

Chapter 13.04 WATER SERVICE SYSTEM

Sections:

[13.04.010 Water division created.](#)

[13.04.020 Definitions.](#)

[13.04.030 Office manager of the water division—Duties.](#)

[13.04.040 Administrative manual.](#)

[13.04.050 Water rates.](#)

[13.04.060 Applications for service.](#)

[13.04.070 Deposits.](#)

[13.04.080 Notices.](#)

[13.04.090 Discontinuance and restoration of service.](#)

[13.04.100 Meters.](#)

[13.04.110 City's responsibility for water damages.](#)

[13.04.120 Water usage.](#)

[13.04.130 Water systems in subdivisions and other developments—Dedications.](#)

[13.04.140 Fire hydrants.](#)

[13.04.150 Regulations for water division personnel.](#)

[13.04.160 Violation—Penalty.](#)

13.04.010 Water division created.

There is created and established a water division to be known as the water division of the city. The water division shall be a division of the public works department within the framework of the city's administrative organization and shall be governed by state and federal laws pertaining thereto, the ordinances, policies and resolutions established by the council and the procedures designated by the city manager.

(Prior code § 7-8.01)

13.04.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Consumer" means any person, public or private corporation, the United States of America, the state, any county, municipality and all governmental agencies and departments and every officer, agent and employee thereof during the course of his or her employment, who uses or is entitled to use, water from the department and the division.

"Department" means the public works department of the city.

Title 13 - PUBLIC SERVICES

Chapter 13.04 WATER SERVICE SYSTEM

"Division" means the water division of the public works department.

"Office manager" means the person designated by the city manager as the office manager of the water division of the city.

"Premises" and "property" mean all real property, buildings and appurtenances occupied by an owner, lessee or tenant as a dwelling or a business, commercial or industrial enterprise upon an integral parcel of land undivided by a street or railway.

"Service connection" means the pipeline extending from the division's water main, whether located in a public thoroughfare or private right-of-way, to the curb line or property line of the consumer's premises, together with the valves, meter and fittings necessary to connect to the consumer's private pipeline.

"Standby service" means the permanent, unmetered connection to the division's water main of a system of hoses, sprinklers or other appliances, such system to be designed and used for fire emergencies only.

"Water superintendent" means the person designated by the city manager as the water superintendent of the water division of the public works department.

(Prior code § 7-8.02)

13.04.030 Office manager of the water division—Duties.

There shall be an office manager of the water division who, subject to the general supervision of the water superintendent, shall be solely responsible for the management and conduct of the division office. The duties of the office manager of the water division shall include, but not be limited to, the following:

- A. The supervision, subject to the provisions of this code and other regulations, with the approval of the water superintendent, of the administration of the division office;
- B. The preparation and submission to the water superintendent of the annual water division report and such other reports as may be directed from time to time by the city manager;
- C. The approval of all expenditures of the division office, subject to the provisions of this code;
- D. At the end of each fiscal year and at such other times as it may be required, the submission to the water superintendent of a report concerning the affairs of the division; and
- E. Carrying out such affairs and other assignments as assigned by the water superintendent.

(Prior code § 7-8.03)

13.04.040 Administrative manual.

The day-to-day administrative activities of the water division shall be governed by an administrative procedures manual which shall be established and from time to time amended subject to the direction of the water superintendent and with the approval of the city manager.

(Prior code § 7-8.04)

13.04.050 Water rates.

- A. Water Services. For supplying consumers, water shall be measured through meters installed by the water division at the expense of the consumer and rates shall be set from time to time by resolution of the council.
- B. Standby Services. Charges shall be set from time to time by resolution of the council.

Title 13 - PUBLIC SERVICES

Chapter 13.04 WATER SERVICE SYSTEM

- C. Prorating of Charges for Water. There shall be no prorating of charges for water whatsoever and the monthly minimum shall apply to the services rendered and the water supplied during any fractional part of a thirty (30) day period.
- D. No Rebate Until Notified. No allowance or rebate shall be made in the water rate charged against any premises so long as the water remains connected therewith and the full rate shall be charged against any and all property or premises as specified in this chapter until the water division has been notified by the owner or consumer to shut off the water therefrom.
- E. Vacant Dwellings. In the event a premises becomes vacant, the regular minimum rates shall be charged and no refund or discount shall be made until the water division has been notified by the owner or consumer to shut off the water.

(Prior code § 7-8.05)

13.04.060 Applications for service.

Before water shall be supplied to any premises, an application by the owner, tenant or agent of the property shall be made in writing to the division for the proper service and stating the official building number and street to be served and any other information which may be necessary to establish the credit of the applicant. Thereupon a service connection shall be made at the nearest distribution main by the division but only after the charges provided for in this chapter have been paid.

(Prior code § 7-8.06)

13.04.070 Deposits.

- A. Service Deposits. The division may require each applicant for water service within the corporate limits of the city and shall require each applicant for water service outside the corporate limits of the city or any consumer delinquent in the payment of bills for such service, to guarantee the payment of water charges by a cash deposit in an amount equal to the cost of the consumer's water during a billing period as estimated by the division; provided, however, no deposit shall be less than the monthly minimum.
- B. Return of Deposits. Deposits may be refunded upon an application by the consumer when the account has not been delinquent within a period of twelve (12) consecutive months prior to the date of the application for a refund or when service is ordered discontinued by the consumer, except when there are charges due the division from the consumer, in which case the deposit will be applied to the charges and the excess portion only of the deposit will then be returned.

The division may notify the consumer that his or her deposit is subject to return and shall refund the deposit upon the surrender to the division of the deposit receipt properly endorsed.

(Prior code § 7-8.07)

13.04.080 Notices.

- A. When Issued. Regular bills will be issued on the first day of the month. Consumers shall be regularly billed quarterly.
- B. When Due. All charges for water shall be due and payable on presentation. All unpaid water charges shall become delinquent at five p.m. on the fifteenth day of the month presented.
- C. Owners of Property Liable for Payment. The owner of any property upon which city water is used shall be liable for the payment of the rates for such water. All rules and regulations provided for the government of the water service shall apply to the owner of the premises as well as to the water user

Title 13 - PUBLIC SERVICES

Chapter 13.04 WATER SERVICE SYSTEM

and, in case of default in the payment of water rates, all arrearages, fines and penalties shall be attached to the premises and the particular connection from which the water was used without payment.

- D. **Manager May Adjust.** The office manager of the water division, subject to approval by the city manager, may adjust bills and, in the event of any dispute as to a charge to a consumer, the office manager may determine the charge; provided, however, all persons affected shall have the right to appeal such determination to the council and the decision in respect thereto shall be final and conclusive as to all parties.
- E. **Collection Charges.** After the twenty-fourth day of the month during which water charges are presented, a collection for such charges may be made by the division for which a collection fee of five dollars (\$5.00) shall be imposed.

(Prior code § 7-8.08)

13.04.090 Discontinuance and restoration of service.

- A. **Consumers About to Vacate Premises.** Each consumer about to vacate any premises supplied with water service by the division shall give advance notice of his or her intended removal, specifying the date service is desired discontinued; otherwise he or she will held responsible for water service furnished to such premises until the division shall have notice for such removal.
- B. **Division's Right to Discontinue Service.**
 - 1. **For Nonpayment of Bills.** If water charges are not paid by the twenty-fifth day of the month presented, the water service shall be shut off and a penalty imposed, which penalty, together with all arrearages and fines, shall be paid before the service can be restored to the same consumer at the same address or at a new address.
 - 2. **For Failure to Comply With Regulations.** If a consumer or owner fails to comply with the provisions of this chapter or the regulations of the division after five days notice thereof, the division may forthwith discontinue water service to such consumer or owner until full and complete compliance is obtained.
 - 3. **For Improper Disposal of Water.** Any person who, as an owner or tenant of any premises, fails, refuses or neglects to equip and maintain such premises with plumbing of such character, quality and design as to assure that water will be disposed of into a disposal system acceptable to the city, five days after being served by written notice of such intention, shall have all water service discontinued pending such improvements.
 - 4. **For Wastage of Water.** Any person who wastes, causes, permits or allows to be wasted any water in any cooling system ornamental fountain or other device of any kind whatsoever, after service of five days notice of intention, may have all water service discontinued.
 - 5. **For Refusal to Admit Employees to Inspect.** Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents an inspection by, an authorized employee of the division, after service of twenty-four (24) hours notice of intention, may have all water cut off.
- C. **Only Water Division May Turn Water On.** No person shall tap, open or connect to or cause, permit or allow to be turned on, in any way any water after the water has been turned off by the division.
- D. **Restoration of Service.** On failure to comply with the regulations of the division or to pay rates or to comply with any charge or penalty imposed for such failure as provided in this chapter, water services may be turned off until the regulations or such penalties are complied with and/or payment is made of the amount due, if any and, in addition thereto, at the discretion of the division, the sum of at least twenty-five dollars (\$25.00) for the expense of turning the service off and on. In the event the

Title 13 - PUBLIC SERVICES

Chapter 13.04 WATER SERVICE SYSTEM

consumer turns on the water service or suffers or causes it to be turned on after it has been turned off for any of such reasons, the division may again turn off the water service, remove the meter and charge and collect at least fifty dollars (\$50.00), in addition to the other amounts due from the consumer, before water service is restored. In the event the consumer's service is discontinued for the nonpayment of the bill for service or where notice of discontinuance for the nonpayment of the bill has been given, the division may require the consumer to reestablish his or her credit by the making of a cash deposit as provided in Section 13.04.070 of this chapter.

(Prior code § 7-8.09)

13.04.100 Meters.

- A. **Consumer Dissatisfaction With Meters—Meter Testing.** In the event of dissatisfaction with the registration of any meter, the consumer shall make a written complaint to the water division, together with a deposit of five dollars (\$5.00), which sum will be returned and the water bill adjusted in an equitable manner in case the meter shall be found to register over three percent more than actually passes through it. If the meter is found accurate within three percent, the deposit shall be forfeited to the city and the water bill paid as rendered.
- B. **Meter Failure.** If a meter fails to register during any period or is known to register inaccurately, the consumer shall be charged with an average daily consumption according to the season as shown by the meter when in use and registering accurately.
- C. **Installation and Perpetual Maintenance of Meters and Laterals.** The water division shall determine and make charges for the installation and perpetual maintenance of meters and service laterals. Upon the filing with the water division of a written application by a property owner and the payment to the water division of the required charge for a meter, the water division will make a connection for such property owner to the city water main. Such connection shall be laid to the inside of the curb line in front of the applicant's property or at the side or rear of the property provided there is a city main passing along the street in front of or at the side or rear of such property. Where there is no water main in front of, at the side of or to the rear of the applicant's property, the applicant shall install at his or her own expense.
- D. **Meters City Property.** All services and all water meters installed by the division at all times shall remain the property of the division. The expense of the maintenance, repair and renewal of such meters due to the wear of normal service shall be borne by the division; provided, however, any expense occasioned by any act, careless or otherwise, on the part of the consumer or any member of his or her family or any person in his or her employ, shall be charged to such consumer.
- E. **Unlawful to Tamper With Meters or Break Seals.** No person shall tamper with or remove, cause, permit or allow to be tampered with or removed, any meter where the meter has been attached to any service or break or cause, permit or allow to be broken, any meter seal. If such tampering or breaking occurs, the division shall impose a penalty of twenty-five dollars (\$25.00) and may remove the meter.
- F. **Bypass Connections Unlawful.** Any bypass or connection around the meter between the service and the main shall be prohibited. All water use, except as provided in Section 13.04.140 of this chapter, shall pass through the meter.
- G. **Unlawful to Cover Meter Boxes.** It is unlawful at any time to cover meter boxes with trash, rubbish, dirt or other foreign matter, to permit ivy or other shrubbery to grow over meter boxes or to park automobiles or other vehicles over meter boxes. (Amended during 2004 codification; prior code § 7-8.10)

Chapter 13.04 WATER SERVICE SYSTEM

13.04.110 City's responsibility for water damages.

The city's responsibility shall end at the meter and the city shall in no case be liable for damages occasioned by water running free from open or faulty fixtures or from broken or damaged pipes beyond the water meter.

(Prior code § 7-8.11)

13.04.120 Water usage.

- A. **Supplying Other Persons.** No service connection for water shall be made for the purpose of supplying through a common service two or more independent consumers occupying premises held under the same or independent ownership unless such premises are located on the same lot or the property is known as an apartment, hotel or court apartment covering more than one lot and then only provided the owner or operator of such premises shall guarantee the payment of all bills for water and water services.
- B. **Proper Disposal—Wasting Water.** As provided in Section 13.04.090(B)(3) of this chapter, water shall be disposed of into an approved legal disposal system. No person shall waste any water in any device of any kind as set forth in Section 13.04.090(B)(4) of this chapter.
- C. **Pressure Regulators, Check Valves, Syphon Breakers and Pressure and/or Temperature Relief Valves.** If and when the safety and protection of the water system or any appliance thereof so requires, either an approved pressure regulator, check valve, syphon breaker or pressure and/or temperature relief valve shall be installed immediately by the consumer, at his or her expense, on the property side of the consumer's water meter and at the appliance or piece of equipment as required by the division to effectively serve the purpose intended.
- D. **May Be Restricted.** The use of water for sprinkling, wetting construction or industrial purposes may be restricted if and when such consumer's water usage is contrary to the public safety and welfare.
- E. **In Case of Fire.** In case of a fire in the city within reach of the water system, all standpipes, fire hydrants, hose connections, faucets and other outlets to such system in the immediate area of the fire shall be promptly closed, except such as may be used in quenching the fire and preventing the spread of the fire and shall be kept closed until such fire is extinguished. In addition, it shall be the responsibility of the water superintendent to divert, reroute, pump and otherwise provide the necessary water supply to suppress such fire.

(Prior code § 7-8.12)

13.04.130 Water systems in subdivisions and other developments—Dedications.

- A. **Subdividers and Developers to Install Approved Water Systems.** For any development or subdivision approved by the council, the subdivider or developer shall install, at his or her own proper expense and charge, a domestic water system approved by the water superintendent. After the water system has been completed and attached to the water mains and accepted by the water superintendent, the system ownership shall be dedicated to the city. Water systems to be installed by subdividers or developers shall consist of water mains, laterals, meters, hydrants, valves, pumps and storage facilities to meet present or future city standards. The water system shall include brass fire hydrants meeting all current and future standards of design and spacing by the Colfax volunteer fire department. All installations will be connected to and become a part of the city water system.
- B. **Use of Service Connections When Property is Subdivided.** When property provided with a service connection is subdivided, the service connection shall be considered as belonging to that part of the lot or parcel of land which it directly enters.

Title 13 - PUBLIC SERVICES

Chapter 13.04 WATER SERVICE SYSTEM

- C. Memorandum of Agreement. In order to effect the provisions of this section on an interim basis, the city shall enter into an agreement by memorandum with the Pacific Gas and Electric Company to perform services, including, but not limited to, systems design, construction inspection, maintenance and operation and administration.

(Prior code § 7-8.13)

13.04.140 Fire hydrants.

- A. Permits to Use. Any person intending to take water through, from or by means of any fire hydrant in the city shall first make and file with the water division an application in writing, showing the hydrant or hydrants through, from or by means of which and the time or times at which, he or she intends to take such water or to use such hydrant or hydrants. Such application shall also contain such other information as may be required therein by the water division. Permits shall be good only for the hydrant or hydrants for which they are issued. Permits shall not be transferable. Permits may be refused any person who may be indebted to the city for water theretofore served and not paid for or whose use of water through hydrants installed primarily for fire service is deemed by the water superintendent to be against the public interests. It is unlawful for any person to take water through, from or by means of or to use any such fire hydrant at any other time other than that for which such permit was issued or in violation of any reasonable terms and conditions fixed therein.
- B. Fees and Rates for Use. The cost of the permit and the charges for water through any fire hydrant shall be set by council resolution.
- C. Proper Use. Any person using or taking water through, from or by means of any fire hydrant in the city, upon turning such hydrant off, shall carefully close the valve or valves upon such hydrant so that the same and each and all thereof, shall be in good working order and shall remove any hose or hose connections attached to such hydrant. Any person so taking water through, from or by any means of or using any such hydrant shall accurately fit the valve stem or cap thereof and it is unlawful for any person to apply to and use upon the valve stem or cap of any such hydrant any wrench which does not so fit the valve stem or cap to which applied.
- D. Unlawful to Damage. It is unlawful for any person to injure or damage any fire hydrant in the city.
- E. Unlawful to Leave Refuse Near. It is unlawful for any person to make or leave or to permit to be made or left, any dirt, refuse or other obstruction on any public street or alley within twenty (20) feet of any fire hydrant in the city; provided, however, nothing in this section shall apply to any obstruction necessarily made by reason of any work of street improvement ordered by the of officers of the city.

(Prior code § 7-8.14)

13.04.150 Regulations for water division personnel.

- A. Identification Cards to Be Carried. An official identification card shall be carried or worn by all employees who, in line of duty, may be required to enter upon private premises.
- B. Free Access to Private Premises. Upon the presentation of official identification, any authorized employee of the division on official business shall be allowed free access at all reasonable hours to any premises supplied with city water.
- C. Identification Cards to Be Turned In. Every employee who has been issued identification cards, badges and/or credentials of the division shall surrender and deliver to the proper official all such cards, badges and/or credentials upon leaving the division for any reason.
- D. Unauthorized Use of Official Identification Unlawful. It is unlawful for any unauthorized person to possess, carry, wear or exhibit any badge or other official identification of the division; nor shall any person, whether or not possession shall be authorized, display, exhibit or cause to be exhibited any

Title 13 - PUBLIC SERVICES

Chapter 13.04 WATER SERVICE SYSTEM

badge or other official identification of the division at any time, place or in any manner or for any purpose which is not authorized by the division.

(Prior code § 7-8.15)

13.04.160 Violation—Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor pursuant to the provisions of Chapter 1.24 of this code.

(Prior code § 7-8.16)