.12.220 Rates and charges meters not exceeding three-quarter (3/4) inch.

The rates for those residential and commercial consumers which have meters not exceeding three-quarter inch, shall be charged according to the following schedule:

WATER RATE SCHEDULE (Effective July 1, 2012)

RESIDENTIAL RATES:

Cubic Feet Per Month	Charge for Month
First 200 (minimum charge) 3/4 inch or less	\$9.70
Next 4,800	\$2.96/100 cubic feet
All over 4,800	\$1.79/100 cubic feet

COMMERCIAL RATES:

Cubic Feet Per Month	Charge for Month
First 200 (minimum charge) 3/4 inch or less	\$9.70
Next 14,800	\$2.96/100 cubic feet
All over 14,800	\$1.79/100 cubic feet

WATER RATE SCHEDULE (Effective July 1, 2013)

RESIDENTIAL RATES:

Cubic Feet Per Month	Charge for Month
First 200 (minimum charge) 3/4 inch or less	\$10.38
Next 4,800	\$3.17/100 cubic feet

All over 4,800 \$1.91/100 cubic feet

COMMERCIAL RATES:

Cubic Feet Per Month	Charge for Month
First 200 (minimum charge) 3/4 inch or less	10.38
Next 14,800	\$3.17/100 cubic feet
All over 14,800	\$1.91/100 cubic feet

WATER RATE SCHEDULE (Effective July 1, 2014)

RESIDENTIAL RATES:

Cubic Feet Per Month	Charge for Month
First 200 (minimum charge) 3/4 inch or less	\$11.11
Next 4,800	\$3.39/100 cubic feet
All over 4,800	\$2.05/100 cubic feet

COMMERCIAL RATES:

Cubic Feet Per Month	Charge for Month
First 200 (minimum charge) 3/4 inch or less	\$11.11
Next 14,800	\$3.39/100 cubic feet
All over 14,800	\$2.05/100 cubic feet

(Ord. 2012-0430; 2009-0413; 2006-0402; 2004-0603; 2003-0731; 2002-0750; 2001-0595; 98/U-6814; 97/U-5488; 96/U-4439; 92/U-222; 84/T-2951; S-39639, 1980; S-39399, 1979; S-30305, 1976)

12.12.230 Rates and charges meters greater than three-quarter (3/4) inch.

1. The rates set forth in Section 12.12.220 apply to those customers whose meters do not exceed three-quarter inch in size. For meters greater than three-quarter inch, the following minimum rates shall apply:

MONTHLY RESIDENTIAL RATES (Effective July 1, 2012)

Meter Size	Minimum Charge	Allowance Per Month
1 inch	\$13.90 per month	200 cubic feet

MONTHLY COMMERCIAL RATES (Effective July 1, 2012)

Meter Size	Minimum Charge	Allowance Per Month
1 inch	\$ 18.79 per month	200 cubic feet
1 1/2 inch	\$ 24.32 per month	200 cubic feet
2 inches	\$ 35.64 per month	200 cubic feet
3 inches	\$ 55.24 per month	200 cubic feet
4 inches	\$ 97.27 per month	200 cubic feet
6 inches	\$168.60 per month	200 cubic feet
8 inches	\$292.28 per month	200 cubic feet
10 inches	\$430.20 per month	200 cubic feet

MONTHLY RESIDENTIAL RATES (Effective July 1, 2013)

Meter Size	Minimum Charge	Allowance Per Month
1 inch	\$14.87 per month	200 cubic feet

MONTHLY COMMERCIAL RATES (Effective July 1, 2013)

Meter Size	Minimum Charge	Allowance Per Month
1 inch	\$ 20.10 per month	200 cubic feet
1 1/2 inch	\$ 26.02 per month	200 cubic feet
2 inches	\$ 38.14 per month	200 cubic feet
3 inches	\$ 59.11 per month	200 cubic feet
4 inches	\$104.08 per month	200 cubic feet
6 inches	\$180.40 per month	200 cubic feet
8 inches	\$312.74 per month	200 cubic feet
10 inches	\$460.32 per month	200 cubic feet

MONTHLY RESIDENTIAL RATES (Effective July 1, 2014)

Meter Size	Minimum Charge	Allowance Per Month
1 inch	\$15.91 per month	200 cubic feet

MONTHLY COMMERCIAL RATES (Effective July 1, 2014)

Meter Size	Minimum Charge	Allowance Per Month
1 inch	\$ 21.51 per month	200 cubic feet
1 1/2 inch	\$ 27.85 per month	200 cubic feet
2 inches	\$ 40.81 per month	200 cubic feet
3 inches	\$ 63.25 per month	200 cubic feet
4 inches	\$111.37 per month	200 cubic feet
6 inches	\$193.03 per month	200 cubic feet
8 inches	\$334.63 per month	200 cubic feet
10 inches	\$492.54 per month	200 cubic feet

2. Consumption per month over the above-listed allowance per month shall be charged for, and calculated at, the same rate basis as in the monthly consumption tables set forth in Section 12.12.220.

3. The above rate schedule shall be charged to and paid by all users without exception other than the city. (Ord. 2012-0430; 2009-0413; 2006-0402; 2004-0603; 2002-0750; 2001-0595; 98/U-6814; 97/U-5488; 96/U-4439; 92/U-222; 84/T-2951; S-39639, 1980; S-39399, 1979; S-30305, 1976)

12.12.234 Annual CPI Adjustments.

The rates set forth in Sections 12.12.220, 12.12.230 and 12.12.235 shall be adjusted upward or downward annually on July 1 by a percentage equal to seventy-five percent of the percentage change in the consumer price index for U.S. City Average, all urban consumers, (1982-1984 index) issued by the Department of Labor, Bureau of Labor Statistics. The December 1994 index shall be the base month to calculate the percentage change. The city manager or the city manager's designee shall file a written report with the City Council by the first Monday in June setting forth the new rates effective for the following July.

(Ord. 96/U-4439, Ord. 95/U-3057)

12.12.235 Special rates and charges.

1. Customers of water passing through a separate meter, when the meter shall be connected to outside taps for the purpose of lawn sprinklers or for the operation of air conditioners shall be charged \$3.14 per hundred cubic feet effective July 1, 2012; \$3.35 per hundred cubic feet effective July 1, 2013, and \$3.59 per hundred cubic feet effective July 1, 2014. Such accounts shall not be subject to minimum charges and will be billed only for water consumed.

2. In cases where customers do not have a telephone or have not permitted the installation of an automatic meter reading device technology, the city will continue to manually read the meter. A monthly service charge of \$20.00 will be added to each monthly bill to cover the costs of the monthly read.

3. Users located outside the City corporate limits shall pay the applicable rate as set forth in either Section 12.12.220 or Section 12.12.230 or subsection 12.12.235(1) multiplied by a factor of two. This rate is subject to the annual adjustment specified in Section 12.12.234.

4. Users shall pay a fee of \$25.00 to set up a new account for the purpose of purchasing water or sewer services from the city.

5. The following designated cities purchasing water from the city shall pay the following rates and minimums:

	<u>Minimum</u>	<u>Per 1000 gallon rate</u>
a. South Sioux City, Nebraska	\$1,000	1.0511
b. Dakota Dunes, South Dakota	\$1,000	1.5973

(Ord. 2014-0052; 2013-0237; 2012-0430; 2012-0171; 2011-0015; 2010-0128; 2009-0413; 2009-0116; 2008-0117, 2007-0116, 2006-0402; 2006-0113; 2005-0085; 2004-0603; 2003-0886; 2002-0750; 2002-0692; 2001-0595; 99-7612; 98/U-6814; 97/U-5488; 96/U-4439; 95/U-3368)

12.12.237 Front Footage Connection Fee.

No connection shall be made to a water main installed and funded by the city until the applicant has paid a front footage connection fee calculated as follows:

- 1. Single Family Residential: \$10.00 per lineal foot of the water main abutting the lot served.
- 2. Commercial Users: \$15.00 per lineal foot of the water main abutting the lot served.

If a connection fee is separately established for a specific water main, it will take precedence over this fee.

(Ord. 94/U-1928)

12.12.238 Capital Facilities Charge.

No water meter measuring city water usage shall be installed in a facility constructed after the effective date of this ordinance until the applicant has paid a capital facilities charge based upon the size of the water meter determined from the following table. A larger water meter shall not be installed in an existing facility until the applicant has paid a capital facilities charge based upon the size of the water meter installed minus the capital facilities charge assigned to the water meter removed with the charges determined by the following table: (Ord. 94/U-1928)

CAPITAL FACILITY CHARGES

Meter Size	CFC Per Meter
5/8"	\$ 109
3/4"	\$ 164
1"	\$ 272
1 1/2"	\$ 545
2"	\$ 1,744
3"	\$ 3,815
4"	\$ 10,900
6"	\$ 21,800

12.12.240 Water for building purposes.

Contractors, builders or others desiring water for building purposes, must make application to the finance and administrative services department who will make special arrangements for such supply as is required.

(Ord. 2006-0415; 2002-0692; 98/U-6342)

12.12.270 Tampering.

Whoever shall by himself, or by any other person acting under his authority, use or take water from the city without a license or permit, or shall without authority from the city open or hitch to, dig out, curb over or remove any fire plug or hydrant, stop cock valve, valve box or other fixtures belonging to the city, or shall turn on, or shut off water into or from any water pipe belonging to the city wherever situated, or shall disconnect water meter or automatic meter reading device or any related components, shall be deemed guilty of a misdemeanor and shall upon conviction be punished as provided in Section 1.04.100 of the Sioux City Municipal Code. Disconnection of the automatic meter reading device from the telephone line which results in a service call will result in a service charge of fifty dollars.

(Ord. 2002-0692; 98/U-6424; 98/U-6342)

12.12.280 Plumbers - Compliance required.

The following rules shall be strictly adhered to by all persons performing any plumbing work in and upon any of the water mains, connections or appliances belonging to the city, and any violation thereof or failure to comply therewith shall be considered a violation and breach of the condition of all bonds of plumbers hereinafter mentioned.

(Ord. 98/U-6424)

12.12.290 Plumber s bond required.

No person shall make any connection to or perform any work upon any of the mains or appurtenances of the city until he shall have first made and executed to the city a bond which will be the same as that required for a class I plumbing contractor's license as specified in Chapter 20.14 of this code. However, this section shall not require a bond in addition to the bond already furnished the city pursuant to Chapter 20.14 of this code.

(Ord. 2003-0437; 98/U-6424; 84/T-2545)

12.12.300 Term of plumbers license.

Any plumber doing any work upon the city's mains or connections thereto, will on the first of April of each and every year, be required to take out a new license.

(Ord. 98/U-6424; 84/T-2545)

12.12.310 Bond nontransferable.

No plumber shall, directly or indirectly allow any other person to do any work upon the water mains or appliances under his bond.

12.12.320 Excavations.

All excavation in streets and alleys and backfilling thereof, must be done in accordance with the city's ordinances and requirements.

12.12.330 Test and inspection of water pipes.

No water pipes laid underground shall be covered and the trenches filled up by any plumber until after the water has been turned into such pipes and the pipes shall have been tested and found to be watertight, and the pipes and connections shall be tested and examined by the city's inspector.

(Ord. 98/U-6424)

12.12.340 Water shut off by plumbers.

In case of leaks or other accidents to pipes or other apparatus connected with the city's water pipes, plumbers may shut off the water to make such necessary repairs. In all cases when plumbers shall make repairs to pipes or fixtures on any

premises, they shall leave the water turned on or turned off, as they found it to be when they entered the premises to make such repairs. A fee of twenty-five dollars shall be charged to any plumber requesting the city to turn on or turn off the curb cock.

(Ord. 2002-0692; 98/U-6424; 89/T-7553)

12.12.350 Curb cock must be closed.

In no case shall any plumber, after the completion and trial of any plumbing work, if it be the first introduction of service pipe, leave the water turned on the premises, but shall in all cases close the curb cock.

12.12.360 Suspension of plumbers license.

The environmental services director shall have authority to suspend the license of any plumber for noncompliance with these rules and regulations. Such suspension shall take effect immediately and shall remain in effect until the alleged violation and suspension can be reviewed according to procedures established by other sections of this code.

(Ord. 98/U-6424)

12.12.370 Separate trenches for sewer and gas pipes.

Water pipes must not be laid in the same trench with sewers or gas pipes, but an entire separate trench must be provided for their accommodation .

12.12.380 Check valve between meter and boiler.

If meters are placed on pipe connected to boilers, a check valve must be placed between the meter and such boiler to protect such meter from back pressure of steam or hot water.

12.12.390 Pipes to be blown out.

Plumbers must first blow out the pipes before setting any meter, and the meter must in all cases be set without the use of red-lead or any other substance for packing in the fittings and must be set level and made firm by resting on proper support .

12.12.400 Proper wrench to open stop box.

The opening of stop boxes by plumbers by any means other than a proper wrench is strictly forbidden. All plumbers must have a stop box wrench attached to their keys for opening and closing stops. Any plumber breaking stop box cover or bolt will be required to pay for same.

12.12.410 Rules governing plumbers.

All plumbers shall be governed by the general rules of the environmental services department insofar as they are applicable to the work they are performing.

(Ord. 98/U-6424)

12.12.420 Meters outside basements.

All meters located outside of basements or heated living spaces must be placed in boxes. All boxes for meters located outside of basements must be constructed of brick or concrete and be four feet in diameter, inside measurements, and be supplied with a close-fitting cover. There will be no meters allowed which are below grade which are not located in basements, seasonal meter boxes, or heated meter boxes.

(Ord. 2002-0692)

12.12.430 Penalty for interference without a license.

Any person not a licensed plumber by the city who in any manner interferes with the environmental services department, its pipes, hydrants, valves, stop boxes or fixtures of any kind thereto belonging, is guilty of a simple misdemeanor and upon conviction shall be punished as provided in section 1.04.100 of this code.

(Ord. 2006-0065; 98/U-6424; 98/U-6342)

12.12.440 Water service outside of the city limits.

1. Permits may be issued by the City Council for the establishment of new water service to properties located outside of the city limits subject to the provisions hereinafter stated. The installation of water mains, service lines, metering facilities, and internal plumbing shall meet the city's specifications for water service inside the corporate limits unless waived by the city manager. The city manager may require, as a condition of receiving water service, that the water main shall become the property of the city.

2. Water service shall not be extended to properties contiguous to a corporate boundary line or otherwise voluntarily annexable to the city until such time as the owners of those properties have officially requested voluntary annexation into the city.

3. Water service shall not be extended to properties which are not contiguous to a corporate boundary line unless and until such time as the owners of those properties have agreed in writing that they or their successors in interest will initiate voluntary annexation when their property becomes annexable and upon demand by the city.

4. Water service currently extended to properties outside of the city limits and contiguous to a corporate boundary line shall continue to receive water provided that the owners of these properties request voluntary annexation of their property to the city. If such request is not made by June 30, 2002, the water service to the property shall be terminated. However, if the property is sold prior to June 30, 2002, water service to the property shall terminate June 30, 2002 or ninety days after the date of the sale whichever occurs last unless a request for annexation is made to the city. Transfers between parents and their children shall not be a sale for purposes of this paragraph.

5. Water service to properties located outside of the city limits but not contiguous to the corporate boundary shall continue provided that the owners of such properties agree in writing that they or their successors in interest will agree to initiate voluntary annexation when the property becomes annexable and upon demand by the city. However, annexation shall not be required prior to June 30, 2002, unless the property is sold in which event the property must be annexed when eligible for annexation upon demand of the City made at any time after June 30, 2002. If such agreement is not made by June 30, 2002, or if annexation is not requested as required, water service shall be terminated. Transfers between parents and their children shall not be a sale for purposes of this paragraph.

6. This section shall not be construed to apply to Council-approved water sales to other municipalities, rural water districts or other governmental agencies.

(Ord. 2001-1055; 96/U-4989, 96/U-4029, 88/T-6922)

12.12.450 Floodproofing.

In a floodable area as identified by the Flood Insurance Study issued by the Federal Insurance Administration, or in any other known floodable area as designated by the city of Sioux City, all new or replacement water supply installations shall be designed and constructed to eliminate the infiltration of flood waters.

(Ord. S-36981, 1978)

12.12.460 Declaration of Water Emergency.

Whenever, in the opinion of the city manager, conditions exist which create a water shortage affecting the health, safety and welfare of the community, the city manager or his designee shall have the authority to make such determination and declare a water emergency. The city manager shall, at the next meeting of the City Council following the declaration of water emergency, present a resolution to the City Council for its affirmation of such declaration and the conditions thereunder.

(Ord. 89/T-7447)

12.12.462 Notification to the Public.

The declaration of a water emergency shall be by proclamation. The city manager shall request the cooperation of the local press and broadcast media to announce the declaration of a water emergency. The prohibitions of this chapter regulating or prohibiting water usage shall be effective at a specific time to be stated in the proclamation not less than one hour after the initial announcement of the emergency by two local broadcast media or upon publication of the declaration in a daily newspaper published in the city. Such notice shall constitute notice to the general public of the declaration of the emergency.

(Ord. 89/T-7447)

12.12.464 Prohibited Acts During Water Emergency.

1. The proclamation declaring a water emergency shall set forth one or more of the following actions as being prohibited during the water emergency:

- a. Watering of lawns, trees, bushes, shrubs, gardens and other vegetation. (Ord. 90/T-8792, 89/T-7447)
- b. Watering of lawns, trees, bushes, shrubs, gardens and other vegetation at premises having even numbered addresses other than on even numbered days of the month, and at premises having odd numbered addresses other than odd numbered days of the month. Where premises are considered as having both even and odd numbered addresses, watering of the lawns, streets, bushes, shrubs, gardens and vegetation other than on even days of the month.
- c. Watering of lawns, trees, bushes, shrubs, gardens and other vegetation at premises having even numbered addresses other than on Sundays and at premises having odd numbered addresses other than on Wednesdays. Where premises are considered as having both even and odd numbered addresses, watering of lawns, trees, bushes, shrubs, gardens and vegetation other than on Mondays.
- d. Watering of lawns, trees, bushes, shrubs, gardens and other vegetation at premises having even numbered addresses other than on Sundays and Thursdays, and at premises having odd numbered addresses other than on Saturdays and Tuesdays. Where premises are considered as having both even and odd numbered addresses, watering of lawns, trees, bushes, shrubs, gardens and other vegetation other than on Sundays and Thursdays.
- e. Washing of automobiles, trucks and other vehicles.
- f. Filling, in whole or in part, swimming pools.
- g. Watering of lawns, trees, bushes, shrubs, gardens and other vegetation except at such times and at such locations as the City Manager or his designee shall deem appropriate under the circumstances.
(Ord. 90/T-8792, 89/T-7447)

12.12.466 Water Shut-offs During Water Emergencies.

The city manager or his designee may, during a declared water emergency, shut off the water at any premises found to be in violation of Section 12.12.464 or the proclamation under Section 12.12.460. The resumption of water service at said premises shall be at the direction of the city manager or his designees upon the payment of the fees for resumption of service as provided for in Section 12.10.090.

(Ord. 89/T-7447)

12.12.468 Termination of Water Emergency.

Whenever the city manager shall find that the conditions which gave rise to the water emergency no longer exist, he is authorized to declare the termination of the water emergency, in whole or in part, effective immediately upon announcement.

(Ord. 89/T-7447)

12.12.470 Presumption and Penalty.

For purposes of prosecution under Sections 12.12.460 through 12.12.468 of this chapter, if illegal water usage is found at any premises in violation of such sections and the identity of the person using such water cannot be determined at the scene of the violation, the person in whose name the premises are billed for water services as is shown on the records of the city treasurer shall be prime facie responsible for the violation. It shall be a misdemeanor for any person to violate the provisions of Section 12.12.460 through 12.12.468 of this chapter or any proclamation issued thereunder.

(Ord. 89/T-7447)

12.12.480 Water Lab Testing Services.

1. Pursuant to Iowa Code Section 23A.2, the water lab of the environmental services department is authorized to offer lab testing services for a competitive fee if the lab is state certified to conduct said tests.

2. The water lab must prepare for public inspection documentation of all actual costs of the project as required by generally accepted accounting principles.

(Ord. 98/U-6424; 92/U-195)

12.12.490 Private wells - permit required.

1. No person shall construct a private well after July 1, 1996, or own or use a private well constructed after July 1, 1996, unless a permit has been issued for the well by the city. The permit application shall be made with the environmental services department on forms provided by the city.

2. The permit applicant shall provide the environmental services department with data concerning the soil and groundwater contamination in the particularly described application site.

3. In determining whether to issue a permit or not, the department shall consider the availability of public water to serve the facility; the estimated amount of water to be consumed; and the uses for which the water will be used.

4. The department has issued letters to the Iowa Department of Natural Resources in response to information it has received documenting the presence of petroleum contamination from underground storage tank sites. These letters provide assurance that the Department would not likely permit private wells within the documented area of concern due to the availability of a public water supply under the authority of Sioux City Municipal Code Section 12.12.490. The department will maintain records of all leaking underground storage tank sites for which it has issued a certification letter.

5. The department will investigate their records to determine if the proposed private well is within the area of concern from any leaking underground storage tank sites. The department may also contact the Iowa Department of Natural Resources to determine if there are leaking underground storage tank sites within the area of concern.

6. If the department determines that a private well application may be granted in an area of concern, the department shall notify the Iowa Department of Natural Resources Leaking Underground Storage Tank section of the permit application.

7. A decision to grant or deny a permit shall be made within thirty days after application. If a permit is denied, a written notice of denial shall be given to the applicant. The reason for the denial shall be stated in the notice and the rights of the applicant to appeal the department's decision. If a permit is denied, the applicant may appeal the department's decision to the city council. The appeal shall be made by written notice delivered to the finance and administrative services director within thirty days from the date of the department's denial. The council shall schedule a public hearing on the appeal within thirty days from the date of the appeal and upon failure to do so the denial shall be deemed affirmed by the council. If there is no appeal, the decision of the department is final. Where appeal is taken, the decision of the city council is final.

(Ord. 2006-0415; 99-7725; 98/U-6424; 96/U-4494)

12.12.500 Penalties for Violations.

Except as herein provided, any person who violates any of the provisions of this chapter is guilty of a municipal infraction and shall upon conviction, be punished as provided in section 1.04.100 of this municipal code. Alternatively, any person who violates any of the provisions of this chapter is guilty of a misdemeanor and shall upon conviction be punished as provided in section 1.04.100 of this code. A peace officer may issue a criminal citation for such violations. No person shall be charged with both a municipal infraction and a misdemeanor for the same violation.

(Ord. 2006-0065)