

CHAPTER 18

WATER

Section 18-1. Wells Inside City Prohibited.

It shall be unlawful for anyone to drill a water well within the incorporated limits of the of the City of Nixa, Missouri, when a City water line is located within one thousand (1,000) feet of the property line of the property to be served.

If the water source is available to the property owner, then such property owner must discontinue use of his private well and connect to the City water supply--the source being "available" when within one hundred (100) feet of said property line.

In any particular case where the property owner can show by reason of exceptional topographical or other physical conditions that the literal compliance with the requirements of the above provisions would cause practical difficulty or exceptional and undue hardship, the Board of Aldermen may modify such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of the above regulations or the desirable general development of the neighborhood and community in accordance with the ordinances herein above set forth.. Any modification thus granted shall be spread upon the minutes of the Board of Aldermen setting forth the reasons which, in the opinion of the Board of Aldermen, justified the modification.

Section 18-2. Maximum Distance City to Run Water Mains.

Where new water service is required, the maximum distance the City will furnish material and labor to install water mains shall be 100 feet beyond the existing water main.

Installation of any water main beyond above mentioned 100 feet shall be at the expense of the party desiring water service.

Section 18-3. Service Charge for Meter Installation.

See Section 23-11 Fees. (#1508 12/07)

Section 18-4. Water Charges.

a. Inside City

The following rates for residential water users within the City shall be as follows:

First 2,000 gallons or less used per month	\$6.40
Next 3,000 gallons used per month, per 1,000 gallons	2.18
Next 10,000 gallons used per month, per 1,000 gallons	1.98
Next 10,000 gallons used per month, per 1,000 gallons	1.72
All over 25,000 gallons used per month, per 1,000 gallons	1.32

b. Outside City

The following rates for residential water users outside the City shall be as follows:

First 2,000 gallons or less used per month	\$9.60
Next 3,000 gallons used per month, per 1,000 gallons	3.26
Next 10,000 gallons used per month, per 1,000 gallons	2.97
Next 10,000 gallons used per month, per 1,000 gallons	2.57
All over 25,000 gallons used per month, per 1,000 gallons	1.98 (#1289 2/04)

c. Bulk Water Sales per 1000 gallons	\$4.50 (#1495 9/07)
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d. Meter Size

All applicants requesting service from the City of Nixa and desiring a water meter larger than the standard 5/8 x 3/4 inch water meter, shall be required to pay an amount equal to the difference between the cost of said standard meter and the meter sought to be installed. Thereafter, the following minimum charges shall apply to users utilizing meters larger than the standard 5/8 x 3/4 inch meters:

1 inch meter, provided no more than 2,000 gallons of water per month is used	\$15.52
2 inch meter, provided no more than 12,000 gallons of water per month is used	55.39
4 inch meter, provided no more than 35,000 gallons of water per month is used	99.71

The above minimum charges shall be imposed upon each user regardless of whether any water is registered through the meter or not. All water used in excess of the above minimum but less than 50,000 gallons will be paid for at the following rates:

Minimum to 50,000 gallons – rate per 1,000 gallons	\$2.22
50,001 – 75,000 gallons – rate per 1,000 gallons	1.78
75,001 – 125,000 gallons – rate per 1,000 gallons	1.40
All over 125,000 gallons – rate per 1,000 gallons	1.18

(#1289 2/04)

e. Standby Service

An annual service and maintenance charge made on standby water lines used for fire protection or other purpose shall be paid by the land owner of the premises so serviced according to the following rates:

4 inch	\$ 75.00
6 inch	100.00
8 inch	150.00
10 inch	200.00

f. Extension by City

Whenever an extension of the City water department distribution system is necessary in order to serve an applicant whose premises are located within an area served by the City, the City shall extend its water mains along any public highways which are laid out in which grades have been established and which are dedicated to public use within its service area, provided:

1. Such applicant requesting extension of the City water distribution system shall execute and deliver, without cost, to the City, such easement indentures as in the opinion of the City are, or may be, required at the time such extension is made or may be required in the future to extend the water distribution system to an applicant located adjacent to the premises to be served by such extension.
2. Upon there being deposited with the City a non-refundable cash deposit which equals in the amount the estimated cost of extending the water distribution system to the applicant, said amount shall include the cost of a performance bond as well as a one-year maintenance bond on said extension.

g. Extension by Applicant

Where the provisions of subsection (e) above are otherwise satisfied and the applicant concerned has promptly and faithfully performed in the past all contractual obligations with the City and he is desirous of directly constructing at his own expense a water distribution extension rather than depositing estimated costs with the City and having the City construct such extension, the Board of Aldermen may approve such extension; provided, that the authorized agent of the applicant, as shown by an executed power of attorney on file with the City, executes a form of contract acceptable to the City, which, among other provisions, provides that:

1. In its entirety the extension is constructed in strict accord with the

construction specifications, drawings and plans prepared by or on behalf of the City; and approval of such extension is given by the State Inspection Bureau of Division of Health.

2. All work of construction and extension shall be at the applicant sole cost and subject to inspection by and approval of the City, that such construction is in strict accord with the extensions, constructions, specifications, drawings, and plans; and all expenses incurred by the City, as a result of the extension, including but not limited to preliminary engineering, preparation of specifications, drawings, performance bonds, one-year maintenance bond, plans, and inspection of construction shall be paid by the applicant.
3. That upon construction being completed to the satisfaction of the City prior to connection of the extension to the existing water distribution system, all right, title and interest therein of the applicant shall be conveyed to the City, free of lien or of any other encumbrance prior to such conveyance, and the City shall be furnished evidence satisfactory to it that the contractor and subcontractors, if any, of the extension have paid and discharged all indebtedness incurred by the, or any of them, for materials furnished or for work and labor done in connection with and performance and completion of the extension project.
4. In any particular case where the applicant for water service can show be reason of exceptional topographical or other physical conditions that the literal compliance with the requirements of the above provisions would cause practical difficulty or exceptional and undue hardship, the Board of Aldermen may modify such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of the above regulations or the desirable general development of the neighborhood and community modification thus granted shall be spread upon the minutes of the Board of Aldermen setting forth the reasons which, in the opinion of the Board of Aldermen, justified the modifications.

Section 18-5. Water Deposits.

All domestic users of water shall make a cash deposit of twenty dollars (\$20.00) in cash with the City Finance Department to secure the payment of water rents due the City of Nixa, Missouri. Said deposits shall be refunded in case users discontinue use of said water service, less deduction for water rents due the City of Nixa, Missouri. All out-of-City users of water service shall make a cash deposit of thirty dollars (\$30.00). All commercial users of water shall post an amount equal to 2½ times their estimated monthly bills. When said user shall cease to do business, or discontinue use of said water

service, said deposit shall be refunded less the amount due the City of Nixa, Missouri, for water used.

In the event water services are discontinued for failure to pay a bill when due, the deposit required shall double for the first re-connect.

Section 18-6. Delinquent Bills.

All bills shall be due and payable when mailed and shall become delinquent ten (10) days after such date. A five percent (5%) surcharge shall be added to all bills not paid by the aforesaid due date. If any bills rendered pursuant to this ordinance are not paid by the 15th day following the billing date, water and/or electric service will be disconnected. If services are disconnected because of nonpayment, services shall not be reconnected except on full payment of all accounts due and a \$25.00 turn-on charge.

Section 18-7. Fraudulent Turn On of Water.

Any person or persons who shall by any means or device turn on the water in the City of Nixa at the City cutoff after same has been cut off by the Water Superintendent or discontinued as provided in this ordinance, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$1.00 and not more than \$25.00.

Section 18-8. Installation of Water Service Outside City.

Section 18-8. Repealed (#1498 9/07)

Section 18-9. Repealed (#937 11/95) (See Technical Specifications)

Section 18-10. Repealed (#937 11/95) (See Technical Specifications)

Section 18-11. Lead-Ban-General Policy.

a. Purpose.

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 systems.

b. Application.

This ordinance shall apply to all premises served by the public drinking water system of the City of Nixa.

c. Policy.

This ordinance will be reasonably interpreted by the Water Purveyor. It is the purveyors 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.

If in the judgment of the Water Purveyor or his authorized representative, lead base materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises

d. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance.

1. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system;
2. "Lead base materials" means any material containing lead in excess of the quantities specified in Section 18-11. d. 3.;
3. "Lead free" means:

- (a) When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and
 - (b) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than eight percent (8.0%) lead.
- 4. “Public drinking water system: means 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; and
- 5. “Water Purveyor” means the owner, operator, or individual in responsible charge of a public water system.
- e. Lead banned from drinking water plumbing.
 - 1. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
 - 2. If a premises is found to be in violation of Section 18-11. e. 1., water service shall be discontinued until such time that the drinking water plumbing is lead free.

Section 18-12. Cross Connection Control-General Policy.

- a. Purpose. The purpose of this ordinance 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 systems 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 ordinance shall apply to all premises served by the public potable water system of the City of Nixa.

c. Policy.

This ordinance 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.

The Water Purveyor shall be primarily responsible for protection of the potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The Water Purveyor and consumer are jointly responsible for preventing contamination of the water system within the consumer's premises.

Sections 18-13 through 18-20 reserved.