

Chapter 705

WATER REGULATIONS

ARTICLE I

Water Service Rates

Section 705.010. Water Service Rates.¹ [Ord. No. 30 §§1 — 2, 3-5-1980; Ord. No. Chapter 705, no date; Ord. No. 2007-2, 9-10-2007; Ord. No. 2009-03, 3-23-2009]

- A. The City water service rates to be based on gallons used per month shall be thirteen dollars (\$13.00) for the first (1st) one thousand (1,000) gallons; ten dollars eighty cents (\$10.80) per one thousand (1,000) gallons up to thirty thousand (30,000) gallons; and six dollars (\$6.00) per one thousand (1,000) gallons thereafter.
- B. The water rates for water service outside the City limits based on gallons used per month shall be thirteen dollars (\$13.00) per one thousand (1,000) gallons; ten dollars eighty cents (\$10.80) per one thousand (1,000) gallons up to thirty thousand (30,000) gallons; and six dollars (\$6.00) per one thousand (1,000) gallons thereafter.
- C. There shall be a charge of thirteen dollars (\$13.00) per one thousand (1,000) gallons of water obtained from the City in any portable water container for delivery to any location beyond the City water main.

Section 705.020. Delinquent Payment. [Ord. No. 12 §2, 8-9-1971; Ord. No. Chapter 705, no date; Ord. No. 2007-2, 9-10-2007; Ord. No. 2008-4 §1, 4-14-2008]

A ten percent (10%) penalty will be charged and added to the water bill for non-payment of said water bill after the twenty-eighth (28th) day of the month.

Section 705.030. Water Service Discontinued — When. [Ord. No. 12 §3, 8-9-1971; Ord. No. 03-32 §1, 3-10-2003; Ord. No. Chapter 705, no date; Ord. No. 2007-2, 9-10-2007]

After any default or failure to pay any water bill for a period of ten (10) days after said bill is due, said water service shall be discontinued.

Section 705.040. Service Reestablished — Charge. [Ord. No. 12 §4, 8-9-1971; Ord. No. 2007-2, 9-10-2007; Ord. No. 2011-07, 8-8-2011]

- A. After water service has been discontinued for non-payment, a service charge of twenty-five dollars (\$25.00) and full payment of all arrears shall be collected before

¹. Cross Reference — As to sewer charge, see §710.020.

said water service is reestablished anytime during normal business hours. Normal business hours are designated as Monday through Friday 7:00 A.M. to 3:00 P.M.

- B. After water service has been discontinued for non-payment, a service charge of seventy-five dollars (\$75.00) and full payment of all arrears shall be collected before said water service is reestablished any time after normal business hours. After normal business hours are designated as Saturday or Sunday, and any time before 7:00 A.M. or after 3:00 P.M.

Section 705.045. Occupant and Owner — Jointly and Severally Liable. [Ord. No. 03-33 §1, 3-10-2003; Ord. No. Chapter 705, no date; Ord. No. 2007-2, 9-10-2007]

The occupant and user of the premises receiving services or water and sewerage services combined and all owners of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have power to sue any or all occupants or owners of such real estate in a civil action to recover any sums due for such services, along with any late fees, plus a reasonable attorneys fee to be fixed by the court. Any notice of termination of said service shall be sent to both the occupants and owners of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the City with the owners' business address. No person may occupy or establish an account for water service at another premise within the City of Wellington until the prior outstanding bill and other charges are paid.

Section 705.050. Water Service Connection Charge (Tap Fee). [Ord. No. 12 §5, 8-9-1971; Ord. No. 03-34 §1, 3-10-2003]

- A. The water tap fees to be charged by the City of Wellington for water taps or connections to City owned mains shall be as follows:
1. *Authority in the creation of the water tap fee.* The City is exercising its local authority including its Police powers pursuant to Chapters 79, 88 and 91, RSMo., as amended. The aforementioned provisions authorize and require the City to provide and finance water service facilities and to provide for the health, safety and general welfare of the City.
 2. *Intent.*
 - a. It is the intent of this Subsection to establish a water system users fee, imposed upon new connections to the City's water system, and not to levy a "tax" or fee as such term is used in Article X, Section 22 of the Missouri Constitution.
 - b. It is the intent of this Subsection to impose a water tap fee, payable prior to approval of a new water service connection in an amount based upon the demand for water attributable to the new connection cost of constructing water service facilities needed to serve the new connection and the costs incurred by the City to complete the tap.
 3. A one thousand dollar (\$1,000.00) water connection charge shall be collected for any water service connection one hundred (100) feet or less from the

existing water main where no street cut is required and the property owner shall be responsible for any and all additional charges and expenses incurred for all necessary piping over one hundred (100) feet from any existing water main and any cost for cutting and repairing any street.

4. *Calculation of the water tap fee.* The City shall calculate the water tap fee due for a new application for service by, determining the capacity multiplier of the size and type meter to be used for the new connection, relative to a three-quarter (¾) inch displacement type meter, plus costs incurred by the City to complete a three-quarter (¾) inch displacement type meter tap.
5. *Water tap fees.*

Meter Size (Inches)	Meter Type	Meter Capacity	Capacity Multiplier
3/4	Displacement	25	1.00
1	Displacement	40	1.60
1 ½	Displacement	50	2.00
	Class I Turbine	80	3.20
2	Displacement	100	4.00
	Class I Turbine	120	4.80
	Class II Turbine	120	4.80
	Compound	100	4.00
3	Displacement	150	6.00
	Class I Turbine	250	10.00
	Class II Turbine	275	11.00
	Compound	150	6.00
4	Displacement	200	8.00
	Class I Turbine	400	16.00
	Class II Turbine	500	20.00
	Compound	200	8.00
6	Displacement	500	20.00
	Class I Turbine	1000	40.00
	Class II Turbine	1100	44.00
	Compound	500	20.00

6. Water tap fees for three-quarter (¾) inch and one (1) inch taps include loop, corporation stop, well and cover.

7. Water tap fees for taps larger than one (1) inch include cost of the water connection sleeve and tapping materials plus labor.
8. Where taps are to be made in cast iron pipe the cost of contracting this service will be added to the above charges.
9. *Administration of water tap fees.*
 - a. *Collection of water tap fee.* Water tap fees calculated and imposed pursuant to this Subsection shall be collected by the City prior to approving any application for service.
 - b. *Transfer of funds to the finance department.* Water tap fees shall be transferred from the collecting agency to the Finance Department for placement in the Water Tap Fee Fund Account, that has been established pursuant to Subparagraph (c) below.
 - c. *Water tap fund account established.*
 - (1) There is hereby established a separate Water Tap Fee Fund Account for the City.
 - (2) Funds withdrawn from the Fund Account must be used solely in accordance with the provisions of Subparagraph (d) of this Subsection.
 - (3) Any funds not immediately necessary for expenditure shall be invested in interest-bearing accounts. All interest earned shall be retained in the Fund Account.
 - d. *Use of funds collected.* The funds collected by reason of this Subsection shall be used exclusively for the purpose of offsetting actual costs incurred by the City in making a tap and undertaking water facilities projects (including master planning, engineering, legal, administration, construction inspection, construction of facilities, land acquisition and testing) or for financing directly as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of water facilities projects.
 - e. Water tap fees shall be paid in connection with the issuance of each building permit issued after March 10, 2003 for all new construction.
 - f. A review of this Section and water tap fees will be completed annually from the date of last approval.

Section 705.060. Water Meter Deposit. [Ord. No. 12 §6, 8-9-1971; Ord. No. 03-35 §1, 3-10-2003]

A one hundred fifty dollar (\$150.00) water service deposit shall be collected for each water meter before service is established and said one hundred fifty dollar (\$150.00) water service deposit shall be refunded when said water service is discontinued at the request of the property owner.

ARTICLE II
Lead Ban Policy

Section 705.070. Lead Ban — General Policy. [Ord. No. S-70 §I, 1-13-1997]

- A. *Purpose.* The purpose of this Article is:
1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
 2. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing system.
- B. *Application.* This Article shall apply to all premises served by the public drinking water system of the City of Wellington.
- C. *Policy.*
1. This Article will be reasonably interpreted by the water purveyor. It is the purveyor's intent to ban the use of lead based material in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.
 2. If, in the judgment of the water purveyor or his/her authorized representative, lead based materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer and removed from the plumbing system and replaced with lead free materials. If the lead based materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

Section 705.080. Definitions. [Ord. No. S-70 §II, 1-13-1997]

The following definitions shall apply in the interpretation and enforcement of this Article:

CONSUMER — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

LEAD BASED MATERIALS — Any material containing lead in excess of the quantities specified in the definition of "*lead free*" below.

LEAD FREE —

1. When used with respect to solder and flux, refers to solders and flux containing not more than two tenths of one percent (0.2%) lead; and
2. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than eight percent (8%) lead.

PUBLIC DRINKING WATER SYSTEM — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary

and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

WATER PURVEYOR — The owner, operator, or individual in responsible charge of a public water system.

Section 705.090. Lead Banned From Drinking Water Plumbing. [Ord. No. S-70 §III, 1-13-1997]

- A. No water service connection shall be installed or maintained to any premises where lead based materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
- B. If a premises is found to be in violation of Subsection (A), water service shall be discontinued until such time that the drinking water plumbing is lead free.

ARTICLE III
Cross-Connection Control

Section 705.100. Cross-Connection Control — General Policy. [Ord. No. S-71 §I, 1-13-1997]

- A. *Purpose.* The purpose of this Article is:
 - 1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
 - 2. To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
 - 3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- B. *Application.* This Article shall apply to all premises served by the public potable water system of the City of Wellington.
- C. *Policy.*
 - 1. This Article will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.
 - 2. The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service and maintain the program to control cross-connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

3. If, in the judgment of the water purveyor or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his/her own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

Section 705.110. Definitions. [Ord. No. S-71 §II, 1-13-1997]

The following definitions shall apply in the interpretation and enforcement of this Article:

AIR-GAP SEPARATION — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other devices and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

AUXILIARY WATER SUPPLY — Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW — The flow other than the intended direction of flow of any foreign liquids, gases, or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION ASSEMBLY — Any double-check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

CONSUMER — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT — Protection of the public water supply by installing a backflow prevention assembly or air-gap separation on the main service line to a facility.

CONTAMINATION — An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION — Any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

HAZARD, DEGREE OF — An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. **HAZARD, HEALTH** — Any condition, device practice in the water supply system and its operation which could create a danger to the health and well-being of the water consumer.

2. *HAZARD, PLUMBING*: A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention assembly.

INDUSTRIAL PROCESS SYSTEM — Any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into a potable water supply.

ISOLATION — Protection of a facility's internal plumbing system by installing a backflow prevention assembly, air-gap separation, or other backflow prevention device on an individual fixture, appurtenance, or system.

POLLUTION — The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

PUBLIC POTABLE WATER SYSTEM — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

SERVICE CONNECTION — The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the "*service connection*" means the downstream end of the meter.

WATER PURVEYOR — The owner, operator, or individual in responsible charge of a public water system.

Section 705.120. Cross-Connections Prohibited. [Ord. No. S-71 §III, 1-13-1997]

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.

Section 705.130. Surveys and Investigations. [Ord. No. S-71 §IV, 1-13-1997]

- A. The consumer's premises shall be open at all reasonable times to the water purveyor, or his/her authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the water purveyor or his/her authorized representative, the consumer shall furnish information on water use practices within his/her premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system.

Section 705.140. Type of Protection Required. [Ord. No. S-71 §V, 1-13-1997]

- A. The type of protection required by this Article shall depend on the degree of hazard which exists, as follows:
 - 1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
 - 2. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
 - 3. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

Section 705.150. Where Protection Is Required. [Ord. No. S-71 §VI, 1-13-1997]

- A. An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention

device is required to be installed. This includes but is not limited to the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.
 2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
 3. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
 4. Premises having a repeated history of cross-connections being established or reestablished.
 5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.
- C. These types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention assembly is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources.
1. Aircraft and missile manufacturing plants.
 2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment.
 3. Potable water dispensing stations which are served by a public water system.
 4. Beverage bottling plants including dairies and breweries.
 5. Canneries, packing houses and reduction plants.
 6. Car washes.

7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions.
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities.
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities.
10. Plants manufacturing paper and paper products.
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceutical, radiological materials or any chemical which would be a contaminant to the public water system.
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system.
13. Plants processing, blending or refining animal, vegetable or mineral oils.
14. Commercial laundries and dye works.
15. Sewage, stormwater and industrial waste treatment plants and pumping stations.
16. Waterfront facilities including piers, docks, marinas and shipyards.
17. Industrial facilities which recycle water.
18. Restricted or classified facilities or other facilities closed to the supplier of water of the department.
19. Fire sprinkler systems using any chemical additives.
20. Auxiliary water systems.
21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure.
22. Portable tanks for transporting water taken from a public water system.
23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

Section 705.160. Backflow Prevention Assemblies. [Ord. No. S-71 §VII, 1-13-1997]

- A. Any backflow prevention assembly required to protect the facilities listed in Section 705.150(C) shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
 1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the rim of the vessel, but in no case less than one (1) inch.

2. A double-check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention assemblies" established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Article so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this Article.

Section 705.170. Installation. [Ord. No. S-71 §VIII, 1-13-1997]

- A. Backflow prevention assemblies required by this Article shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid.

Section 705.180. Inspection and Maintenance. [Ord. No. S-71 §IX, 1-13-1997]

- A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this Article are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
 2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.
 3. Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.
- B. Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention assembly tester.

- C. Whenever backflow prevention assemblies required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.
- E. Backflow prevention assemblies shall not be by-passed, made inoperative, removed, or otherwise made ineffective.

Section 705.190. Violations. [Ord. No. S-71 §X, 1-13-1997]

- A. The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this Article is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or by-passed, or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the water purveyor.