

DASSEL WATER ORDINANCE, CHAPTER 51

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GENERAL PROVISIONS

§ 51.01 BACKGROUND AND ADMINISTRATIVE INTENT

The United States Congress enacted the Safe Drinking Water Act (PL 93-532) into law on December 16, 1974. This act and its regulations deal with potable water systems. The Act provides that “minimum” protection should include programs that result in the prevention of health hazards.

Following 1986 Amendments to the Safe Drinking Water Act, and following enactment of the 1989 Minnesota Ground Water Protection Act, the Minnesota Department of Health in 1997 initiated its Wellhead Protection Program, Minn. Rules 4720.5200 through 4720.5550. In response to these Rules, the City of Dassel established a Wellhead Protection Plan. The objective of the Wellhead Protection Plan is to decrease the potential for future water problems in the Dassel public water supply system and protect the public potable water supply from the possibility of contamination. In furtherance of this Plan, the Dassel City Council adopted this

revised Water Ordinance to establish enforceable procedures to achieve the objectives of the Wellhead Protection Plan.

§ 51.02 SETTING RATES AND CHARGES FOR DASSEL PUBLIC WATER SERVICE

All rates and charges for Dassel Public Water Service including penalties shall be determined and periodically amended as necessary by the City Council and made a part of the City's Fee Schedule, City Ordinance § 36.01. A copy of the Fee Schedule with the effective dates for the rates and charges set forth in the schedule shall be kept on file and open to inspection at the Dassel City Offices.

§ 51.03 CONTRACT.

The rules and regulations hereinafter named and established by this chapter shall be considered a part of the contract with every person, company or corporation that is supplied water through the City of Dassel public water supply system. Every person, company or corporation by taking water through this system shall be considered as expressing his, her or its assent to be bound thereby.

§ 51.04 INCORPORATION BY REFERENCE

The Minnesota Plumbing Code, Chapter 4714, as amended from time to time, is adopted as the plumbing code of the City of Dassel, and incorporated into this Dassel Water Ordinance, Chapter 51. Additionally, the City of Dassel promulgated a set of Water Service Line Pipe Specifications, the provisions of which are also incorporate into this Chapter 51. Failure by a property owner to install or maintain water service in accordance with the state plumbing code and these specifications, or failure to have or permit required inspections shall, upon discovery by the City, be grounds for termination of water service to that property.

§ 51.05 DEFINITIONS

As used in Dassel Water Ordinance, Chapter 51, the following terms have the meaning given unless the context of the ordinance clearly indicates or requires a different meaning.

This Chapter: Chapter 51 of the Dassel City Ordinances titled Dassel Water Ordinance.

Person(s): Any individual, partnership, association, or private or public corporation.

User or Customer: A person or persons using water through a source that has been issued a permit and is legally connected to the Dassel public water supply system.

Property: The general term property includes a legally defined lot, a parcel of land, a piece or tract of land or premises containing, or capable of containing one or more buildings.

Building: Any structure used for habitation or occupancy by persons including all residential, commercial and industrial buildings.

Property Supplied or Served: Property that is or will be connected to the Dassel public water supply system.

Benefitted Property Owner: The legal owner of the property that is supplied potable water by the extension of the Dassel public water service to that property.

Potable Water: Water that is safe to drink and to use for food preparation, also defined simply as “Drinking Water.”

Dassel (or City) Public Water (Supply) System: The system owned, operated, maintained, and monitored by the City of Dassel for collection of underground water for human consumption and use, and supplied by the city to residential, commercial, and industrial buildings within the city through a system composed of wells, pumps, reservoirs, tanks, treatment plants, water mains, valves, hydrants, service lines, branch service lines, service connections, and other appurtenances of a water works system.

Private Well or Private Well for Domestic Use: A well located on private property, not owned, maintained, monitored, or treated by the City of Dassel, the water from which may be potable or non-potable, and used for consumption, irrigation or other uses. The use of the water is generally on the private property where the well is located. Private Wells for Domestic Use do not include wells used exclusively for watering livestock, irrigation, or used in a private fire suppression system or for heating/cooling exchange systems.

Sand Point or Drive Point Well: A typically shallow well with a 1½ to 2-inch steel casing constructed by driving or pounding the casing down into the ground until a water source is encountered.

Water Mains: The primary or main water pipe system, generally located under public roads or alleys, through which water is distributed underground to different areas of the city.

Service Lines: The secondary water pipe system that connects to the City water mains and moves water underground from the City water mains into the individual residential, commercial, or industrial buildings to be supplied and then to the water meter.

Branch Service Lines: A supplemental water pipe system that branches off from a service line to move water from the service line to separate additional individual residential, commercial, or industrial buildings.

Tapping of the Water Main: Connecting a service line to the City water main.

Stops or Stop-Valves: A valve system capable of controlling or stopping the flow of water through a portion of the water supply system.

Corporation-Stop: A stop valve located at the point where a service line taps into a City water main, thereby allowing control or stoppage of the flow of water from the City water main into the service line.

Curb: *The raised edge along the side of a street.*

Back of Curb: *The portion of the curb nearest the lot line.*

Curb-Stop: A stop-valve located underground on a service line at or near the City water main, with the control box for controlling the stop-valve being located at or above ground level, typically at the back of curb.

Inlet side of the Curb Stop: The side of the curb-stop nearest the main line.

Shut-Off Valve: A stop valve located on a service line or branch service line near a water meter, thereby enabling the flow of water through the water meter to be stopped to allow maintenance or replacement of the water meter or to terminate service.

A Building Having Reasonable Access to the Dassel Water Supply System: A building located on private property that abuts any public street or alley along which a City water main or service line has been constructed, and where the building on the private property is within three hundred (300) feet of a City water main or service line without crossing or intersecting any other property not owned by the owner of the property to be supplied.

REQUIREMENTS, CONDITIONS, AND PROHIBITIONS

§ 51.06 PRIVATE WELLS – ALLOWANCES AND LIMITATIONS

(A) *Findings of Fact.* The Dassel City Council finds that in order to protect the integrity of the Dassel public water system and its aquifers, and to ensure adequate water supplies to meet the health, safety and welfare needs of the city and its residents, it is necessary to impose the following requirements, restrictions and prohibitions on the installation and use of private wells:

(B) Existing private wells supplying water for domestic purposes to a building existing as of the effective date of this water ordinance may continue to be used for that purpose, even if the building being supplied with water has reasonable access to the Dassel public water supply system.

(C) At such time as a private well providing water to a building for domestic use is no longer in a safe condition or requires significant repairs, redrilling, or replacement, and if the building has reasonable access to the Dassel public water supply system, then the building must be connected at the property owners expense to the Dassel public water system.

(D) An existing private well on property that has been connected to the Dassel public water system may continue to be used provided there is no cross connection between the private well water system and the Dassel public water system as defined and prohibited in § 51.07 of this ordinance

(E) When use of a private well is permanently discontinued for any reason, the well must be sealed at the property owner's expense in accordance with Minnesota Department of Health requirements;

(F) New private wells are allowed on property that does not have reasonable access to the Dassel water supply system, but only upon prior proof that a permit for such private well has been issued by the Minnesota Department of Health.

(G) No building or occupancy permit will be issued for new construction on property with reasonable access to the Dassel public water supply system until such property is connected to the public water supply system, or assurance of such connection is provided to the City's satisfaction.

(H) If the City Council determines that as a result of seasonal periods of water shortage and/or severe drought there is a potential for depletion of the aquifer and lowering of static water

levels in the city's wells, the Council may by resolution extend to private water wells some or all of the water use restrictions set forth in § 51.12 of this ordinance.

§ 51.07 CROSS CONNECTIONS POTENTIALLY AFFECTING THE DASSEL PUBLIC WATER SUPPLY SYSTEM ARE PROHIBITED.

(A) *Definition of Cross Connections:* Any unprotected connection or structural arrangement between the Dassel public water system and a property owner's private water well or other water source including connections or arrangements that have the potential of back siphonage or backpressure, or the potential of introducing used or non-potable water, fluids, gases, solids, substances or other contaminants into the Dassel public potable water system.

(B) *Cross Connections Prohibited.* No cross connections as defined above potentially affecting the Dassel water supply system are allowed. No private pump, well, tank or other source of water or potential contaminants shall be connected directly or indirectly to the Dassel water supply system. When such a situation is identified, the City shall notify the owner of the property that within 24 hours the owner must disconnect the connection or device that creates the potential of back siphonage or back pressure. If not timely done by the property owner, the city water supply to this property shall be turned off by the City. Before any new connections to the city water supply are permitted, or at the time an existing or new connection is inspected, the City shall assure that no cross connections will exist when the new connection is made.

§ 51.08 REPAIR OF LEAKS OR DAMAGES ON SERVICE LINES.

The owner of property being served by the Dassel public water supply system is responsible for maintaining the service line from the inlet side of the curb-stop into the property owner's building to the water meter. If the property owner or occupant has actual knowledge of a leak or other damage to the service line, or if the City gives notice to the property owner of such a condition, the property owner must repair the leak or damage within 48 hours after becoming aware of this condition. If the property owner fails to repair a leak or damage to the service line within this 48-hour period, the water supply to the service line may be turned off by the City. If immediate emergency repairs are necessary to prevent excessive water loss, or to protect the public or neighboring properties and immediate repairs have not been initiated by the property owner, the City may cause the repair work to be done at the property owner's expense. The City will be responsible for the repairs from the city main up to the inlet side of the curb stop and will repair the street up to the back of the curb. The property owner will be responsible for repair of driveways and restoration of lawns and landscaping. In either case the water service to the property will not be turned back on until the leak or damage has been properly repaired and inspected by the City, and a reconnection charge has been paid to the City.

§ 51.09 ABANDONMENT OF EXISTING CONNECTION TO THE DASSEL PUBLIC WATER SUPPLY SYSTEM

(A) *Abandonment of City Water Service.* Whenever a service installation connected to the City public water system has been abandoned, or has not been used for one year or more, or has become useless for further service, the City shall shut off the water service at the curb-stop. The owner of the property served shall be responsible for removing the service line beginning from either the corporation stop or from the curb-stop as determined by the City, to the water meter or to such other termination point as determined by the City. The owner of the property shall be responsible for payment of the cost of shutting off the water service and removing the service line as noted above including all excavation and restoration costs associated therewith.

(B) *Improper efforts to seal or remove abandoned lines.* It is a misdemeanor for any person to cause or allow any abandoned service line to be hammered, squeezed together at the ends, or otherwise damaged to stop the flow of water, or to otherwise improperly disconnect or remove such service line from the City public water supply system.

(C) *New water service in place of abandoned line.* When a new building is to be erected on the site, and it is desirable to increase or change the old water service, no connections with the main line shall be made until the old service has been removed, plugged, or sealed by the City at the property owner's expense. A new permit shall be taken out and the standard charges for tapping and connection related charges paid as if this were a new service.

§ 51.10 RESERVED

TERMS AND CONDITIONS APPLICABLE TO USERS OF THE DASSEL PUBLIC WATER SUPPLY SYSTEM

§ 51.11 CITY AUTHORITY FOR RESTRICTING USE OF WATER

(A) *General Authority.* By resolution of the City Council the use of water from the City public water system may be restricted for periods of time when the city water pressure shall become inadequate, and/or in the discretion of the City Council becomes hazardous to the safety and welfare of the City residents. Any person failing to observe said restrictions shall be subject to a fine as set forth in the fee schedule, § 36.01.

(B) *Notification to the Public.* Whenever the City Council enacts water use restrictions, it shall take such action as is reasonably practicable to notify the general public of the restrictions.

The resolution shall be posted on the city's electronic bulletin board and in the local newspaper. The notice shall include the information listed in § 51.12 (B) hereafter.

§ 51.12 REGULATING USE OF WATER DURING SEASONAL PERIODS OF WATER SHORTAGE.

A) *Purpose.* In order to avoid a water shortage due to inadequate capacity in the Dassel public water system, to ensure an adequate water supply for fire protection, to ensure protection of subterranean aquifers, to maintain the quality of domestic water supplies, and to protect the general health, safety and welfare of the residents of Dassel, the regulations on water uses prescribed in this section shall apply.

(B) *Implementation of Restrictions.* Whenever the City Council determines that a shortage of water threatens the city, it may enact by resolution a restriction on nonessential water use that addresses the following:

- (1) The categories of water usage (e.g., lawn, tree, shrub watering, car washing, etc.) that will be restricted;
- (2) The times during which the restriction will apply;
- (3) When the restrictions will become effective and when they will terminate;
- (4) Whether the restrictions are voluntary or involuntary.

The resolution shall become effective upon its passage and publication.

§ 51.13 TEMPORARY WATER SUPPLY EMERGENCIES

(A) Whenever the Public Works Director, in consultation with the Mayor or two City Council members, determines that the water pressure and available water in the City water supply system has reached a level which endangers the public health or safety of residents in the city, the Director may declare a temporary state of water emergency, which shall continue until such time as the danger to public health or safety no longer exists.

(B) This declaration of a temporary water emergency shall address the same points set forth in § 51.12 (B) above.

(C) Within 24 hours after the declaration of a temporary water emergency, an emergency City Council meeting shall be held to more fully address the water emergency and the issues set

forth in paragraph (A) of this section, and the Council by resolution shall continue, modify, or terminate the temporary water supply emergency.

§ 51.14 TEMPORARY WATER DEMAND EMERGENCIES

In case of fire or alarm of fire, the Public Works Director, in consultation with a representative of the Fire Department, may curtail or temporarily shut off the public water supply to ensure an adequate supply of water for firefighting.

§ 51.15 GENERAL RESERVATION OF RIGHT TO DISCONTINUE PUBLIC WATER SUPPLY SERVICE

The City reserves the right to temporarily restrict or discontinue public water supply without notice when the same is necessary to repair the system or a part thereof, or for any other reasonable purpose that advances the Wellhead Protection Plan.

§ 51.16 NO CITY LIABILITY FOR DISCONTINUING PUBLIC WATER SUPPLY SERVICE.

The City of Dassel, including its employees while acting in the course and scope of their employment with the City, are not liable for any deficiency or failure in the supply of water to buildings or property whether occasioned by shutting the water off for emergency purposes, or for making repairs or connections, or because the account is delinquent, or for any other reason.

§ 51.17 RESERVED

TERMS AND CONDITIONS APPLICABLE TO BOTH USERS AND NON-USERS OF THE DASSEL PUBLIC WATER SUPPLY SYSTEM

§ 51.18 NO TAKING WATER WITHOUT PERMIT OR AUTHORITY.

It is illegal and a misdemeanor for any person, to take any service from the Dassel public water supply system without obtaining a proper Permit or authority from the City of Dassel.

§ 51.19 NO TAMPERING WITH CITY WATER SUPPLY SYSTEM.

(A) It is illegal and a misdemeanor for any person to tamper with, willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenances of the Dassel public water supply system or any public hydrant, corporation-stop, curb-stop, curb-stop box, shut-off valve, water meter, water supply or service line, or any part thereof.

(B) It is illegal and a misdemeanor for any person to tamper with, turn on, or shut off the water of the City water system by use of any corporation-stop, curb-stop, or shut-off valve unless written authority is first obtained from the Public Works Director. A charge as set forth in the fee schedule, § 36.01, shall be assessed against the violator of this section for each necessary shut off or turn on of the City water supply system.

§ 51.20 NO TAMPERING WITH PUBLIC HYDRANTS.

(A) All water hydrants installed in the City of Dassel are part of the City public water system and are for the purpose of extinguishing fires or other limited purposes specifically approved by the Public Works Director. It is a misdemeanor for any person or persons other than a member of the Dassel Fire Department, the Dassel Public Works Department, or persons authorized by the Public Works Director or City Council, to open any hydrants or draw water from any hydrants, or at any time uncover, remove the caps from nozzles, or in any way tamper with said hydrants.

(B) No person authorized to open hydrants shall delegate this authority to anyone else, or let out to any person the wrenches or tools furnished for that purpose, except for reasons strictly connected with the Fire Department or with the maintenance of the hydrants and water system.

§ 51.21 RESERVED

APPLICATION FOR CONNECTION TO THE DASSEL PUBLIC WATER SUPPLY SYSTEM

§ 51.22 PERMIT REQUIRED

It is misdemeanor for any person to uncover or connect to the Dassel public water system without first obtaining a permit in accordance with the provisions of this chapter.

§ 51.23 ACCOUNTS IN THE NAME OF PROPERTY OWNER.

Any property owner desiring water service from the City for property not yet connected to the City public water system shall make application therefor to the City Clerk-Treasurer on a form provided by the City. The completed application shall be filed with the City Clerk-

Treasurer. All accounts shall be carried in the name of the owner of the property for which water service is requested. The property owner shall at all times be liable for water service consumed upon the property whether or not the property owner is occupying the property.

§ 51.24 ISSUANCE OF PERMIT AND RELATED FEES

(A) The City Clerk-Treasurer upon receiving a completed application as provided for in § 51.23, shall first determine if the application is in proper form, and if so determined shall issue a permit to connect the property with the City public water system. The applicant shall at that time pay the fee set forth in the fee schedule, § 36.01, to the City Clerk-Treasurer.

(B) Should the application and permit involve excavation, the provisions of Chapter 93 of the Dassel ordinances shall apply in addition to the provisions hereof, including the fee to be paid under Chapter 93.

(C) Any property that has not been assessed for the construction costs of the City water main or service line may not be connected to the City public water system unless a permit is obtained and a connection charge paid pursuant to § 51.23 and § 51.24 (A).

(D) For each new connection a service charge for each tapping of the City water main, as set forth in the fee schedule § 36.01 shall be paid by the owner of the property being served as a Water Access Charge (WAC). The owner of the property being served shall be responsible for all installation, appurtenance costs, and future maintenance costs of the service line from its connection to the City water main to the water meter.

CONNECTIONS, SPECIFICATIONS AND REQUIREMENTS

§ 51.25 SERVICE LINES AND CURB-STOPS

(A) *Specifications and Requirements.* Service lines must extend from the City water main to a water meter inside the building being served, and shall be one inch inside diameter. When a larger connection of the service line to the City main line is desired, the connection must be pre-approved by the City Public Works Director or designee. Any other alternative design must likewise be pre-approved by the City Public Works Director or designee. All service lines must include a curb-stop with a curb-stop control box at the right-of-way line.

(B) *Installation of Service Lines.* Service lines must be laid in such manner as to prevent rupture by settlement. The exterior portion of the service line shall be placed not less than eight

(8) feet below the surface and so arranged as to prevent rupture or stoppage by freezing. It is the responsibility of the property owner to repair or replace ruptured or frozen service lines between the City main to the meter inside the building. A shut-off valve the same size as the service line shall be placed close to the inside wall of the building, ahead of the water meter and protected from freezing. Service lines must be constructed to City standards and inspected by the City Public Works Director or qualified designee. Newly installed exterior service lines shall be left uncovered until inspected.

(C) *Curb-Stop Box Accessibility.* It shall be the responsibility of the property owner to assure that the box for operating the curb-stop is at all times readily accessible. No fences or other structures or landscaping shall be placed around the curb-stop box that hides or interferes with access to the box.

(D) *Compliance with Codes and Specifications.* All service lines, fittings, and connections used for connecting to the City water supply system must comply with the Minnesota Plumbing Code and the City of Dassel Water Service Line Pipe Specifications.

§ 51.26 SEPARATE CONNECTIONS.

For installation of service lines made after the effective date of this ordinance, each property to be served shall have a separate and distinct service connection. No more than one building shall be supplied from one service line. Branch service lines are not permitted, except as may be expressly approved by the City Council. Each service line must have its own corporation-stop, functioning curb-stop, and functioning shut-off valve, material and size to be approved by the City. The curb-stop is to be placed at the side of the right-of-way if the water main is located under a street, or within one foot of the alley right-of-way if the water main is located under an alley. Every service line shall have one or more shut-off valves immediately before the water meter so that water can be shut off and the meter entirely drained. If discovery is made by the city that the requirements under this section have not been met, the City shall give notice to the property owner that the condition must be timely corrected. If the property owner fails to make timely corrections the City shall have the right to make such corrections and charge any expenses incurred to the property owner.

§ 51.27 SPECIAL SERVICE LINE EXTENSIONS AND CONECTIONS

(A) *Extensions to curb-stops as part of a City improvement project.* Whenever a street or alley under which a City water main is located is scheduled to be paved as part of an improvement project, then the City as part of the project shall install separate service lines from the water main to curb-stops located on each property abutting the street or alley being paved

that is not already connected to the City water supply system. The cost of these extensions, curb-stops, and curb-stop boxes shall be part of the street or utility improvement project and the benefitted property assessed accordingly.

(B) Extensions to curb-stops as part of excavation involving a City water main.

Whenever it is necessary for the City to perform major excavation involving or adjacent to one of its water mains, then the City may install separate service lines from the water main to curb-stops located on each property abutting the area of excavation that is not already connected to the City water supply system. The cost of these extensions, the curb-stops, and curb-stop boxes shall be billed to the benefitted property owner for payment within 60 days. If the property owner does not timely pay the bill the City Clerk-Treasurer shall certify the amount due to the County Auditor and shall cause the same to be spread upon the tax assessment for the property in the same manner as other tax assessments collected by the County Treasurer and paid to the City Clerk-Treasurer.

§ 51.28 WATER METERS

(A) All water supplied through the City public water system shall be measured by water measuring meters purchased by the property owner from the City. The meters shall remain the responsibility of the City and shall be maintained by the City. The water meters may be removed or replaced as to size and type when deemed necessary by the Dassel Public Works Director.

(B) No water connection permit shall be issued for any building to be served by the City water supply system until the property owner pays to the City Clerk-Treasurer the sum as set forth in the fee schedule, § 36.01, for the purchase of a standard 3/4-inch meter. If a larger meter is required, the property owner shall be responsible for the additional cost therefore.

(C) If installed inside the building the water meter must be located so that it can easily be examined and read. The property owner must suitably protect the meter from frost and other damage. In the event of damage from freezing or some other negligence by person(s) other than the City, the damage and the need to repurchase a meter including the cost of a new meter and the cost of installation thereof shall be the responsibility of the property owner.

(D) When any building designed for use by more than one family unit as a duplex, flat or apartment building, and/or for more than one commercial occupant, any new water connections to or in the building made after the effective date of this ordinance shall have a separate water meter with separate shut-off valves for each dwelling unit or commercial occupant.

(E) The payment for water usage is due monthly for water used at a rate determined in accordance with the charges established under § 36.01. Bills shall be sent to the property owner who shall bear full responsibility for all city utility bills.

(F) If water is used for additional uses other than ordinary domestic use, bulk rates may apply or the rates which would otherwise apply may be increased a reasonable amount as the Council in its discretion determines.

(G) Except for extinguishing fires, it shall be a misdemeanor for any person, firm or corporation to take water from the City water system except through a metered line, provided, however, that the City Council may set a contract user fee for specific situations.

§ 51.29 SUPERVISION BY CITY; COSTS OF CONNECTIONS

(A) All connections or tapping to the City water main, all connections to the service lines, all installations of curb-stops, and all turning on or turning off of water supplies shall be made under the supervision of the City Public Works Director or qualified designee. All connections shall be made by workmen bonded by satisfactory surety. Payment for the costs of all plumbing and service lines and all extensions connecting to the city mains, as well as all restoration and costs associated with restoration and future repairs to same, and the cost of turning on or turning off water supply, will be the responsibility of the property owner. The City is authorized to make such required installations and/or repairs if it elects to do so, and charge any reasonable costs to the property owner.

(B) No water pipes laid underground shall be covered nor trenches filled until the water has been turned on and said pipes have been tested and found to be water tight and approved by the City Public Works Director or designee.

§ 51.30 RIGHT TO ENTER PROPERTY SERVED BY THE DASSEL PUBLIC WATER SUPPLY SYSTEM

Authorized employees or representatives of the City of Dassel or representatives of the City, bearing proper credentials and identification, shall have the right to enter all properties served by the City's public water system for the purposes of inspection, measurement, sampling and testing in accordance with and for the purpose of enforcing the provisions of this chapter. The City employees or representatives shall have the power and authority to obtain a warrant to secure entry onto a property when entry has been refused.

§ 51.31 ACCOUNTING, BILLING, AND COLLECTION OF ACCOUNTS

(A) *Property Owner's Responsibility.* The owner of property being served by the Dassel public water system shall be liable for water supplied to the property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

(B) *Bills for Water Supply Services.* Water supply shall be billed on a monthly basis starting at the time of the installation of the water meter and shall be calculated according to the rate schedule established by the City Council. Bills shall be mailed to the property owner 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.

(C) *Billing Adjustments.* The City Administrator-Clerk/Treasurer shall have the authority to make adjustments to water utility accounts given reasonable cause. This authority shall be limited in scope to the ability to make one adjustment annually to any properties utility charges. The maximum adjustment shall be limited to no more than 50% of amounts greater than the average normal/historic use for a property. Any further adjustments shall be on recommendation and referral by the Administrator-Clerk/Treasurer to the discretion of the Council.

(D) *Delinquent Accounts.* Each charge levied by and pursuant to this chapter is made a lien upon the corresponding property connected to the city water system. All such charges which are more than 30 days past due and having been properly billed to the owner of the property supplied are delinquent accounts. Before October 1 of each year, the City Clerk-Treasurer shall prepare a list of delinquent accounts including interest and deliver the list to the City Council for adoption. Upon adoption, the City Clerk-Treasurer shall certify these delinquent accounts to the county auditor for collection along with the real estate taxes. In so certifying, the City Clerk-Treasurer shall provide the county auditor with a description of the property served and the name(s) of the owner thereof. The amount so certified shall be extended by the county auditor onto the tax rolls against the property in the same manner as other taxes. This action may be taken in addition to the commencement of a collection or enforcement action in the Meeker County District Court.

ENFORCEMENT

§ 51.32 DISCONNECTION OF WATER SERVICE TO DELINQUENT ACCOUNTS; RIGHT TO A HEARING

(A) *Procedure for Disconnection of City Water Services.* Water services shall not be disconnected under § 51.31 above for nonpayment of the billing and associated charges until a Notice and opportunity for a hearing has first been given or mailed to the property owner. Whenever possible, Notice shall be given or mailed to the tenant(s) if not the owner(s) of the

water supplied property. The Notice shall state the amount that must be paid to avoid disconnection of water service, when it must be paid, and the date when the water service will be disconnected if the overdue amount is not paid. The Notice shall also state that the property owner and any tenants may before such termination date request a hearing before the City Council on the matter, in which case the water supply will not be terminated until after the hearing.

(B) *The Hearing and Post-Hearing Procedure.* If the property owner or any tenant of the water supplied property requests a hearing, the hearing shall be held at the next regularly scheduled Council meeting or at a special meeting of the Council. 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 property owner may not be disconnected in accordance with this ordinance, the City may disconnect the water supply to the property. When water supply to any property has been disconnected, the water supply shall not be restored until the City has received full payment of all overdue bills for supplying the property and the fee for disconnecting and turning on the water supply have been paid.

(C) *Exceptions.* The right to notice of hearing and hearing prior to disconnection of the water service is not applicable to violations of § 51.03, § 51.07, § 51.08, § 51.09, § 51.11, § 51.12, § 51.13, § 51.14, § 51.18, or § 51.26, of this chapter. Additionally, to the extent paragraphs (A) and (B) of this section conflict with any provisions of the Cold Weather Rule, M.S. § 216B.097, the statutory Cold Weather Rule prevails.

(D) *Cold Weather Rule.* Pursuant to M.S. § 216B.097 as it may be amended from time to time, the water supply to a residential property shall **not** be discontinued during the period between October 15 and April 15 if the discontinuance affects the primary heat source for the residential property and all of the following conditions are met: (1) the property owner or tenant (the “customer”) has declared inability to pay on forms provided by the city and the household income of the customer is at or below 50% of the state median household income (note: The customer is deemed to meet this income test if the customer receives any form of public assistance, including energy assistance, that uses an income eligibility threshold set at or below 50% of the state median household income); (2) The 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.

(E) *Information to Residential Customer.* Subject to paragraph (D) of this section, before disconnecting service to a residential customer during the period between October 15 and April 15, the City shall provide the following information to the customer:

- (1) A notice of the 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 services.

§ 51.33 PENALTIES

In accordance with Minn. Stat. § 412.231, the City Council declares that violations of this Water Ordinance, § 51.06, § 51.07, § 51.08, § 51.09 (B), § 51.18, § 51.19, § 51.20, § 51.22, § 51.24 (C), § 51.26, and § 51.28 (G) shall be considered a misdemeanor punishable by misdemeanor fines and penalties set forth in Minnesota Statutes § 609.02, Subd. 3, as amended from time to time.

§ 51.34 ADDITIONAL ENFORCEMENT PROCEDURES

In addition to enforcement of this chapter through (1) misdemeanor charges, (2) charges and penalties expressly set forth in this chapter, and (3) terminating water service to properties, the City reserves the right to pursue recovery for any expense, loss or damage sustained by it and caused by a violation of this chapter and/or to enforce the provisions of this chapter, through actions in Meeker County District Court seeking specific performance, summary enforcement, or other legal or equitable relief.

(Chapter 51, passed 2/16/2021)

ATTEST:

Nicole Carlen
Mayor

Terri Boese
City Clerk/Treasurer