

CHAPTER 939
Water Rules and Regulations
Elyria Municipal Water Supply System (EMWSS)

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PREAMBLE

939.001 Preamble and Purpose

The adoption of the ensuing rules and regulations will provide for the orderly conduct of the business of the **Elyria Municipal Water Supply System (“EMWSS”)**, prevent the waste of water, and ensure equal treatment of all customers of the **Elyria Municipal Water Supply System (“EMWSS”)**

Reasonable diligence and care will be exercised to provide a continuous and sufficient supply of water to all customers at a normal pressure and to avoid any shortage or interruption in delivery. However, there is neither an express nor implied guarantee that a continuous supply, fixed pressure or full volume shall be maintained at all times, the service being subject to all the variable conditions that could affect the ability of the **Elyria Municipal Water Supply System (“EMWSS”)** to maintain normal service.

As provided in Sections under this Chapter 939, these rules and regulations have the same validity as ordinances when not repugnant thereto.

939.002 Method of using references

(a) In order to establish a format which shall enable persons to read and interpret this chapter easily, references have been inserted. References shall be made both to specific Sections and to whole groups of titled Sections which shall be called Sub-Chapters.

(b) Whenever a reference is made to a specific Section, e.g. 911.524, only that Section referred to is pertinent.

(c) Whenever a reference is made to a specific Sub-Chapter, e.g. 911.400, the whole group of Sections within the titled Sub-Chapter shall be considered and any pertinent Sections shall apply.

939.003 Official Name

The water works of the City of Elyria shall be officially known as the **Elyria Municipal Water Supply System (“EMWSS”)**

The Water Pumping Plant shall be known as the Water Pumping Department. The billing department shall officially be known as Elyria Public Utilities Department. The distribution system shall be known as the Elyria Water Distribution Department. The Sanitation Department shall be known as the Elyria Sanitation Department.

939.004 Definitions

Unless specifically indicated otherwise, the meaning of terms used in this chapter shall be as follows:

- (a) "Abandoned service" means premises where buildings are being demolished, remodeled, and moved or disconnections are required,
- (b) "A.S.T.M." means the American Society for Testing Materials
- (c) "City" means the City of Elyria, Ohio.
- (d) "Account Holder" means the person, persons, firm or corporation having the use or benefits of a supply of water, utilities or services rendered by the **Elyria Municipal Water Supply System ("EMWSS")**
- (e) " Safety Service Director" means the duly appointed Director of all the service departments in the City of, as agent for the Mayor, and as defined and designated by the Ohio Revised Code and the Charter for the City of Elyria.
- (f) "Utilities Superintendent" means the duly appointed supervisor of the Elyria Public Utilities Department ("EPU").
- (g) **Elyria Municipal Water Supply System ("EMWSS") means the City of Elyria's Water Pumping Plant, Water Distribution Department, Public Utilities Department and Sanitation Department**
- (h) "Engineering Department" means the duly appointed City Engineer and employees supervised by same.
- (i) "Environmental Protection Agency (EPA)" means the United States or Federal Environmental Protection Agency, unless specifically prefaced by "state" or "Ohio" to indicate the State of Ohio Environmental Protection Agency ("State" or "Ohio" EPA); where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (j) "Hydrant" means a connection extending from a water main to or above the ground surface, with valve connections to which a fire hose may be attached for discharging water at a high rate for the purpose of extinguishing fires, washing down street, or flushing out the water main.
- (k) "Manifold" means a pipe fitting with several lateral outlets for connecting one pipe with others used in multiple occupancy premises.
- (l) "Meter service" means a water meter installed on the service pipe of an account holder.
- (m) "Owner" is defined as owner of the permanent parcel.
- (n) "Noncontract areas" means areas outside the City served with water by the City where no contract exists with a political subdivision.
- (o) "Person," "enterprise," "establishment" or "owner" means any individual, partnership, firm, company, association, society, corporation or any other entity using the water system or water works.
- (p) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (q) "Plastic line" means composite material water line of rating of 160 PSI and meeting approval of the City.
- (r) "Service connections" means the connection of all or any part of the service line to the tap.
- (s) "Service BRANCH" means the line extending from the tap TO THE CURB STOP.

- (t) "Shall" is mandatory; "May" is permissive.
- (u) Senior Manager of Distribution" means the duly appointed supervisor of the Water Distribution Department, of the **Elyria Municipal Water Supply System ("EMWSS")**.
- (v) "Superintendent of Water Pumping" means the duly appointed superintendent of the Water Pumping Plant, of the **Elyria Municipal Water Supply System ("EMWSS")**.
- * (w) "Tap" means the connection to the water main and the necessary pipes or lines extending from the water main to and including the curb stop or valve and box.
- (x) "Water distribution system" means all the facilities for pumping, distribution of potable water AND WATER STORAGE.
- (y) "Water main" means the principal line or conduit through which water is conveyed or drawn to hydrant branches or service lines.
- (z) "Water service outside City" means water service furnished to consumers in contract areas or water service authorized by ordinance for consumers in noncontract areas.
- (aa) "Water treatment plant" means any arrangement of devices and structures for treating water from intake to distribution.

GENERAL

939.100 Rules and regulations for Department of Utilities, Division of Water, under the Department of Public Service of the City of Elyria, Ohio; adoption and effect.

Under and by virtue of the Ohio Constitution, Ohio Revised Code, power to provide and regulate water systems (Ohio R.C. 715.08, 717.01, 743.01, 743.02, 743.03, 743.04, 743.05, 743.06, 743.07, 743.08, 743.09, 743.10, 743.11, 743.14, 743.15, 743.16, 743.17, 743.18, 743.19, 743.20, 743.21, 743.22, 742.23, 743.24) and the ordinances of Council, the Charter of the City of Elyria, the Safety Service Director may make such rules and regulations as he/she deems necessary for the safe, economical and efficient management and protection of the water works of the City and also for the administration of the **Elyria Municipal Water Supply System ("EMWSS")**

Such rules and regulations shall have the same validity as ordinances when not in conflict thereto. When not otherwise specifically provided by the Ohio Constitution, the City, by ordinances enacted by Council, the City Charter or by the rules and regulations adopted under the authority of the Safety Service Director thereof as hereinbefore provided, the general laws of the State applicable to the subject matter hereof shall apply.

939.101 Supervision of Elyria Municipal Water Supply System ("EMWSS")

The Superintendent of Water Pumping, Superintendent of Public Utilities, & Senior Manager of Water Distribution, under the direction of the Safety Service Director, shall manage, conduct and control the water supply system of the City, furnish supplies of water and collect utility charges. They may, for the purpose of paying the expenses of conducting and managing the **Elyria Municipal Water Supply System ("EMWSS")** assess and collect a water charge of sufficient amount and in such manner as they deem most equitable from premises supplied by the City water system wherever such premises are located.

939.102 Chemical, physical and bacteriological characteristics of the water

The water furnished shall be equal to or exceed the standards established by the USEPA Safe Drinking Water Act adopted in 1974 and amended in 1986, and the most current regulations of the Ohio EPA, where applicable. However, the City does not guarantee the water as to quality, purity, or temperature, these all being subject to variable conditions which may arise in the operation and maintenance of the water system. The City shall not be responsible for production of water suitable for manufacturing and packaging processes requiring water of peculiar or special characteristics.

939.103 Quality of service

The City does not guarantee quality of service. The supply of water to all parties for any purpose whatever is subject to the understanding that the consumer is not guaranteed a fixed or continuous pressure, or a guarantee of the water delivered as to quality, purity, or temperature, the same all being subject to the variable conditions and maintenance of the water system. The City will not be liable for damage due to change(s) in pressure. Customers requiring constant pressure or water quality should take measures to install tanks or advanced treatment to insure desired levels of service.

939.104 Notification and limit of liability for water turn-off

Before water in a main is turned off, for reasons of repairs or alterations, the city will attempt to notify all customers affected with advance notice of twenty-four (24) hours, if feasible. The City will follow all Ohio and US EPA guidelines for water quality and notices to consumers at all times during the delivery of such services to customers. In the case of leaks or breaks in mains, services, pumping and auxiliary machinery, reservoirs or other water equipment, or other emergency arising, the water may be shut off by the City without notice and without incurring any responsibility or liability for any inconvenience, damage or injury or other losses arising therefrom. Although advanced notice of service interruption, pressure fluctuations or water quality excursions is desirable, such notice cannot be expected in all situations since emergencies and other unforeseeable circumstances often cause such service issues. The City will not be liable for any damages due to failure of notification.

939.105 Pumping on private premises.

(a) No pump or device, the purpose and use of which is to increase the volume of the flow and pressure of water in plumbing fixtures, and/or systems of water pipes, located on premises to which there is conveyed a supply of water from the City's water distribution system, shall be installed, connected thereto, and/or operated for the purpose and use aforesaid without the expressed written permission therefor obtained from the EMWSS.

(b) All pumps installed on private systems which are directly connected to the **Elyria Municipal Water Supply System (EMWSS)** must be of such type that no abrupt change in pressure in the City of Elyria's mains of any magnitude will be produced. All pumping equipment must be approved by Safety Service Director or his/her designee, before installation. Any existing pumping installation causing excessive fluctuations in

the Division of Water distribution pipes or excessive reduction in pressure, in the opinion of the EMWSS, must be modified to an acceptable degree in a reasonable time.

939.106 Refuse Rules, see Chapter 959

SERVICE INITIATION, TERMINATION, AND TERMS OF SERVICE

939.200 Types of accounts.

(a) Regular. All regular accounts are continuous, and shall be either monthly or quarterly or as determined by Elyria City Council. The designation of individual accounts shall be by the **Elyria Municipal Water Supply System (EMWSS)** under the direction of the Safety Service Director. All accounts that are designated as regular accounts shall be divided into categories as follows:

- (1) Residential
- (2) Commercial
- (3) Bulk Sale
- (4) Miscellaneous Account(s)

(a) Temporary: This type of account shall be for water service for certain periods of the year only – these types of account shall not last longer than 8 weeks (i.e. seasonal food vendors, sprinkler systems, etc...., such as ice cream stands, sprinkler systems etc.

(b) Hydrant Rental: Hydrant rental accounts shall be those wherein contractors and others are permitted to take water from fire hydrants for construction or other temporary use for a maximum of 30 days. This must be preapproved by the **Elyria Municipal Water Supply System (EMWSS)**

939.201 Application and contract for utility service.

Application for Utility Service shall be made and accepted in a manner prescribed by the City of Elyria Safety/ Service Director and/or her or his designee. Any owner of real estate premises to which utility service is supplied shall be deemed primarily liable for all Utility services delivered and service charges for such premises, whether or not the premises is occupied by the owner, tenant or other persons, and whether or not the account has been established in the name of some other person or entity. In addition, should a tenant be responsible for payment of the utility and service charges per the terms of a rental or lease agreement, the Owner of the premises shall provide a copy of the lease agreement and comply with Elyria's Rental Registration ordinances to allow the user and/or occupant of the premises where utility service is provided to make application for service and to assume liability for payment for such services.

An application for Utility Service made in accordance with these Rules, when accepted by the City, shall constitute a contract. Service will be continuous so long as these Rules are complied with until service is terminated.

939.202 Temporary water service

Temporary water service means water used for short-term use when a permanent water connection is not practical or available at the time of use. This temporary short-term use will be evaluated on a case-by-case request by the City. If in the opinion of the City it is

determined to impact the water quality or the safety of the Public Water Supply System, the City will refuse the request for temporary service.

939.203 Deposit required

At the time of application, Applicants wishing to obtain Utility Service shall submit a deposit in accordance with the fee ordinance then in effect, which will be retained until ownership of the property is transferred, or notice of rental or lease termination is provided, at which time a final bill will be generated and the deposit shall be applied, with any outstanding remainder of the deposit to be refunded

939.204 Failure to comply with the rules

The supply of City utilities through any service may be turned off and the contract therefore terminated by the City for the following reasons, after an effort has been made to notify the account holder that the utility service to the subject premises is being discontinued:

1. Failure to promptly repair leaking Customer Branch after notice from the City to do so. Water leaks that are not metered may be estimated and the cost charged to the customer at the current rate.
2. For the use of City utilities on any premises other than that recorded in the application, except as may herein otherwise be provided for.
3. Cross-connection or interconnection with any other supply of water. This includes installation of pipe and fixtures such that a possibility of back-siphonage or back-flow, in the opinion of the City or its designated representative, exists.
4. For tampering with or damaging any service pipe, meter, curb stop, corporation stop, or any other appurtenance, or the seal of any appurtenance.
5. For nonpayment of Utility bills, or other charges assessed under the terms of these Rules.
6. For failure to provide reasonable and safe entrance to premises for the purpose of reading, inspection, installation, maintenance or removal of meter, and inspection of piping.
7. For making any additions or alteration in or about the account holder's service line without permission being obtained from the City.
8. For failure to pay the Utility bill at any location for which an account holder has a valid contract.
9. For failure of a Utility user to execute a proper contract for said utility.
10. Water to vacant property may be turned off by the City and the meter removed as soon as such vacancy becomes known, unless other arrangements for service have been made between the Property Owner and the City.
11. When a premises under construction receiving temporary service has been completed to the extent that a meter could be reasonably protected and has not been installed.

12. No utility service shall be supplied to any premises, the owner of which is delinquent in the payment of utility bills or who is indebted to the City for

materials, supplies or work done or in any other manner, until that indebtedness is paid, whether the indebtedness was incurred at the premises for which service is applied or at any other place within the City; the City reserves the right to shut off the utility from any premises owned or rented by a person so delinquent upon giving fourteen (14) business days' notice.

939.205 Property Transfer

When a customer moves within the City service area, a deposit shall be required for the new address and the previous deposit shall be refunded upon payment of the final bill for the former service address. When a final meter reading is ordered for transferring service, a reading must be obtained from the meter and the remote reading device. The City reserves the right to not calculate a final bill until an actual reading, by City personnel, is obtained.

Furthermore, no water shall be supplied to any premises, the owner of which is delinquent in the payment of water bills or who is indebted to the City for materials, supplies or work done or in any other manner, until that indebtedness is paid, whether the indebtedness was incurred at the premises for which service is applied or at any other place within the City; the City reserves the right to shut off the water from any premises owned or rented by a person so delinquent upon giving fourteen (14) business days' notice.

For Escrow matters, see Elyria Codified Ordinance 940.02

939.206 Termination of Service

When an account holder wishes to terminate service, he or she shall notify the billing office at least three (3) business days prior to termination and provide access to the meter so that a final reading may be made and a final bill prepared. The final bill shall include the full amount of the user and sanitation fees for the period in which the termination occurs plus all consumption at then current rates.

USER FEES, BILLING AND COLLECTION PROCEDURES, AND CREDIT AND REFUND PRACTICES

939.300 Purpose

For the purpose of meeting the expenses of operating and maintaining the water treatment plant, water distribution system, wastewater collection system, WWPC and solid waste collection (hereinafter Utility Service(s)), the City of Elyria is hereby authorized to charge and collect a user fee for Utility Services in accordance with the current and future City fee ordinance, set by Elyria City Council. The current rate structure is established by ordinance(s) by the City of Elyria Council. The Utilities Department is hereby authorized and directed to cause the rates and charges so established to be billed to all premises subject thereto and to keep and maintain records relating thereto.

939.301 User fees, rates and charges

The fixed user fee and schedule of rates and fees will be set forth in the Fee ordinance.

The bill shall be issued in the name of the account holder. Failure to receive the bill shall not relieve any account holder of their obligation to pay the bill.

There shall be no proration of the user fee or sanitation bill that shall be rendered for less than one billing period. All bills will reflect actual usage (water and sewage), and fixed monthly charges (user fee and sanitation). The user fee shall be billed regardless of the use of any Utility service use by the account holder.

939.302 Billing cycle, delinquency and liens

All utility charges shall be due twenty (20) calendar days from the billing date, regardless of United States Postal delivery delays. Any bill not paid within thirty (30) calendar days from the billing date will be considered delinquent and will be charged a late fee at the rate then in effect. Notice of late fees will be posted on the delinquency and turn-off notice(s) issued following the late bill. All delinquent utility bills, in addition to all unpaid late fees accrued by the account, and an administrative fee, shall be certified to the County Auditor, and will constitute a lien on the property receiving utility service. Prior to certifying delinquent bills, the City will post a public notice indicating its intent to certify the delinquency.

939.303 Bill issuance

The Elyria Public Utilities office will deliver bills to account holders via the United States Postal Service, or if requested by the account holder via electronic means, only as a matter of convenience to the account holder, and the failure to receive bills shall not be construed to relieve any account holder from his or her obligation as to the payment of such bills.

939.304 Billing period

The City will endeavor to issue bills within seven (7) calendar days following an account holder's meter reading. The bill is due and payable twenty (20) calendar days after issuance, after which the bill is considered delinquent. A notice of disconnection will be issued.

939.305 reserved for future legislation

939.306 Owner and tenant responsibilities and rights

If the owner of any premises elects to have his or her tenant or lessee pay the water charges as they accrue, such tenant or lessee does so as the agent of the owner and such owner shall not thereby be relieved from the payment of delinquencies that might occur. If the tenant or lessee has made proper application and is not delinquent in payment, the owner does not have the right to order water off without permission from such tenant or lessee.

939.307 Delinquency and penalties

If any bill is not paid in full by the date specified in the disconnection notice, the water supply shall be shut off, and a reinstatement fee as stipulated by the current City fee ordinance, shall be made prior to turning the service back on, provided all other delinquencies have been paid in full. Service will not be turned on again unless the owner or account holder is present so that leaks, property damage or other unforeseen events can be avoided when service is restored. If the customer cannot be present, a signed waiver accepting any responsibility for leaks or property damage must be signed prior to reconnection of service.

In the event an account holder submits a check to the City as payment for utility service and such check is dishonored by the bank upon which it was drawn, the City shall add any bank charges it incurs by reason of such dishonorment as additional charges. In all cases banks fees will be due and payable prior to reconnection of service. The City may refuse a check form of payment on any accounts with a history of NSF.

939.308 Collections and liens

Utility bills that become delinquent as described in the "Billing Cycle" above shall be subject to all available collection procedures including but not limited to being made a lien upon the premises served, and if not paid within sixty (60) days of the billing date, may be certified to the Lorain County Auditor who shall place the same on the tax duplicate of the County with interest and penalties allowed by law and to be collected as other taxes are collected.

939.309 Order of bill payment

Accounts for Utility services shall be paid in the order in which they are contracted. The City may refuse to accept payment of an account except when each account is paid in the order incurred, to wit: payment of a current account shall not be accepted until all prior accounts for the same premises have been paid.

939.310 No service to delinquent applicant

No water shall be supplied to any applicant who is delinquent in the payment of Utility bills, or who is indebted to the City for materials, supplies, or work done, or in any other manner, until the indebtedness has been paid, whether that indebtedness was incurred at the premises for which service is supplied or at any other place within or without the City.

939.311 Utility bill credits

The Utility Department will review all accounts for financial credit and/or refunds on a case-by-case basis. Any account holder seeking such credit shall first do so in writing, specifying the circumstances for the credit request. Supporting documentation for such credits are required for the review process.

The Supervisory staff of the Utility Department shall have authorization up to \$ 500.00 on any account that has demonstrated the reason for the credit and has completed any required paperwork. Any credits requested in excess of \$ 500.00 will have their

case/documentation presented to the Utility Resolution Board. This process may take up to 90 days to be completed. All credits, when issued, will first be processed as a credit on the utility account – in the cases of closed or inactive accounts refunds may be issued to the account holder.

All credits will be limited to one (per account) every two calendar years.

939.312 Leak credits (After Meters)

In the event of a documented loss of water due to a leak or other unforeseen circumstance on the customer side of the meter, resulting in more than the average consumption for the account, the customer may apply for a credit. Credit may be given under the following conditions:

- (a) Proof of the repairs have been presented within ten (10) business days
- (b) The account holder has reported the leak to the Utilities Office on the appropriate form;
- (c) The account holder to present proof of such loss to the satisfaction of the City;
- (d) A credit has not been requested within the past two (2) years.

939.313 Utility Resolution Board

The Utility Resolution Board will consist of the Safety Service Director, Law Director, and the Finance Director, or their respective designees and shall set regular meetings to review presented account issues.

939.314 Credit calculation methodology

Determine the average monthly consumption over the twelve (12) month period, immediately preceding the leak (or period of time as an account holder, if less than 12 months). Subtract the average monthly consumption from the consumption in dispute. Credit the customer fifty percent (50%) of the difference between the average consumption and the consumption in dispute. (water and sewer)

939.315 Affordability

When utility account holders are unable to pay their bills in a timely fashion, they may be referred to community organizations and agencies for assistance, as applicable.

The City will retain a list of charitable and community organizations to which account holders may be referred for assistance with utility bills, but makes no guarantee of said assistance.

939.316 Payment Plans

Account holders who are in arrears with their billing have a limited payment plan available. Account holders are given four (4) months plus current billing to pay the payment plan and any charges in arrears. No more than one (1) plan per utility account number per year shall be extended. Failure to make any payment under an arranged payment plan when due shall cause the total unpaid amount to become payable on demand and may lead to termination of utility service.

939.317 Continuous service

Services will be continuous as long as these rules and regulations are complied with, until termination is requested by the customer, except as elsewhere herein specified.

SERVICES LINE PROVISIONS

939.400 Installation of taps and service connections.

Taps and service connections shall be installed to serve only those premises which are located on dedicated streets or thoroughfares or which abut a plot for which a deed of easement has been duly executed and accepted by the City, in which has been installed a water main line of not less than four inches inside diameter.

Service connections may be obtained by applying at the office of Elyria Public Utilities. For all applications for three or more units, a plot plan must be submitted to the City Engineer before application. Such application shall contain the name of the owner of the premises, or his agent, the use to which water is to be applied, the correct name of the street, street number, lot number and plot plan of the premises to be supplied with water.

Taps and service connections shall be installed only by duly authorized agents of the City of Elyria or approved contractor with guidance from the Water Distribution Dept. Installation will be made only after customer's branch has been properly inspected and the Water Distribution Dept. has been notified as herein required.

Developers of Multiple dwelling tracts or subdivisions may opt to install taps themselves with permission and guidance of the City of Elyria Engineers and Water Distribution Departments.

939.401 Taps outside City limits.

All service connections and plumbing outside the city limits shall be subject to the same rules as are herein provided for services within the city limits. The charges for same shall be as specified by Fee ordinance, except those covered by special assessment, contract, or other governmental agencies.

939.402 Only City personnel to operate valves, stops, etc.

All Curb Stops (shut-off), Corporation Stops, Meter Box, as well as any other Water Valve in the public easement shall be under the absolute control of the Water Distribution Dept. and shall not be tampered, interfered with, or operated by unauthorized persons. Water may be turned on to premises to be supplied by an authorized employee of the City of Elyria only, except that a licensed plumber may, for testing purposes, turn on the water but, shall shut it off again when it is tested.

939.403 Terms and charges for installation of taps and service connections

Advance payment of the established charge for tap and service connection must be made by the applicant for water service. Schedule of current tap and service connection charges shall be in the Fee ordinance.

In an effort to maintain the structural integrity of the water mains, water mains sixteen inches in size or larger are considered trunk mains and are not to be tapped for water

service, except when approved by the City Engineer and EMWSS after an engineering study of the affected part of the Distribution System.

All Service lines larger than 2” shall be made by approved contractors only after all fees have been paid. The ownership of the service line starting with the tap will be owned and maintained by the owner following all rules of the City of Elyria.

All service lines 2” and under from the mainline to, and including, the curb stop shall be installed by the City of Elyria or its agent at the cost of the customer, such cost shall include the cost of all labor, material, and capital recovery fees incident to the service installation as determined by the City. That part of the service line on the customer side of the curb stop shall be installed by the customer at the customer's cost.

No service line shall be installed nearer than ten feet to any sewer trench horizontally and eighteen inches vertically.

- (a) All water taps 2” and under which shall remain the property of the City
- (b) Service Connection Charges are as follows. Refer to fee ordinance
- (c) On all application for tap services from a lesser size to a larger size, the new tap charge of the larger size shall be the tap charge.
- (d) Costs on all services. Refer to fee ordinance
- (e) Fees for all services outside the City, except those excluded by contract or agreement are listed in the fee ordinance.
- (f) Water service will not be provided to premises unless the customer's water line and sewer connection trenches are inspected and approved by EMWSS and City Engineer to meet the requirements as stated in Sections 939.405(a), 939.407, 939.410, regardless of the extent of correction alterations needed
- (g) Inspection charges. Refer to fee ordinance

939.403.1 Manifold set-ups.

- (a) Where there is a multiple occupancy in a premise, such as a duplex, a manifold setting is required in order that each unit will have a meter installed and a separate line from the curb box to the meter; no more than two metered services shall be fed off a three-fourths inch tap. Except where already existing.
- (b) The charges for the manifold set-up for this type of metering shall be based upon the size needed and the specific type of manifold to be fabricated by the Water Distribution Dept. and are set in the fee ordinance
- (c) In case of existing duplexes with single meter and shutoff (installed prior to this Ordinance) where homeowner requests a second meter, owner must install a separate line from the premises to the existing curb stop. A fee for double head service will be paid by the applicant. Water Distribution will install the manifold.
- (d) No Multiple head service connection will be shared with a separate parcel.

939.404 Taps - service size - materials.

- (a) All original taps and services, including tap and customer branches, shall be at least ONE inch in diameter. We will make no Recommendations as to tap sizing or

guarantee of sufficiency.

(b) Services two inches and smaller shall be Type “K” soft copper or that complies with American Water Works Association (AWWA) standard C-901, and services over two inches shall be ductile cast iron, the quality of both equal to that used by the Division of Water. No other type of material such as iron, steel or galvanized iron or plastic shall be used from the curb stop or control valve to and including the meter setting Except as noted in this section paragraph(c)

(c) Water service line replacement shall be sized the same or larger than the line being replaced. The exception is that no line smaller than ¾” is permitted. The use of HDPE (high density polyethylene) plastic water service line is permitted ONLY for owner occupied residential service branch line replacements. All rental, commercial or industrial replacements must be K-soft copper and all fittings flared for services under 3”. All service line replacements over 2 inch (2”) must be ductile iron.

939.405 Maintenance and repairs to tap and service connection.

(a) Only authorized employees of the Division of Water are permitted to make repairs to the tap or service connection. When deemed advisable by the Division of Water, the entire service connection will be replaced.

(b) Repairs to the tap and service connection two inches and smaller in size in all areas served directly by the Division of Water shall be assumed by the Division of Water Distribution Dept. unless the repairs are made necessary because of work done by, or for, the owner, in which case he shall pay the full cost thereof.

(c) Where the tap and service connection is damaged by a contractor or other utility, the full cost of repairs shall be charged to those responsible for the damage.

(d) The total cost of repairs of services larger than 2” in all areas is borne by the owner.

(e) The City shall maintain in good repair at no cost to the customer that portion of the service line between the street main and the curb stop; including the curb stop for service lines 2” and under. The customer shall maintain that portion of the service line on the property side of the curb stop in good repair and protect the same from frost at his own cost. The customer shall prevent waste of water and no claim shall be made against the City for damage resulting from breakage of any service pipe or connection or drainage arising from shutting off water to repair mains or for any other reason.

939.406 Lead-free piping, plumbing, fixtures and solder

Section 1417 of the Safe Drinking Water Act (SDWA) establishes the definition for “lead free” as a weighted average of 0.25% lead calculated across the wetted surfaces of a pipe, pipe fitting, plumbing fitting, and fixture and 0.2% lead for solder and flux. The Act also provides a methodology for calculating the weighted average of wetted surfaces.

The Act prohibits the “use of any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 1986, in the installation or repair of (i) any public water system; or (ii) any plumbing in a residential or non-residential facility providing water for human consumption, that is not lead free.”

Additionally there is a prohibition on introducing a pipe, any pipe or plumbing fitting or fixture, any solder, or any flux that is not lead free into commerce; unless the use is for manufacturing or industrial purposes.

No person, firm or corporation (including City staff and account holders) shall introduce, install, repair or otherwise alter service line piping, plumbing, fixtures or solder in violation of the “lead-free” provisions of Section 1417 of the USEPA Safe Drinking Water Act nor of the similar provisions of ORC 6109 and Chapter 3745-81: “Primary Drinking Water Standards” of the Ohio EPA, either now in place or as adopted in the future.

939.407 Service line leaks, breaks and repairs

The City shall maintain in good repair at no cost to the customer that portion of the two inch (2”) or smaller service line between the corporation stop, up to and including the curb stop located within the road right of way or water line easement limits. The property owner shall maintain that portion of the service line on the property side of the curb stop in good repair and protect the same from frost or other damage at the owner’s own cost. The account holder shall prevent waste of, unaccounted for use, or leakage of water and no claim shall be made against the City for damage resulting from breakage of any service pipe or connection or damage arising from shutting off water to repair mains or for any other reason. The total cost of repairs of services larger than two inches (2”) is the responsibility of the owner.

In the event that a leak occurs between the curb valve and the meter, it shall be the duty of the property owner to repair same within an expedited period of time. When the City discovers the existence of a leak, the property owner will be notified and instructed to repair it. If within seventy-two (72) hours the owner has not taken steps to repair the leak (by accomplishing the repair or providing a copy of an executed contract to do so), the water service to the premises may be shut off at the curb stop. Water service to the premises will not again be restored until the ordered repairs have been completed.

939.408 Fire Lines & Hydrants

The installation of fire protection service connections, to supply water to stand pipes and sprinkler systems for fire protection only, shall be permitted when applications and plans for such service have been approved by the Elyria Building Department, and Fire Prevention Bureau of the Elyria Fire Department. Lines installed for fire protection shall not be used for any reason other than approved fire protection reasons. Any use other than specified in these rules is a crime and subject to prosecution.

Customers wishing to modify water service on fire lines must do so in writing. Modifications on fire lines will only be permitted after written approval has been received from the Elyria Fire Prevention Bureau, City of Elyria Building Department and Elyria Water Distribution Department. It is the customer’s responsibility to follow all fire codes National, State, and Local.

Fire hydrants on private property are the responsibility of the property owner. All local and State codes will be enforced. Any work on private fire hydrant shall be inspected by the Water Distribution Dept. And/or the City Fire Prevention Bureau.

Tampering with any fire line or hydrant is a criminal offence and may lead to prosecution.

939.409 Attachment of wire to service line forbidden

Attachment of Wire to Services Forbidden – All individuals or business organizations are forbidden to attach any energized wire or faulty wires to any plumbing which is or may be connected to a service connection or main line belonging to the City; the City will hold the account holder liable for any damage to its property or injury to its personnel occasioned by such wire attachments. The presence of such wire attachments will be sufficient cause for immediate discontinuance of service.

939.410 Service line abandonment

Unless redevelopment plans or a building permit application have been submitted indicating re-use of the service line, when an existing utility service line is abandoned by the property owner or when the structure served by the service line is demolished, the City may require the property owner to cut off the abandoned service line at the water main, close the corporation stop, expose the water main, and remove the service in the manner approved by the City. All costs associated with such work shall be at the expense of the property owner.

METERS

939.500 Services to be metered.

All services shall be metered unless specifically exempted by these Rules and Regulations.

939.501 Services not required to be metered.

Fire service lines do not need to be metered if used only for furnishing water for fighting fire through private hydrants or dedicated service lines.

939.502 Maintaining metering systems.

The City is hereby authorized to install, read and maintain metering systems to any properties served with water by the City of Elyria.

939.503 Entering properties for operation of metering systems.

The City of Elyria staffs are authorized to enter all properties served by City utilities for the purpose of installing, reading, testing, and maintaining the metering system, as well as for meter setting, leak or tampering investigations, or for any other purpose which the City may deem necessary for the proper operation and maintenance of the City utilities systems.

939.504 Access to property for operation of metering systems.

Water service may be terminated for failure of a customer to provide access to the property, for the purpose of installing, reading, or maintaining the metering system, within seventy two (72) hours or three (3) business days of first access notice or twenty four (24) hours of second access notice.

939.505 Private (sanitary sewer deduct) meter

In special cases the City may allow the use of a private meter to award credit to a sewer use bill for metered water that is not discharged to the sanitary sewers. The following rules are to be applied when approving and administering the application of private meters on the Elyria wastewater collection system.

1. Application for a Sewer Deduct Meter Permit – No account holder shall install or have installed a deduct meter without first obtaining a permit from the City. Account holders wishing to apply for a Sewer Deduct Meter Permit must submit the following items to the City prior to installation of the deduct meter:
 - a. A completed application form (available from the Utilities Department Billing Office);
 - b. A building floor plan showing both the water meter and the proposed private meter locations; and
 - c. A plumbing schematic showing the private meter and all fixtures and equipment downstream.
2. Private Meter System Design – The account holder will be responsible for the design of the private meter system. The design shall be such that no water that flows through the private meter will be discharged to the sanitary sewer. The private meter must be located within a reasonable distance from the water meter, in a safe location that is easily accessible for reading. The private meter system must be designed such that no corrosive solutions or hot water from the customer's process are allowed to pass through the private meter causing meter damage resulting in inaccurate readings. The private meter shall also be protected from back-siphonage.
3. Meters – All private meters will be calibrated to read in cubic foot units and be equipped with a register compatible with the City's electronic reading system. All meters shall be fitted with shutoff valves on both the inlet and outlet sides. Meters shall be purchased from the City at cost plus the administrative fee as stipulated in the current fee ordinance. The account holder shall be responsible for all maintenance, repairs and/or replacement necessary for the private meter.
4. Inspection – The installation of the private meter system shall be inspected by the City and shall be in accordance with City plumbing standards. The installation may also be subject to re-inspection at any time thereafter. Failure to meet the inspection requirement shall result in the termination of the Private Meter Permit, and the sewer use fee being charged upon all water consumed.
5. Inaccurate Meter Registration – If it is determined by the City that the water meter or private meter is registering incorrectly, the reading on the private meter will not be deducted from the sewer use bill until such time that the account holder has made the appropriate repairs.

6. Changes to an Account Holder's Private Meter System – Any time that the account holder changes, modifies or extends the private meter system, he/she shall have the system inspected and recertified as described previously. Failure to meet the requirements of this Section will result in possible termination of sewer and/or water services, fines for tampering with the water and/or sanitary sewer system, and termination of the private meter permit.
7. Change of Tenant or Property Owner – Sewer deduct meter permits are not transferable. At any time when the use of a premise changes, as from the change of tenant or owner, the sanitary sewer deduct permit will be terminated. The new tenant or owner shall be required to reapply by updating any applications for such service already on file for a new private meter.
8. Permit and Inspection Fees – Private meter permit fees and inspection fees shall be as established by the City in the Fee Ordinance.
9. Compliance with Other Meter Regulations – Private meters are subject to all other rules and regulations for meters stated herein.

939.506 Installation of meters by City personnel.

For all meters less than three inches (3”), the water metering system will be installed by the City or contractor approved by the City. This system will include the water meter and electronic reader and if necessary wire to connect the reader to the meter. Installations of meters three inches (3”) and larger are the sole responsibility of the parcel owner, provided however, that the meter and electronic reader are purchased from the City. No meter may be transferred from one property to another without appropriate paperwork from the City of Elyria.

939.507 Removal of meters.

Meters shall be removed only by authorized employees of the City except as otherwise herein provided for. Violations of this Regulation will result in a charge being added to the account holder's account for expenses incurred, in addition to charges for damage to or loss of meters, and charges for amount of unmetered water estimated to have been used.

939.508 Meters subject to inspection.

Meters shall be subject to inspection by duly authorized representatives of the City at any reasonable time. Refusal to admit a duly authorized employee of the City at a reasonable hour for the purpose of reading, inspecting, maintaining or changing a meter shall be considered a violation of these Rules and Regulations and shall be cause for termination of service.

939.509 Meters shall be accessible.

Meters shall be freely accessible and shall not be hidden or covered, by building materials, boxes or any other obstruction. If the account holder causes the obstruction of the metering system after its installation or requests that the installation be relocated, and the City agrees to perform such relocation, the customer shall be responsible for the actual cost of relocating any part of the metering system.

939.510 Customer to protect meter from freezing, vandalism or other type of negligence.

The account holder served through a meter located within a building on his/her premises shall make necessary provisions for the protection of the water supply against freezing or hot water damage. Damage caused by freezing or by the passage of hot water through the meter, shall be repaired at the cost of the customer. Account holders shall be held responsible for and shall reimburse the City for the loss or theft of any meter furnished and maintained as hereinbefore provided.

939.511 Meter repairs and charges.

The cost of repairs or replacement of meters smaller than three inches (3") made necessary because of normal wear and deterioration, will be assumed by the City. If the need for repairs or replacement of the meter is caused by freezing, hot water, negligence or malicious damage, a charge based on the actual cost will be made to the account holder for repair or replacement of the meter. The cost for repairs or replacement of meters three inches (3") and larger is the property owner's responsibility.

939.512 Tampering with meter.

No person except a duly authorized employee of the City shall change or remove or break the seal on any meter after it is installed. Meters and appurtenances attached thereto shall not be tampered with. If the City finds that a meter seal has been broken and/or there is evidence that a meter has been tampered with, water service shall be terminated and the account holder may be cited for "theft of services" with corresponding criminal sanctions. The account holder shall also pay for the estimated quantity of water that has not been registered because of said tampering before water service is reinstated.

939.513 Inoperable meter or remote register

No person shall consume or make use of water or City utility service(s) supplied by the City for any purpose whatsoever, except as hereinafter provided unless such water shall have passed through a meter supplied by the City. Should a meter prove to be inoperable or unreadable, the City shall estimate consumption based upon the previous six (6) months' actual metered consumption, or as determined by the Public Utilities Office with concurrence of the Safety Service Director. However, no more than three (3) estimated bills will be issued based upon estimated consumption, after which service may be terminated until such time that an operable meter is installed and any fees associated with the installation or concurrent delinquency have been paid in full.

939.514 Bypasses on meter settings.

All commercial non-residential and industrial accounts size three inches (3") and larger must have a by-pass line and a test port for the purpose of testing the meter without interruption or loss of service to the customer. Such by-pass installation shall be in accordance with the City specifications, and shall be sealed.

939.515 Meter settings and locations.

Gate valves must be provided on both the inlet and outlet sides of the three inches (3") and larger meters and as close thereto as possible in accordance with the City standards. Owner is responsible for valve maintenance and operations.

939.516 Testing of meters.

Meters may be tested by the City or at the request of the account holder, but not more than once per calendar year. If requested by the account holder, such request shall be in writing and shall be accompanied by the payment for the established charge or estimated cost for the size of meter tested. If upon testing, the meter is found to be accurate in accordance with the City specifications, the testing charge shall be retained by the City. If the meter is found to be inaccurate, the testing charge shall be credited to the account holder.

The City reserves the right, with appropriate notification to the account holder, to require three inches (3") and larger meters to be tested. The cost of such tests will be assumed by the City, except that any parts necessary for the repair of meters will be billed to the customer. In addition, it may be necessary to remove the meter for testing, thereby temporarily interrupting service. Account holders will be given thirty (30) days written notice by the City of such tests, in order to prepare, during which time the account holder can install a test plug and/or bypass. Every effort will be made to schedule tests at a time convenient for the account holder. Where a test has been scheduled and it is found that the inlet or outlet valve on the account holder's meter setting will not permit a tight shutoff, thereby delaying such test(s), the account holder will be required to have the valve(s) repaired at the account holder's expense. During this period of delay and until the repairs permit a rescheduling and testing of the meter, the account holder will be billed for water consumption at an estimated rate to be determined by the City, based upon the average of the previous six (6) months' consumption.

939.517 Remote registration installation for premises with finished basements

All Builders and/or Owners of new construction or remodeling must also provide one-half inch conduit or approved meter wiring from the meter to the outside of the building so that the Division of Water can set a remote-read meter. The Division of Water will specify the location of the remote-read meter.

MISCELLANEOUS

939.518 Bulk water sales

The City reserves the right to provide temporary bulk water sales to supplement water use when a permanent water connection cannot be made or water service is not available. To make arrangements for bulk water sales, call :(440)322-2927.

Potable water haulers must present an annual Lorain County Health Department Inspection Certification to the City each year. This certificate is to be presented upon receipt from the Health Department. Water for construction or other special use will also be provided at these Facilities. It is the responsibility of these water haulers to adapt connections to City piping. Cost of this service will be at the current rate charged by the City, as stipulated in the Fee Ordinance.

939.519 Construction Water

At the discretion of the Safety Service Director or her/his designee, a special permit may be issued for the use of a fire hydrant for securing a supply of water for construction purposes, in cases where a permanent supply or connection is not then feasible or will not be required. The right is hereby reserved to revoke a permit for the use of a fire hydrant. Charges for such permit shall be as determined by the rates established in the fee ordinance.

A fire hydrant used for construction purposes, pursuant to permission first obtained, must have a reducing coupling and union attached to the nozzle of the hydrant, with an independent valve for regulation of the supply and a City-approved backflow prevention device. The main valve of the fire hydrant must be opened full at the beginning of work each day and remain open until stoppage of work for the day, the water supply to be regulated by the independent valve. The fire hydrant is to be operated only by a spanner which may be obtained from the City at the expense of the user.

939.520 Temporary water service rental meters

The City will provide for the availability of certain hydrants designated by the City, to be used with approved meter and backflow preventer, for temporary short-term water use when a permanent water connection cannot be made or water service is not available at the time of use. The City reserves the right to refuse any temporary use of water if in the opinion of the City it is detrimental or harmful to the safety of the Public Water Supply. Approved meters and Backflow Prevention Devices may be supplied by the City upon approval of use and all applicable fees and deposits are paid. Cost of this service will be at the current water rate charged by the City. Temporary water service rental meters are not to be used for long-term service, and are renewable only for each thirty (30) day period or increment, if approved by the City.

939.521 Fire Hydrant Use

Fire hydrants are intended primarily for the use of the Fire Department, and such use shall not be interfered with in any manner. A permit for the use thereof for other purposes is given only in cases where such use is considered to be an absolute necessity. The operating of fire hydrants and the drawing of water therefrom by unauthorized persons is strictly prohibited. Violators of this rule will be required to pay an assessed fee as stipulated by the Fee Ordinance to cover expenses and damages incurred, as well as being subject to such other penalties as may be provided as stipulated by law. No person unless authorized by the City of Elyria Water Distribution Division or Fire Department shall open, operate or remove the nozzle cap from a public or private fire hydrant to which water is supplied in whole or in part by the City, or draw water therefrom, except for the purpose of extinguishing fires, without first having secured the necessary permits to do so.

939.960 BACKFLOW/CROSS CONNECTION

O.A.C. Chapter 3745-95 requires the public water supplier to protect the public water system from cross-connections and prevent backflow situations. The public water

supplier must conduct cross-connection control inspections of their water customer's property to evaluate cross-connection hazards

- (a) No person shall install or maintain a water service connection to any premises where actual or potential cross-connections to the City of Elyria Water System may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the City of Elyria;
- (b) No person shall install or maintain a connection between the City of Elyria Water System and an auxiliary water system unless the auxiliary water system, the method of connection and the use of such system have been approved by the Water Treatment Plant Operator and by the director as required by R.C. 6109.13.

939.961 Preventing access to Curb Stop

No person shall deposit any dirt or other material on or in any public curb box, valve box, or tamper in any way to prevent the use of such by the City of Elyria or its agents.

No person shall park any vehicle, or otherwise block access to curb stop for the prevention of shutting, opening, or any other use of the curb stop. Persons refusing to move vehicles may be subjected to towing at the owners cost.

939.962 PERMITS, SPECIFICATIONS AND INSPECTIONS FOR REPAIR OR REPLACEMENT OF WATER SERVICE PIPES AND FITTINGS.

No person shall repair, alter, extend, enlarge or replace any service pipe or attach a branch service to a pipe, or in any way change a connection to a main, unless a permit has been granted by the Safety-Service Director or the Superintendent of Public Utilities to the owner of the premises upon application made by such owner. There shall be no fee for the required permit

Specifications regarding installation shall be as follows:

- (a) Minimum depth, forty-eight inches;
- (b) Minimum water service size of three-fourths of an inch or as required by the City;
- (c) Pipe material: Type K copper with flare-style fittings or high-density polyethylene (HDPE) with compression fittings and pipe stiffeners.

Installation shall be performed by:

- (a) The owner-occupant of a single-family dwelling;
- (b) An excavating and trenching contractor registered with the City Building Department; or
- (c) Trenching by an excavating and trenching contractor and connection at the curb box by a master plumber, each registered with the City Building Department.
- (d) The entrance point into the building shall be appropriately sealed to prevent moisture penetration into the building.
- (e) The Division of Utilities shall be called for an inspection prior to covering up any connections, the piping and the entrance point into the building.

PENALTIES

939.995 ENFORCEMENT AND PENALTY.

(a) The enforcement of this chapter shall be subject to such rules and regulations as the Director of Public Service, together with the Director of Utilities, may from time to time adopt.

(b) Except as otherwise set forth by the Ohio Revised Code or the Codified Ordinances of the City of Elyria, any violation of this chapter shall be a misdemeanor of the fourth degree, incurring a fine of not more than two hundred fifty dollars (\$250.00), or imprisonment of not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.