

CHAPTER 22

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CHAPTER 22

WATER

ARTICLE I. IN GENERAL

SECTION 22-1. DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Joint Powers Board shall mean the Kemmerer-Diamondville Water and Wastewater Joint Powers Board or its designated agent(s).

Person shall mean any individual, firm, company, partnership, association, society, corporation or group.

Utility User shall mean the person who owns the property to which the joint powers board provides utility services, including water, sewer, garbage and related services.

Water Service Line shall mean the line running from the City of Kemmerer water main to the structure or property to be served.

Water Utility shall mean all water and water rights, waterworks and appurtenances thereto, machinery, equipment and supplies used by the City of Kemmerer or the joint powers board to supply consumers with water; provided, that the water service line from the main line to the structure or property served shall be regarded as the property of the owner of such structure or property served.

SECTION 22-2. RESERVATION OF RIGHTS BY THE CITY.

The use of water under the provisions of this chapter shall not constitute or be deemed to be a relinquishment of any water or water right by the city and the city reserves the full right to determine all matters in connections with the control and use of such water.

SECTION 22-3. PROMULGATION OF RULES AND REGULATIONS BY CITY COUNCIL.

The city council may, from time to time, upon request of the joint powers board or on its own motion, promulgate such rules and regulations by resolution as it considers necessary to carry out the intent of this chapter; provided, that such rules and regulations are not inconsistent with this chapter.

SECTION 22-4. AGREEMENT TO RULES AND REGULATIONS PREREQUISITE TO COMMENCEMENT OF SERVICE.

No person may be served with water from the water utility unless he agrees to all the ordinances, rules and regulations of the city and the joint powers board pertaining to the use of such water.

SECTION 22-5. FIRE HYDRANTS - REPAIR; TESTING.

All fire hydrants shall be part of the water utility and shall be kept in repair by the joint powers board. Every hydrant shall be tested at least twice yearly.

SECTION 22-6. FIRE HYDRANTS - OPENING OR OPERATING.

No person, other than a member of the Fire Department in the course of his duties as a fireman, shall open or operate any fire hydrant without permission from the joint powers board.

SECTION 22-7. DAMAGING UTILITY'S PROPERTY, EQUIPMENT, ETC.

It shall be unlawful to in any way damage any property, equipment or appliance constituting or being a part of the water utility.

SECTION 22-8. TRESPASS OR INTERFERENCE WITH UTILITY'S PROPERTY, ETC.

It shall be unlawful to trespass upon the property of the water utility or tap any water mains or make any connections therewith or in any manner interfere with the water utility or the property, equipment, pipes, valves or any other appliances of the water utility or change or alter the position of any valve or appliance regulating the flow of water in any pipeline, unless authorized by the joint powers board.

SECTION 22-9. DEPOSITING MATERIAL IN UTILITY WHICH WILL OBSTRUCT, POLLUTE, ETC., WATER.

It shall be unlawful for any person to cast, place, dump or deposit in any part of the water utility any oil, gasoline or other petroleum product or by-product, or any substance or material which will in any manner injure or obstruct the same or any material or substance that would tend to contaminate or pollute the water or obstruct the flow of water.

SECTION 22-10. RESTRICTIONS ON USE.

(a) Lawn Sprinkling.

- (1) The use of water from the water utility may be prohibited or restricted by the joint powers board. Except as provided in subsection (b) of this section, the order shall be effective when notice thereof is published one in the newspaper published

in the city. Upon the publication of notice, the sprinkling restrictions or prohibitions so prescribed shall take effect.

- (2) It shall be unlawful for any person to sprinkle, irrigate or in any way water any lawn, garden or other part of such person's premises in such a way as to sprinkle or throw upon, over or across any sidewalk, gutter or street.
 - (3) It shall be unlawful to use a hose nozzle or discharge vent greater than one-quarter inch (1/4") in diameter for sprinkling water from the water utility, unless authorized, in writing, by the joint powers board.
- (b) During Fire Alarms. It shall be unlawful for any person to use water from the water utility for lawn sprinkling, irrigating, fountain or commercial uses during a fire alarm or during the time the fire department is using water from the water utility in fighting fires.
 - (c) During Major Fire or Other Emergency. In the event of a major fire or other emergency that should require the immediate curtailment of the use of water from the water utility, the joint powers board shall have the authority to make such temporary (fourteen (14) days or less) restrictions as it deems necessary for the protection of the public. Such restrictions shall be effective upon giving public notice thereof.
 - (d) Use in Commercial Agriculture. The use of water from the water utility for commercial agricultural purposes is prohibited.
 - (e) Use on Property Not Connected to Utility. No person having water service shall permit any other person to take or use water from his water service for use on property not connected to the water utility.
 - (f) Cross Connections Between Water Utility and Private Well Line. No person shall have the cross connection between a private line carrying well water and a line carrying water from the water utility.
 - (g) Cross Connection Between Water Utility and Any Supply of Unknown Quality. No person shall have a physical connection between a private line carrying water of unknown quality and a line carrying water from the water utility.

SECTION 22-11. DISCONTINUANCE OF SERVICE - FAILURE TO COMPLY WITH REGULATIONS.

If any utility user fails to comply with the provisions of this chapter, other ordinances or rules and regulations of the city or the joint powers board, or uses water for a purpose not authorized or in a wasteful manner, the joint powers board may discontinue water service until the utility user is in compliance and has paid any costs incurred because of his noncompliance.

ARTICLE II. CONNECTIONS

SECTION 22-12. ONLY JOINT POWERS BOARD EMPLOYEES AUTHORIZED TO TURN ON WATER TO PREMISES; EXCEPTIONS.

It shall be unlawful for any person, other than employee of the joint powers board in the course of his employment, to turn on water to any premises, lot, building or house when the water has been shut off by order of the joint powers board; provided, however, that this section shall not be construed to prevent any plumber or contractor from admitting water to test pipes or to restore service after repairs.

SECTION 22-13. UNAUTHORIZED TAPS; COMPLIANCE WITH PERMIT; COSTS.

- (a) It shall be unlawful for any person not authorized by the joint powers board to tap or connect to any part of the water utility.
- (b) All taps or connections shall be made in accordance with the terms and conditions of any permit issued by the joint powers board therefor.
- (c) All taps or connections to any part of the water utility shall be made at the expense of the person making such tap or connection.

SECTION 22-14. PERMIT - REQUIRED.

Any person desiring to make a connection to the water utility or to use water therefrom, shall make written application to the joint powers board for a permit to do so and shall not make such connection without such permit.

SECTION 22-15. ALL PLUMBING TO BE INSPECTED AND APPROVED.

All plumbing shall be subject to inspection by the joint powers board or its authorized employees or representatives in order to ascertain whether the requirements of this chapter have been or are being complied with. It shall be unlawful for any person to cause any plumbing within the city limits to be connected with the water utility until such plumbing shall have been inspected by the joint powers board.

ARTICLE III. SERVICE LINES

SECTION 22-16. INSTALLATION - WRITTEN PERMISSION PREREQUISITE; TO BE BY LICENSED PLUMBER; INSPECTION.

- (a) No service lines shall be installed without having first obtained written permission from the joint powers board.
- (b) No person other than a plumber licensed by the city or a person authorized by the joint powers board shall install a water service line, including a meter vault and meter riser.

- (c) All water service line installations shall, before being covered, be inspected by the joint powers board. A request to inspect the installed water service line shall be made by the plumber, contractor, owner or other person in charge of such installation no less than thirty (36) hours before and no more than forty-eight (48) hours before covering of such line.

SECTION 22-17. INSTALLATION - COSTS GENERALLY.

All service lines from the property line to a structure to be served shall be installed by the utility user at his expense.

SECTION 22-18. INSTALLATION - REQUIRED PRIOR TO PAVING STREETS.

Before any street containing a water line is paved, the utility user of the property abutting upon the street shall, at his expense, install all service lines, meters with risers and in-line setters which the joint powers board determines to be necessary to serve the property when fully developed.

SECTION 22-19. MATERIAL SPECIFICATIONS.

All service lines shall be of copper or other suitable material as determined by the joint powers board. Corporation cocks, water risers and service lines shall be of the size as specified by the joint powers board. Curb stops shall be as specified by the joint powers board.

SECTION 22-20. MINIMUM SIZE.

The water service line from the street main to the water distribution system of the building to be served with water shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand and in no event shall it be less than three-fourths inch (3/4") nominal diameter. Peak demand requirements shall be determined in each case by the joint powers board.

SECTION 22-21. REQUIRED DEPTH.

All service lines shall be laid seven feet (7') below the established grade of the street from the water main to the curb stop. When the main is of greater or less depth, the service line shall be brought to the required depth as soon as possible after leaving the tap.

SECTION 22-22. REPLACEMENT WHERE MATERIALS UNSUITABLE.

Service lines made of materials other than copper shall be replaced by copper lines or suitable materials authorized for such use by the joint powers board when, in the opinion of the joint powers board, such lines have become so disintegrated as to be unfit for further use. The utility user shall assume the cost of replacement of the water service line between the property line and the distribution system of the building served. When such lines have been replaced with copper

or other joint powers board approved lines as set forth in this article, the water utility shall assume the maintenance of the service line between the water main and the property line.

SECTION 22-23. APPROVAL OF REPLACEMENT SERVICES.

New services to replace existing services may not be approved by the joint powers board and the water turned on until old service lines are dug up and the corporation cock shut off at the main.

SECTION 22-24. EXTENSION TO MORE THAN ONE PROPERTY.

Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one property to another property. In cases where service lines were extended from one property to a different property prior to adoption of this section, the continued use of such extension shall be permitted until replacement is necessary, at which time separate connection shall be made to the water main at the expense of the utility user of the property served by such extension and the extended service line shall be discontinued; provided, that this section shall not be construed as prohibiting a single service line to serve a single structure under one roof occupying more than one property.

SECTION 22-25. MAINTENANCE.

The utility user shall be responsible for the maintenance of the water service line from the property line to the structure being served and shall keep this line in good condition at his expense. He shall, at his expense, at all times keep all pipes, fixtures and appliances on his property tight and in good working order so as to prevent waste of water. The joint powers board shall be responsible for the maintenance of the water service line from the property line to the main; provided, however, the utility user from the adjoining property may be assessed a service charge in an amount to be determined from time to time by resolution of

the joint powers board, which charge may be added to, and considered a part of, the charge for water service.

SECTION 22-26. DISCONNECTING SERVICE FROM PREMISES.

When a property owner desires to disconnect her/her premises from the water utility, he/she shall not be permitted to take up that portion of the service line between the main and curb stop (or property line if a curb stop isn't present), but, at his/her expense, the water line shall be excavated by a private contractor or home owner, physically cut and capped on both ends just past the curb stop on the property owner's side (or property line if a curb stop isn't present). The property owner or contractor MUST contact the JPB and have the disconnection inspected prior to the line being backfilled. All appliances from the water main to the curb stop (or property line if a curb stop isn't present) shall remain in the ground and become the property of the Joint Powers Board. If the property owner wants to reconnect water service that has been disconnected in this manner, the property owner will have to pay new tap fees to the JPB and reverse this process at their own expense.

ARTICLE IV. METERS

SECTION 22-27. COSTS.

All water meters shall be furnished by the joint powers board at cost to the utility user.

SECTION 22-28. TESTING, APPROVAL AND ADJUSTMENT PRIOR TO INSTALLATION.

Each water meter shall be tested by the joint powers board and shall be found to be correct and properly adjusted before being installed.

SECTION 22-29. FROSTPROOF LOCATION REQUIRED.

All meter installations shall be in a frostproof location. Meters not installed in a frostproof location as of the date of adoption of this section, shall be replaced with a meter installed in a frostproof location upon request of the utility user or when it is necessary to replace all or any part of the water service line.

SECTION 22-30. MAINTENANCE AND TESTING.

All water meters shall be maintained by the water utility, and shall be tested and repaired as necessary and not less than once in each ten (10) year period. The cost of repairs resulting from the neglect or abuse by the utility user shall be paid by the user and added to and considered a part of the charge for water service.

SECTION 22-31. MAINTENANCE AND INSPECTION OF WATER METERS.

- (a) The occupants of any building or premises where a water meter is located shall see that such meter is kept and remains free from obstruction on or around the same and is reasonably accessible at all times for the purposes of reading, inspecting and repairing.
- (b) All water meters shall at all reasonable hours be subject to inspection by the joint powers board or its duly authorized agents. Inspection shall be for:
 - (1) The purpose of shutting off the water for failure to pay the water rates or charges to be paid by the utility user; and
 - (2) For the purpose of reading the registrations of said meter or meters and to examine, shut off and test the same to ascertain whether or not they are in good condition and repair and to make such repairs upon the same as may be necessary, the expense of any and all necessary repairs to be borne by the joint powers board, unless the repairs are necessitated by the willful, wanton, reckless or intentional

acts of the utility user, in which event the property owner shall bear all repair expenses.

- (c) Any person shall obtain prior approval from the joint powers board before installing or placing water meters on or in any building or premises.

SECTION 22-32. TAMPERING, INTERFERING, ETC.

It shall be unlawful for any person to tamper or interfere with any meter or meter seal or to so arrange his water service or piping so that the use of water will not actuate the meter. The utility user shall be responsible for all unmetered water taps on his property regardless of when the unmetered taps were placed on his water line.

ARTICLE V. MAINS

DIVISION 1. GENERALLY

SECTION 22-33. SHUTTING WATER OFF FROM STREET MAINS TO MAKE CONNECTIONS, EXTENSIONS, ETC.

Water may be shut off from any street main when necessary to repair the main or to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water utility.

SECTION 22-34. MINIMUM SIZE.

The size of the main required to serve any part of the city shall be determined by the joint powers board. No main less than six inches (6") in diameter shall be placed in the water distribution system.

SECTION 22-35. APPORTIONMENT OF COSTS FOR EXTENSIONS.

When water mains are extended, the persons or utility users benefitted thereby, as determined by the joint powers board, shall pay all or such portion of such extension costs as determined by the joint powers board.

SECTION 22-36. FINANCING EXTENSIONS TO PROPERTY NOT PART OF NEW SUBDIVISION.

- (a) Extension of water lines to serve property within the city but not a part of a new subdivision, may be financed by special assessment against the benefitted property or under such terms and conditions as the city council or the joint powers board shall provide by resolution.

- (b) Assessments against the benefitted property shall not exceed the actual cost of the extension, plus engineering and administrative costs.

DIVISION 2. MAINS IN NEW SUBDIVISIONS

SECTION 22-37. INSTALLATION - GENERALLY.

The subdivider shall install the mains in his subdivision by private contract, subject to approval of the plans and specifications by the joint powers board, execution of the extension contract provided in this division and joint powers board inspection of actual construction; provided, that the joint powers board may elect to install the mains, in which case the subdivider shall deposit with the joint powers board the estimated cost of installing the mains, plus engineering and administrative costs, and the joint powers board may then proceed to make the installation by contract with a private contractor. In the event that the original deposit is insufficient, the subdivider shall, upon notification, immediately deposit the balance required to complete the work with the joint powers board.

SECTION 22-38. INSTALLATION - COSTS; EXTENT.

All water mains required to serve a platted subdivision, including cross-connecting mains, shall be installed at the cost of the subdivider. The subdivider shall install mains to the farthest points of his subdivision.

SECTION 22-39. WATER MAIN EXTENSION CONTRACTS GENERALLY.

For all water main extensions made to serve any subdivision or area platted after the date of adoption of this section, the subdivider or owner of the subdivision shall enter into a water main extension contract with the joint powers board.

SECTION 22-40. EXPENSES OF EXTENDING SERVICE AROUND OR THROUGH VACANT PROPERTY.

When a subdivider finds it necessary to bring water service from the existing water system through vacant property to his platted subdivision, or construct lines on the perimeter of such subdivision, the subdivider shall pay the entire cost of the original construction. At the time of annexation or as the property abutting such water main is developed and connections are made to the water main, the joint powers board may collect a charge per front foot based upon the original construction cost and if so collected shall reimburse the original subdivider to the extent of the collection so made. In no event shall the actual amount so paid to the subdivider by the joint powers board exceed the original cost of the extension.

SECTION 22-41. PERIOD OF SUBDIVIDER'S REIMBURSEMENT RIGHTS UNDER WATER MAIN EXTENSION CONTRACTS.

The subdivider's right to reimbursement under a water main extension contract shall in no event exceed a period of fifteen (15) years from the date of the execution of such contract and all payments shall cease at that time regardless of the amount that has at that time been received by the subdivider.

SECTION 22-42. CONNECTING LOOPS AND CROSSTIES.

Connecting loops and crossties within a subdivision shall be constructed by the subdivider. If the connecting loop is such that property outside the subdivision abuts such loops or ties, and connections are made to such line, the reimbursement provisions of Sections 22-40 and 22-41 shall apply. Connecting loops in the nature of a general improvement of the water system may be financed by the water utility. Before any abutting property shall connect to such mains constructed at the expense of the water utility, the charge based on the front footage of the property to be served shall be collected by the joint powers board.

SECTION 22-43. ADDITIONAL WATER PUMPING STATIONS.

When additional water pumping stations are required to serve new platted subdivisions, the joint powers board, as a condition to acceptance of the final plat, may require the installation of the stations and require the subdivider to execute such instruments as may be necessary to convey title to the stations to the city upon completion. The installation and cost of the stations shall be the responsibility of the subdivider. The joint powers board shall supervise the construction and determine all matters with respect to the installation of the stations including, but not limited to, capacity, type, design and location, as in its discretion would meet minimum requirements for fire and domestic demand. The joint powers board may require oversize stations to serve areas larger than that proposed by the subdivider; provided, that in such case the joint powers board shall pay the cost of the oversize, which cost shall thereafter be collected from other subdividers using the stations. Upon completion the joint powers board shall assume responsibility for operation and maintenance of stations installed pursuant to this section.

ARTICLE VI. FLUORIDATION

SECTION 22-44. FLUORIDATION - AUTHORIZED; CONCENTRATION.

The joint powers board is hereby authorized to take all action necessary to introduce fluoride into the water supply in such quantities as are required to maintain throughout the distribution system a fluoride in concentration of approximately one part per million (1:1,000,000), but in no event to exceed one and one-half parts per million (1.5:1,000,000).

SECTION 22-45. UNDER SUPERVISION OF STATE OF WYOMING DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

The fluoridation of the water supply shall be subject to and with the cooperation of the direction and supervision of the Department of Health and Social Services of the State of Wyoming, using only methods, machinery, supplies and equipment approved by the department.

SECTION 22-46. RECORDS.

The joint powers board shall keep an accurate record of the amount of fluorine-bearing chemical introduced and the quantities of water treated and shall conduct any and all analytical tests for fluorides in the treated and untreated waters as the State Department of Health and Social Service shall direct.

ARTICLE VII. PENALTIES

SECTION 22-47. VIOLATION OF ORDINANCES; PENALTIES.

(Deleted 3/25/96 by Ordinance #96-721)

SECTION 22-48. VALIDITY.

- (a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (b) The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

SECTION 22-49. FEES AND RATES.

- (a) The joint powers board shall review the total annual costs of the operations and maintenance of the water system not less often than every two years and shall have the authority to set and collect service fees and water rates.