

# Article 1

## WATER REGULATIONS, GENERALLY

### 04-01-01: WATER DEPARTMENT:

- (1) Department Established: There is hereby established a water department which shall consist of such personnel as may be provided by the Mayor and the City Council and the operation of which shall be under the direction of the Water Superintendent.
- (2) Responsibility: It shall be the responsibility of all members of the Water Department to operate and maintain all the equipment and facilities used in the procurement and delivery of domestic water and take every possible precaution to, at all times, ensure the purity of the water and safety and health of the public. (Ord. 1618, 10-12-82)

### 04-01-03: DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

**CITY:** Refers to the City of Caldwell, Canyon County, Idaho, or its authorized or designated agent, representative or deputy thereof.

**CITY WATER SERVICE LINE:** That portion of a water service line that runs from its connection with the City water main to and including the corporation stop, valve box, and meter yoke installed in the service line. The water service is owned and maintained by the City and will usually be installed within the limits of the public right of way or utility easement.

**CITY WATER SYSTEM:** Includes all components and facilities of the water system that is owned, operated and maintained by the City of Caldwell, Idaho, to provide domestic water supply.

**MASTER WATER PLAN:** The master water plan is any document which the City of Caldwell has accepted or may accept by official action of the City Council which describes or otherwise indicates an overall view of proposed future water needs, water main sizing and/or water main spacing.

**OWNER:** Refers to the property owner, tenant, developer, lease holder, etc., that is served by the City water system.

**PRIVATE FIRE SERVICE CONNECTION:** This is a separate and independent connection from the City water main that connects directly to a sprinkler system or fire control device that has been, or is to be, installed in any building for the purpose of fire control within the specific building and said connection is to be for no other purpose.

**PRIVATE WATER SERVICE LINE:** This is the water service line from the City water meter to and throughout the property and building being served.

**PRIVATE WATER SYSTEM:** Any domestic water system that is now owned, operated and maintained by the City.

**PROPERTY:** Refers to all property, whether privately or publicly owned, within the service limits of the City

water system excluding therefrom lands that have been dedicated for public street or highway rights of way.

**WATER MAIN:** Any pipe owned by the City for the purpose of transportation and/or distribution of water to serve more than one water service line or user. (Ord. 1618, 10-12-82)

#### **04-01-05: APPLICABILITY:**

The provisions of this Article shall apply to all property within the corporate limits of the City, and any special users outside of the corporate limits of the City, including all property owned or occupied by the United States of America, the State of Idaho and Canyon County. (Ord. 1618, 10-12-82)

#### **04-01-07: POWERS AND AUTHORITY OF CITY AUTHORIZED REPRESENTATIVE:**

The City through its authorized representative bearing proper credentials and identification shall be permitted at proper and reasonable hours of the day to enter all properties, premises or buildings to which water is furnished from the City water system for testing or for any other purpose necessary for the proper administration of the water system in accordance with provisions of this Article. Also, the City, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, repair, and maintenance of any portion of the City water system lying within said easements. All entry and subsequent work, if any, on said easement shall be done in a workmanlike manner. (Ord. 1618, 10-12-82)

#### **04-01-09: WATER CONNECTIONS, CONSTRUCTION REGULATIONS:**

- (1) **Separate Connections Required:** Each separate building shall be connected with the water main through a City water service line, which includes a meter. Subsequent to investigation by the City Engineer, the City Council may grant permission for a single meter to serve more than one water consumer. Upon a granting of an exemption, the base water rate shall be adjusted to reflect the number of water consumers on a single meter. (Ord. 1618, 10-12-1982)
- (2) **Application For Service Connection And Permit To Use Water:** Application to have a city water service including a meter installed shall be made by the owner of the premises to the water superintendent or other assigned officer. The application shall contain a full, true and accurate statement of the size of the connection, a description of the premises upon which such connection is to be made, together with the full name of such owners to conform to the rules and regulations provided for the city water system. No water shall be introduced into any connection heretofore or hereafter made therewith unless the permit has first been approved by the water superintendent or other designated officer, and all fees set forth in the rate schedule adopted by resolution of the city council have been paid.
- (3) **Meters Property Of The City:** All meters shall be and remain the property of the city, and in the event of a meter getting out of order and failing to register, the consumer shall be charged in accordance with the rate schedule adopted by resolution of the city council. (Ord. 1940, 3-16-1992)
- (4) **Private Water Service Line:** All materials and workmanship used in the installation of private water service lines shall conform to city specifications and codes. The furnishing of all labor and materials shall be the

sole responsibility of the owner.

- (5) Private Fire Service Connection: The installation of a private fire service connection shall comply in all respects to the requirements for a city water service line, and the owner or his agent will be required to pay for all costs for connection and extension of the facility from the city water main. (Ord. 1618, 10-12-1982)
- (6) No Connections Outside The City: Requests for water lineconnections outside the city limits are governed by the "service connection policy - outside the city limits", which policy shall be adopted by resolution of the city council except by special permit granted by the city council. (Ord. 1940, 3-16-1992)
- (7) Extension Of City Water Mains And Water Main Fee:
  - A. All proposed extensions of the city water mains to service undeveloped areas within the existing corporate limits or newly annexed areas shall comply with existing policies, specifications, master plans, or requirements established by the city engineer. The plans for all extensions to the city water mains shall be prepared under the direction of and signed by a registered professional engineer as per the licensing requirements of the Idaho Code, and three (3) copies of the said plans shall be filed with the city. In approving a plan for extension to the city water mains, the city reserves the right to stipulate other requirements such as a special permit fee, rights of way limits, sequence of construction, time limits for having existing service disrupted, the filing of a financial guarantee and other similar measures as may be required to protect the public. No work shall commence on any such extension of the city water mains until the extension project has been approved by the city council and a written permit has been issued. A permit shall not be issued until all applicable fees have been paid. (Ord. 2558, 10-17-2005)
  - B. All water main extensions and appurtenances made for the purpose of serving the development shall be constructed at the expense of the landowner and/or developer by a qualified contractor in accordance with city specifications and subject to conditions and fees which may be established by the city. (Ord. 1618, 10-12-1982)
  - C. The city shall charge a water main fee on all new buildings and developments that will be provided water service. The amount of the fee and the methods of derivation shall be in accordance with the rate schedule adopted by resolution of the city council. (Ord. 1940, 3-16-1992)
- (8) Requirements For Extending Water Service Outside The City Limits: All extensions of water service outside the city limits shall be recommended by the city engineer and approved by the city council on a case by case basis. Said extensions of service shall be granted only when in the best interest of the city of Caldwell. The extension of service is a privilege and not a right. In determining whether to allow an extension of water service, the following criteria shall be considered:
  - A. The extension of water service only shall not be permitted except by approval of the city council.
  - B. The city council may, at its option, require prepayment of water hookup fees.
  - C. The extent to which the extension of water service would create an adverse impact upon existing facilities or create economic burdens for future operation and maintenance of the city water system.

- D. Water main extensions shall be made at no cost to the city. Mains shall be adequately sized for future growth, and no credit will be allowed for additional costs associated with oversized mains required by the city either within the proposed development or in the extension of city lines.
- E. The extent to which the city water system has adequate capacity to serve existing development, the proposed development for which the extension is requested and all probable development within the extension requested, and all probable development within the city and between the city and the proposed development.
- F. The owner of the proposed development must consent to annexation by the city and at the city's option and convenience. This agreement will be binding on the development.

(9) Construction Methods And Materials: The materials and methods used for construction of city water service lines, private water service lines, water mains or water system appurtenances shall conform to the requirements of all codes and specifications as may be adopted by the city council. The city may reject any materials or workmanship for cause, and upon such order, the rejected materials shall be removed and replaced with approved material.

(10) Illegal Connections:

- A. It shall be unlawful for any person to make or cause to be made any connection with the city water main or to introduce or cause to be introduced water from the city water main into any connection made therewith unless a permit has been first duly issued for such purpose by the building inspector in compliance and conformity with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established therefor; or to cause a connection to become in noncompliance with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established; or to interfere with or injure any hydrant, pipe connection, meter or any property of the city water system. Violation of this provision shall be a misdemeanor.
- B. The city, by and through the building inspector, shall give notice in writing to the owner and/or occupant of any premises connected to and served by city water main in all cases in which said connections are illegal. Said notice shall state the violation and require that the violations be cured within thirty (30) days from notice thereof or water service will be discontinued.
- C. In the event that said illegal connection continues beyond the thirty (30) day period, the city is authorized to discontinue water service to said premises without further notice and until said illegal connection is discontinued.
- D. A violation of this provision is a misdemeanor. (Ord. 1618, 10-12-1982)

(11) Fees:

- A. Service Connection Fees: In addition to any inspection fees, main extension fees and impact fees, the developer shall be required to pay a service connection fee. The amount of the service connection fee shall be in accordance with the rate schedule adopted by resolution of the city council. A copy of current service connection fees for various meter sizes will be on file in the water superintendent's office.

- B. **Special Fee For Service Outside The City:** Service connection and inspection fees for properties outside the city limits shall be in accordance with the rate schedule adopted by resolution of the city council.
- C. **Impact Fees And Base Charges:** The city shall have authority to assess the developer and/or landowner fees in addition to the aforementioned fees. These additional fees are termed impact and capital improvement base fees and are for the purpose of providing a more equitable distribution of city water system costs relating to such items as water supply development, storage, transmission lines and other off site improvements and shall be in accordance with the rate schedule approved by resolution of the city council. (Ord. 1940, 3-16-1992)

#### **04-01-11: RESTRICTIONS ON WATER USE:**

No person supplied with water from the city water mains will be entitled to use it for any other purpose than stated in his permit, nor shall water be supplied to other households or businesses, or allowed to be taken off the premises with the intent of bypassing a service connection. (Ord. 1618, 10-12-1982)

#### **04-01-13: UPKEEP OF SERVICE PIPES AND FIXTURES:**

All service pipes and fixtures on private property are the responsibility of the property owner and shall be kept in good repair and protected from freezing at the property owner's expense. The property owner shall be responsible for all damages resulting from leaks or breaks in service pipes and fixtures. Water will not be furnished to a water service where there is a leak in the service piping or in a fixture, and when a leak is discovered, the water service may be discontinued immediately. If water service has been discontinued and there is a leak, it shall not be turned on until all leaks have been repaired. (Ord. 1940, 3-16-1992)

#### **04-01-15: WATER USER CHARGES AND FEES:**

- (1) The water user charges and fees shall be established to cover operation and maintenance costs of the city water system, and to provide a fund to pay for capital improvement costs, additions, participation in oversized extensions to the system, or redemption of bonds that have been used to finance system improvements, all as a part of the city's responsibility to provide adequate domestic water service and facilities for the city. For new connections, the water user charge is to begin when the meter is turned on. (Ord. 2465, 7-21-2003)
- (2) Charges for shutoff and turn on of customer accounts shall be in accordance with the rate schedule adopted by resolution of the city council. (Ord. 1940, 3-16-1992)
- (3) All owners who derive benefit from the city's water system shall, in return for said benefit, pay user charges. Only the benefiting property owner, or his duly authorized agent, may initiate water service. The procedures for initiating service, disconnecting service, billing of accounts and processing of delinquent accounts shall be in accordance with policies adopted by resolution of the city council.
- (4) At the initiation or reconnection of service, the city may elect to collect a security deposit to ensure the ultimate payment of charges and fees. The procedures for collecting, the amount, the procedures for

applying to delinquent charges and fees, and the final disposition of unapplied amounts of said security deposit shall be in accordance with policies adopted by resolution of the city council.

(5) The water user charge shall be based on the amount of water used. Fees, which may include penalties, may be for amounts independent of the amount of water used. Water user charges and fees shall be in accordance with rates and amounts established by resolution of the city council. (Ord. 2465, 7-21-2003)

#### **04-01-17: BILLING ACCOUNTING:**

- (1) Billing Frequency: Billing cycle frequency and due dates for accounts shall be established in the billing policy, as adopted by resolution of the city council.
- (2) Water Payments: Payments due the city shall be received and processed by the finance director of the city, in accordance with the Idaho Code.
- (3) Delinquent Accounts: Water charges billed shall become delinquent on the due date. Delinquent accounts shall be processed in accordance with the billing policy adopted by resolution of the city council. (Ord. 1940, 3-16-1992)

#### **04-01-19: UTILITY BOARD ESTABLISHED:**

There is hereby a board established and appointed by the mayor of the city to hear requests for variances to established policies adopted by resolution of the city council, and to request billing adjustments. The board shall inform the customer of the right to appeal adverse decisions pursuant to the "city of Caldwell contested hearing procedures ordinance<sup>1</sup>". (Ord. 1940, 3-16-1992)

#### **04-01-21: RIGHT OF CITY TO TURN OFF THE WATER SUPPLY:**

The city reserves the right at any time without notice to shut off the water supply for repairs, extensions or any other reason, and the city shall not be responsible for damage such as bursting of boilers supplied by direct pressure, the breaking of any pipes or fixtures, or any other damage resulting from the shutting off of the water. (Ord. 1618, 10-12-1982)

#### **04-01-23: FAILURE OF WATER SUPPLY:**

The city shall not be liable under any circumstance for a deficiency or a failure in the supply of water whether by the shutting off of the water to make repairs or connections, or for any cause whatsoever. (Ord. 1618, 10-12-1982)

#### **04-01-25: PROHIBITED ACTS:**

- (1) **Unlawful Use Of Fire Hydrants:** It shall be unlawful for any person, except one duly authorized by the city, to open, close, operate, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant or auxiliary valve belonging to the city. Further, it shall be unlawful for any person to obstruct the access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt or other material, or to wilfully or carelessly injure the hydrant.
- (2) **Malicious Or Wilful Waste Of Water:** It shall be unlawful for any water user to waste water or allow it to be wasted by imperfect water stops, valves or leaky pipes that are not under the jurisdiction of the city, or to permit the malicious or wilful consumption of water, having no beneficial use. The city, based on meter readings, will make a determination of where water has been wasted and shall notify the user of that determination. It shall then be the user's responsibility to make the necessary repairs, or to institute actions that will correct that situation within sixty (60) days of the city's notification to the user. All costs incurred including the cost of wasted water and any repairs shall be the responsibility of the user. (Ord. 1618, 10-12-1982)

#### **04-01-27: TERMINATION FOR NONCOMPLIANCE:**

Service shall be terminated and restored in accordance with the billing policy and rate schedule adopted by resolution of the city council. (Ord. 1940, 3-16-1992)

#### **04-01-29: SAVING CLAUSE:**

If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstance shall ever be invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and be applicable to all circumstances to which it may validly apply. (Ord. 1618, 10-12-1982)

#### **04-01-31: PENALTIES:**

- (1) Any person found to be violating any provision of this article shall be served by the city with a written notice stating the nature of the violation and provided a specified maximum period of time, said period not to exceed sixty (60) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 1618, 10-12-1982)
- (2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be subject to fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code section 50-302, as amended. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 2669, 2-20-2007)
- (3) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 1618, 10-12-1982)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): See chapter 1, article 5 of this code.