

ORDINANCE NO. 034-09

AN ORDINANCE AMENDING THE CEDAR RAPIDS MUNICIPAL CODE BY REPEALING CERTAIN SECTIONS OF CHAPTER 12 THEREOF AND ENACTING IN LIEU THEREOF NEW SECTIONS OF CHAPTER 12 AS DESCRIBED HEREIN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA  
AS FOLLOWS:

Section 1. Chapter 12, Sections 12.01, 12.08, 12.09, 12.10, 12.17, 12.23 and 12.39 of the Cedar Rapids Municipal Code are hereby repealed, and new Sections 12.01, 12.08, 12.09, 12.10, 12.17, 12.23 and 12.39 are hereby enacted in lieu thereof as follows:

**12.01 DEFINITIONS.**

Terms used in this chapter have the following meanings:

**Water main:** Any pipe laid by the City Utilities Department-Water Division or agents thereof or accepted by the Utilities Department-Water Division in streets, alleys or other grounds, which is a portion of the water distribution system of the city and which is intended to be tapped in the prescribed way for water service pipes to consumers.

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

**Consumer:** Anyone using water furnished by the City of Cedar Rapids.

**Account Holder or Customer:** Persons or legal entities accountable to the City of Cedar Rapids for payment of rates and charges and for other duties identified by State Code and municipal ordinance, in exchange for services supplied by and through the Water Division.

**Developer:** Person or legal entities altering land or buildings with earth grading, utilities, roads, or other construction intended to enhance the use of a property for some new purpose or otherwise increase the economic value of a property, typically but not necessarily with the intent of selling the property to others.

#### **12.08 SERVICE PIPES ACROSS PRIVATE PROPERTY.**

No water consumer shall conduct service pipes across privately owned lots or buildings to adjoining separate privately owned property, but all service pipes shall be laid on streets, alleys, or public ground to a specific property to be served as described further in Section 12.09.

#### **12.09 SEPARATE CONNECTIONS.**

There shall be separate service pipes laid from the main to each building wherever there is a water main laid in front, side or rear of such buildings. That portion of a service line from the connection at the street main, through the service shut-off and extending at least 10 feet beyond the property line shall be laid in a straight line. For rectangular lots along straight street right-of-way the service lines shall be at right angles to the water main, and may be placed at any location along the lot line EXCEPT within 5 feet of the side lot line. For Cul-de-Sac lots or lots along curved street right-of-way, a straight line shall be established between the property corners along the side of the lot where the water service shall cross, and the service line shall cross that line at right angles. The service line may be placed at any location along the lot line EXCEPT within 5 feet of the side lot line. The Cedar Rapids Metropolitan Area Standard Details for Public Improvements contains standard illustrations of allowable service line connection details. Where services are laid to premises where there are no water mains available for direct connections, a small temporary main will be permitted to be laid as provided under Section 12.18. In all cases each building served must have an independent service shut off.

#### **12.10 SERVICE SHUT OFFS.**

(a) A curb stop box and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or avenues the stop box shall be placed 12 inches outside the sidewalk or sidewalk line on the street side; and when made in alleys it shall be placed 12 inches outside of the lot line. For special cases such in as private streets and private drives or public streets where the area between the water main and the right-of-way or easement line is predominately made up of paved surfaces, the location and type of stop box shall be in accordance with drawings provided to illustrate this case in the Cedar Rapids Metropolitan Area Design Standard Details for Public Improvements, latest revision. The cover of the box shall be maintained at the same height as the sidewalk or the surrounding ground. Where curb lines prevent the location of stop box and shut off at the point indicated, they shall be placed immediately within the curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

(b) Every service pipe must also have a gate or ball valve placed in the building within 9 inches of the point where the pipe enters the building. The valve shall be kept in working order at all times so that the water may be shut off by the occupant of the premises. There shall also be a gate or ball valve placed on the outlet side of the water meter not more than 3 feet from the meter, so that the meter can be taken out or replaced without draining the pipe system in the building. The meter and valves should be accessible from one location.

(c) All corporation stops on the line of service must have opening passages of the same diameter as the pipe with which they are placed, and proper handles for turning on and off, and be of a make and pattern approved by the Utilities Department-Water Division.

(d) The stop box used shall be of a design approved by the Utilities Department-Water Division, and must have an unobstructed opening at least one and one-half inches in diameter and fitted with a substantial cover on which shall be marked the word "Water" in raised letters.

(e) The outside shut off and stop box shall be under the sole control of the Utilities Department-Water Division and no one except an employee or person specially authorized by the Utilities Department-Water Division shall open the cover of such box, or turn on or off water. Licensed plumbers and licensed pipe layers may turn on or off water for testing plumbing or making repairs, but whenever so used, the shut off must be left closed if found closed, and left open if found open, by the plumber or pipe layer who uses it.

(f) The owner or account holder of the premises where a water service is installed shall be held responsible for protection of the stop box on every service. The owner or occupant shall protect said box from any injury or interference from any person. In case of any injury to the stop box the owner or occupant shall give immediate notice to the office of the Utilities Department-Water Division.

(g) Owners of premises having water services which do not have separate curb stops and boxes for each building or which otherwise do not conform to the requirements in this chapter shall put in such curb stops or make such other changes as are necessary to conform to these requirements when so instructed by the Utilities Department-Water Division.

(h) There shall be no connections made on the water service pipe on the inlet side of the meter, unless approved by the Utilities Department-Water Division and properly metered.

#### **12.17 RIGHT TO SHUT OFF WATER.**

The city reserves the right at any time, when necessary, without notice, to shut the water off in its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the city by reason of the breakage of any service pipe or valve, or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections. The Utilities Department-Water Division shall give notice of shutting off water if conditions are such that it is possible to do so.

#### **12.23 WATER METERS.**

(a) All water furnished to a property shall be metered. Meters shall be furnished and set by the Utilities Department-Water Division, but owners must provide suitable location in piping system to install an outside reading device for the meter. All new water meter settings shall be installed with an outside reading device. Meters shall be placed on service pipe not to exceed 2 feet from the location in the wall or floor where such pipe enters the premises. The piping system shall be so constructed and meters so placed

that all water to be used in or about the premises shall pass through the water meter and the owner of the premises shall be responsible for compliance with this provision, and he shall be liable for the payment for water used in violation of this provision.

(b) There shall be suitable place provided for the meter so as to keep it dry, warm and clean and readily accessible at all times to the meter readers and service representatives of the Utilities Department-Water Division. All valves and fittings necessary to comply with these requirements and to provide connection to meter, except a coupling or flange at each end of meter, shall be provided by the owner of the premises to be served.

(c) For services larger than 2 inches in diameter, the Utilities Department-Water Division reserves the right to install 2 or more meters of smaller size. Where meters are so placed, each meter shall have a valve or shut-off on both inlet and outlet pipes in addition to the basement shut-off. Where a service pipe larger than 2 inches in diameter is used, the plumber shall call at the Utilities Department-Water Division office for instructions regarding the fitting and space to be provided for the water meters.

(d) In case 2 or more meters are desired for measuring water to different tenants in the same building from one service connection, they shall be so placed that no one of them shall measure water which has passed through another one.

(e) **Multiple Meter Settings.** Every meter will be assigned to an account holder by the Utilities Department. Each meter must be valved such that service through a meter can be shut off and the meter removed without interrupting service to other account holders served through other meters within a property. Where multiple meters are provided for multiple account holders within a property, the meters shall be placed in a central location with either individual stop boxes for each unit or keyless entry to the central location. The two options available for metering to multiple units on a single property are as follows. In either case a master stop box must be provided as illustrated in Figure 12.39-1. See Section 12.39 for restrictions on common service line arrangements to multiple properties.

1. Option 1: One meter for each unit served within a common meter room accessible to Utilities Department personnel at any time. This room may be accessible from the outside or inside a common area provided that no keys are required. Door locks on the room must be of a coded alphanumeric design and the access code provided to the Utilities Department.
2. Option 2: One meter within each unit with individual stop boxes provided in a manifold arrangement exterior to the building, or an individual stop box provided directly exterior to each unit.

(f) **Outside Reading Devices.** Outside reading devices shall be required on water services for either of the following reasons:

1. In the event the billing for water usage has been estimated for a period of 3 consecutive billing periods for the reason that the meter reader could not obtain entrance to the premises at the time of appearance at the premises to read the meter; or
2. When the current water account holder as shown in the Utilities Department-Water

Division records discontinues the water service and a new account holder undertakes the service.

The Utilities Department-Water Division will install the outside reading device. All outside reading devices shall be installed at the closest available place to the front of the structure with a minimum of 30 inches and a maximum of 60 inches above the finished ground elevation. The outside reading device shall at no time be placed on the back of a structure, or within a fenced area, or in the proximity of any shrubbery or other obstacle which would restrict access to the reading device.

#### **12.39 MAINTENANCE OF SERVICE PIPES.**

(a) All service pipes from the street main to and including the first shut-off valve in the city right-of-way shall be maintained by the city. Sidewalks, driveway aprons, grass surfaces and public street pavement damaged in the course of such maintenance conducted by or for the Utilities Department will be repaired at the Department's expense. The property owner shall be responsible for costs associated with replacement any private improvements in the public right-of-way including but not limited to flowerbeds, retaining walls, fences, and irrigation systems deemed necessary to be removed by the City for construction, reconstruction or maintenance of the City's portion of the service line.

(b) The water service pipe after the first shut-off valve shall be maintained at the expense of the property owner, and any leaks or defects shall be promptly repaired by them and if not promptly repaired, the water shall be turned off until such repairs have been made. The expenses incurred in turning off the water supply shall be charged against such owner. Sidewalks, driveways, driveway aprons, grass surfaces and public street damaged in the course of such maintenance shall be repaired at the expense of the property owner.

(c) Common service lines are lines where multiple individual premises share one service line downstream of a single tap and City-owned shut-off valve. New common service lines shall not be constructed after July 1, 2008, except those meeting conditions set forth in Section 12.39(d) below. The cost of maintaining an existing common service line commencing at the City's shut-off valve through and including all premises being served shall be borne by the property owners in common. The cost of maintaining the respective service to each premise from the premise to, and including, the valve and stop box at the common service line shall be borne by the respective property owner. Reference Figure 12.39-1 below.

(d) A common service line may be permitted only if all of the following conditions are met:

1. The service line serves a single multi-family dwelling or commercial building with multiple tenants.
2. The service line shall meet all the requirements of Sections 12.08 through 12.10 of this Chapter.
3. Individual service lines branching from the common service line shall each have a service shut off valve that is freely accessible to Utilities Department Water Division personnel. See Section 12.23 for other requirements.

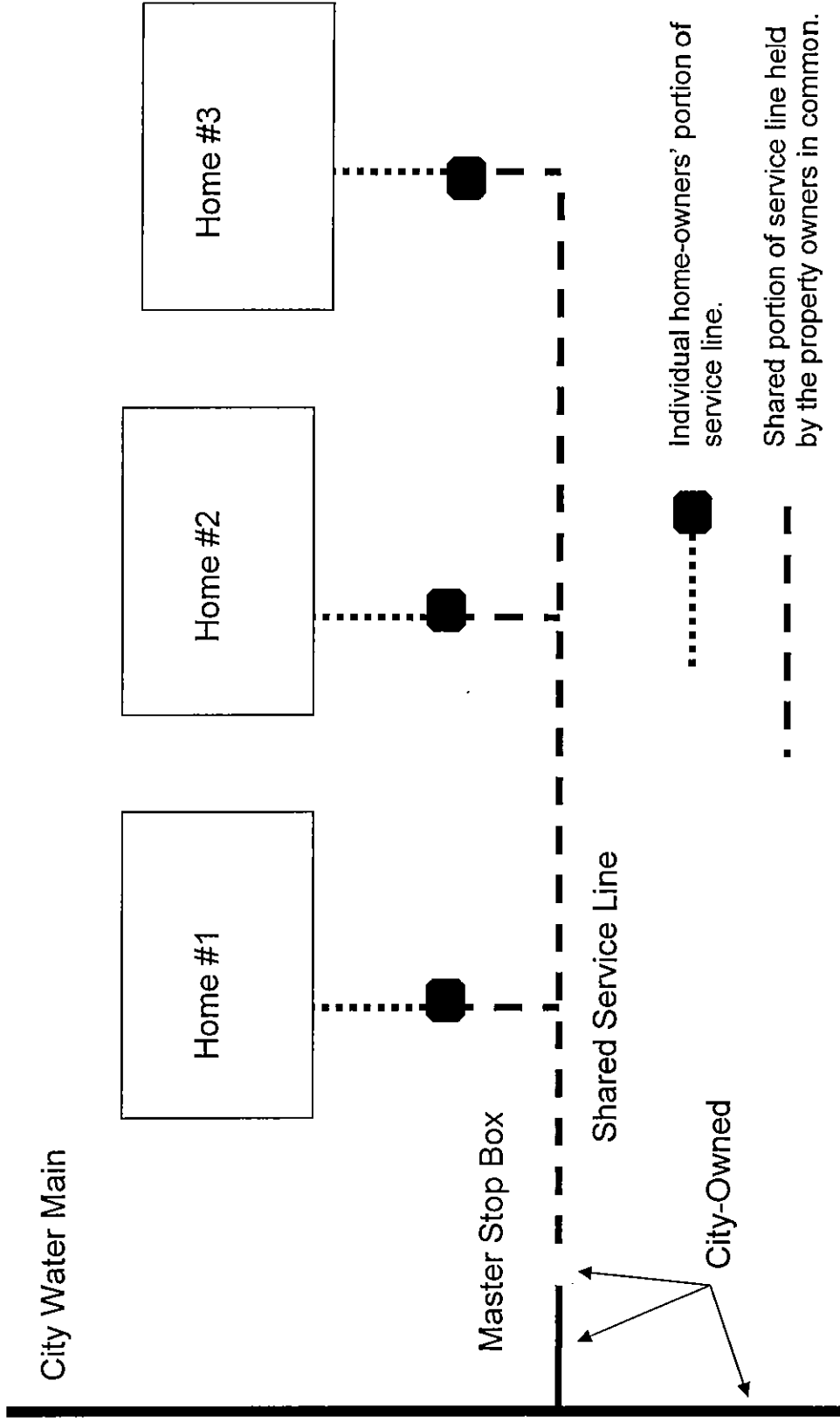


Figure 12.39-1. Conceptual drawing of common service lines as discussed in section 12.39(c).

Section 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

Section 3. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 4. This Ordinance shall be in full force and effect from October 1, 2009 and after its passage and publication as provided by law.

Section 5. Any person, firm or corporation violating any provision, section or paragraph of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of at least sixty-five, but not more than \$625.00 or be imprisoned for not more than 30 days, or both. That each day a violation occurs shall constitute a separate offense.

Additionally, violation of any provision, section, or paragraph of this ordinance constitutes a municipal infraction subject to all the penalties and other relief provisions as set forth in Iowa Code Section 364.22, (2007), as amended.

That likewise as part of the penalty provision of this Ordinance, Sections 1.06 and 1.12 of the Municipal Code, City of Cedar Rapids, Iowa, are adopted, and shall apply to this Ordinance, and supersede the penalty clause as above provided when this Ordinance is incorporated into and made a part of the Municipal Code, City of Cedar Rapids, Iowa, and such penalty clause is herewith adopted and made applicable to all violations of this Ordinance.

Introduced this 26th day of August, 2009.

Passed this 9th day of September, 2009.

Kay Halloran, Mayor

Attest: Ann Ollinger, City Clerk