

CHAPTER 8

WATER SERVICE RATES AND REGULATIONS

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| Deficiency As Authorized By Minn. Stat. § 103G.291, Subd. 1 and 2

Section 8.010 Water Meters

The Contractor shall install two water meters on the premises of each water consumer within the City to determine the volume of water used by each consumer and the amount of the monthly bill to be paid by water consumers. Cost of the meters shall be periodically set by resolution of the City Council.

Section 8.020 Rates

The water rates will be set periodically by resolution of the City Council as deemed necessary. Notice of proposed rates shall be published in the official newspaper at least ten days before the resolution is considered by the Council.

Late fees for utility bills shall be the greater \$5.00 or 5% of the outstanding utility bill balance. (Adopted by Council August 4, 2014)

Section 8.030 Statement and Penalties

Statements shall be computed and issued monthly on or about the 2nd day of each month, and shall be payable on or before the 25th day of the month. Statements include water, sewer, storm drainage, refuse, and recycling, and shall be added to the past due and delinquent bills. Bills paid after the 25th of each month are subject to a penalty set forth by the City Council. Penalties will be added to each monthly balance. Failure to receive a bill will not excuse payment.

Section 8.040 Billing Complaints

If water consumer files with the City Council a written complaint alleging that the billing for water and sewer service has been excessive, the Council shall cause to have the water meter checked by competent personnel. If the meter check results in a determination that the meter is accurate, the water consumer shall pay for the cost of said water meter check and shall be responsible for payment of the unused balance of the billing.

If the meter check results in a determination that the meter was not correct, the City shall bear the cost of such meter check and shall adjust the water billing for the consumer accordingly. Such adjustments shall be made only for a period of three months immediately preceding the filing of the written complaint by the water consumer.

Section 8.050 Unpaid Utility Bills

Subd. 1. Past Due. Any consumer who has an unpaid utility bill at the end of the business day on the 25th of each month shall be considered past due. All past due accounts shall have applied the late fee amount that is set by resolution by the City Council from time to time. (~~08-07-2017~~*Adopted by City Council August 7, 2017*)

Subd 2. Delinquent. Accounts 30 days or more past due shall be considered “delinquent” and shall receive a disconnection of water service notice, sent by regular

United States Postal Service mail, allowing them 14 days to pay past due and delinquent charges in full. If past due and delinquent charges are not paid in full within 14 days, water service will be disconnected and a reconnection fee will be imposed. (08-07-2017)

Subd. 3. Disconnect. Accounts which have their water service disconnected due to nonpayment shall have a reconnection fee, which will be determined by the “Fee Schedule” adopted by resolution of the City Council, applied to their account. Accounts which have been disconnected for nonpayment shall pay a minimum of the past due amount, the delinquent amount, and the reconnection fee prior to having water service reconnected.

Subd. 4. Cold Weather Rule. Will only apply if water utility is the primary heat source. The renter(s) or property owner will have fourteen (14) days from the day the “Notice to Disconnect” is sent by regular United States Postal Service mail to set up a payment plan with the City.

Subd. 5. Assessment. On or before November 1 of each year, any utility billing which includes water, sewer, storm sewer and refuse, not paid within the time limits above specified timeline may have service discontinued to the dwelling. The City Council may then assess such charges against property benefited as a special assessment, pursuant to the provisions of Minnesota Statutes, Chapter 429, for certification to the County Auditor and collection together with current property taxes for the following year.

Subd. 6. Dishonored Checks and Payments. A service charge, not to exceed \$30.00, will be imposed immediately on any dishonored check by the payee of holder of the check or rejected Automated Clearing House (ACH) transactions by the payee of holder of the check or account, regardless of mailing a notice of dishonor. Dishonored check holders will be notified by regular United States Postal Service mail of the dishonored check or rejected Automated Clearing House (ACH) transactions.

If the dishonored check or payment is not paid within 30 days after mailing of notice of dishonor, additional penalties may be imposed. This can be as much as the amount of the check plus a civil penalty up to \$100.00 or the value of the check, whichever is greater. If a dishonored check or payment is issued to bring an account current following a notice of disconnection of service, water service shall be disconnected immediately, without prior notice. The service charge and reconnection fee, plus the delinquent and past due balance on the account shall be required to be paid in full, by cashiers check, money order, or cash payment prior to reconnecting service.

If a resident issues two (2) dishonored checks or two (2) rejected Automated Clearing House (ACH) transactions within a six (6) month period, all future utility bills must be paid in cash or by cashier’s check or money order. Re-establishing the use of checks or Automated Clearing House (ACH) transactions will be determined by the City Administrator.

Section 8.060 Reading Water Meters

City staff shall read water meters once per month.

Section 8.070 Connection Made by City; Charges

Subd. 1. All street excavations shall be made, taps driven, corporation cocks inserted, pipes installed from main to property line and the curb cock installed in an iron box to which the service pipe is to be connected, under the direction and general supervision of the Public Works Department. No one may commence any of the work contemplated by this Chapter without first obtaining a permit from the City.

No permit to connect any property with the water system of this Municipality shall be granted unless such property abuts upon a street or alley in which water mains are laid, without permission from the City. Before a permit may be issued to a consumer, they must deposit the amount of the connection fee to the City. The connection fee will be set periodically by resolution of the City Council as they deem necessary.

Subd. 2. The user shall make all excavations necessary up to the City main in the street and will fill all excavations and trenches made in the street. When the user certifies that the work is complete and the road has been returned to its original condition, the City, or a duly appointed agent thereof, shall inspect the work. If the work is not approved the user shall correct the deficiencies designated by the inspector.

Section 8.080 Construction of Service Connections

Subd. 1. No one except regular employees of the Public Works Department of this Municipality, or plumbers approved, authorized, and licensed by the State of Minnesota shall do any plumbing work on any pipes connected or to be connected to the Municipal Water System.

Subd. 2. All service pipes shall be of drawn copper, standard strength or pex piping with tracer lines. Corporation cocks and stop shall be of brass couplings. The stop shall be enclosed in a substantial iron case (valve box), extending upward to an elevation flush with the ground or street surface and shall be enclosed in a substantial iron case covered with a tight-fitting iron lid.

All service connections, unless otherwise directed by the City, or an authorized representative, shall be placed at an elevation not less than six and one-half feet (6 ½') feet beneath the finished grade of the street or private property in which the connection is made.

Section 8.090 Connections Made by Property Owners

No connection shall be made by a property owner unless a permit for making same has been issued to him from the properly authorized City official. Such connection shall be made by the use of material specified to be used by the City before backfilling of excavated material removed for the making of the construction.

Section 8.100 Consent to Regulation

Every person applying for water service from the City system, and every owner of property for which application is made, shall be deemed by such application to consent to all the rules, regulations and rates contained in the ordinance of the City and to all modifications thereof and to all new rules, regulations or rates duly adopted.

Section 8.110 Separate Connections

Unless special permission is granted in writing by the Council of the City, every premise served by any utility owned by the municipality shall be a separate and distinct service connection. All service connections shall be made and installed according to regulations established thereof.

Section 8.120 Joint Use of Single Service Connections

Subd. 1. Serving water to more than one family or business establishment from one service connection is permitted upon approval by the City, and the issuance of a permit granting the same.

Subd. 2. In buildings occupied by more than one family or business enterprise residing in separate apartments or living or business quarters and water is obtained from one service connection, the owner or the duly appointed agent having jurisdiction of the building thus occupied, shall first obtain a permit from the City or other authorized person as designated by the City Council to serve water to the premise.

The owner or agent shall pay for each lining or business establishment for water service and us the same rate per month and per quarter as that established and collected on other water services in this ordinance applicable to a service connection serving one family or business only are applicable hereto.

Section 8.130 Accounts in Name of Property Owner

Subd. 1. Applications for services hereunder shall be made upon forms provided for that purpose by the City. All accounts shall be carried in the name of the owner who personally, or by his authorized agent, shall apply for such service. Said owner shall at all times be liable for water service consumed upon the premises whether he is occupying the same or not.

Subd. 2. A new resident shall notify the City within 7 days of occupying a property. Failure to do so will result in immediate disconnection of service. A reconnection fee shall be paid in full before service is restored.

Section 8.140 Fire Emergency

It is hereby declared unlawful for any person in the City or any person owning or occupying premises connected with the City water system to use any water from the system during fire, except for the purpose of fighting the fire or the permit any faucet, tap or outlet to remain open; and upon the occurrence of a fire, it shall be the duty of every person to see that all such outlets are tightly closed so that no water is used except for necessary household purposes.

Section 8.150 Taking Water Without Authority

It is hereby declared a misdemeanor or punishable upon conviction thereof by a fine not to exceed state limitations, or by imprisonment for not to exceed state limitations, or both such fines and imprisonment for any person, firm or corporation to take any service described herein without proper authority thereof.

Section 8.160 Right to Discontinue Service Reserved

The City reserves the right to discontinue services of water without notice when same is necessary in the repair of the system, or any part thereof, or for nonpayment of bills.

Section 8.170 Right to Declare Watering Bans

The City Administrator or designee has the right to implement restrictions on outside water use during emergency periods as he/she see fit. Upon the declaration of an outside water ban defined herein, the City Administrator or designee, in the discretion of such person, declares that an emergency exists, whereupon such person shall notify area radio stations and other forms of media and request that such media cooperate with the City in giving notice of such water ban to the community.

SECTION 8.180 Wellhead Protection

Section 8.18 The City of Eagle Lake is required to comply with the State mandated wellhead protection program. The City must protect the aquifer from contamination from private as well as public sources within its jurisdiction. The City must also protect the public water system from contaminating cross-connections made from private wells. These connections are very hard to regulate. For that reason, the City of Eagle Lake prohibits the installation of private potable water wells where city water is provided within a reasonable distance. This does not include wells in existence at the time of this ordinance is adopted. A licensed well contractor must properly seal any existing private wells that are not being used or are abandoned.

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Property owners with special circumstances may seek approval from the City Council for permission to drill a new private well. (01-05-2015)

SECTION 8.190 Regulation of Nonessential Water Usage Upon Critical Water Deficiency as Authorized by Minn. Stat. § 103G.291, Subd. 1 and 2

Subd. 1. Purpose. This ordinance established water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291.

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Subd. 2. Definitions

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- A. Clerk. In statutory cities means the person assigned duties pursuant to Minn. Stat. § 412.151.
- B. Department. Means the city water department.
- C. Emergency. Means the declaration of a critical water deficiency by the governor.
- D. Irrigation. Means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.
- E. Notification to public. Means notification through local media, including interviews and issuance of news release.
- F. Public water supplier. Means the city or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, subdivision 4.
- G. Reclaimed water. Means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.
- H. Water recirculation system. Means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

Subd. 3. Application.

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- A. This ordinance applies to all customers of public water suppliers who own or control water use on any premises.

B. No person shall make, cause use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provisions in this ordinance.

C. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

Subd. 4. Declaration of critical water deficiency.

Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the city council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans, emergency response plans and procedures.

Subd. 5. Mandatory emergency water conservation measures.

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Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

A. Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.

B. Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.

C. The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

D. Restaurants and other food service establishments are prohibited from serving water to their customers unless water is specifically requested by the customer.

E. Operation of outdoor misting systems used to cool public areas is prohibited.

F. The filling of swimming pool, fountains, spas, or other exterior water features is prohibited.

G. The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

Subd. 6. Variances.

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The City Clerk or their designee, is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a

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customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council in final.

Subd. 7. Violation.

A. Violations shall be determined and cited by the City Clerk or his/her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

B. Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall described the remedy and fines for future violations.

C. Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

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