

ORDINANCE #175

**CITY OF EYOTA
EYOTA, MINNESOTA**

**AN ORDINANCE RELATING TO WATER REGULATIONS;
AMENDING THE PROVISIONS OF THE EYOTA CITY CODE, TITLE 5, CHAPTER 51**

THE CITY COUNCIL OF THE CITY OF EYOTA, MINNESOTA DOES ORDAIN:

Section 1. The provisions of the Eyota City Code, Title 5, Chapter 51, are amended to read:

WATER REGULATIONS

Section

General Provisions

- 51.01 General operation
- 51.02 Use of water service
- 51.03 Use to circumvent chapter prohibited
- 51.04 Damage to water system
- 51.05 Connections beyond city boundaries
- 51.06 Connection to system required
- 51.07 Use of water for air conditioning; permits
- 51.08 Use of water from fire hydrants; temporary connections
- 51.09 Water deficiency, shut off and use restrictions

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- 51.31 Excavation and construction requirements
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Rates and Charges

- 51.50 Extensions to New Developments
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- 51.52 Rates, fees and charges generally
- 51.53 Water service billing; change of address
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- 51.70 Supervision by Utilities Superintendent; licensing
- 51.71 Powers and authority of inspectors

- 51.72 Discontinuance of service
- 51.73 Authorized employees to turn water on and off
- 51.74 Liability for expense, loss or damage

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- 51.99 Penalty

Cross-reference:

Sewers, see Ch. 50

Subdivisions, see Ch. 152

Zoning, see Ch. 153

GENERAL PROVISIONS

§ 51.01 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.

§ 51.02 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 chapter.

§ 51.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.

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

§ 51.04 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.

§ 51.05 CONNECTIONS BEYOND CITY BOUNDARIES.

Water service pipe connections with the water mains of the city, intended to service areas outside the corporate limits of the city are not allowed.

§ 51.06 CONNECTION TO SYSTEM REQUIRED.

(A) 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) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this chapter, a charge shall be made in an amount established by § 51.52.

(C) 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.

(D) If a pre-existing well is not to be used after the time a municipal water connection is made:

(1) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(2) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. § 103I.301 to § 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time. Well abandonment shall also be done in accordance with Olmsted County regulations, as they may be amended from time to time. All well sealing shall be performed by a professional licensed well driller trained in well abandonment.

§ 51.07 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 and a backflow device 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 § 51.52.

§ 51.08 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

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 permission to do so from the city as follows:

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

(B) The user shall pay bulk water charges as established pursuant to §51.52 as may be amended from time to time for each 1,000 gallons of water used.

(C) Connections to a public water supply to fill tankers must follow backflow prevention standards. The connection will have a reduced pressure zone backflow device.

§ 51.09 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

(A) 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 § 51.72.

(B) *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 city water may be used for sprinkling, irrigation, car washing, air condition, or other specified uses. After publication of the resolution, no person shall use, or permit water to be used, in violation of the resolution, and any customer who does so shall be charged a fee set by resolution of the Council for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with 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.

Water Regulations

§ 51.25 SUPPLY FROM ONE SERVICE.

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

§ 51.26 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 valves or ferrules therein.

§ 51.27 REPAIRS.

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city may 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.

(B) *Thawing of water services.* The city may 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 thereafter will be responsible for thawing the service and correction of the problem.

(C) *Excavation or repair of water service.*

(1) The city may 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.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair may 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 further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city may make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces 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.

(D) *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 may not be turned on until the leak has been repaired and a fee pursuant to § 51.52 has been paid to the city.

§ 51.28 ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service may 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 may be made until all the old service has been removed or properly abandoned and documented and the main taps plugged or yoked connections installed by the city at the owner's expense.

§ 51.29 DISCONNECTION.

City permission must be obtained to disconnect from the existing water service leads at the curb stop box.

§ 51.30 SERVICE PIPES.

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. All tubing, pipes, joints, unions and connections shall conform to the Minnesota Plumbing Code. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

§ 51.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and ductile or cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.

§ 51.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.

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

§ 51.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.

(A) Connection applications.

(1) All applications for service installations and for water service shall be made to 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 amount of fees shall be set pursuant to § 51.52 and may be amended from time to time.

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer. Water meter sizing for a domestic connection shall be 3/4 inch by one inch. The standard service line size will be one inch. If the homeowner requests a larger service line the extra cost of the water meter will be charged to the connection owner. The future replacement of the water meter will be billed at the difference between the standard meter cost and meter need to accommodate the larger line at the time of replacement.

(3) 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 minimum monthly rate.

(B) Connection charges.

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to § 51.52. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the work is started

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to § 51.52 levied by the city to contribute to the payment of the costs of the Public Water System Facilities.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to § 51.52 before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the city shall collect an amount from the applicant that is established pursuant to § 51.52.

(6) Curb stop boxes shall be the property of the city.

§ 51.34 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported. No person shall erect any fence or plant any tree or other landscaping that would obstruct, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.

§ 51.35 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 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 § 51.52 shall be paid by customers to the city for water meters and radio read devices 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, subject to the following.

(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, he or she will be permitted to run one line into the premises and split 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 and remote reading devices when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter or radio reading device 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) If, at any time, the consumer desires to have the meter tested for accuracy, the city shall test such meter, and the test fee shall be charged to the consumer if the meter registers 98% or more accurate on a full flow test, or 90% or more on a slow flow test, which slow flow test shall be one-fourth gallon per minute flow. If the meter registers less than the percentages as herein set forth, whether full flow or slow flow, no fee shall be charged, and the meter shall be replaced or repaired by the city at no cost to the consumer, except as provided for in § 51.27.

(Ord. 17-4, passed 4-2-1969)

This adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and radio reading devices shall be and 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.

However, city employees may not enter private property without obtaining the permission of the owner to do so or have obtained a search warrant issued by a court of competent jurisdiction, as provided for in § 10.20.

(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.

RATES AND CHARGES

§ 51.50 EXTENSIONS TO NEW DEVELOPMENTS.

The total costs of extending sewer and water mains to new developments shall not be the responsibility of the city, but rather, the owner shall assume and pay for all costs incurred.

(Ord. 17-3, passed 4-2-1969)

§ 51.51 COST OF INSTALLATION.

Any person desiring a connection with the water system shall pay to the City a Water Improvement Fund charge. The cost of installation of all plumbing from the property line to the point of use by the consumer, as well as all repairs to the same, shall be borne entirely by the consumer. All plumbing shall, at all reasonable times, be subject to inspection by the duly authorized representative of the City Council.

Any repairs found to be necessary by such representative shall be made promptly or the city will discontinue service.

(Ord. 17-4, passed 4-2-1969)

§ 51.52 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees and charges for permits or services adopted by Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time. In accordance with M.S. § 444.075 Subd 3, charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.

§ 51.53 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 personal notice 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. All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, applied for the service. The owner shall be liable for water services supplied to the property whether he or she is occupying the property or not.

§ 51.54 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 § 51.52.

(B) 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.

(C) The minimum rates established pursuant to § 51.52 shall begin to accrue after connection of the service pipe with the curb stop box.

(D) A meter and remote reader shall be installed on the water valve in the house regardless of whether inside piping is connected.

(E) In the event a water customer elects to discontinue the use of the municipal water, the monthly flat fee or minimum charge shall continue until the date as service is disconnected at the curb box, the meter removed and piping capped.

§ 51.55 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

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

(B) If a 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 a reasonable time following discontinuance of service or notice of discontinuance of service, the fee shall be certified by the City Clerk and forwarded to the County Auditor for collection as provided for in Chapter 53.

ADMINISTRATION AND ENFORCEMENT

§ 51.70 SUPERVISION BY UTILITIES SUPERINTENDENT; LICENSING.

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected and tested by the Utilities Superintendent, at which time the remote reading device will be installed by the City.

(B) No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections within the city without first obtaining authorization from the city. A master plumber licensed by the state under the provisions of M.S. § 326B.46, as it may be amended from time to time, is exempt from the provisions of this section. A person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.

§ 51.71 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. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in § 10.20 before entering the property, except in emergency situations.

§ 51.72 DISCONTINUANCE OF SERVICE.

Water service may be shut off at any connection as provided for in Chapter 53 of this code.

§ 51.73 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.

§ 51.74 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.

§ 51.99 PENALTY.

Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

This ordinance shall be effective from and after its publication.

Passed and adopted by the Eyota City Council this ____ day of October, 2020.

Tony Nelson, Mayor

ATTEST:

Marlis Knowlton, Clerk/Treasurer

DRAFT as of 10-21-2020 FINAL