

## 502 APPLICATIONS FOR THE USE OF WATER

### 502.1 APPLICATIONS

502.1.1 Applications for the use of water shall be made via phone or by means of electronic forms available on the internet at [www.dmww.com](http://www.dmww.com). If a customer has an unpaid balance for water service at a previous location, this balance must be paid, or arrangements made for payment, before service can be started in customer's name. If an existing or former customer receives water at a new location and DMWW becomes aware of an unpaid delinquent balance of such customer at a previous property, payments made by the customer to settle charges on their current account will be first applied to satisfy the oldest charges at the previous property. DMWW's customary collection procedures as outlined in 502.3 of these Rules and Regulations will apply to unsatisfied charges at the customer's new property.

502.1.2 Customers who are tenants of a property will be charged a deposit equal to the usual cost of 90 days of water service based on an average household consumption of 7,500 gallons per thirty-day period. Such deposit will be added to the customer's account and will be reflected on the customer's first statement. Deposits are subject to Des Moines Water Works' collection rules, and as such, service may be terminated for non-payment of a deposit. The deposit will be applied to the balance of the account at the date of final service. Any amounts remaining after application of the deposit to the final balance will be refunded to the customer within a reasonable period of time subsequent to the customer's final service date. See Section 511-Schedule of Charges.

502.1.3 If there is no water service into the premise, see Section 503.

### 502.2 BILLING

502.2.1 Meters will be read periodically, and bills will be mailed or delivered electronically monthly. All bills for water service shall be due and payable on or before the due date.

- 502.2.2 Payment may be made by mail or at the Des Moines Water Works' office located at 2201 George Flagg Parkway, or at other designated pay stations. A list of the pay stations and addresses is available online at [www.dmww.com](http://www.dmww.com). Payment may also be made by automatic debit to a checking account. Payment may also be made by means of credit card or check card at the Des Moines Water Works office, by telephone, or online at [www.dmww.com](http://www.dmww.com).
- 502.2.3 All customers shall make it possible for the Des Moines Water Works representatives to obtain valid readings of any water meter(s) attached to the water service serving the premises. Water service may be discontinued if the Des Moines Water Works is unable to read the meter(s) or make repairs to the meter(s) or to any meter reading equipment.
- 502.2.4 In the event of errors in the amount billed for water service, the amounts due to or from customers shall be subject to retroactive adjustment for a period of not more than five (5) years prior to the date of discovery of the error.
- 502.2.5 During any period which Des Moines Water Works is unable to obtain a good meter read, whether by meter reading equipment malfunction or other cause, the customer's bill will be estimated based on previous consumption used at the property until such time that a good read is obtained. If no consumption history exists for the property, the estimated consumption will be based on such other information, including typical use for similar customers as Des Moines Water Works may determine to be applicable. At such time that a good read is obtained, Des Moines Water Works will calculate the amount of actual consumption used during the estimating period and will compare that to the estimated consumption as billed. A true up will be calculated, and the customer will receive a credit on their next billing statement for any consumption overestimated and amounts overpaid, or an increase adjustment to their bill for any consumption underestimated and amounts underpaid.

502.2.6 Residential customers who experience a leak after the meter (e.g., as a result of running toilet, burst pipes, etc.) may request a leak adjustment. Any leak adjustment granted shall be based on monthly consumption during the period during which the leak has been shown to have occurred and shall be limited to 50% of the excess consumption as measured against the account's next highest month's consumption in the immediate 12 months prior to the leak. The leak adjustment will be applied to not more than three monthly bills, absent a showing of highly compelling or extraordinary circumstances. Leak adjustments are a one-time reduction in charges and will be granted only after the leak is verified to have been remedied.

### 502.3 DEFAULT IN PAYMENT

502.3.1 When a customer is in default of payment of an account for water supplied to his/her premises, or for fire service, the customer shall be charged a delayed payment (i.e., late) fee equal to 5% of the new charges not collected by the due date stated on the customer's billing statement, and water service may be terminated in accordance with the Turn Off and Collection Procedures then in effect.

The Des Moines Water Works may cause a lien to be placed against property under Section 384.84 of the Code of Iowa as amended unless such property has been exempted from lien under Section 384.84 of the Code of Iowa. Any lien filing shall be in accordance with applicable provisions, including notice provisions of Section 384.84 of the Iowa Code of Iowa.

502.3.2 Where a water service has been turned off because of violation of the Rules and Regulations, or non-payment of bills due, a charge shall be collected for terminating service as provided in Section 511 of these Rules and Regulations.

### 502.4 UNAUTHORIZED USE OF UNMETERED WATER

502.4.1 Where a water service has been turned off at the stop box or water main for any reason, and is subsequently found turned on without proper authority, Des Moines Water Works may discontinue the water service. The water service shall not be reactivated until the customer pays an amount equal to or greater than the termination amount, plus applicable penalties.

502.4.2 The discovery of piping bypassing the meter or tampering with the meter that would allow unauthorized water to be used on the premises of a customer, is in violation of Chapter 714.4, Code of Iowa. The following charges will be made against the customer in such cases:

502.4.2.1 Cost for removal of piping and all other incidental costs.

502.4.2.2 A penalty as established by the Board and as provided in Section 511 of these Rules and Regulations.

Des Moines Water Works also reserves the right to charge for estimated water consumption in addition to the above charges.

502.4.3 In addition to the above charges, the Code of Iowa provides for the punishment for each offense by a fine of not less than one hundred dollars (\$100.00), or by imprisonment in the county jail for a period of not more than 30 days, or by both fine and imprisonment.

#### 502.5 CUSTOMER/OWNER RESPONSIBILITY

502.5.1 The customer shall be liable for water consumed as metered until provisions are made for the Des Moines Water Works to turn off water service or remove the meter.

502.5.2 When a customer is moving out of a premise and orders the water meter read on a certain day, the water must be turned off when the meter is read, unless there is an application already on file from a prospective customer, or a written request form the property owner in the case of a rental property, to keep the water on and transfer responsibility for service to the prospective customer or property owner's name.

502.5.3 The owner of the premises served shall be the owner of, and responsible for all water service pipes and fixtures of every kind from the point of incorporation of the customer's service line at the water main. Water service pipes and fixtures shall include, but not be limited to, water service lines, stop boxes, valves, and interior plumbing. The owner, at his/her expense, shall protect, safeguard, and keep all of his/her water service pipes and fixtures in good working order. The Des Moines Water Works is not responsible for maintaining, repairing, or replacing water service pipes and fixtures or for any damages arising from the use or failure of any water service pipes and fixtures.

Des Moines Water Works shall not be liable for damages due to the breakage or failure of any water service pipes or fixtures, even if such breakage or failure occurs during, or arises from, work performed by Des Moines Water Works. The damages for which Des Moines Water Works shall not be liable include any damages for breakage of any stop box during operation of the stop box by Des Moines Water Works and any damages for accidental or temporary failure in the supply of water.

502.5.4 Whenever it shall come to the attention of the Des Moines Water Works that a water service, stop box, valve, or meter pit (including its cover) is broken, inoperable, or otherwise in a dangerous or unsafe condition, the Des Moines Water Works will make reasonable efforts to notify the customer and the owner of the premises, if different. Such notification will require the immediate repair and restoration of the facility. The obligation to cause or make required repairs is a condition of continued service to all affected premises. The Des Moines Water Works may terminate water service to the premises until such repairs are made or in case such condition poses a hazard to the public or adjoining property or requires repair to an inoperable stop box, it may make or cause to be made, all such repairs as are necessary. The costs of such termination and repairs, if any, shall be included in the next water bill and, if not paid, may result in termination of service to the premises or the certification of such amount as a lien against the property as with other unpaid water bills. Responsibility for the costs of repair shall be assessed to the owner of the property as shown in the applicable county real estate records as of the date that the Des Moines Water Works discovers or is otherwise informed of the condition requiring the repair. Notwithstanding the foregoing, the failure of the responsible person to pay charges for repairs as defined above shall not be grounds for termination of service or imposition of a lien against a subsequent transferee of the premises or a subsequent customer account holder.

502.5.5 The customer and owner shall operate valves and other appurtenances of their water piping system in such a manner that pressure surges are not transmitted to the Des Moines Water Works' water distribution system.

502.5.6 The property owner or customer shall provide a proper address that is visible from the street.

## 502.6 SERVICE LINE OWNERSHIP IN THE FORMER SE POLK SYSTEM

Service lines installed in the area of the former SE Polk System after April 1, 2007, shall be owned by the property owner, and shall be subject in all respects to these Rules and Regulations, including but not limited to Rule 502.5.

For service lines installed prior to April 1, 2007, the Des Moines Water Works will be responsible for the maintenance and repair of the service line from the point of connection to the water main up to and including the meter pit, as an exception to Rule 502.5, but only until ownership of the property that is serviced is transferred of record. The owner will be responsible for the remainder of the water service. Ownership and responsibility for repair and maintenance of the entire service line from the water main under Rule 502.5 will transfer to the new property owner at such time as the property changes ownership as shown in the applicable county real estate records. The new property owner will become responsible for all maintenance and repair of the service line as provided in Rule 502.5 after the date of transfer as shown in the applicable county real estate records.