

**ORDINANCE NO. 2180**

**AN ORDINANCE ENACTING “92.13-LEAK PROTECTION PROGRAM”-FOR ALL RESIDENTIAL WATER CUSTOMERS.**

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOONE, IOWA:**

Section 1. Purpose. To enact a leak protection program for all residential and commercial water customers.

Section 2. The following new section is hereby enacted:

**“92.13 Leak Protection Program.**

- A. Leak: Accidental water loss due to plumbing/plumbing fixture failure or vandalism. Careless use of water or negligence resulting in water loss will not be considered a leak.
- B. Leak Event: Maximum of one billing cycle where a leak occurred. City reserves the right to inspect to verify leak. Leak events will be considered new as of each billing cycle.
- C. Program Qualifications:
  - 1. Applicant must file an application for each new account and that application must be approved by the Utility Billing Department.
  - 2. Program qualification becomes effective after the first full billing cycle from the date an application is approved by the Utility Billing Department.
  - 3. Account must be in good standing according to internal policy of the Utility Billing Department.
  - 4. Must be a residential account.
  - 5. Landlords may participate if the account remains in the landlords name and that landlord is fully responsible for the bill.
  - 6. The participant must be the account holder where the leak occurs.
- D. Exclusions: The following accounts are excluded from participation in the Leak Protection Program:
  - 1. Irrigation meter accounts
  - 2. Any industrial property/account
- E. Final Determination:
  - 1. The Utility Billing Supervisor has the final judgment in determination of program qualifications
  - 2. The Utility Billing Supervisor, or their designee, reserves the right to inspect the property to verify the leak. Failure to accommodate this inspection shall disqualify the account holder from Program benefits.
    - i. In the event an inspection yields proof that a leak did not occur, the Utility Billing Supervisor may deny Program benefits.
    - ii. The Utility Billing Supervisor may require proof of repairs associated with leaks.
- F. Guidelines:
  - 1. To qualify account holders must file an application and be approved by the Utility Billing Supervisor.
  - 2. A twelve (12) month rolling average is used to determine the average bill.
  - 3. When a Program participant has a leak event, as verified by the Utility Billing Supervisor or their designee, the account holder shall be responsible for the average bill as well as the first \$100 of excess usage.
  - 4. Accounts having multiple leak events shall only be allowed to waive usage from two billing cycles for the purposes of calculating the average bill. The third and all subsequent leak events shall be used to calculate the average bill.
  - 5. In the event of a leak spanning multiple billing cycles, each billing cycle shall constitute a new leak event.
  - 6. Properties having a pool with volume larger than 4,000 gallons (i.e. 15’ diameter at 3’ depth) may not be eligible for program benefits.
  - 7. To receive benefits the program participant must file a Utilization Form for each leak event. The form will be reviewed by the Utility Billing Supervisor. The program participant will be contacted by the City once a final determination is made.

- G. Variance:
1. In the event a program participant disagrees with a determination of the Utility Billing Supervisor, an appeal may be made to the Utility Committee. The Utility Committee may then take action to uphold or vary from the decision made by the Utility Billing Supervisor.
- H. Program modification or termination:
1. The City may modify the terms of the Leak Protection Program through the ordinance amendment process.
  2. The City may adjust Leak Protection Program rates to accommodate program usage or inflationary expenses by resolution.

The cost of this program shall be automatically added to the monthly water bill unless the customer opts out of the program. The cost of the program will be set by resolution of the city council and reviewed whenever the water rates change. The City reserves the right to terminate the program at any time.”

Section 3. Repealer Clause. All ordinances in conflict herewith are repealed. They are: None.

Section 4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity or the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. When Effective. This ordinance shall be in effect after its passage, approval and publication as provided by law.

Passed and adopted this 4<sup>th</sup> day of June, 2012.

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John Slight-Mayor

Attest:

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Luke Nelson-City Administrator/Clerk

**Return Document To:** Jim P. Robbins 1001 W. Mamie Eisenhower, Boone, IA 50036

**Preparer Information:** Jim P. Robbins, 1001 W. Mamie Eisenhower, Boone, IA 50036, (515) 432-7114

## **ORDINANCE NO. 2278**

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOONE, IOWA:

Section 1. Purpose: To allow the City of Boone, Iowa to change the Leak Protection language in the Code of Ordinances.

Section 2. Chapter 92, Section 92.13 is amended as follows:

- **Add to (1):** "To further clarify the intended purpose of the Program the following examples which are merely illustrative and not conclusive will give some guidance as to the term "Negligence". It is expected that all participants of the Program will take reasonable steps to see that leaks do not occur. The following would be considered "negligence" and not covered by the Program:
  - a. Leaving a property unattended or unoccupied, for any period of time, without taking the necessary steps to ensure that the water lines will not freeze. If the leak is the result of the line freezing and breaking it will be required that the participant establish what steps they took to ensure that this was accidental and not negligent.
  - b. When the leak has occurred for an extended period of time, more than seven (7) days, and should have reasonably been discovered by the participant.
  - c. When the leak is as a result of work that was not properly done to any line on the participant's property
  - d. Vacant houses without water shut off at meter stop valve or curb stop valve.
  - e. Frozen pipes or meters. Well insulated and taken care of properties should not have these issues.
  - f. Damage due to construction, demolition, or neglected facilities.
  - g. Known leak which was turned on and off until fixed."
- **Add to 3 (D):** "Claims shall be limited to no more than \$1,500.00 per leak or claim. Should any claim be in excess of that amount it shall be determined as set forth in Section 5 (A) below."
- **Delete the current 5 (A) and replace it with:** "The Utility Building Supervisor shall determine, after consultation with the City Administrator if said Supervisor has any question about the claim, if the claim qualifies under the Program and what amount shall be paid but shall not approve any amount above the \$1,500.00 limit. Any claim above \$1,500 shall be presented to the Supervisor and City Administrator for determination."
- **Add to 6 (B):** "and that will include usage by a prior owner of the property if necessary to ensure that the claim is responded to immediately."
- **Add to 6 (C):** "or 10% of the excess usage whichever is greater."
- **Add to 7:** "Once the Utility Committee makes a decision it shall be deemed a final decision and no appeal to the Boone City Council is authorized. Any appeal of the Utility Committee will need to be filed in the Iowa District Court within thirty (30) days after the decision of the Utility Committee."

Section 3. Repealer Clause. All ordinances in conflict herewith are repealed.

They are: None

Section 4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity or the ordinance as a whole or any section, provision or part thereof not adjudged invalid or

unconstitutional.

Section 5. When Effective. This ordinance shall be in effect after its passage, approval and publication as provided by law.

Passed and adopted by the City Council of the City of Boone, Iowa, this 21<sup>st</sup> day of June, 2022.

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John Slight - Mayor

Attest:

I, William J. Skare, City Administrator of the City of Boone, Iowa, hereby certify that the above and foregoing Ordinance is a true copy as shown by the records of the City of Boone, Iowa.

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William J. Skare – City Administrator