

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS OF
WATER CONNECTIONS AND RATES PERTAINING TO SAME**

THE CITY COUNCIL OF THE CITY OF RUSHFORD, MINNESOTA DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS OF WATER SYSTEM

1.01 Use of Water System Restricted. No persons other than a City Public Works employee shall uncover or make or use water service installation connected to the City water system except pursuant to application and permit as provided in this chapter.

1.02 Application for Services

Subdivision 1. Procedure. Application for a water service installation and for water service shall be made at the City Clerk's Office on forms provided by the Zoning Administrator and furnished by the City. The application shall state the size and location of service connection required. The applicant's signature shall be an agreement to conform to this chapter and to rules and regulations that may be established by the City as conditions for the use of water.

Subdivision 2. Service Area. The City shall not provide a connection to City water services to any owners or occupants of properties located outside the territorial boundaries of the City without said properties first being annexed into the City.

Subdivision 3. Fees or Deposits. Application for service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the same time of making application pay to the City the amount of the fees and deposit required for installation of the service connection as provided in the attached schedule established by the City Council, from time to time. When a water service connection has been installed, application for water service may be made either by the owner, or the owner's agent or by the tenant or occupant of the premise.

1.03 Charges for Service Connections.

Subdivision 1. Permit and Fee. No connection shall be made to the City water system without a permit received at the City Clerk's Office. The fee for each permit shall be as per attached schedule for a water connection permit. The connection fee contributes to the payment of the costs of the public water system facility.

Subdivision 2. Meter Security Deposit. No permit shall be issued to connect with any water main unless and until the applicant for the permit pays to the City a security deposit as per attached schedule for the City owned water meter and remote read which will be installed with the connection by the customer or their agent. All water meters and remote reads shall be owned by the City.

1.04 Accounting, Billing, and Collection

Subdivision 1. Owner Responsibility. The owner shall be liable for water supplied to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subdivision 2. Bills for Service. Water service charges shall be billed on a monthly basis, starting at the time of the 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 a pro-rated basis, according to a rate schedule, attached hereto, established by the City Council, from time to time. A schedule of such rates shall be available for inspection at the office of the City Clerk. Bills shall be mailed to the customer monthly and shall be due on the date specified on the billing. If the water service charge is not paid when due, a penalty of 10% shall be added thereto.

Subdivision 3. Delinquent Accounts. The City shall endeavor to collect delinquent accounts promptly. In any case where satisfactory arrangements for payments have not been made, the City may, after the procedural requirements of Subdivision 4 have been complied with, cause discontinuance of service to the delinquent customer by shutting off the water to the curb box. When water service to any premises has been discontinued, service shall not be restored upon the payment of all delinquent bills and a fee as per attached schedule. Delinquent accounts shall be certified and prepared by the City Clerk providing for the assessment of the delinquent amount against the respective properties served. The assessment roll shall be delivered to the Council for the adoption on or before October 1 of each year for certification to the county auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Subdivision 4. Procedure or Shutoff of Service. Water shall not be shut off under Subdivision 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be served by registered mail and shall state that if payment is not made within ten days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may before such date, demand a hearing on the matter, in which the case the supply will not be cut off until after the hearing. If the customer requests a hearing, the hearing shall be held at the next regularly scheduled council meeting. If as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this Ordinance, the City may shut off the supply.

SECTION 2. WATER SYSTEM.

2.01 General Water Regulations.

Subdivision 1. Discontinuation of Service. The City may discontinue service to any water consumer without notice for necessary repair, or upon notice as provided in Section 1.04 Subdivision 4, for non-payment of charges, or for violations of rules and regulations affecting utility service.

Subdivision 2. Supply from one service. No more than one house or building shall be supplied from one service connection except by special permission of the Rushford City Council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of a building separately supplied shall have a separate valve and separate meter.

Subdivision 3. Turning on Water. Tapping Mains. No person except an authorized City employee shall turn on any water supply at the curb box or tap any distributing main or pipe of the water supply system or inset a stop cork or other appurtenance therein without a City permit. All piping connections from the curb box to the building supply piping shall be made under the supervision of a licensed plumber and all connections to the City water supply must be inspected by the City of Rushford Public Works Department.

Subdivision 4. Repair of Leaks. 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 the portion of the service which is the City's responsibility. The consumer or owner shall be responsible for maintaining the service pipe from the main into the building served and shall be responsible for correction of the problem. If the consumer fails to repair any leak in such service within 24 hours after notice by the City, the City may turn the water off. When the waste of water is great or damage is likely to result from the leak, the City shall turn the water off immediately upon giving notice if repair is not commenced immediately.

Subdivision 5. Use of Hydrants. No persons other than an authorized City employee, or the Rushford Fire Department in the course of extinguishing fires, shall operate a fire hydrant or interfere in any way with the City water system without first obtaining authority to do so from the Public Works Department.

Subdivision 6. Private Water Supply. No water pipe of the City water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the owner shall be notified by the City to sever the connection and if this is not done immediately, the City shall turn off the water supply immediately. Before any new connection to the City system is permitted, Public Works employees shall ascertain that no cross connections will exist when the new connection is made.

Subdivision 7. Private Wells. No new private wells shall be constructed, nor existing wells reconstructed or repaired in the City of Rushford which is designed or intended to provide water for human consumption. Private wells to provide water for other than human consumption may be maintained and continued in use after connection is made to the City water system, provided there is no means of cross-connection between the private well and municipal water supply at any time.

Subdivision 8. Abandoned or Unused Services. If the premise served by water has been abandoned, or if the service has not been used for one year, the service shall be shut off at the curb box by the City and the water meter shall be removed. 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 the old service has been removed and the main taps plugged or yoked connections installed by the City at the owner's expense.

Subdivision 9. Location of Curb Boxes. Curb stop boxes will be installed on the right-of-way line or easement limits to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb boxes will be installed at an approximately depth of seven feet below the finished ground elevation and the top of the curb box shall be adjusted to be flush with the finished ground elevation. No person shall erect any fence or plant any tree or other landscaping within a 10' radius of the curb box that would obstruct the use of the curb box or cause damage to the same.

Subdivision 10. Restricted Hours. Whenever the Council determines that a shortage of water supply threatens the City, it may by order, limit the times and hours during which City water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses.

2.02 Meters

Subdivision 1. Meters Required. Except for extinguishing fires, no person other than an authorized Public Works employee shall use water from the City water supply system or permit water to be drawn unless the water passes through a meter supplied or approved by the City. No person unauthorized by the City shall connect, disconnect, take part, or in any manner change or interfere with any such meter or its use. A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

Subdivision 2. Maintenance. The City shall maintain and repair at its expense any meter and/or remote read that has become unserviceable through ordinary wear and tear and shall replace if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expenses of the City for repair shall be charged and collected from the water consumer and water service may be discontinued until the cause is corrected and the amount charged is paid.

Subdivision 3. Meters Property of the City. Water meters and remote reads shall be the property of the City and may be removed or replaced as to size and type when deemed necessary by the Public Works Department.

Subdivision 4. Meter Reading and Inspection. Authorized Public Works employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system in order to read meters and make inspections. It shall be the responsibility of the customer to notify the City to request a final reading at the time of the customer's billing change.

Subdivision 5. Meter Testing. A consumer may request to have his or her meter tested if they feel it is not registering properly. If tests results show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly. This adjustment shall not extend back more than one billing period from the date of request. In case the meter is found to have stopped, or to be operating in a faulty manner, the

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

Subdivision 6. Consumer Line Needs. When a consumer has a need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer requiring a one-inch line normal use and a six inch or large 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.

2.03 Plumbing Regulations. The provisions of the Minnesota Plumbing code formulated by the State of Minnesota Department of Health, are adopted as the plumbing code of the City of Rushford and incorporated herein by reference.

2.04 Liability for Expenses, Loss or Damage. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of the violation.

SECTION 3. ADMINISTRATION

3.01 Repeal. This ordinance repeals those sections of Rushford City Ordinance Chapter 4, 12, 15, and 17 as it relates to the water utility fund.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of passage, approval, and publication according to law.

Passed and adopted by the City Council of the City of Rushford this 14th day of January, 2001.

Ted Robertson, Mayor

Attest:

Kathy Zacher, City Clerk