

ORDINANCE NO. 6.04

AN ORDINANCE RELATING TO THE USE OF WATER FROM MUNICIPAL WATER SUPPLY, AND PROVIDING PENALTIES FOR CERTAIN VIOLATIONS.

THE CITY OF ROYALTON ORDAINS:

SECTION 1. When used in this ordinance, unless the context otherwise Requires--

- (a) **“Agriculture”** shall mean farming in all its branches.
- (b) "City" means City of Royalton or its officers or employees authorized to perform the function to which there is reference.
- (c) "Application" means an application in writing for a permit to connect to the City water works.
- (d) "Permit," means the act of the Council granting permission to connect to the City water works, and also the permission so granted which continues until withdrawal or suspension thereof.
- (e) **“Municipality”** means any town, consolidated town and city, consolidated town and borough, city, borough, and village.
- (f) “Municipal water system” means all pumps, all water towers, all pipes above or below ground, all fire hydrants and all valves, including curb stops.
- (g) **“Outdoor watering”** shall mean any watering of decorative lawns, trees or shrubbery by water users.
- (h) "Water works" means the entire municipal water system of the City, including without being limited to, water mains.
- (i) "Clerk and Treasurer" mean, respectively, City Clerk and City Treasurer and their duly appointed deputies.
- (j) "Council" means City Council.
- (k) "User" means one to whom a permit is given, or one who has applied for a permit and who subsequently is given a permit.

(l) "Person" means any individual, partnership, association, firm, limited liability company, corporation or other entity, except a municipality, and includes the federal government, the state or any instrumentality of the state, and any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company.

(m) "**State of Public Drinking Water Supply Emergency**" shall mean a State of Public Drinking Water Supply Emergency declared by the Minnesota Department of Public Health in consultation with the Department of Environmental Protection, and the Department of Public Utility.

(n) "**State of Water Use Restriction**" shall mean a State of Water Use Restriction declared by the municipality pursuant to Section 5 3.0 of this ordinance.

(o) "**Water Users**" shall mean all persons or municipalities using water from any public water source irrespective of that person's responsibility for billing purposes for use of the water.

(p) "Connect (or Connection)" means or refers to physical connection between a person's private water installation and water works in a manner which will make service possible.

(q) "Notice" means a notice in writing directed to the use affected for the time required by this ordinance which states briefly the conditions which is the reason for the notice and the consequences which will result upon failure to correct that condition within the period of the notice. A notice shall be deemed given when either it is personally served on the user to whom directed or is mailed to him at the address shown in his application.

SECTION 2. CONNECTIONS.

(a) No person may connect to the City's water works or be connected to the City water system or have service without a permit and shall pay such charges and deposits as the City shall, from time to time, establish each year in the fee schedule.

(b) The person desiring a permit shall apply to the City in writing on such a form as the City shall, from time to time, establish. Said application shall be accompanied by the amount required for initial connection charges and deposits.

(c) Prior to permitting any person to connect to the City water system, the City may inspect proposed user's premises and in particular the installation to ascertain if such installation and premises are proper and in compliance with all local and state health codes, laws and regulations.

(d) If the service line is made of plastic, a 14 gauge or larger tracer wire must be buried with the line for the purpose of locating the water line in the future. The tracer wire must be brought above grade at the outside of the foundation wall where the water line enters the structure and at the curb stop. If plastic pipe is used only high density polyethylene can be used for a domestic water line. This pipe should be rated for a minimum of 200 psi and meet AWWA C901 and NSF standards. The connection must be a compression type fitting designed for high-density polyethylene pipe.

(e) Prior to burying any service line connected to the City water system a pressure test must be preformed. The line must hold a pressure of 100 psi for 30 minutes. This must be recorded by either the City Engineer or the City public works department.

(f) The owner or occupant of any structure connected to the municipal water system may not terminate the connection to the water system, and no private well or water system may be used to service the structure, in lieu of or in addition to the municipal water system. No private well may be used to service a structure, once the structure has been connected to the municipal water system.

(g) The owner of every residence, business or industrial building in the City with a municipal water main running by the property shall install, at his own expense, a connection to said water main unless the property is being served by a private well which is not connected to the municipal water system as of the date on which this ordinance is passed by the City Council. However, the owner shall not replace said well should the same become inoperable, but shall connect the premises to the municipal water system in lieu of replacing said well.

SECTION 3. ACCOUNTING, BILLING AND COLLECTING.

(a) All accounts shall be carried in the name of the owner or lessee. In any event, the owner of the property shall be liable for water, sanitary sewer and charges for solid waste and recycling services 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) The rate for water, sanitary sewer service and solid waste and recycling services together with disconnection fees, reconnection fees, delinquent charges and interest shall be assessed according to the current fee schedule. Said schedule shall remain on file with the City Clerk.

(c) Bills and delinquent accounts: All charges for City water service, sanitary sewer service and solid waste and recycling services shall be due by the 25th of each month or the total bill shall be considered delinquent. The owner of the premises

shall pay all charges when due. The City reserves the right to turn off the water at any time for non-payment of any proper charges. There shall be established a shut off fee and reconnection fee, to be paid in full prior to the service being reconnected to the City water service. The service shall not be reconnected unless the person pays all delinquent bills. The shut-off fee as well as a reconnection fee shall be assessed according to the current fee schedule. Said fee schedule shall remain on file with the City Clerk.

(d) If a bill is not paid the City has the right to assess the bill onto the property taxes of said premises.

SECTION 4. MAINTENANCE OF SYSTEM.

(a) RIGHT OF ENTRY. By accepting utility services from the City, each consumer consents that the City may enter in and upon private property at all times reasonable under the circumstances for the purpose of reading, inspecting, and repairing meters or the utility system, and for the purpose of connecting and disconnecting service. If the City is denied access to the property for purposes consistent with this subdivision, the City may take any and all actions available to it under Minnesota State and Federal law to enforce its right to access, including legal action. Any consumer who wrongfully denies access under this subdivision will be responsible for the costs, including attorney fees, associated with the City enforcing its rights. These costs will be billed to the consumer and if it remains unpaid after 6 months will be assessed as tax against the property upon which the utility is located, provided sufficient notice of such assessment is given to the consumer and landowner.

(b) Discontinuance of service: The City may discontinue service to any water consumer without notice for necessary repairs or for non-payment of charges or a violation of rules and regulations affecting the utility service.

(c) Repair of leaks: The consumer or owner shall be responsible for maintaining a service pipe from the curb stop into the building served. If the individual fails to repair any leaks in such service pipe within twenty-four (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 the notice if repair is not commenced immediately.

(d) Repair of private lines: The consumers or owners hooked to a private line shall repair or replace, at their expense, any private line. The repairing of a private line shall occur only with the intent of replacing said line as soon as weather permits. At the time of replacing a private line said line shall be brought up to City code and turned over to the City. If a private line fails the City may turn off the water until the line is fixed.

SECTION 5. RESTRICTED HOURS.

1.0 Purpose

The purpose of this section is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Use Restriction by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the City of Royalton or by the State of Minnesota.

2.0 Declaration of a State of Water Use Restriction

The City of Royalton, may declare a State of Water Use Restriction. Such a declaration should be, where appropriate, conditioned on the identification of an emergency or water shortage by the City of Royalton, the local health department, a state agency or the governor, which could also include or be limited to the restrictions listed in Section 4. Public notice of a State of Water Use Restriction shall be given under Section 6 of this ordinance before it may be enforced. After implementation of any state of water use restrictions, the Department of Public Health and the Department of Environmental Protection should be notified in writing within 14 days of the implementation of restrictions. These restrictions can be phased-in to tailor them according to the severity and nature of the water supply emergency.

3.0 Restricted Water Uses

(a) In the event that a water emergency declaration by the City of Royalton, the State of Minnesota and/or the Minnesota Department of Public Health the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply will be applied to the residents and businesses. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 4. Please note, the following restrictions are listed to serve as examples of the types of water use restrictions that may be implemented. Other measures may be taken if deemed necessary and appropriate by the City Council:

(b) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited, except lawn watering is permitted in order to establish and maintain newly laid sod or newly seeded grass associated with new construction, and the testing of a customer's newly installed or newly repaired sprinkler system by a commercial enterprise engaged in the installation or repair of lawn irrigation systems is permitted.

(c) Car washing: Car or vehicle washing is prohibited, except for the washing of vehicles performed by a commercial enterprise engaged in car washing.

(d) Loss of water from customer's service line: The loss of water through breaks or leaks within the customer's service line, private distribution system or plumbing for any substantial period of time within which such break or leak should reasonably

have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the water company of a break or leak is a reasonable time within which to correct such break or leak or, as a minimum, to stop the flow of water from such break or leak.

(e) Off-Peak Outdoor Watering: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a Water Use Restriction and public notice thereof. Outdoor watering is restricted to the hours between 8:00 p.m. and 6:00 a.m. on even and odd days. During a declared water restriction residents/businesses with even numbered addresses are allowed to do outdoor watering on even numbered dates and residents/businesses with odd numbered addresses are allowed on odd numbered dates. **No outdoor watering is allowed on the 31st day of a month (e.g. July 31).** (In general, restricting outdoor water use to between sunset and early morning is best for turf needs and coincides with off peak hours.)

(f) Outdoor Watering Ban: Outdoor watering is prohibited, except the watering of agricultural products, sod at commercial sod farms, and the watering of nursery stock at nurseries or retail outlets is permitted.

(g) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.

(h) Swimming Pools, Wading Pools, Hot Tubs, Spas, and Jacuzzis: Filling and topping off of swimming pools, wading pools, hot tubs, spas, and jacuzzis are prohibited, unless newly constructed or installed swimming pools, wading pools, hot tubs, spas, and jacuzzis that may be filled once upon completion of construction or installation.

(i) Use of water for firefighting, health, sanitation, & medical purposes. The use of water for firefighting, health, sanitation, or medical purposes shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.

(j) Other outdoor uses. The use of private wells or other outdoor uses not addressed in this ordinance that are in the determination of the City of Royalton or its designated representative are considered wasteful, are prohibited.

4.0 Notification

(a) State of Water Use Restriction

Notification of any provision, including any restriction, requirement or condition imposed by the City of Royalton as part of a State of Water Use Restriction shall be published by the City of Royalton in a newspaper of general circulation within the municipality, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Use Restriction. Notification of the State of Water Use Restriction shall also be provided to the Minnesota Department of Public Health at the same time that notification is given.

(b) State of Public Drinking Water Supply Emergency

When a State of Public Drinking Water Supply Emergency is declared by the City of Royalton, the State of Minnesota and/or the Department of Public Health, the City shall follow those procedures outlined in its approved **Emergency Contingency Plan**. In the event water use restrictions are necessary the appropriate notice to the public shall be provided in accordance with Section 4(a) of this document.

5.0 Exemptions; Application for a waiver

Any such water users that consider the restrictions, as imposed, to adversely affect their livelihood, health or sanitation, may make written application for a waiver. Any such application should be directed to the attention of the City of Royalton. The City of Royalton will verify that the applicant is a user within the system and then forward the application, within three days, to the Director of Public Works who then makes the determination whether a waiver should be granted. This decision shall be made within three days of receipt of the application by the Director of Public Works.

SECTION 6. MANDATORY HOOK-UP.

With the exception of currently constructed residences located adjacent to a public street, alley or right-of-way in which a public water main is located, which are not connected to such water main, the owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes which are situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a Municipal Water System of the City, shall be required at the owner(s) expense to install a service connection to the Municipal Water System, in accordance with provisions of this Ordinance, within 90 days of the date said water system is operational, provided said Municipal Water System is located in any street, alley or right-of-way adjacent to where said structures are located. All currently constructed residences and/or businesses located adjacent to a street, alley or right-of-way on which a public water main is located that are not connected to said water main will not be required to connect to said system until the well servicing the real estate needs to be or is replaced.

SECTION 7. PENALTIES.

(a) Violation of this ordinance and in particular the operation of a shutoff valve curb box by any unauthorized person or tampering with any water meter with the intent to make the meter register inaccurately shall be a penal offense. Upon conviction for any such offenses, the penalty shall be a petty misdemeanor. Conviction shall not preclude civil liability to the City for water illegally used or for damage caused by the illegal act.

(b) The City of Royalton, (through its public works directory, building inspector and/or local police) may enforce this ordinance. Any person violating this ordinance shall be liable to the municipality in the amount of up to \$100.00 for the first violation and up to \$200.00 for the second violation. Third and subsequent violations shall require a mandatory court appearance in addition to a fine assessment of up to \$500.00. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition. In extreme cases, the City of Royalton may order the water service to be curtailed. When enforcing water curtailment, consideration will be given to customers that have multiple tenants or at risk individuals.

This ordinance shall supersede and repeal all prior and consistent ordinances. This ordinance shall be effective upon passage and publication required by law.

DATED: **February 3, 2015**

CLERK

MAYOR