

## ARTICLE 11.200 WATER SYSTEM RULES AND REGULATIONS

### Sec. 11.201 "City Water Works" Defined

All property owned and controlled by the City of Abernathy for the purpose of providing water service to the people of the city, including its water plants, water supply, mains and system shall constitute and be known as the city water works. (1974 Code, Chapter 14, Article 1, Section 14-1)

### Sec. 11.202 Meters Required

All water furnished by the city water works to its consumers shall be measured by meters. The size, type and right to own and control all meters installed or used by consumers of its water shall be determined by said city water works, which shall keep all meters owned by it in repair without expense to consumers. When it is impractical to meter water for special occasions, water may be sold and charged for an estimated consumption upon written permit under the same permit issued under the same conditions as prescribed in the following section. (1974 Code, Chapter 14, Article 1, Section 14-2)

### Sec. 11.203 Meters 1-1/4 Inches and Larger to Belong to Owner

All meters 1-1/4 inches and larger shall be furnished by water user. The owner thereof shall have his meter repaired when notified to do so, and in event of his failure or refusal to repair same, the city water works shall repair the meter and charge the cost of same to said consumer and shall add it to his water bill, and the same rules applying to accounts due on water furnished shall apply to these repair bills. (1974 Code, Chapter 14, Article 1, Section 14-3)

### Sec. 11.204 Meters Failing to Register Properly

Should any meter fail to register correctly the amount of water used by a consumer since the previous reading, the right shall exist on the part of the city water works to average the month and charge for the water on the basis on three months' previous average. (1974 Code, Chapter 14, Article 1, Section 14-4)

### Sec. 11.205 Meters to be Read Monthly

Meters shall be read monthly, and the consumer notified in writing. (1974 Code, Chapter 14, Article 1, Section 14-5)

### Sec. 11.206 Service Outside the City

The city water works shall be authorized to furnish water at or inside the city limits to consumers outside the city limits upon such terms, conditions and rates as may from time to time be prescribed by the city council, except that in no event shall such rate be lower than the schedule of water charged consumers within the city limits. Nothing in this section shall compel the city water works to furnish consumers beyond the corporate limits or to continue such supply once begun, and the city water works reserves the right to furnish such customers as it deems advisable and at any time wholly or partially to discontinue the supply upon violation of any terms of this article as if such consumer had resided in the city limits. (1974 Code, Chapter 14, Article 1, Section 14-6)

### Sec. 11.207 Deposits; Leakage

(a) Before any consumer may have water service from the city water works he must deposit with the city water works an amount as provided for in the fee schedule found in the appendix of this code. Said deposit shall be refunded to the depositor when he shall have discontinued the use of the city water and shall have all bills and accounts due the city water works for any account whatever connected with the water service, and shall return receipt. If the receipt is not returned, then the records on books of the city water works shall be basis of adjustment. This deposit is required and made in the nature of a guarantee for payment of water service accounts, and damage to service connections or meters caused through neglect,

abuse or failure to properly care for the same by the consumer or his agent, and the said deposit or any part thereof may be applied by the city water works to the payment of any such account when it becomes past due. This deposit shall not be made nor accepted in the nature of a payment, but only as a guarantee. Failure to pay the water bill before it becomes delinquent is considered notice from consumer to discontinue service and apply so much of the deposit as is necessary for the payment of the then past due account. In case any deposit or any part thereof shall have been applied in payment of past due accounts, no service may be re-established until the deposit shall have been brought back up to the full amount required.

(b) All property owners, their agents and tenants shall be held responsible as consumer for loss of water, due to leakage in pipe or plumbing inside the discharge side of the meter or on said property, and if the water is not paid for according to the rates then in effect, when it becomes due, the water shall be cut-off by the city water works and not turned on again until all claims are paid or adjusted to the satisfaction of the city water works. In the event of any change of tenant, or consumer, in rented property, and there exists, at the time, non-paid account for past leakage, the landlord and property owner shall be held to account for payment for this leakage before service will be extended and water furnished to the second tenant.

(Ordinance 376, adopted 11/13/95, Section 1)

Sec. 11.208 Turning Water On and Off

No plumber, or any other person, shall turn on or off water from the street stop-cock without a written permit first obtained from the city water works superintendent, except only in case of repair. (1974 Code, Chapter 14, Article 1, Section 14-8)

Sec. 11.209 Not to Supply Water to Others

No consumer shall supply water to other persons or to other families or suffer them to take it, except for use on the premises, without the permission of the city water works. (1974 Code, Chapter 14, Article 1, Section 14-9)

Sec. 11.210 Extension of Water Service

After water is introduced into a building or upon any premises the same shall not be extended by any plumber or any other persons to any other premises for additional fixtures. (1974 Code, Chapter 14, Article 1, Section 14-10)

Sec. 11.211 Separate Service Pipes and Meters

Two houses shall not be permitted to be supplied with one service pipe where there is a service main in front of the premises or on either side thereof, but shall have separate service pipes. Two or more houses fronting on a street or streets, where there is no water main, may be supplied with one sufficient size to insure ample supply, but in such cases each of said houses shall have a separate service pipe, stop-cock and meter. (1974 Code, Chapter 14, Article 1, Section 14-11)

Sec. 11.212 Superintendent may Enter Premises

Every person taking water from the city water works shall at all reasonable times permit the superintendent or his agents to enter the premises and buildings for the purpose of examination of pipes and fixtures, and the manner in which the water is used; and refusal by any consumer shall result in refusal of water supply from the city water works until such permission be granted. (1974 Code, Chapter 14, Article 1, Section 14-12)

Sec. 11.213 Repair of Service Pipes

The city water works reserves the right to make all repairs and renewal of service pipes from main to curb, and it shall be unlawful for any other person, or persons, to repair or renew service pipes from main to curb. (1974 Code, Chapter 14, Article 1, Section 14-13)

Sec. 11.214 Meters to be Protected from Hot Water

All boilers for heating water shall be provided with safety valve, and check valve shall be placed on service pipes to protect the meter from hot water. Also, all water heaters not equipped with thermostat shall be provided with safety valves and a check valve placed on service pipes to protect meter from hot water. Any consumer failing to comply with the provisions shall have his water supply cut off and not turned on again until such valves have been installed. All steam boilers connecting direct with city supply are required to provide a tank for at least twelve hours' storage. (1974 Code, Chapter 14, Article 1, Section 14-14)

Sec. 11.215 Elevated Tanks

All elevated tanks located on elevated towers or otherwise for distribution below may be constructed with one connection direct with main and said tank, and a check valve shall be placed on said service line to the tank as near the entrance of the building or tower as possible. In no case shall a connection larger than two inches be made with the city main. (1974 Code, Chapter 14, Article 1, Section 14-15)

Sec. 11.216 New Service Connections

When a new service connection with the mains is necessary, the consumer or the property owner or his agent must pay to the city water works a reasonable amount as in the opinion of the city water works might be necessary to pay cost of connection. The term "connection" shall mean that the city water works furnish all material and labor necessary to supply water to the consumer from the water mains through the meter, and shall include tapping water main, pipe, pipe fittings, meter box, meter yoke, meter and labor. The meter is to be set inside the nearest curb line to the main in general direction of consumer's premises. It shall be unlawful for any plumber, or person, or persons other than the taper employed by the city water works, to tap any street mains or to extend service pipes from mains, and all this material and equipment shall be under the exclusive control of the city water works. (1974 Code, Chapter 14, Article 1, Section 14-16)

Sec. 11.217 City May Temporarily Discontinue Service

The right is reserved by the city water works to temporarily discontinue and to reconnect without notice water supply to all consumers for the purpose of making repairs, connections, extensions and cleaning of mains, machinery, reservoir or any part of system in emergency cases. If not an emergency, adequate notice shall be provided to affected consumers. (1974 Code, Chapter 14, Article 1, Section 14-17; Ordinance adopting Code)

Sec. 11.218 Service Pipes to be 18 Inches Under Ground

All service pipes shall be laid eighteen inches under the ground and provided with stop and waste inside the property line, such as to properly drain all pipes above ground. (1974 Code, Chapter 14, Article 1, Section 14-18)

Sec. 11.219 Only City Personnel May Open Hydrants, Etc.

It shall be unlawful for any person, except a member of the fire department or other employee of the city, to open hydrants or use water therefrom. (1974 Code, Chapter 14, Article 1, Section 14-19)

Sec. 11.220 Not to Deface City Water Works

It shall be unlawful for any person in any manner to deface the houses, walls, machinery or fixtures connected with or pertaining to the city water works and its system. (1974 Code, Chapter 14, Article 1, Section 14-20)

Sec. 11.221 Hose Attachments to be Flush with Surface

All hose attachments when located on sidewalk as well as stop-cock boxes and meter boxes must have suitable iron cover with top flush with surface of sidewalk or ground level. (1974 Code, Chapter 14, Article 1, Section 14-21)

Sec. 11.222 Not Injure or Interfere with City Water Works

It shall be unlawful for any person to individually or in association with others, willfully break, injure or tamper with any part of the Water Works System for any purpose whatsoever, or in any other manner maliciously to interfere with, or prevent, the running and operation of such system and the water supply therein. (1974 Code, Chapter 14, Article 1, Section 14-22)

Sec. 11.223 Not to Prevent Water Being Registered Properly

Whoever intentionally by any means or device prevents water from passing through any meter belonging to the city water works or used in connection with the supply of water to any consumer by said city water works to register the amount of water passing through meters, or intentionally prevents a meter from duly registering the quantity of water supplied, or in any way, interferes with its proper action or just registration or without the consent in writing of the superintendent of said city water works intentionally divert any water from any pipe of the city water works, or otherwise intentionally uses, or causes to be used, without the consent of the city water works any water produced or distributed by said city water works, or any person who retains possession of or refuses to deliver any meter or other appliance loaned to him by the city water works for the purpose of furnishing water through same, with intent to defraud said city water works, shall for every such offense be fined as hereinafter provided. The presence at any time on or about any such meter or pipe of any device or pipes resulting in the diversion of water or preventing of its free passage and registration by the meter or diverting from the meter as above defined or resulting in the prevention in water reaching the meter, or preventing the just registration of the meter or meters or the taking of any water except through a meter as above set forth shall constitute prima facie evidence of knowledge on the part of the person owning or having custody and control of the room, building, place or premises where such device or pipe is of the existence thereof and knowledge of such existence to the person who would be benefited by the failure of the water to be properly metered, and shall further constitute prima facie evidence of intention on the part of such a person or persons to defraud and shall bring such person prima facie within the scope, meaning and penalty of this article. (1974 Code, Chapter 14, Article 1, Section 14-23)

Sec. 11.224 Penalty

Any person, firm, association or corporation who shall violate any of the above rules, regulations or terms of the city water works as set in the preceding section, or doing or causing to be done by any person or persons, firms, association or corporation, of any of the things or acts forbidden or made unlawful, in any of the preceding sections shall be deemed to be guilty of a violation of this article, and an offense, and punishable as such and for each and every violation of the terms of this article the person, persons, firm, association or corporation shall, upon conviction thereof in the Municipal Court, be fined in accordance with the general penalty provision found in Section 1.106 of this code, and each day such violation continues shall be deemed to constitute a separate offense and punishable as such. (1974 Code, Chapter 14, Article 1, Section 14-24)

Sec. 11.225 Provisions to be Incorporated in Contracts

All of the provisions of this article shall be deemed to be incorporated in every contract between the city water works and its consumers and each consumer shall be charged with knowledge of the provisions of this article and, by applying and accepting water from the city water works, to have assented to the provisions hereof. (1974 Code, Chapter 14, Article 1, Section 14-25)