

**RULES AND REGULATIONS GOVERNING  
THE MUNICIPAL WATER WORKS IN THE CITY OF MARION, IOWA,  
AND ADOPTED BY THE BOARD OF TRUSTEES  
OF THE MUNICIPAL WATER WORKS OF THE CITY OF MARION,  
IOWA.**

The following rules and regulations governing the Municipal Water Works of the City of Marion, Iowa, have been prepared and adopted in conformity with authorization granted by Chapter 388 of the Code of Iowa, 1980, for the purpose of establishing policies of operation and administration in an effort to improve public water supply service based on rules, regulations and policies common for all utilizing such service.

# ARTICLE I

Definition: Unless the contexts specifically indicates otherwise, the meaning of terms in the following rules and regulations shall be as following:

**Section 1.** "City" shall mean the City of Marion, Linn County, Iowa.

**Section 2.** "Board" shall mean the Board of Trustees, Municipal Water Department, Marion, Iowa.

**Section 3.** "Water Department" shall mean all facilities and accessories for producing, treating, pumping, storing and distributing water for public use.

**Section 4.** "Person" shall mean any individual, firm, company, association, society, corporation or group.

**Section 5.** "City Water Mains" shall be construed as any pipe laid in a city street, alley, or property easement accepted by the Board, said pipe being owned or installed by the City for the distribution of city water throughout the area served and on which all owners of abutting properties have equal rights and is controlled by public authority. This definition shall exclude all private service lines running from City mains through private property, and shall exclude any service line laid for the express purpose of serving only one customer, whether situated in a public thoroughfare or upon public property or both.

**Section 6.** "Service pipe" is a water pipe laid from a city main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box and shut-off, and all valves and pipes inside the building through which water passes before it reaches the water meter.

**Section 7.** "Consumer" is anyone using water furnished by the Municipal Waterworks of the City of Marion, Iowa.

**Section 8.** "Sewer Service Line" shall mean a sewer pipe or conduit which carries water-carried waste from residences, businesses, institutions and industrial establishments.

**Section 9.** "Shall" is mandatory; "May" is permissive.

## **ARTICLE II - Administrative Organization**

**Section 1.** The Board of Trustees shall consist of five resident electors of the City of Marion, Linn County, Iowa. Said Board members shall be appointed in accordance with provisions of Chapter 388 of the Code of Iowa 1980.

**Section 2.** The Board of Trustees shall hold a regular monthly meeting at a time and place most convenient to the Trustees and will hold any necessary special meetings upon call of the Chairman or any four members of the Board. At least three members of the Board must be present before any official action can be taken.

**Section 3.** In the event of the absence of the Chairman of the Board, the remaining four members may hold any necessary meeting and the member next in line for Chairman shall act as Chairman for a said meeting.

**Section 4.** The Board of Trustees shall consider and act on all matters presented to them. An agenda shall be prepared by the Secretary prior to the meeting in which each item of business is listed, but additional items may be presented by any person in attendance upon their recognition by the Chairman. Consideration of all bills and financial reports shall be at least monthly.

**Section 5.** The Board of Trustees shall keep an accurate and complete record of all meetings held, and the record of such proceedings shall be kept in a permanent minute book. The Secretary to the Board shall take minutes required and shall maintain the permanent minute book.

**Section 6.** The organization of the Municipal Water Works shall be in accordance with the table of organization as approved by the Board of Trustees.

## ARTICLE III - Rules and Regulations

In accordance with Section 90.02 of the Municipal Code of the City of Marion, Iowa, the following rules and regulations under Article III shall be considered a part of the contract with every person using water supplied by the City of Marion, Iowa, through the Municipal Water Works system, and every such person who takes water shall be considered as having expressed agreement to be bound thereby even though he does not sign, or has signed, an application for the water service.

**Section 1.** Independent Water Supply: No connection from any other water supply to any system of piping supplied by city water shall be made or maintained unless authorized and the connection approved by the Board.

**Section 2.** Access by Water Department Employees: A member of the Board and all employed by them for the purpose shall have free access at proper hours to all parts of every building in which meters are located or where water is or may be delivered or consumed.

**Section 3.** The City Water Department does not guarantee a constant supply of water to any consumer and shall not be liable for damages for any failure to supply the same, nor shall it be liable for any claim or damage by reason of breaking of any service pipe, stop cock, or other equipment or if for any reason the supply of water shall be shut off to make repairs, connections or extensions or for any other purpose that may be found necessary. The right is reserved to cut off the supply of water at any time. Whenever practicable, notice in advance of such shut off shall be given and the supply turned on again as quickly as possible.

Whenever a property owner abandons an old service line and tap, it shall be the responsibility of the property owner to disconnect the old line at the main, securely plug the tap hole and notify the Operation's Supervisor to inspect the disconnection.

When it is necessary for employees of the Water Department to open the street to shut off a tap on account of a leaking service, nonpayment of bills, or non-compliance with these rules, the Owner of the property shall be charged with all expense thereby incurred by the Water Department personnel. All bills for such work are due and payable ten (10) days after customer is billed unless other arrangements are made with the General Manager. Service may be discontinued for any delinquent account.

**Section 4.** Use of Hydrants: No person other than an authorized employee of the City department shall open or use a fire hydrant without previous permission from the Board.

Only hydrant wrenches of a design approved by the Board shall be used. Care shall be taken that the cap chains are not broken or caps lost and the caps shall be replaced after the use of the hydrants. No hydrants shall be used that appear to be in a defective condition, and, if a hydrant is in a defective condition, the water office should be notified immediately and given the location thereof.

Fire hydrants are not to be obstructed by the users thereof and shall be available at all times for use by the Fire Department.

A charge shall be made for setting a hydrant meter to facilitate persons using water from a hydrant for construction, weed spraying, etc. **The charge for setting the meter and the required meter deposit is listed on the Fixed Charges Rate Sheet.** This charge will be in addition to the charge for the water used.

All unauthorized use of hydrants may be subject to civil penalties as provided for in the Municipal Code of the City of Marion, in addition to any other use charges levied by the Department.

**Section 5. Maintenance of Plumbing:** All persons taking water shall keep their service pipes, stop cock, curb cock, fixtures, meters and apparatus in good repair and protected against frost at their own expense and shall prevent all waste of water.

The water customer is held responsible for any damage to water meter by freezing, over-heating, rough usage or loss. The meters are the property of the Water Department and may be repaired by the Department at the expense of the customer and without notice to him. The customer must keep the meter readily accessible for meter reading or inspection. The Operation's Supervisor has right to order replacement of meter if meter is not easily accessible to reader.

**Section 6. Deviation from Rules:** If unusual sub-surface or other conditions make it impracticable, in the opinion of the Board, to complete any installation in conformity with these rules and regulations, the work may be performed in such a manner and under such plans as may be found to be practicable in the judgment of the Board.

**Section 7. Bills Payable:** Payments of current water bills shall be made at the Water Department Office. Duplicate bills will be mailed upon request for reasonable cause. Change in ownership of property and change in mailing address in connection with the supply of water to metered buildings shall be reported at the Water Department office.

**Section 8. Method of Payment:** Payment of bills shall be by cash, check, money order, auto debit, ACH, or by credit or debit card via online or by phone. Checks or money orders shall be made payable to the Marion Water Department. Checks, unless certified, are credited subject to collection. Cash payment to be made only at the Water Department Office. Checks and money orders may be delivered at the Water Office or mailed at the sender's risk to the Water Office.

Payments returned for insufficient funds or any other reason shall cause a collection fee to be levied upon the account remaining unpaid, which amount shall be added to the outstanding balance due. Service shall be discontinued unless payment is received in full for the outstanding balance plus collection fees.

Payments will be accepted during regular office hours. The right is reserved to decline any payment tendered after these hours.

Bills for water are due and payable when rendered.

If water is shut off for non-payment, service will be restored the same day if full payment, together with a reconnect charge, is made before 4:00 p.m. Central Time. If payment is received after 4:00 p.m., service will not be restored until the next business day. It is the customer's responsibility to be at the property when the water is turned

back on to make sure there is no running water. The Marion Water Department is not responsible for flooding issues or high water bills once the water service is restored.

**Section 9.** Application for Service: An application for service, if required, shall state fully and truly the purpose for which same is required, and application shall answer all questions relating thereto and information furnished shall be in affidavit form when required.

A deposit will be required from all renters. However, after billing the account, should the record indicate that the deposit is insufficient, the deposit may be increased to an amount equal to the regular water billing. Also, a deposit may be required from any person who has a poor payment record and who is continually delinquent. Deposit shall be returned to customer when he moves from the city, less any charges due.

Where permission has been granted for water per above regulation, service installation shall be made as hereinafter required. Permits shall be issued only to licensed plumbers who have duly registered in the office of the City Clerk and who have filed with the Board satisfactory evidence thereof. All work performed under permit shall be by the permittee or persons employed by him, in compliance with local plumbing regulations.

Before a tap or service repair permit involving an opening of a street is issued, a street opening bond must be obtained from the City Clerk.

Leaking Service. When a service is found to be leaking, the Operation's Supervisor shall notify the General Manager who will then give notice in writing to the property owner, stating that the leak must be repaired or replaced within said five (5) days. If not repaired or replaced within said five (5) days, the property owner will be assessed \$10.00 per day for every day the leak exists up to ten (10) days. After the tenth (10) day if the leak still exists, service to the property will be discontinued without further notice.

**Section 10.** Taps: Except with written permission of the Board, a separate tap and service shall be installed for each building located on a street or avenue in which there is a City water main and no consumer will be allowed to supply water to other persons or premises. The siamesing of taps or service is prohibited after November 1, 1950. Any siamesing of taps or services made prior to that date may be retained by permission of the Board providing this type of service is approved by both property owners. Provision must be made for the shutting off of water service to either house or premises independently of the other house or premise.

Charges for taps and service calls made by employees of the Department shall be fixed by the Board and posted at the Water Office. These charges may be changed by the Board without notice to meet changes in cost of labor and material. No person or persons shall make a tap to any water main other than authorized employee or agent of this Department. Tapping sleeves and valves for services four inches and larger may be installed by independent contractors using proper tools if made under the inspection of an authorized employee or agent of the Department.

Any property owner whose water service line crosses private property other than property of the consumer may be required to replace such service line in order to avoid

crossing the private property of another party by request of the other party unless the consumer can show written easement rights.

No taps will be inserted unless the location of the excavation agrees with the permit location. Excavation for taps shall be of sufficient size to permit easy access to the main by workman and said excavation shall be safeguarded in accordance with local ordinances pertaining thereto.

All taps shall be inserted in front of the property to be supplied with water if there is a city water main in the street.

**Section 11. Services:** A service pipe is designated as that portion of the water pipe supplying one or more buildings extending from the public main to the main stop cock or valve inside the building to a point where the supply is fully metered. A service pipe may be used for the combined domestic and business consumption and fire protection if branch pipe is metered as required by the rules.

The water service pipes in any building shall be of sufficient size to permit a continuous ample flow of water into the building under the average daily minimum service pressure in the street main. The minimum diameter of a service pipe shall be 3/4 inch and the service pipe shall be not less than the diameter of the taps controlling it.

The Board designates that copper (Type K) service pipe be used in all service pipes. The diameter of service pipe must be the same from the tap all the way into the building or to a point where the service is fully metered. Service pipes must be laid deep enough to prevent rupture from freezing.

Curb stops installed in service pipes of 3/4 inch through two inches shall be inverted key type with check, Mueller H-15200 or equivalent. Service taps four inches and larger shall use a tapping sleeve and valve meeting standard specifications of the Department. The house control valve shall be placed in the service within two feet of the point of its entry in the building wall and shall be of a type approved by the Operation's Supervisor. All valves should be so located so as to be accessible at all times. Small valves and stop cocks shall be of the 125 pound test class as specified in the manufacturer's catalog.

The stop box used shall be of a design approved by the Operation's Supervisor of the Water Department, fitted with a substantial cover marked with the word "Water," and be located one foot inside the sidewalk. If impossible to install such box at this location, the same may be relocated with the permission of the Operation's Supervisor.

After a tap has been inserted or a service pipe installed, the backfill around the main and service shall be of clean earth free from stone and carefully tamped around and under the main and service. The remainder of the backfill shall be free from stone larger than six inches in diameter and shall be satisfactorily compacted either by tamping or flushing or both. The service pipe shall not be laid within six inches of any other sub-surface structure, conduit or pipe, unless sub-surface conditions make it impossible to do otherwise. Where new service pipe runs parallel to a sewer service line, it shall be separated by ten feet horizontal distance for its entire length whenever feasible. Otherwise, the water service pipe shall be laid on an undisturbed shelf of earth

at least 12 inches above the top of the sewer service line and at one side of the common trench throughout its entire length, with a minimum 12" horizontal separation.

Plumbers installing water service pipes shall close the curb shut off and leave it closed upon completion of their work. Service pipes shall be thoroughly flushed before meter is attached.

Each new service or a repair to a service shall be subjected by the plumber to a water test under the main pressure for a period of ten minutes. All pipes and appurtenances shall remain uncovered for the duration of the test and shall show no signs of leakage.

Where the service pipe is damaged by the contractor for the city, or a public utility corporation, the plumber making the repair will only be obliged to replace the damaged portion of the service in conformity with the regulations even if the repair is more than one-half of the service or if a new tap is inserted.

A licensed plumber may, without a permit, render assistance in case of an accident to a service pipe whenever the department is not open for business, but he shall apply for a permit immediately after said office is reopened. Where it is necessary to open a street to render such service, the plumber shall obtain an emergency permit from the Street Department.

**Section 12. Meters:** All water furnished for domestic and business consumption through the water mains shall be measured by meters of a pattern and type approved by the Board. No unmetered city water shall be used in any premises where the supply is recorded as fully metered or on that part of any premises that is recorded as being supplied through a meter or meters. A complete record shall be maintained on each individual meter showing make, size, date of purchase, residence or place of business where installed and date removed for routine tests and repairs.

In setting or resetting a meter, the dial shall be set horizontal; the connection shall be made by coupling, unions or flanged union on both inlet and outlet end, and bored for sealing with holes not less than 3/32 of an inch in diameter; between the meter and the meter main a stop cock or valve shall be placed on the service within one foot of the meter; there shall be a valve on the outlet side of the meter in addition to the inlet valve.

No meter pits are allowed in the city limits. Existing meter pits are permitted until such time the existing meter(s) need to be replaced, the existing piping and valves need to be replaced or it is determined by Water Department staff and the Marion Water Board that the pit is unsafe for employees to service the meter per OSHA rules and regulations. The Water Department shall provide the owner a reasonable amount of time to upgrade existing meter pit to an above ground meter installation setup. *(as amended by Marion Water Board, 3-7-2017)*

Meter boxes approved by the Board may be used. All water meters shall be sealed by an employee of the Water Department when set.

No seal placed by the Water Department personnel for the protection on any meter, valves, fittings or other water connections shall be tampered with or defaced. It shall not be broken except on written authorization from the Water Office. Where the seal is



broken, the Board reserves the right to order the meter removed for test at the expense of the consumer.

Meters must always be accessible to and handled only by the employees of the Water Department. They must be protected from freezing, hot water or other injury by the care and at the cost of the consumer, who is held responsible for all damages. Meters repaired without notice.

All meters shall be set or reset by the Water Department employees so that they may be easily examined and read. In all premises which are to be fully supplied by water, the meter shall be set within two feet of the building or vault wall at the point of entry of the service pipe. The service pipe between the meter control valve and the meter shall be kept exposed. When a building is situated back of the building line or conditions exist in the building that prevent a setting of a meter at the point of entry, the meter may be set outside of the building in a proper water tight and frost proof pit or meter box or at other locations approved by the Board.

When a meter is removed without permission, it will be tested before being reset, or it shall be replaced by a new meter.

The meter size will be determined by the Water Department. Routine tests and normal repairs to the water meters will be made by the Water Department employees with no charge made to the consumer. However, special tests requested by the consumer and repairs as a result of failure by the consumer to properly protect a water meter or seal will be billed to the consumer on the basis of the cost of repair parts plus labor.

In any premises where water may be obtained through more than one metered service, the Board reserves the right to shut off and seal any service.

Inspection of Meters, Pipe and Fixtures. The Operation's Supervisor and employees of the Water Department shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and examining the water pipe and fixtures, and the manner in which water is used. The Water Department reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with city water to permit an employee of the Water Department to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

Should a meter become out of order, the customer shall be charged with the average monthly consumption as shown by the meter, when in order, for the six months previous, or fraction thereof if the same has not been used for that length of time.

Any property owner may require a meter to be tested **for accuracy by paying the charges listed on the Fixed Charges Rate Sheet**. Should the meter register 2% or more fast, such property owner shall be entitled to an adjustment on the basis of the over registration for four months and a refund of the **above charges**. The **charges** will not be refunded in the event the meter passes the accuracy test.

The Board shall not be responsible for pipes and fixtures belonging to any consumers or damage to same for any reason. All owners, at their own expense must install and maintain service pipes from the city water mains and their apparatus in good working order and properly protected from frost and other dangers. No claims shall be made against the Water Board by reason of breaking of any of the service pipes or apparatus or for accidental failure in the supply of water.

A bill for materials, labor, taps or service charges for which customer has been billed and has failed to pay within six months after billing may be certified to the County Auditor's Office for collection with the taxes assessed the customer's real estate.

Contractor's Service. When work has progressed to the place where the finished plumbing is installed, the Contractor will make application at the water office for a meter. Should the Contractor fail to have a meter set at this time he shall be assessed the penalty **listed on the Fixed Charges Rate Sheet** for each month the property was without a meter, with service subject to termination in the event the penalty is not paid and the meter set within two days.

No one except an employee of the water department shall set, repair or remove a water meter, except with the permission of the Operation's Supervisor. Anyone tampering with a water meter shall be assessed the penalty **listed on the Fixed Charges Rate Sheet**.

An irrigation meter buy back option is available at the discretion of the General Manager or Operation's Supervisor for customers who choose to have the irrigation meter removed from service. The customer must have a licensed plumber cap the irrigation line and even re-plumb external water lines as determined and inspected and by water department staff. The department may reimburse the customer for a returned irrigation meter that has been in service for 5 or less years. The department would prorate the original cost of the purchased meter over the amount of time in service 20% less per year. The department may also re-purchase any newer radio read unit alone based on the unit's age if the water meter is older than 5 years.

### **Section 13. Water Rates:**

Water rates shall be established by Resolution of the Board of Trustees. The Secretary to the Board shall annually, as a part of budget preparation, review the adequacy of rates and make a recommendation to the Board concerning the need for any changes.

All water service bills shall be due on the due date shown on the water bill and may be considered a delinquent account if not paid by that date. Water service may be discontinued for any customer who has a delinquent account.

Only an owner or occupant of any single-family residence may receive an adjustment for a high bill due to a leak, provided it is not an irrigation leak regardless of the irrigation line being on its own meter or on the service meter. The amount of such adjustment shall be 50% of the leakage, leakage being calculated as the excess over average usage for the prior three months if available. Such adjustment shall be limited to once annually and shall be given only after the owner or occupant has shown proof that the leak has been repaired.

Other Charges. The Secretary shall maintain a listing of charges for services other than water sales. These charges shall be regularly reviewed by the Secretary. Any charges are subject to approval by the Trustees.

Penalty. Any violation of these rules and regulations shall constitute a misdemeanor and be punishable as provided by the Municipal Code of Marion, Iowa.