

ORDINANCE NO. 78
MUNICIPAL WATER REGULATIONS

The City Council for Vergas ordains:

Section 1
REPEAL OF PRIOR ORDINANCES

Section 1.01: REPEAL OF PRIOR ORDINANCES.

Ordinances 54, 62, and 64 are repealed.

Section 2
GENERAL PROVISIONS

Section 2.01: GENERAL OPERATION.

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

Section 2.02: USE OF WATER SERVICE.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this ordinance.

Penalty, see Section 4.07.

Section 2.03: USE TO CIRCUMVENT CHAPTER PROHIBITED.

No person shall permit water from the water system to be used for any purpose to circumvent this chapter.

Penalty, see Section 4.07.

Section 2.04: DAMAGE TO WATER SYSTEM.

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

Penalty, see Section 4.07.

Section 2.05: CONNECTIONS BEYOND CITY BOUNDARIES.

Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of this ordinance and subject to any contract for the supply of water between the city and any other city.

Penalty, see Section 4.07.

Section 2.06: CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

(A) Connection Mandatory. Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) Existing Dwelling House or Business Building. Each lot, piece or parcel of property in the City of Vergas, abutting on any street, avenue or alley in which a municipal water main is laid, and having an existing dwelling house or business building thereon, is required to be connected with the municipal water system of the City not later than November 1, 2010, or within three (3) months after a municipal water main is constructed provided the dwelling unit served is within 200 feet of the edge of the street closest to the dwelling unit.

(C) New Dwelling House or Business Building. Each lot, piece or parcel of property in the City of Vergas, abutting on any street, avenue or alley in which a municipal water main is laid, and upon which a new dwelling house or business building is to be constructed, is required to be connected with the municipal water system of the City provided the dwelling unit or business building served is within 200 feet of the edge of the street closest to the dwelling unit.

(D) Failure to Connect. Should the owner of any premises having access to the municipal water system as provided in this section hereof fail to connect said premises with the municipal water system, the Council may cause such connection to said premises to be made upon an authorized representative of the City giving the owners 30 days written notice. The cost of said connection charges shall be assessed

against the owner of said premises and if not paid within 30 days may be certified to the County Auditor to be collected in the same time and manner as real estate taxes against said property. Said assessment and connection charge shall be payable in three equal annual installments with one year's interest at the rate established pursuant to Section 3.01 of this ordinance and one year's interest at the rate established pursuant to Section 3.01 of this ordinance to be added to each subsequent installment on the unpaid balance.

(E) City's determination. Where new homes or buildings do not have water available to the property, the City shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(F) Sealing of Wells. If the well is not to be used after the time a municipal water connection is made:

(1) The well pump and tank shall be disconnected from all internal piping; and

(2) The well shall be sealed according to State, Federal, or local law, Statutes, ordinances, or codes.

(G) Supervision. All actions taken in connection with the foregoing shall be overseen and approved by the City's water/wastewater operator.

Penalty, see Section 4.07.

Section 2.07: USE OF WATER FOR AIR CONDITIONING; PERMITS.

(A) All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to Section 3.01 of this ordinance.

Penalty, see Section 4.07.

Section 2.08: USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

(A) Use of fire hydrants. Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 30 day period as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a rental charge as established pursuant to Section 3.01 of this ordinance for each day including Sundays and legal holidays, and a separate fee established pursuant to Section 3.01 of this ordinance for each 1,000 gallons of water used.

(B) Temporary connection to fire hydrants. An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and payment established pursuant to Section 3.01 of this ordinance. In addition, the method of connection to the private system shall conform to all existing city ordinances and the type of meter used shall meet the approval of the Utilities Superintendent.

Penalty, see Section 4.07.

Section 2.09: WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in Section 4.03 of this ordinance.

Section 2.10: SUPPLY FROM ONE SERVICE.

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter.

Penalty, see Section 4.07.

Section 2.11: TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.

Penalty, see Section 4.07.

Section 2.12: REPAIRS.

(A) Repairs Generally. The consumer or owner shall be responsible for maintaining the service pipe from and including the stop box and valve into the building served. The City Shall maintain the water main and service line between the water main up to, but not including, the curb stop and valve.

(B) Determination of need for repairs. Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem, appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(C) Thawing of water services. The city will attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner will be responsible for the cost of thawing the service and correcting of the problem.

(D) Excavation or repair of water service.

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility. If the land owner without prior approval of the city hires its own contractor to excavate or repair the water service, the land owner will be solely responsible for the cost of said excavation or repair.

(2) Unless it is clearly evident that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner must further agree to waive public hearing and be specially assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the excavation is done by city employees

and agents or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery and related substantive issues.

(E) Failure to repair. In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a reconnection fee established pursuant to Section 3.01 of this ordinance has been paid to the city.

Penalty, see Section 4.07.

Section 2.13: ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water services have been abandoned, or if the service has not been used for one year, then the service shall be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense.

Penalty, see Section 4.07.

Section 2.14: DISCONNECTION PERMIT.

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be established pursuant to Section 3.01 of this ordinance.

Penalty, see Section 4.07.

Section 2.15: CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.

No water pipe of the water system shall be connected to any pump, well, tank, or piping that is connected with any other source of water supply except to service the municipal system.

Penalty, see Section 4.07.

Section 2.16: RESTRICTED HOURS.

Whenever the Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which the City water

maybe used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged the fee established pursuant to Section 3.01 of this ordinance for each day of violation and the charge shall be added to the customer's next water bill. If the emergency requires immediate compliance with the terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

Section 2.17: PERMITTING USE BY OTHERS.

No person shall permit City water to be used for any purpose except for normal use upon his own premises except in an emergency. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Clerk for such services.

Section 2.18: WATER CONNECTIONS; APPLICATIONS AND CHARGES.

(A) Permit and Fees Generally: No connection shall be made to the City water system without a permit received from the City Clerk and payment of any requisite fees and other charges.

(B) Connection applications.

(1) All applications for service installations and for water service shall be made to the City Clerk on a form provided by the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the connection fee as established pursuant to Section 3.01 of this ordinance.

(2) New lines; Other Costs When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the City a connection fee establish pursuant to Section 3.01 of this ordinance and an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and necessary street repairs. All water line connections from the water main shall be done only by City employees or by master or journeyman plumbers licensed by the State of Minnesota. The applicant is responsible for the following costs: (1) excavation; (2) street repair; (3) restoration of any disturbed area; (4) necessary connections from main to homeowner's meter; (5) materials including meter, horn, black box, fittings and piping; and (6)

labor and equipment costs.

(3) The size of the water service connections and meter shall be subject to approval of the City Engineer.

(4) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the monthly rate, prorated on a monthly basis.

(C) Reconnection Charges. When water services have been stopped because of a violation of this ordinance, a reconnection fee established pursuant to Section 3.01 of this ordinance must be paid to the City before service is reconnected.

Penalty, see Section 4.07.

Section 2.19: WATER METERS.

(A) Generally. Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not otherwise authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to Section 3.01 of this ordinance shall be paid by customers to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, the consumer will be permitted to run one line into the premises and "Y" off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them, if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to Section 3.01 of this ordinance. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and remote readers are and shall remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) Water meter setting. All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council.

Penalty, see Section 4.07.

Section 3 RATES AND CHARGES

Section 3.01: RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees and charges for permits or services as set forth in the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time.

Section 3.02: WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire bills or notices sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

Section 3.03: Water Rates.

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to Section 3.01 of this ordinance.

(B) In case the meter is found to have stopped, or to be operating in faulty

manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.

(D) The minimum rates established pursuant to the Ordinance Establishing Fees and Charges shall begin to accrue after connection of the service pipe with the curb stop box.

(E) A meter shall be installed on the water valve in the structure serviced by the water system and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date service is disconnected at the curb stop.

Section 3.04: PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) Any prepayment or overpayment of charges may be retained by the city and applied against subsequent quarterly charges.

(B) If a monthly service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within 90 days, the fee shall be certified by the City Clerk and forwarded to the County Auditor for collection.

Penalty, see Section 4.07.

Section 4 ADMINISTRATION AND ENFORCEMENT

Section 4.01: PROTECTION OF PUBLIC AND CITY.

(A) Permit and Bond. A permit for construction and connection of the extension between the building water service pipes and a water main or stub shall be issued only upon application by a licensed plumber or contractor approved by the City who has furnished a bond either to the Clerk or the Secretary of State under Minnesota Statutes 326.40. The bond shall be in the amount of \$5,000.00 conditioned so as to secure compliance by the principal with the provisions of this chapter and to further secure performance by the principal of all work undertaken within the City.

(B) Liability Insurance. Before undertaking the construction work

authorized by the permit, the plumber or contractor shall secure and maintain a policy of insurance against damages to property or injury or death to persons. The policy shall be a broad form business owner's policy, shall include underground coverage and shall indemnify and save harmless the City and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least \$100,000.00 and the public liability damage for injury or death shall be in the amount of at least \$250,000.00 per claimant and \$500,000.00 for any number of claims per occurrence. Proof of such insurance shall be filed with the City prior to the performance of any construction work and such policy shall provide that the City shall be notified immediately of any termination or modification of such insurance. If the insurance coverage is inadequate in amount, the licensed plumber or contractor shall indemnify and save harmless the City and its personnel in like manner.

(C) Indemnification by Owner. The owner shall bear the costs and expenses incident to the installation and connection of the building extension of water service to private property. The owner shall indemnify the City for any loss or damage directly or indirectly caused by its installation and connection.

(D) Rules and Regulations. To the extent it deems necessary, the City Council shall establish rules and regulations for the proper implementation of this ordinance which, when approved by the Council by resolution, shall govern the installation, connection and extension of water service to private property.

Section 4.02: POWERS AND AUTHORITY OF INSPECTORS.

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter.

Section 4.03: DISCONNECTION FOR LATE PAYMENT.

(A) Generally. Subject to the provisions of Section 4.04 of this Ordinance and Minn.Stat. § 216B.097 as it may be amended from time to time, water services may be shut off at any connection whenever:

(1) The owner or occupant for the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated, or threatens to violate, any of the provisions of this ordinance.

(2) Any charge for water, service, meter, or any other financial obligation imposed on the present or former owner or occupant is unpaid.

(3) Fraud or misrepresentation by the owner or occupant of the

premises serviced in connection with an application for service.

(B) Disconnection for late payment.

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within fifteen (15) days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued the sixteenth day after the second bill was mailed.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a reconnection charge as established by pursuant to Section 3.01 of this ordinance.

Section 4.04: COLD WEATHER RULE.

(A) Application; Notice To Residential Customer. The City shall not disconnect the service of a residential customer during the period between October 15 and April 15 if the disconnection affects the primary heat source for the residential unit and all of the following conditions are met:

(1) The household income of the customer is at or below 50 percent of the state median household income. A municipal utility or cooperative electric association utility may (i) verify income on forms it provides or (ii) obtain verification of income from the local energy assistance provider. A customer is deemed to meet the income requirements of this clause if the customer receives any form of public assistance, including energy assistance, that uses an income eligibility threshold set at or below 50 percent of the state median household income.

(2) A customer enters into and makes reasonably timely payments under a payment agreement that considers the financial resources of the household.

(3) A customer receives referrals to energy assistance, weatherization, conservation, or other programs likely to reduce the customer's energy bills.

The City shall between August 15 and October 15 each year, notify all residential customers of the provisions of Minn.Stat. § 216B.097, as it may be amended from time to time.

(B) Notice to residential customer facing disconnection. Before disconnecting service to a residential customer during the period between October 15 and April 15, the City shall provide the following information to a customer:

(1) a notice of proposed disconnection;

(2) a statement explaining the customer's rights and responsibilities;

(3) a list of local energy assistance providers;

(4) forms on which to declare inability to pay; and

(5) a statement explaining available time payment plans and other opportunities to secure continued utility service.

(C) Restrictions if disconnection necessary.

(1) If a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with subdivision 1, the disconnection shall not occur:

(a) on a Friday, unless the customer declines to enter into a payment agreement offered that day in person or via personal contact by telephone by a municipal utility or cooperative electric association;

(b) on a weekend, holiday, or the day before a holiday;

(c) when utility offices are closed; or

(d) after the close of business on a day when disconnection is permitted, unless a field representative of a municipal utility or cooperative electric association who is authorized to enter into a payment agreement, accept payment, and continue service, offers a payment agreement to the customer.

Further, the disconnection shall not occur until at least 20 days after the notice required in subdivision 2 has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.

(2) If a customer does not respond to a disconnection notice, the customer shall not be disconnected until the City investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the City must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the City shall give seven days' written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

Section 4.05: AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.

No person, except an authorized city employee, shall turn on or off any water supply at the curb stop box.

Penalty, see Section 4.07.

Section 4.06: LIABILITY FOR EXPENSE, LOSS OR DAMAGE.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

Section 4.07: GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this ordinance for which another penalty is not specifically provided, shall, upon conviction be guilty of a misdemeanor punishable by not more than 90 days or a fine of not more than \$1,000.00, or both. Separate costs of prosecution may be added.

(B) A separate offense shall be deemed committed for each day during which a violation occurs or continues.

(C) Failure of any officer or employee of the city to perform any official duty imposed by this ordinance shall not subject the officer or employee to the penalty

imposed by this ordinance.

Passed by the City Council this __ day of _____, 2010.

Dean Haarstick, Mayor

Attest:

Pat Ehlke, Clerk