

1 **REGULATIONS GOVERNING WATER SERVICE**
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1 **I. INTRODUCTION**

2
3 **General Statement and Delegation of Authority**

4
5 The following Regulations are issued pursuant to the authority conferred upon the Utilities
6 Director by the Utility Code. They are issued in order to provide for the efficient and reliable
7 operation and administration of the City of Fountain’s Water Utility (hereafter referred to as
8 “Utilities” or the “Water Department” as the case may be). These Regulations shall govern all
9 classes of service and all territory served by the Water Department.

10
11 **Availability of Regulations**

12
13 Copies of these Regulations and any amendments thereto shall be available for inspection during
14 regular business hours in the office of Utilities and shall be posted and maintained on the City’s
15 website under “Utilities”.

16
17 **Revisions**

18
19 These Regulations may be revised, amended or otherwise changed at any time by written action
20 of the Utilities Director, subject to Charter, Utility Code, applicable ordinances, resolutions and
21 statutory and constitutional provisions. These Regulations cancel and supersede all previous
22 Water Code Regulations adopted by Council.

23
24 **Conflict**

25
26 In the case of conflict between any provisions of a particular Rate Schedule and these
27 Regulations, the provisions of the particular Rate Schedule shall govern.

28
29 **Definitions**

30
31 Unless the context specifically indicates otherwise, the definitions below are in addition to the
32 definitions set forth in Chapter X of the City Code and those contained in the Utility Code and
33 such definitions are fully incorporated by reference in these Regulations.

- 34
35 A. "Distribution Main" means that portion of the water supply system, which transmits and
36 distributes water of the City from treatment or storage facilities to users, excluding
37 service lines.
38
39 B. "Water Department" means the department of Utilities responsible for the operation and
40 maintenance of the water supply system.
41
42 C. "Superintendent of Water Department or “Superintendent” means the manager of the
43 Water Department.

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2 D. "Transmission Line" means that portion of the water supply system, which transports
3 large volumes and fire flows throughout the system.
4
5 E. "User" means any person that uses, takes water from or is connected to the water supply
6 system of the City. It includes customer as that term is defined in the Utility Code.
7
8 F. "Director" means the Chief Operating Officer of Utilities' Water, Electric and Customer
9 Service Departments. The managers of such departments report to the Director.
10
11 G. "Contractor" means the person(s), co-partnership or corporation employed by the Owner
12 for the purpose of installing water main system extensions or replacements.
13
14 H. "Water Supply System" or "Water System" means:
15
16 1. Any and all rights, property and obligations of the City concerning water and water
17 supply facilities;
18
19 2. Any and all devices, facilities, structures, equipment or works owned or used by
20 Utilities for the purpose of the collection, storage, transmission, treatment, regulation
21 or distribution of potable water, non-potable water, including distribution mains,
22 pumping facilities, metering facilities, pressure regulation facilities and their
23 appurtenances and excluding service lines;
24
25 3. Any and all standby or contingency equipment, facilities or material which may be
26 necessary to provide reliable water service;
27
28 4. Any and all devices, facilities, structures, equipment or works used by Utilities for
29 the purpose of the transmission, storage, treatment, or distribution of water, including
30 water treatment plants, pumping facilities, reservoirs, transmission lines and their
31 appurtenances;
32
33 5. Any and all land or sites owned or used by the City for the purpose of providing
34 water to users including streams or other waters which contribute to the water supply
35 of Utilities and any area in or along such waters or within 5 miles updrain of any
36 point from which water is taken by the City and any and all watershed areas; and,
37
38 6. Any and all extensions, improvements, additions, alterations or remodeling thereof.
39

40 Complaints

- 41
42 A. Utilities will investigate promptly all complaints by its customers. Utilities will keep, for
43 at least two (2) years, a record of all written complaints including:

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1. The complaint itself;
 2. The date received;
 3. The date finally disposed; and,
 4. The actual disposition of the complaint.

B. The following procedure governs complaints to Utilities:

1. A customer may contact Utilities informally by telephone or in person to attempt to resolve any complaint. The appropriate staff person will investigate the complaint and may take appropriate action.
2. If the customer is not satisfied with the outcome of the informal complaint process, the customer may request a formal hearing pursuant to provisions contained in the Utility Code.

Water Restrictions

In order to proactively plan for peak water seasons, Utilities has assembled a team to evaluate, prioritize, and assess risk associated with various sources of supply. Along with system supply capabilities, the range of potential peak day demands will be quantified based on past usage data and future projections. The scope of this evaluation focuses on water delivery capability directly into the distribution system, and not on related constraints for augmentation water and other water rights. This plan also includes development of triggers that aid in decision making related to implementation of water restrictions. For more in-depth information, this plan can be reviewed on the City's website under "Utilities".

II. CONNECTION AND INSTALLATION OF SYSTEM

Water Distribution System Design & Construction Specifications Manual ("Specifications" or "Specifications Manual")

The Specifications Manual is promulgated by Council. The interpretation, enforcement and revision(s) of these Specifications are hereby delegated to the Water Superintendent, and his/her interpretation shall be binding and controlling in its application. These Specifications are to be adhered to for the design, installation, operation and maintenance of the water main system owned by the City and operated by Utilities. All references to documents or the Specifications Manual shall be the latest edition or revision thereof. Throughout these Specifications, many handling and installation procedures, tools, equipment, and materials will require approval by the Water Superintendent. Approval by the Superintendent shall in no manner render the City or Utilities liable for any injuries suffered or equipment damaged. Approval by the Superintendent is used solely as a means to insure quality control and safety. Safety of workers shall be

1 provided by the Contractor as defined in the Water Specification Manual and as required by the
2 Occupational Safety and Health Act (OSHA).

3
4 Application for New Water Service Line

5
6 Any person desiring to connect a new service line to the water supply system of Utilities shall
7 make application to the City Clerk. The application shall be supplemented by any plans,
8 specifications or other information deemed necessary by the Superintendent to determine
9 compliance with the Utility Code, all ordinances and regulations concerning the water system.
10 The application shall comply with all the Utility Code, ordinances and regulations concerning the
11 water system. Upon approval by the Superintendent of such application, all applicable capital
12 charges shall be paid to the City Clerk.

13
14 Water Service Outside City

15
16 It is the policy of the City of Fountain not to furnish water to users outside the corporate limits of
17 the City; however, there are situations where the Council in its sole discretion may justify
18 exceptions to that policy. The City expressly reserves the right, as may be limited by state or
19 federal law, to impose such conditions as it may see fit relative to the furnishing of such service
20 and to refuse such service in its discretion. All provisions of the Utility Code and these
21 Regulations apply to those areas outside the corporate limits of the City, except those areas
22 covered by a contract which expressly establishes other rules for the area served under the
23 contract.

24
25 Water Service by Special Contract

26
27 The City through its Utilities may provide by contract augmentation water, non-potable ground
28 water and allow for the use of and connection to Utilities water supply system by governmental
29 institutions, organized water districts, municipal corporations or other similar users. Such
30 contracts shall expressly provide for compliance by such users with ordinances and regulations
31 concerning the water supply system. Such contracts shall be further subject to such other terms
32 and conditions as the Council sees fit to require. Such contracts and the terms, conditions and/or
33 renewals thereof, existing on the effective date of the Utility Code, shall remain in full force and
34 effect.

35
36 Connection Required

37
38 The owner of any house or other building occupied for business or residential purposes, situated
39 within the City and abutting any street, alley or right-of-way in which there is an existing main or
40 future installed water main, is hereby required at the owner's expense to connect such building
41 by means of a service line directly with the distribution main in accordance with the provisions
42 herein. The point or points at which connection is made to the distribution main shall be
43 determined by the Superintendent.

1
2 Connection Requirements - Exception
3

4 A. Connection to the water supply system shall not be required for any property which is
5 served by an existing well or other water supply system, which system is approved by the
6 El Paso County Health Department and which system serves said property in
7 substantially the same manner as it would be served by Utilities water supply system.
8

9 B. This section shall apply solely to property served by an existing well or other water
10 supply system prior to connection to Utilities water supply system of the City, and shall
11 not be construed to permit any person already connected to Utilities water supply system,
12 whose property may subsequently be served by a well or other water supply system, to
13 disconnect from Utilities water supply system.
14

15 Connection Required - Violation
16

17 No person who owns any house or other building occupied for business or residential purposes
18 situated within the City shall connect such house or building to a water supply system in non-
19 compliance with the requirements set forth in the Utility Code, the Specifications or these
20 Regulations.
21

22 Connection - Permits
23

24 No connection to Utilities water supply system shall be made without first obtaining a tap permit
25 therefor issued by the City Clerk.
26

27 Unauthorized Connections Prohibited
28

29 No unauthorized person shall uncover, make any connection with or opening into, use, alter or
30 disturb any distribution main or appurtenance thereof without first obtaining a permit from the
31 City Clerk. Any such connection shall be made in compliance with the provisions of the Utility
32 Code, the Specifications Manual and these Regulations.
33

34 Connection to System - Exclusion of Liability
35

36 Utilities shall not be subjected to any liability for any deficiency in the installation, which is not
37 discovered by inspection, nor shall the owner of the premises be absolved from liability for such
38 deficiency and any resulting damage or from responsibility to correct such deficiency.
39

40 Installation - Excavations For
41

42 All excavations for water service installation or repair shall be performed in accordance with the
43 Specifications Manual and the Regulations of the Water Department as applicable. Such

1 excavations shall meet all applicable safety standards, including any requirements as to
2 barricades and lights. Streets, sidewalks, parkways and other public property disturbed in the
3 course of work shall be restored in a manner satisfactory to the Department of Public Works of
4 the City.

5
6 Service Line - Separate for Each Building - Exceptions

- 7 A. A separate and independent service line shall be provided for every building.
8
9 B. Where one building stands at the rear of another on an interior lot which cannot be
10 subdivided, and where no service line is available nor can be constructed to the rear
11 building through an adjoining alley, court, yard or driveway, the service line of the front
12 building may be extended to the rear building with the approval of the Superintendent,
13 and the whole considered as one water service.
14
15 C. Upon approval of the Superintendent, multi-family or commercial or industrial
16 complexes having more than one building on a single platted lot owned by one person
17 may have the individual buildings connected to a single common service line, unless and
18 until such lot is re-subdivided or the buildings otherwise become separately owned in
19 which case independent connections shall be made.
20
21 D. The City does not assume any obligation or acquire any liability for damage to the
22 connecting property or any portion thereof caused by or resulting from any such
23 connection to the water supply system as aforementioned.
24

25 Responsibility for Maintenance of Service Line
26

27 The owner shall keep the service line and all pipes and fixtures on his premises in good repair so
28 as to prevent waste of water. The owner must secure all required permits for construction
29 purposes and shall be responsible for restoring the public right-of-way and the street to
30 acceptable City standards. Where there are more than one premises connected to a single service
31 line, the owners of the respective premises shall be jointly and severally responsible for
32 maintenance and repair of the service line.
33

- 34 A. The property owner shall be responsible for the repair and maintenance of the water
35 service line from the curb stop to the premises. In case of an emergency, the Water
36 Department may repair this portion of the service line for which the owner is responsible
37 and bill the owner for such costs of repair.
38
39 B. The Water Department shall be responsible for the maintenance and repair of the water
40 service line from the distribution main to the curb stop. Repair and maintenance of this
41 portion of the service line shall be performed by the Water Department at no cost to the
42 property owner.
43

- 1 C. The property owner shall be responsible for the repair and maintenance of the water
2 service line from the property line to the house or other building.
3
- 4 D. Leaks occurring on the water service line between the curb stop and the house or building
5 shall be repaired as necessary to include backfilling restoration of property at the property
6 owner's expense. However, the Water Department will, if requested to do so, shut off the
7 water service line at the curb stop. To preclude unnecessary waste of water, if repairs are
8 not initiated within a 24-hour period of time, the Water Department may, in its discretion,
9 shut off the water service until repairs have been affected.
10
- 11 E. The property owner shall be responsible for all damages that may occur to other property,
12 real or personal, including property of the Water Department, that are a result of a failure
13 to repair and maintain the water service, including, but not limited to, leaks occurring on
14 a water service line, bursting or other failure of the water line.
15
- 16 F. When a doubt exists concerning the responsibility for repairing a leak, the Water
17 Department will determine the origin of the leak, and the responsibility for repair. This
18 will be done by turning off the service at the curb stop. When this action causes the leak
19 to stop flowing, the homeowner or property owner will be responsible for repair. When
20 the leak continues to flow after turn off, the Water Department assumes responsibility
21 and will affect repair at no expense to the property owner.
22

23 Mains and Lines - Manner of Extension

24

25 Distribution mains to supply and distribute water to and throughout areas or additions shall be
26 extended by the owner or developer of premises to be served by such lines from the existing
27 distribution main to the point or points of the property line of such premises farthest from the
28 existing distribution main. Such extension requirement may be waived by the Superintendent in
29 the event it is determined that extension to the farthest point from the existing distribution main
30 is not necessary for the efficient expansion of the water supply system. In any event, distribution
31 mains shall be extended by the owner or developer of premises to be served by such mains to a
32 point which permits the shortest possible service line between the distribution main and the
33 property line of the premises served thereby. Thereafter, said distribution mains shall be
34 extended to adjoining premises in compliance with the Water Specification Manual for water
35 main installations. Extensions shall not be made for remote or isolated service unless the
36 applicant requesting such service shall provide for payment of the cost of such extension to the
37 point of service and such extension is approved by the Superintendent.
38

39 Mains and Lines - Compliance with Subdivision Regulations

40

41 No water distribution main or service line shall be laid or placed in any proposed addition to or
42 subdivision within the City until said addition or subdivision is platted and approved in
43 accordance with the City's subdivision ordinance.

1
2 Existing Lines - Conditions for Use
3

4 Existing service lines and/or distribution mains may be used in connection with new buildings
5 only when they are found by the Superintendent to meet all requirements of the Utility Code,
6 these Regulations, applicable ordinances and the Specifications.
7

8 Construction - Requirements for Commencement and Completion
9

10 Construction of any building or facility to be served by a connection with the water supply
11 system of the City shall be commenced within 120 days from the date of issuance of the permit
12 and such construction shall be pursued to completion without suspension or abandonment, all as
13 provided in the City's Building Code. Failure to comply with the above requirements shall result
14 in cancellation of the connection permit and the return of the connection charge less expenses
15 incurred by the Utilities to determine such noncompliance.
16

17 Water Facilities - Cost
18

- 19 A. When an owner or developer finds it necessary to construct water supply and distribution
20 facilities through or adjacent to unserved or undeveloped lands, such owner or developer
21 shall pay the entire cost of such facilities. However, Utilities shall agree in writing with
22 such owner or developer in a recovery agreement to assist in the collection of a pro-rata
23 share of the actual cost of such facilities from the owner of such unserved or undeveloped
24 lands at the time of connection to the facilities and refund such cost to the owner or
25 developer for a ten (10) year period.
26
- 27 B. An owner or developer, who is a party to a recovery agreement, shall provide a complete
28 detailed summary of all construction costs to the Water Department Engineer within 90
29 days after completion of construction. Failure to provide such construction cost
30 information shall relieve Utilities of responsibility to assist in the collection of a pro-rata
31 share from subsequent connectors; provided, nothing contained herein shall relieve a
32 subsequent connector from the obligation to pay a reasonable cost of construction, such
33 reasonable cost to be determined by the Water Department Engineer on the basis of the
34 best information available to him at the time.
35
- 36 C. The owner or developer and the Superintendent shall jointly determine the service area of
37 the facilities constructed by the owner or developer and shall jointly determine a recovery
38 charge, which normally shall be on per-front-foot basis. In the event that the owner or
39 developer and the Superintendent shall fail to agree, the determinations of the
40 Superintendent shall be subject to final review by the Utilities Director.
41
- 42 D. The owner or developer's right to reimbursement under the provisions of the recovery
43 agreement shall not exceed the actual construction costs for a period of 10 years from

1 execution of the agreement unless the City Council shall approve a contract period
2 exceeding 10 years.

- 3
4 E. A property owner or developer may be required to construct a distribution main larger
5 than that required for their needs for the service of lands beyond the property or
6 development. The construction costs due to oversizing of a distribution main shall be
7 subject to the same cost recovery provisions as provided in this section.
8

9 Installation Cost

10
11 All costs and expenses incidental to the installation and connect of a service line from the
12 distribution main to the premises shall be borne by the owner of such premises. The owner shall
13 indemnify the City for any loss or damage to the City that may directly or indirectly be
14 occasioned by installation of such service line.
15

16 Connection Charge

- 17
18 A. In each lot, area, territory, subdivision or addition, inside or outside the corporate limits
19 of the City, for which a request for water service connection or addition to the water
20 supply system of Utilities shall be made, there is and shall be a connection charge for
21 each service line. The connection charge is based upon the total cost associated with
22 providing water service to new customers of Utilities.
23
24 B. If the area to be served is subject to an outstanding recovery agreement, a recovery
25 agreement charge shall also be included in the connection charge.
26
27 C. The connection charge shall be payable in full in cash prior to the issuance of a tap
28 permit. Application for a tap permit shall be made to the City Clerk. A tap permit shall
29 only be issued for a specific lot or parcel.
30
31 D. These connection charges may be reduced or waived by the Council upon a
32 determination by the Council that the reduction or waiver of such connection charges
33 provides an economic benefit to the City or to the consumers of water service provided
34 by Utilities and such waiver or reduction serves a public purpose. The Council shall be
35 the sole judge concerning whether the waiver or reduction of a connection charge
36 constitutes an economic benefit to the City or to the consumers of water service and
37 serves a public purpose.
38

39 Recovery Agreement Charge

40
41 A recovery agreement charge may be assessed for each connection to or use of a distribution
42 main or other facility which is the subject of a recovery agreement between Utilities and the
43 person responsible for the construction of said main or facility. Consistent with such agreement,

1 such charge shall be in an amount, which represents a pro-rata share of the cost of construction
2 of the main, or facility and shall be collected prior to issuance of a building permit.

3
4 Charge - Credit For
5

6 A. In the event that a property owner or developer, with the approval of the Superintendent,
7 connects a new building or structure to a previously existing service line, without
8 changing the size of such service line, such owner or developer shall not be required to
9 pay a water connection fee.

10
11 B. In the event that an owner or developer replaces an existing service line with a larger
12 service line, such owner or developer shall pay a water connection fee in an amount
13 representing the difference between the amount assessed on the basis of the existing tap
14 and the amount assessed on the basis of the larger tap. Such owner or developer shall not
15 pay a recovery agreement charge.

16
17 C. In the event that an owner or developer replaces an existing service line with a smaller
18 service line such owner or developer shall not be entitled to a refund of the permit charge
19 or the water development charge.
20

21 Water Meters - Testing - Fee
22

23 Any water meter may be taken out and tested upon complaint of the consumer, upon payment of
24 a fee of one hundred (\$100) dollars. If the meter is tested and not found to be within three (3%)
25 percent or less of being accurate, then the meter shall be repaired or replaced and the one
26 hundred (\$100) dollars fee shall be returned to the customer.
27

28 Meters Required
29

30 Except as otherwise provided under contract, a water meter shall be installed at the premises at
31 each water service customer connected to the water infrastructure. Such meter shall be capable
32 of measuring the consumption of water at such premises, which measurement shall be recorded
33 at periodic intervals as necessary for the purpose of determining the amount of applicable
34 charges. If a customer requests water service under 2 different rates for 2 different uses on the
35 same premises, one or more meters shall be installed at each point of delivery at which such
36 customer receives service.
37

38 Meters - Installation and Maintenance
39

40 Water meters shall be furnished and installed by the Water Department at the expense of
41 Utilities, and the City shall retain ownership of such meters. The Water Department shall
42 perform all necessary maintenance and/or repair of meters including replacement of meters;
43 provided, however that the property owner shall be responsible for protecting the meter against

1 freezing, theft or damage and in such instances of failure to abide, property owner is responsible
2 for payment of the replacement meter and associated costs.

3
4 Metering Facilities - Installation and Location
5

6 A. The owner or developer of premises served or to be served by the water supply system
7 shall provide and install sufficient and proper meter loops and other necessary facilities
8 for the installation of a water meter. Such a facility shall be provided and installed at the
9 expense of such owner or developer in accordance with all applicable ordinances and the
10 Water Specification Manual. No meter shall be installed until such facilities have been
11 inspected and approved by the Water Department.

12
13 B. The location of meter installation facilities and other metering equipment upon the
14 premises shall be designated by the Water Department. Such location shall provide for
15 adequate clearance to insure that the meter and appurtenant facilities and equipment are
16 readily accessible for the purpose of reading, testing, maintaining and repairing the meter
17 and shall be in conformity with the Water Specifications Manual. The location of the
18 meter and appurtenant facilities shall be such as to prevent obstruction of or interference
19 with traffic, streets, driveways, sidewalks, hallways or other passageways, or the opening
20 or closing of doors or windows and to provide for protection from hazard.

21
22 Special Charges
23

24 For those areas served by Utilities utilizing pumping facilities to accomplish adequate water
25 service, a surcharge may be imposed in an amount which represents the cost of operations and
26 maintenance of such facilities.

27
28 Termination for Diversion of Service
29

30 As defined in the Utility Code, diversion of services at any premises constitutes theft. Any
31 instance of diversion of service shall be grounds for immediate disconnection of service without
32 notice to the customer at such premises. Service shall not be reconnected until any and all
33 deficiencies in piping, connections, meters and/or water facilities of the premises have been
34 repaired, corrected or otherwise altered to conform to the requirements of the Water Department.

35
36 Reconnection Charges for Tampering, By-Passing or Unauthorized Metering
37

38 Before water service will be reconnected to the premises where diversion of service has
39 occurred, the customer or user of the premises shall pay the fees described and set forth in the
40 Fee Schedule adopted by Council for such diversion, together with the following:

- 41
42 1. The cost of repairing or replacing any damaged equipment of Utilities.
43

1 Defective Meters - Estimated User Charges

2
3 A. If a meter is found not to register, to register intermittently or inaccurately, or to partially
4 register for any period, the amount of water consumed at the premises of any user of the
5 water supply system, the Water Department may estimate charges for the water
6 consumed by averaging the amounts over similar periods, over corresponding periods in
7 previous years, or on such other basis as may be reasonable. The owner or occupant of
8 the premises in which such defective meter is found to exist shall be liable for estimated
9 user charges as so determined by the Water Department.

10
11 B. In the event a defective meter has resulted in the overpayment of user charges by the
12 owner or occupant of the premises in which such defective meter is found to exist, the
13 excess amount is determined on the basis of estimated user charges in the manner
14 provided in Subsection A of this section, shall be refunded or credited to such owner or
15 occupant, but the maximum adjustment period shall not exceed the time from the last
16 meter test or 6 months, whichever is less.

17
18 **III. REGULATIONS FOR USE OF WATER**

19
20 Use - Determination by Council

21
22 In order to maintain adequate water pressure and water supply and/or proper water quality, the
23 Council may restrict or deny the use of water by any user. Such restrictions may include, but
24 shall not be limited to, designation of the type and number of uses of water, which shall be
25 permitted, and/or any other restriction, which the Council may deem necessary.

26
27 Use - Restrictions

28
29 In the event that the Council determines that, owing to shortage of water caused by dry spells,
30 adverse climatic conditions or other causes, restrictions as to the use of water are necessary to
31 preserve an adequate supply of water, such restrictions may be applied as set forth by the Water
32 Supply Plan Restrictions posted on the City's website under "Utilities."

33
34 Farmer's Hydrant Use Restrictions

35
36 A. The provisions of this section apply to water taken from the Farmer's Hydrant, a water
37 hydrant owned by Utilities and located near the intersection of Missouri Avenue and
38 Walnut Street and designated by Utilities as the "Farmer's Hydrant."

39
40 B. Only persons who are residents of the City whose property does not have a permanent
41 connection to Utilities water supply and who have entered in a contract with Utilities
42 shall be permitted to take, use or transport water from the Farmer's Hydrant.

1 C. No person who is not a resident of the City of Fountain shall take, use, or transport water
2 from the Farmer's Hydrant. No person shall take, use, or transport water from the
3 Farmer's Hydrant water for use outside of the city limits of the City of Fountain. Any
4 person authorized by Utilities to take water from the Farmer's Hydrant who violates this
5 section may have such authorization terminated under the provisions of the Utility Code
6 and the Customer Service Regulations.
7

8 Construction Water
9

10 A. Construction Water Use Permit Required. A construction water use permit is required
11 whenever a temporary service connection is made to a City fire hydrant for construction
12 purposes. A temporary service connection shall be defined as a service connection to the
13 City's water infrastructure system for not more than 90 days. The City reserves the right to
14 deny the issuance of a water use permit for construction purposes outside of the City limits.
15

16 B. Construction Water Use Permit Application. Applications for construction water use permits
17 may be made to the City's Water Department, at the Water Shop, on forms provided by the
18 Water Department. Applications must be accompanied by the deposit and must contain the
19 following information:

- 20 1. Proposed dates of water usage.
- 21 2. Project Location.
- 22 3. A description of the purposes for which the water is to be used.
- 23 4. The fire hydrant meter number and location of fire hydrant to be used, if applicable.
- 24 5. The contractor's name, billing address, and telephone number.
25

26 C. Meter Required. All temporary connections to the City's water infrastructure system for the
27 purpose of obtaining construction water shall be metered.
28

29 D. Permit Deposit and Fees. See Fee Schedule adopted by the City Council.
30

31 E. Permit Requirements.
32

- 33 1. Before a construction water use permit is issued for the purpose of filling a truck, the
34 applicant's truck shall be inspected and approved by the Water Department for adequate
35 backflow prevention.
- 36 2. When using a fire hydrant, the female end of the adapter hose shall be connected to the
37 fire hydrant, and the male end shall be connected to the meter. The gate valve shall be
38 connected to the downstream side of the meter. The hydrant shall be opened slowly to
39 full open position, and flow shall be controlled through the gate valve when the meter is
40 in use. The hydrant shall be closed slowly to full shutoff position when the meter is not

1 in use. Only fire hydrant wrenches shall be used for operating the hydrant.
2

3 3. When not in use, equipment rented from the City shall be safely and securely stored.
4 Any damages occurring by applicant to the fire hydrant meter or fire hydrant is the
5 responsibility of the applicant to pay all costs associated with repairs.
6

7 4. The applicant will provide to the Water Department by telephone, e-mail, facsimile or in
8 person a reading from the meter on the first Monday of each month, or if the first
9 Monday of the month is a City-recognized legal holiday on the next business day, after
10 the date of issuance of the permit.
11

12 5. The meter shall be brought in to the Water Department's Water Shop for reading and
13 inspection on the permit expiration date. If applicant needs to continue use of the fire
14 hydrant meter, a new permit will be issued.
15

16 6. The construction water use permit shall be available for inspection in the field by Water
17 Department personnel.
18

19 F. Permit Expiration. A permit shall expire 90 days after it has been issued. If payment is not
20 received by Utilities by the due date, the permit shall expire and be deemed void as of the
21 next day after the due date. Upon expiration, the applicant may reapply for a new permit.
22

23 G. Permit Revocation. The City may revoke a construction water use permit for any one or
24 more of the following reasons:
25

26 1. Failure to comply with the requirements listed in Section above entitled "Permit
27 Requirements".
28

29 2. Misuse of City equipment.
30

31 3. Use of the permit for other than original application purposes.
32

33 4. Delinquency of any charges, billing or accounting with the City.
34

35 H. Suspension; Restriction. Utilities reserves the right to restrict or suspend construction water
36 use due to water restrictions implemented by the City or due to a determination by the City of
37 an emergency which requires the City to immediately restrict or suspend water use.
38

39 Conditions of Service
40

- 1 A. All water furnished by Utilities in providing water service is and shall be on a license
2 basis for one time use for lawful purposes on the customer's premises. The license herein
3 granted may be modified, suspended or terminated as now or hereafter provided in the
4 Utility Code or its implementing regulations. Neither the granting of this license nor the
5 use of water thereunder shall constitute or be deemed a relinquishment of the City's
6 dominion and control of its water or the title to any of its water or water rights. No act,
7 circumstance or condition of such use or service shall be deemed to constitute a
8 conveyance of the City's title or surrender of the City's dominion and control, or shall
9 operate to create any vested or proprietary right, relating to the City's water or water
10 rights, in any person whatsoever.
11
- 12 B. It shall be a violation of the Utility Code and grounds for termination of service for any
13 person to make any reuse or succession of uses of the water provided Utilities, except as
14 specifically allowed by the Utility Code, regulations issued by Utilities, resolutions or
15 ordinances of the City.
16
- 17 C. No person shall directly or indirectly sell or otherwise dispose of water service furnished
18 by Utilities or to do any other act, except in accordance with that person's service
19 application and service contract with Utilities. Nothing in the foregoing sentence shall
20 prohibit a customer from establishing an appropriate allocation procedure for the
21 purposes of receiving reimbursement from tenants or lessees for their proportionate share
22 of water service used which allocation procedure shall be determined solely by
23 contractual arrangement between the customer and the tenants or lessees, provided that
24 the customer shall not receive total reimbursement in excess of the amount necessary to
25 pay said customer's water bill.
26

27 Proper Use of Water

28
29 No person shall take or use any water from the water supply system of Utilities, or to aid or abet
30 any person in such taking or using, otherwise than in compliance with the Utility Code and these
31 Regulations.
32

33 Fire Hydrant Use

34
35 No person shall take any water from any fire hydrant or hose pipe without a permit or meter
36 except for the extinguishment of fires, the cleaning or testing of fire apparatus or with the
37 permission of the Superintendent. The Superintendent may take water from a fire hydrant when
38 necessary for any purpose of the water system.
39

40 Private Lines Prohibited

41
42 No person shall reconnect, hook up or create a cross-connection with any water well or other
43 water supply, not operated by Utilities, to any of the water lines of Utilities or to any water lines

1 that may connect to the water lines of Utilities. The Water Department may deny or disconnect
2 service to any property that is connected to a private source of water supply.

3
4 Admission to Property

5
6 The Water Department shall have the right to enter upon the premises of the customer at all
7 reasonable times for the purpose of inspecting, repairing or removing any or all equipment used
8 in connection with its service, and removing its property when service has been discontinued.

9
10 Use of Water - Temporary Discontinuance

11
12 The City expressly reserves the right to temporarily shut off water from the distribution mains
13 when necessary to repair any portion of the water supply system or to make connections to or
14 extensions of the water supply system. The Water Department shall endeavor to give reasonable
15 notice of the proposed interruption of water service, whenever possible, to all users potentially
16 affected thereby.

17
18 Liability of City - Exclusion of

19
20 The City shall not be liable to any person for failure to supply water during repairs or extensions
21 of the distribution mains nor for other causes such as strikes, acts of God, unavoidable accidents
22 or other contingencies beyond its control. The City shall not be liable to any person for failure to
23 maintain water pressure sufficient to any proposed use of water.

24
25 **IV. CONTROL AND PROTECTION OF WATER SYSTEM**

- 26
27 A. No person shall interfere in any manner with any distribution main, meter, corporation or
28 any other appurtenance connected to the water system or comprising a part thereof
29 without permission therefor obtained from the Superintendent.
30
31 B. No person shall damage, impair or deface any part, appliance or appurtenance of the
32 water supply system of Utilities.
33
34 C. No person shall excavate or obstruct, damage, tamper, meddle or interfere in any way
35 with Utilities water main or to do any act or thing to divert, damage, drain or otherwise
36 impede or hinder, or tend to impede or hinder, the flow of any of the waters, lakes,
37 reservoirs, drains, streams or stream tributaries, trenches, mains, lines, filters, valves,
38 gauges, devices, grounds, enclosures buildings, structures, boats or other property or
39 contributing to the water supply of the City directly or indirectly for or in connection with
40 the water supply system of Utilities.
41

1 D. No person shall enter without authority or to trespass upon any property or works of
2 Utilities used directly or indirectly for or in connection with the water supply system of
3 Utilities.

4
5 E. No person shall make a cross-connection on Utilities water system as defined in the
6 Water Specification Manual.

7
8