

# **CITY OF FLORENCE WATER RULES AND REGULATIONS**



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## INTRODUCTION

Included in the pages that follow are the most current regulations, related to drinking water that the City of Florence utilizes. These regulations set out herein enable the City to carry out its responsibilities and assure an adequate water supply for the general public. This relates to human consumption, fire protection and other uses as applicable or allowed under federal, state and local regulations.

While recognizing the previously mentioned purposes; these regulations will be used to promote public health and safety through the provisions of surveys, inspections, measurements, taking of samples and proper testing of water devices for compliance with all applicable government regulations and/or public laws.

Any and all facilities, that are instrumental to the distribution of drinking water, that the City owns and/or maintains are subject to inspections and various testing methods as related to any ongoing maintenance or new installations.

In addition to the above statements, the City of Florence Drinking Water Distribution System, as a whole, undergoes continuous study and review for adequate supply needs, service pressure, improvements and repairs when and where needed.

The following up to date published documents shall be the accepted standards for materials and/or procedures for the construction of water mains and appurtenances:

- *City of Florence Water Regulations and Specifications*
- *City of Florence Standard Specifications and Drawings for the Installation of Water Mains, Meter Pits and Backflow Devices*
- *City of Florence Ordinance -----*
- *American Water Works Association's Standards (AWWA)*
- *Recommended Ten State Standards for Water Works*

If a conflict exists between the above referenced sources, the more restrictive requirements shall prevail. The City shall provide interpretation upon request.

In closing it is our duty to work with all interested parties in using these regulations to ensure that the citizens and all who utilize the City's Drinking Water; do so in a safe and healthy manner.

# ARTICLE 1

## DEFINITIONS/ABBREVIATIONS

Unless the context specifically indicates otherwise, the meaning of terms in these Rules and Regulations shall be as follows:

### **Section 101 – Definitions and Abbreviations**

**“Applicant”** shall mean any person or entity that files an application for water service to the City.

**“Backflow”** shall mean the reverse flow of water or any other fluid or substance of any combination or mixture thereof from a Customer’s system into the City’s water system caused by a cross connection with an auxiliary water supply or with sources of possible contaminated water.

**“Backflow Setter”** shall mean equipment used to protect the City’s water system against actual or potential backflow. Also known as backflow prevention devices. All backflow prevention devices installed within the City shall comply with state and local laws and regulations.

**“CFS”** shall mean cubic feet per second.

**“City”** shall mean the City of Florence or a City Representative.

**“Customer”** shall mean any water user who pays a water bill to the City.

**“Cross Connection”** shall mean any connection or link between the City’s water distribution system and an auxiliary water supply, piping system, plumbing fixture, appliance, container, receptacle, vessel or other device of any nature that may permit contaminated or used water or other fluid which is of questionable or unsafe quality, or any other substance of any nature other than potable water supplied by the City, to enter any part of the City’s water distribution system.

**“Domestic Water”** shall mean water that is used in a home or a private residence.

**“Fee Ordinance”** shall mean the latest resolution fixing rates charged by the City for services rendered as approved or amended by the City. The current fee rates can be found at [www.florence-ky.gov](http://www.florence-ky.gov).

**“Fire Flow”** shall mean the required amount of water that should be available to provide proper fire protection at a given location.

**“Flow Rate”** shall mean the rate at which a volume of water flows through pipes, valves, etc. in a given period of time. Flow rate is often reported as cubic feet per second (cfs) or gallons per minute (gpm).

**“GPM”** shall mean gallons per minute.

**“Meter”** shall mean an instrument for measuring the water volume consumed over a certain period of time. All meters are the property of the City.

**“Meter Vault”** shall mean a chamber that houses the metering equipment for all customers.

**“Service Branch”** shall mean the portion of the water piping system connecting a customer's system with a City water main. The customer's responsibility for the water piping system which serves their property is from the meter to the building or home.

**“Tap”** shall mean any connection made to the City water line.

## ARTICLE 2

### GENERAL PROVISIONS

#### **Section 201 - General Provisions**

- A. Water will be turned on and off only by an authorized employee of the City of Florence (City).
- B. No application for water service will be approved and no water shall be supplied to any applicant or customer where the applicant or customer is delinquent or indebted to the City. This section will apply whether the delinquency or indebtedness is incurred at the premises for which application is made or at any other premises or property within the City distribution limits.
- C. Where any parcel of property is supplied through two or more connecting service branches, each branch shall be equipped with an approved back flow assembly, so the water can flow into and not out of the premises and each service branch or building using water shall be equipped with a separate meter.
- D. No connection into more than one building shall be made from any one tap unless the City has given its approval in writing.
- E. No attachment shall be made to any service branch or to any pipe or other fixture, which has been shut off without a permit from the City. Similarly, no water will be taken from any service branch, which has not been used, without a permit.
- F. The City shall retain possession of and maintain all meters without charge to the customer with the exception that if a meter should be destroyed or damaged through negligence of the customer, the replacement or repair shall be charged to the customer. Failure to pay this charge will result in the discontinuance of water service.
- G. It shall not be permitted for any customer of the City to have the piping within a structure cross-connected to any other source of water supply.
- H. Authorized employees of the City shall have the right at reasonable times to enter any premises where a meter is installed for the purpose of reading, examining, changing, inspecting or testing the meter.
- I. No person shall waste water by leaving open a fire hydrant or other device connected to the City's distribution system.
- J. No person other than one authorized by the City may use any property or make attachments to any water pipes belonging to the City.
- K. No person other than an authorized employee of the City (Public Service Department, or a fireman in case of emergency) may use any fire hydrant on the water distribution system without first having secured written permission

from the City. No person shall use a fire hydrant on the distribution system without a regulation fire hydrant spanner wrench, meter and backflow device.

- L. No person other than an authorized employee of the City shall remove a meter without written permission from the City.
- M. When a meter has been lawfully removed, it shall be unlawful to use water supplied by the service branch to which the meter was attached.
- N. When a meter has been found to have been unlawfully removed, water service shall be discontinued and not restored until payment has been made for the estimated amount of water used, any fine that may be imposed, and the payment of a reconnection fee.
- O. Please refer to the City of Florence Specifications for more detailed information on the Rules and Regulations.

## **ARTICLE 3**

### **MISCELLANEOUS SERVICE FEES**

#### **Section 301 - Miscellaneous Service Fees**

Please refer to the current Fee Ordinance for up to date fee information.  
The current fee rates can be found at [www.florence-ky.gov](http://www.florence-ky.gov).

## **ARTICLE 4**

### **CUSTOMER BILL OF RIGHTS**

#### **Section 401 - Customer Bill Of Rights**

- A. You have the right to service, provided you (or a member of your household whose debt was accumulated at your address) are not indebted to the City.
- B. You have the right to inspect and review the City's water and sewer rates and operating procedures during the City's normal office hours. (8:30 am to 5:00 pm, Monday through Friday).
- C. You have the right to be present at any routine inspection of your service conditions.
- D. You must be provided a separate, distinct disconnect notice alerting you to a possible termination of your service if payment is not received.
- E. You have the right to dispute the reasons for any announced termination of your service.
- F. All fees and related charges shall be according to the most up to date Fee Schedule which is adopted by ordinance. A copy of this shall be granted upon request.

## ARTICLE 5

### MONITORING OF CUSTOMER USAGE

#### Section 501 - Monitoring of Customer Usage

- A. During the meter reading process, the City will research any discrepancies of note that are prompted by a review of the reading data. If needed the following steps will be followed:
1. The customer's quarterly usage for the most recent quarter will be compared with the average quarterly usage for the four quarters immediately preceding that period.
  2. If the quarterly usage for the previous period is substantially the same as the average or if any difference is known to be attributed to unique circumstances, such as unusual weather conditions, common to all customers, no further review will be conducted.
  3. If the quarterly usage differs from the average by 100 percent or more and cannot be attributed to a readily identified cause, the City will compare the customer's quarterly usage records for the current quarter with the quarterly usage for all quarters of the preceding year.
  4. If the cause for the usage deviation cannot be determined from analysis of the customer's meter reading and billing records, the City will send a Representative to reread the meter and investigate the potential cause of the increase in usage.
  5. Where the deviation is not otherwise explained, The City will test the customer's meter to determine whether it shows an average error greater than two percent fast or slow (according to Kentucky Division of Water standard Chapter 807 KAR 5:066).
  6. The City will notify the customer of the investigation and its findings. In addition to the quarterly monitoring, the City will immediately investigate usage deviations brought to its attention as a result of customer inquiry.

## ARTICLE 6

### METER LOCATION AND REQUIREMENTS

#### **Section 601 - Meter Location and Requirements**

- A. The City will approve all meter locations. The customer shall be responsible for maintaining a safe accessible place for the meter to be installed in a ground level meter box with approved covering in the yard.
  
- B. Where a meter is located within a building, it shall be the responsibility of the customer to maintain appropriate conditions to prevent physical or freezing damage to the meter. Meters shall be accessible to the City during normal business hours. If normal access to the meter is refused, the City shall require the meter be moved outside and all cost incurred shall be borne by the customer. If the customer fails to provide access to move the meter service outside after 30 days written notice from the City, water service shall be discontinued and not turned on until the meter service is moved outside. Should the meter be damaged, the City will replace the meter and charge the cost of the meter, time and material to repair, and bill the customer accordingly. If the customer fails to pay the invoice by the stated date, water service will be discontinued until payment is received. The customer will also be required to pay the reconnect fee.
  
- C. Meters in sprinkler pits must be kept in a dry location. Maintenance of the sprinkler pit sump pump and drain are the customer's responsibility. Customer will be notified by letter giving 30 days to make repairs to sump pump or drain. If repairs are not completed, the City will make the repairs and bill the customer accordingly.

## **ARTICLE 7**

### **METER TEST**

#### **Section 701 - Meter Test**

- A. All City residential water meters will be tested at least once every ten (10) years, all commercial water meters size 1 ½" and 2" every 5 years and all commercial meters 3" and larger shall be tested annually.
  
- B. Meters will be removed and tested for accuracy when requested by any customer. The cost of the testing shall be borne by the City and a new or reconditioned meter will be installed at no cost to the customer. The City will furnish one test per year. Additional tests will be at the customer's expense.

## **ARTICLE 8**

### **INVOICE BILLING POLICY**

#### **Section 801 - Invoice Billing Policy**

- A. Work performed by the City crews, equipment utilized and/or material supplied, will be invoiced accordingly.

## ARTICLE 9

### SERVICE INSTALLATIONS

#### Section 901 - Service Installations

- A. Any prospective water customer desiring water service and installation of a service branch shall apply at the City's Finance Department. The prospective customer shall, in signing the application, agree to be bound by all the provisions of the Water and Sewer Rules & Regulations. No service branch shall be installed to serve property which does not abut the street or road of which the service main is located without written approval of the City. No branch shall be tapped off any water main 20" or larger without written approval of the City. No branch shall be tapped on a cross-country main without the written approval of the City. Every structure wherein water is used shall have a separate service branch and meter provided; however, a variation in this respect may be authorized by the City. The City reserves the right to specify the size of the service branch for each installation. When applications are made and all the appropriate fees are paid, the installation will be scheduled once building is under roof.
- B. Upon request from a customer for an enlargement of a service, the service shall be considered as new and the price of a new service installation will be applicable for 1" service or larger.
- C. For 5/8" – 1" Meters-After all the fees are paid, the City crews shall tap the main and run the service connection branch from the main to a location behind the curb or a point to be determined by the City. The setter and meter will be placed in a meter vault. The City will place a small copper pigtail extending outside of vault to which the customer will connect.
- D. For 1 ½" and 2" Meters (Vault Style)-After all the fees are paid, the City crews will provide the customer with the custom copper setter with adapters and meter. The customer is responsible for having the tap made, running the service branch and setting of the meter vault and it shall meet the current specifications of the City. The City inspector shall inspect the tap and the service branch.
- E. Sprinkler Pit Meter Settings (All sizes)-All meter installations in a sprinkler pit are the responsibility of the customer and shall meet the current specifications of the City. The City crews will drop off the meter, setter (if needed) and strainer (if needed) to the work site, once all fees have been paid.
- F. The portion of the service branch from the meter connection to the building shall be installed and maintained by the customer at no cost to the City.
- G. The City will be responsible for the service branch from the main to the meter connection, including the meter itself.

- H. The customer shall be responsible for maintenance and repair of the service line from the meter connection to and throughout the premises. Failure to repair a leak or leaks, when notified of the same, within the time allowance on the notice, shall be sufficient to justify discontinuance of water service.
- I. In cases where the customer desires a water pressure other than that pressure provided by the City water mains in the surrounding area, it shall be the responsibility of the customer to install the necessary devices to provide the desired pressure.

## **ARTICLE 10**

### **SERVICE LINE MAINTENANCE**

#### **Section 1001 - Service Line Maintenance**

- A. The City will be responsible for the service line from the water main to the meter connection.
  
- B. The City shall have the right to maintain their portion of the service line. In the event the service line is replaced, the City will reconnect to the existing service line near the point of shut-off. If the City should be unable to reconnect or the reconnection leaks due to the condition of the customer's line, the City will notify the customer. The City will allow a reasonable time for them to make the repairs, providing that the leaking water does not cause damage to personal or public properties and in no way causes a health or safety problem. If the customer does not make the repairs within a week of notification, the water is subject to be "terminated".

# ARTICLE 11

## MAINLINE EXTENSION POLICY

### **Section 1101 - Mainline Extension Policy**

- A. If an applicant for new water services by the City pays the cost of extending any requested utility line to the applicant's property and the City is willing to accept this extension and maintain it as part of the City's public system, that applicant, pursuant to KRS 96.539, shall be entitled to a refund of all costs for such extension greater than 100 feet on a pro-rated basis for each additional customer whose service line is directly connected to that utility line extension paid for by the applicant. The refund period shall extend for 10 years and in no case shall the refund amount exceed the amount paid.
- B. Notwithstanding the foregoing, however, no refund shall be paid to an applicant for utility line extensions or improvements to the applicant's property when that applicant subdivides and develops that property pursuant to and in accordance with applicable subdivision regulations of the Boone County Planning Commission.
- C. Further, no applicant shall be entitled to a refund for the cost of any utility line extension herein unless all the following occur:
  - 1. Applicant makes a written request to the City through its Public Services Department for the extension.
  - 2. The application is accompanied by applicant's engineering estimate, based on applicable specifications of the cost of the utility line extension.
  - 3. The application must be accompanied by a certified or cashier's check payable to the City that is equal to the engineering estimate.
  - 4. The City publicly bids the project, hires a contractor pursuant to that bid, and funds the project with applicant's funds, including engineering and inspection costs.
  - 5. Upon completion of the project, applicant must allow an audit to be performed by the City or its designated agent, employee or consultant, and if the cost of the utility line extension exceeds the applicant's estimate and payment, then the applicant must pay to the City the difference within 30 days after receipt of billing. If the cost of the extension is less than the applicant's estimate and payment, then applicant shall be refunded the excess amount within 30 days after completion of the audit.
  - 6. Refunds are to be made to the applicant within 30 days after receipt of payment by the City from those additional customers whose service line is directly connected to the extension line paid for by the applicant, but in no event shall the refund totals exceed the amount paid by the applicant for the utility line extension. These additional

customers shall make their payments for this refund prior to receiving utility services by the City and at the same time pay their connection or tap-in fees to the City.

## **ARTICLE 12**

### **SPECIAL CONTRACTS**

#### **Section 1201 - Special Contracts**

- A. The City reserves the right to provide special services for a user on a contract basis.

## **ARTICLE 13**

### **LINE LOCATION POLICY**

#### **Section 1301 - Line Location Policy**

- A. The City requires that all water main and service line location requests be made a minimum of 2 full business days prior to starting work. This is to ensure that an inspection can be scheduled with the proper information to locate water mains.
- B. The City's hours for calling in locations are Monday thru Friday, 8:30 am to 5:00 pm. If work is to be done on Saturday or Sunday, a call for water main and service line location must be placed by 5:00 pm on Wednesday.
- C. Contractor or responsible party will be responsible for damage to lines that were not called in for locates or if a line was located correctly and the damage still occurs. Contractor or responsible party will be billed accordingly for work performed by City crews.

## **ARTICLE 14**

### **ABANDONED WATER MAINS**

#### **Section 1401 - Abandoned Water Mains**

- A. In cases where the water main to which the customer's service is tapped is abandoned due to obsolescence, age or deterioration, the City shall provide a new tap to another water main that abuts the customer's premises. The City shall install a new service line to a location, determined by the City, behind the curb and an adequate service cut-off will be placed at that point. It shall be the customer's responsibility to install a service line from the service cut-off to the premises at no cost to the City. Unless an emergency situation exists, the City shall give two weeks notice before abandoning a water main.

## **ARTICLE 15**

### **UPGRADING INACTIVE/ABANDONED WATER SERVICES**

#### **Section 1501 - Upgrading Inactive/Abandoned Water Service**

- A. The City will determine or approve all inactive/abandoned water services to be reconnected. If the customer requests that the City reconnect an inactive/abandoned water service, the customer will pay the appropriate reconnection charges to bring the service up to current City standards. This may include upgrading the existing service line to current City standards and the installation of a meter setting that meets current City standards. The location of the meter setting must be approved by the City.

## ARTICLE 16

### POLICY FOR INSTALLATION OF PUBLIC FIRE HYDRANTS ON UPGRADED AND NEW WATER MAINS

#### Section 1601 - Policy for Installation of Public Fire Hydrants on Upgraded and New Water Mains

- A. Existing fire hydrants will be replaced in the approximate same location, unless the local fire department or City request relocation.
- B. Anchoring tees and isolation gate valves will be installed along the water main project at approximately 450' – 500' intervals for future fire hydrant installations.
- C. New fire hydrants must be installed at the developer's expense for flushing purposes and at high points in the main for air release, depending on hydrant spacing determined by the City.
- D. Additional fire hydrants may be installed at the cost of the developer/contractor if the City and/or local fire departments request it.

# ARTICLE 17

## FIRE HYDRANT MAINTENANCE POLICY

### Section 1701 - Fire Hydrant Maintenance Policy

- A. The local fire departments are responsible for:
1. Notification to the City of:
    - (a) Any discrepancies or problems with a fire hydrant by submitting the proper "Fire Hydrant Inspection Reports" to the City.
    - (b) The amount of water used for flow testing and flushing fire hydrants, training drills using fire hydrants, refilling fire engine tanks, fire emergencies, and any other use for fire hydrants. These figures only need to be an estimated amount.
    - (c) Any event in which a fire hydrant is utilized for an emergency purpose. The City shall be notified as soon as practical
  2. Coordinate inspection of the working condition and accessibility of each public fire hydrant located in the city's distribution system:
    - (a) Operation and flow testing of all fire hydrants coordinated with the City. Flow testing and inspection should be conducted in the spring and fall only. Summer flow testing and inspection should be avoided due to increased demand on the system. A copy of flow information shall be forwarded to the Public Service Department.
    - (b) Notification of any discrepancies or problems with the fire hydrant shall be forwarded to the Public Service Department via fax.
  3. Maintenance of the following items for public fire hydrants:
    - (a) Lubricating the threads of the discharge caps and the operating nut of the fire hydrant.
    - (b) Maintaining accessibility and visibility.
    - (c) Replacing nozzle cap gaskets when they are missing or damaged beyond their usefulness.
    - (d) If the fire department elects to color code the hydrants as to the flows available, only the color of the cap can be changed or use of reflective tape on the dome is allowable.

- B. The City Public Service Department is responsible for:
1. Repairing all public fire hydrants within a reasonable time, subject to the City's workload, after the City receives proper written notification from the fire departments. The City will notify the local fire department when repairs are made.
  2. Painting the entire fire hydrant, "red" for high-pressure zones (125 psi) and "yellow" for all other zones. Hydrant domes will be color coded for water main size. Yellow = 6"; Gray = 8"; Black = 10"; Green = 12"; White = 16".
  3. Supplying lubricant and nozzle cap gaskets to any fire department in the City's distribution system area.
  4. Notification to the local fire department when any fire hydrant in their service area is going to be out of service due to scheduled shut downs, main breaks, maintenance, etc. In cases of emergency shut down, notification will be made as soon as practical.
  5. Winterization (pumping them dry if they do not self drain) of all the hydrants used by the City for system operation and maintenance to prevent them from freezing between November – March.

## **ARTICLE 18**

### **POLICY FOR INSTALLATION OF PUBLIC FIRE HYDRANTS**

#### **Section 1801 - For New Water Main Projects**

- A. For new water main projects initiated by the City, the following procedure shall be used for the installation of fire hydrants:
1. Anchoring tees and valves will be installed along the water main project at approximately 450' – 500' intervals for future fire hydrant installation.
  2. New fire hydrants may be installed, at the developer's expense for flushing purposes and at high points along the main for air releases depending on hydrant spacing and as determined by the City and/or the local fire department.
  3. Any project within the City's distribution system where water line is being replaced, all existing fire hydrants on the line shall be replaced by the contractor.

#### **Section 1802 - For New Subdivisions**

- A. For new subdivisions where the public water main is to be extended by a contractor(s) or developer(s), the following procedure shall be used for the installation of fire hydrants:
1. Fire hydrants will be installed throughout the subdivision at approximately 450' – 500' intervals as recommended by the Boone County Planning Commission and the local fire department. The contractor or developer will be responsible for the cost of the fire hydrant installation.

#### **Section 1803 - General Fire Hydrant Installation Requirements**

- A. Fire hydrant installation shall only be permitted on water mains, which can provide a minimum fire flow of 250 gpm and the water system supporting this flow has the capability of providing this flow for a period of not less than two (2) hours plus consumption at the maximum daily rate. A minimum of 30 psi must be available on the discharge side of all meters. Fire hydrants shall be connected only to water mains adequately sized to carry fire flows and in no case to lines smaller than six (6) inches. Fire hydrant spacing shall be as recommended by the Boone County Planning Commission and the local fire department, normally every 450' – 500'. Fire hydrants shall be located on or as close to side property lines as possible. If the water system cannot support the installation of fire hydrants, anchoring tees and valves shall be installed to allow for future fire hydrant installation when adequate water is available.

## ARTICLE 19

### FIRE HYDRANT USE PERMITS FOR PUBLIC FIRE HYDRANTS

#### **Section 1901 - Fire Hydrant Use Permits For Public Fire Hydrants**

- A. Temporary water service may be available from fire hydrants in the City's service area upon proper application and approval by the City. Fire hydrant permits are available at the City Finance Department and are approved based on available water, location of fire hydrants, and size of meter required.
- B. Fire hydrant permits are issued by the City for the following reasons (limited to duration of the need, but in no case longer than 30 or 60 days, as stated at issuance of permit):
  - 1. Filling swimming pools.
  - 2. Street/Parking lot cleaning.
  - 3. Road construction projects.
  - 4. Other purposes as deemed necessary by the City.
- C. All fire hydrant permit connection shall be properly metered and shall have proper backflow protection. Metering devices and backflow prevention devices shall be furnished by the City and obtained at the issuance of permit.
- D. No Fire Hydrant Permit shall be issued for a period of more than 30 days for ¾" hydrant meter and no more than 60 days for a 2 ½" hydrant meter.
- E. No Fire Hydrant Permit shall be issued for construction purposes where a permanent service will be required at a future date.

#### **Section 1902 - Deposits, Fees and Charges**

- A. Hydrant Usage Deposit – A refundable deposit shall be placed with the City, from which any charges shall be deducted for damages and unbilled water, and the balance returned to the holder of the permit.
  - 1. For Deposit Charges, please refer to the current Fee Ordinance.
- B. Each Fire Hydrant Permit will require a daily fee. The daily fee is as follows:  
¾" and 2 ½" hydrant meter = \$15.00 per calendar day.

- C. Water consumption shall be billed at the normal rates of the City customers (These rates will be based on the current fee schedule, which is adopted by ordinance). The holder of a Fire Hydrant Permit shall be responsible for any damage (including freezing), loss, or theft of the meter assembly and for any damage to the fire hydrant, and will be charged for repairs at a rate of time and material. If there is any leakage between the fire hydrant and the connection to the permit holder's hose connection, the fire hydrant shall be immediately shut off and the City notified.

**Section 1903 - Charges For Estimated Usage When Not Having a Permit or Not Using Metering Devices**

- A. No person, firm, or corporation shall use or make a connection to use water from a fire hydrant or other available source of water unless a properly authorized Fire Hydrant Permit is issued by the City. Any connection, hoses, wrenches, or appurtenances attached to a fire hydrant without a permit issued by the City shall be immediately confiscated by any employee of the City and the proper legal authority will be notified of the theft of service. In addition, where no permit was issued and there is no way to determine actual water usage, the minimum estimated amount will be equal to the cost of the water flowed for four (4) hours @ 250 gpm plus any damages to distribution system will be charged as well as a fine of up to \$500.

**Section 1904 - Permanent Installation of Meter & Backflow Preventer**

- A. No permanent installations will be allowed on fire hydrants.

## **ARTICLE 20**

### **WATER SERVICE FOR FIRE DEPARTMENTS**

#### **Section 2001 - Water Service for Fire Departments**

- A. Water is provided to fire departments served by the City's distribution system for emergencies and their prevention at "NO CHARGE".

## ARTICLE 21

### PRIVATE FIRE HYDRANTS, IRRIGATION (SEWER DEDUCTS) AND FIRE-LINE BYPASS METERS

#### Section 2101 - Private Fire Hydrants, Irrigation (Sewer Deducts) and Fire-Line Bypass Meters

- A. Connections from the water distribution system for private fire protection will be constructed on mains sized minimum 6" or per the local Fire Department. Fire-line will require either a regular meter or a fire line by-pass meter. Fire line by-pass meters are read at the same time as domestic water meters.
- B. Irrigation Meters (Sewer Deduct) - All meters are to be purchased from the City and to be **inspected by the City** before credit can be issued. They shall be tapped off the main domestic water line and the meter must be permanently installed inside the building. The readings for these meters are the responsibility of the owner to send in on the 15<sup>th</sup> of January, April, July and October. Other options must be submitted in writing and approved by the City's Public Service Engineering and Inspection Services Division.
- C. All charges in relation to the above items and all other charges, in general, are based on the current Fee Schedule which is adopted by ordinance.

## **ARTICLE 22**

### **CROSS CONNECTIONS AND BACK FLOW PREVENTION DEVICES**

#### **Section 2201 - Cross Connections and Back Flow Prevention Devices**

- A. A Cross Connection Program is instituted as a result of State and Federal Regulations. The program will be in accordance to the City's most recent Cross Connection Ordinance.
- B. Please refer to the City's Specifications for more information regarding the installation and maintenance of backflow prevention devices.

## ARTICLE 23

### ENFORCEMENT

#### Section 2301 – General

##### A. **General**

1. If any person or public corporation is found to be violating any provision of these Rules and Regulations, the City may:
  - a. Enforce these regulations by mandamus or otherwise;
  - b. Remove any improper construction or disconnect any service branch connections made improperly or in violation of these regulations;
  - c. Revoke any permit issued pursuant to these regulations;
2. The installation of any facility by any person or public corporation contrary to the provisions of these regulations shall constitute a nuisance and shall be abated by injunction upon proper application of anyone aggrieved including the City, the state board of health, or the county board of health.
3. Any person or public corporation found to be operating in violation of these regulations shall be compelled by injunction to cease and desist upon proper application by anyone aggrieved, including the City, the state board of health, or the county board of health.
4. Any person or public corporation willfully failing to comply with these Rules and Regulations shall be liable for damages caused by such failure and for the cost or renewing any construction damaged or destroyed.

##### B. **Enforcement Action**

Connection to a City water line in violation of these Rules and Regulations in any manner or in violation of any order issued by the City as authorized by these Rules and Regulations is hereby declared a public nuisance. Such nuisance shall be corrected or abated as ordered by the City.

The City will determine the appropriate enforcement action to be taken in each case, based on its consideration of factors relative to the violation, including, but not limited to, the type of violation, the intensity of the violation, whether the violation was intentional or unintentional, and the history of violations for a given establishment.

1. **Administrative Enforcement** - Remedies consist of the following, but are not necessarily invoked in the order presented:

- a. **Notice of Violation (NOV)** - An official written communication from the City, mailed first class to a noncompliant user stating that the City has found the user in violation of the federal, state, and/or the City's Rules and Regulations. The NOV requires the user to evaluate and explain the cause of the violation, states actions to be taken to achieve compliance, and required steps to be taken to insure the violation will not reoccur. The NOV requires the user to return to compliance and may state conditions or requirements for achieving compliance. The NOV may also state deadlines for a response demonstrating compliance has been achieved. The NOV may be the foundation for further enforcement action.
  
- b. **Administrative Orders** - Enforcement documents issued by the City which directs a noncompliant establishment to undertake or to cease specific activities. They may be the first formal response to significant noncompliance and may be used as a vehicle for administrative fines.
  - (1) **Cease and Desist Orders** - Directs a noncompliant user to cease illegal or unauthorized connections immediately or directs the termination of the connection found to be in violation of these Rules and Regulations, or the provisions of a water permit. The City may issue an order of cease and desist directing that those persons not complying therewith shall:
    - (a) Comply forthwith
    - (b) Comply in accordance with a time schedule set forth by the City
    - (c) Take appropriate remedial or preventative action in the event of a threatened violation
  
  - (2) **Consent Orders** - A negotiated settlement between the City and a user found to be in noncompliance with applicable requirements or the City's Rules and Regulations. The consent order differs from the other forms of administrative orders in that the signatures of both the City and user representative are required. The consent order may also contain a compliance schedule for meeting progress milestones dates and possibly fines or remedial actions.

- (3) **Show Cause Orders** - An order to direct the user to appear before the City, explain its noncompliance, and show cause why more severe enforcement actions against the user should not be taken. Show cause may be used in circumstances where previous enforcement actions have failed to resolve the noncompliance. This could lead to further enforcement actions.

C. **Right to Appeal** - If the findings, order or decision of the City made in pursuance of the provisions of these Rules and Regulations are not acceptable to any user, such user shall have the right to appeal as follows.

1. Two (2) professional engineers shall be chosen, one by the user and the other by the City, neither of whom shall be a regular employee of either principal. Such persons shall act as referees. As soon as such referees are chosen, the City shall file with them a certified copy of the complaint and the decision of the City and it shall be the duty of such referees to investigate the complaint and to agree either to affirm or reject the findings of the City and file a report with the City within a reasonable time, setting down their decision. If the referees so chosen are unable to agree, they shall choose a third professional engineer and the decision or recommendation of the majority shall be reported to the City. The decision or ruling of the Board shall be final and shall be reported to the user and to the City.
2. The fees and expenses of the referee appointed by the user shall be paid by the user and the fees and expenses of the referee appointed by the City shall be paid by the City. The fees and expenses of the third referee shall be equally divided between the user and the City.

D. **Judicial Enforcement Remedies** - The implementation of the judicial process to secure court ordered action to correct violations and to secure penalties for violations. Judicial administrative remedies will be sought (1) when notices of violation or administrative orders have proven ineffective in returning the violating user to compliance; (2) when emergency situations require injunctive relief to halt or prevent connections which threaten human health or the environment or; (3) to impose civil penalties and recover losses incurred due to noncompliance. All judicial administrative remedies will be sought at the discretion of the City.

1. **Injunctive Relief** - The City, through counsel, may petition for a court order of injunction to restrain or compel the activity of a noncompliant user. Injunctive relief can be used where an administrative order does not achieve compliance, or where immediate action is required to prevent a danger to human health, or the environment. Injunctions can be temporary in nature, permanent or both.

2. **Cost Recovery** - The judicial process can be used by the City to recover the cost associated with noncompliant acts of a user. These costs may be due to actual physical damage to the water line, personal injury to City personnel, damage to the environment, or other related costs.
3. **Civil Penalties**
  - a. Any person who violates any provision of these Rules and Regulations or any permit condition or who violates any cease and desist order may be liable for a court ordered civil penalty not to exceed one thousand dollars (\$1,000.00) per violation for individuals and five thousand dollars (\$5,000.00) per violation for corporations. Each day in which a violation occurs shall be considered a separate violation. In addition to the above, the City may recover attorney fees, related court costs, and other expenses associated with the enforcement action.
  - b. Any such penalty imposed shall not be construed as liquidated damages and shall accrue in addition to any liability for any consequential damages resulting from the violation for which the penalty is imposed.
4. **Termination of Water Service** - The City may terminate any water service to any premise if a violation of any provision of these Rules and Regulations is found to exist.

E. **Criminal Prosecution**

1. **Falsifying Information or Data** - Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations or water permit, or who falsifies, tampers with or knowingly renders inaccurate any metering or monitoring device or method required under these Rules and Regulations, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both.
2. **Violations** - Any person who willfully or negligently violates any provision of these Rules and Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.