

**Ordinance 2013-01
Adopted February 4, 2013**

Chapter 38

UTILITIES*

* **State Law References:** Municipal utilities, Minn. Stats. § 412.321 et seq.

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ARTICLE I.

IN GENERAL

Secs. 38-1--38-18. Reserved.

ARTICLE II.

WATER SYSTEM*

* **State Law References:** Municipal water system authorized, Minn. Stats. § 412.221, subsds. 11, 31.

DIVISION 1.

GENERALLY

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Sec. 38-19. Use of Water Service Restricted.

No person shall make or use any water service connection to the city water system except pursuant to the provisions as described within this chapter.

Sec. 38-20. Service Connections.

No person shall make or cause to be made any connection to the city water system, until they have complied with and satisfied the requirements identified within this ordinance.

(a) *Building / Plumbing Permit required.* No connection shall be made to the city water system without a permit received from the City. The fee for each permit shall be in the amount established by the city and shall include the cost of inspection, one or two shut-off valve (s) and one or two meter installation device (s), and associated parts. The fee for larger metering devices shall be set by the city council. The public works department or an authorized agent of the City shall inspect the service connection. The trench shall not be filled until after the inspections have been made and approval, in writing, has been obtained from the City. This fee shall be in addition to any fees required under subsections (b), (c) and (d) of this section.

(b) *Service Line Connection.* When a connection requires installation of a service line from the main to the property line, the applicant is required to obtain a Right of Way Permit. The Applicant shall make a deposit with the City as prescribed within the City's fee schedule, and shall comply with all conditions described within the ROW permit prior to any work commencing. All installation and connection of water lines shall be performed by persons or organizations holding valid Licenses and /or Permits as maybe required of the City.

(c) *Certifications.* No permit shall be issued to connect with any water main until the applicant certifies to the truth of one of the following or the payment required under subsection (d) of this section is made:

- (1) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course;
- (2) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
- (3) That if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

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(d) *Additional connection fee.* If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the city council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage. Where the assessable cost cannot be determined, the charge shall be fixed at an amount established by the city.

Sec. 38-21. Connection to public water required.

All new homes or buildings shall connect to the municipal water system if water is available to the property. Except where municipal water is not available, it shall be unlawful to repair or construct any private water system which is designed or intended for human consumption where contamination is such that the water from said well is no longer potable. Private wells, to provide water for other than human consumption, may be constructed.

Private wells, used for human consumption, must be abandoned after connection is made to the municipal water supply. If abandonment is not made pursuant to this chapter, a charge shall be made in an amount established by the City Council. Private well abandonment shall consist of:

- a) The well pump and tank shall be disconnected from all internal piping;
- b) Well sealing shall be done by a licensed well contractor as required by state law;
- c) The casing shall be sealed by pumping a grout mixture into the well;

Within 30 days after the municipal water connection is made, the owner or occupant must advise the Public Works Supervisor that the well has been sealed.

Sec. 38-22. Discontinuance of service.

The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in subsection 38-52(d) for nonpayment of charges, or for violation of rules and regulations affecting utility service.

(Ord. No. 3.01, § 2.01, subd. 1, 7-5-1978)

Sec. 38-23. Supply only one building per pipe; exception.

No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of a building separately supplied shall have a separate curb stop and a separate meter.

(Ord. No. 3.01, § 2.01, subd.2, 7-5-1978)

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Sec. 38-24. Turning on water, tapping mains by authorization only.

No person except an authorized city employee shall turn on any water supply at the curb stop or tap any distributing main or pipe of the water supply system or insert a stopcock or other appurtenance therein without a city permit.
(Ord. No. 3.01, § 2.01, subd. 3, 7-5-1978)

Sec. 38-25. Responsibility for repair of leaks.

The consumer or owner shall be responsible for maintaining the service pipe from the curb stop into the building served. If he fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the sum established by the city has been paid to the city. 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 the giving of notice if repair is not commenced immediately.
(Ord. No. 3.01, § 2.01, subd. 4, 7-5-1978)

Sec. 38-26. Use of fire hydrants.

No person other than an authorized city employee or a member of the volunteer fire department engaged in performance of official duties shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the city. No hydrant can be accessed without the use of a backflow preventer or an air-gap device. All appropriate fees as established by City Council will be charged for the use of the hydrant.

(Ord. No. 3.01, § 2.01, subd. 5, 7-5-1978)

Sec. 38-27. Cross connections prohibited.

No water pipe of the city water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply. When any such connection is found, the public works department shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, the department shall ascertain that no cross connection will exist when the new connection is made.
(Ord. No. 3.01, § 2.01, subd. 6, 7-5-1978)

Sec. 38-28. Watering Ban.

The City, in efforts to conserve water, has established an odd/even watering ban, which is determined by your address. Therefore if your street address is odd, you may then water on odd days. Anyone found in violation of this ban may be fined or prosecuted to the extent allowed under the City's Municipal Code.

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Sec. 38-29. Plumbing regulations.

(a) *Service pipes.* Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than 7 1/2 feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stopcock of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Type K copper or 200 lb. polyethylene tubing, copper tubing size with 3D fittings or compression fitters shall be used for all services unless prior approval is received from the city council. Joints on tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city or authorized agent of the City. Connections with the mains for domestic supply shall be at least one inch. All installations, connections and materials used therein shall meet the standards which are set forth in the state building code and state plumbing code.

(b) *Water meter setting.* Every water meter shall be installed in accordance with the following provisions:

- (1) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop valve shall be 12 inches above the floor.
- (2) The bottom of the meter shall be between six inches and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the city council.
- (3) Each meter installation shall have a stop valve on the street side of the meter furnished by the city. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop valve.
- (4) The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.
- (5) Meter setting devices for five-eighths-inch by three-fourths-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop valve on the street side.

(c) *Location of curb stops.* Curb stops shall be installed generally where desired by the owners of occupied properties, outside of the driveway area, but they shall be placed as near as possible to the right-of-way line if on a street or within one foot of the alley line if the main is located in the alley. They shall be installed at an approximate depth of 7.5 feet below the established grade and shall be left in an accurate vertical position when backfilling is completed.

(Ord. No. 3.01, § 2.03, 7-5-1978)

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Secs. 38-30 -- 38-48. Reserved.

DIVISION 2.

**WATER AVAILABILITY, USER RATES AND CHARGES; BILLING AND
COLLECTION**

Sec. 38-49. Annual Review of Rates and Charges.

Whereas the City of Clearwater annually will review user rates and charges for services, and shall by ordinance make any changes deemed necessary to those rates and charges to meet the needs and demands of the utility service. Further the City shall also adopt policies by resolution from time to time to define procedures that will be followed for the billing and collection of such fees.

Sec. 38-50. Water Availability

(a) Water availability charge (WAC). The availability charge is for the purpose of providing funds for the city's water system for the payment of capital charges and to finance costs of additions and expansions to the facility. Said charge shall be in addition to any other previous or future charge or assessment levied against the property.

1. **Payment Required Prior to Connections:** Prior to the issuance of the applicable permit and before connection to the City water system, a city availability charge as hereinafter provided shall be paid.
2. **Determination of Charge.** The amount of the water availability charge shall be determined by the City by first determining the number of Equivalent Residential Units (ERU's) applicable to the particular property. ERU's shall be determined by the Metropolitan Council Environmental Services (MCES) Appendix A. For each ERU, one availability charge will be collected.
3. **Additional Building Permit:** If, after the initial availability charge is paid, an additional building permit is issued, the use of the property changes, or new water connection is made, the availability charge shall be recalculated and any additional charges shall be paid.

Sec. 38-51 User Rates and Charges.

The user rates and charges are intended for the purpose of providing funding for the ongoing maintenance and operation of the city's water system. These fees are billed to the user on a monthly basis, and are set annually by City Ordinance.

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(a) *A Base Fee*, charged on a monthly basis, shall correlate to the number of ERU's allocated to the property. The City shall calculate the average residential use on a biennial basis (every 2 years) for a 12 month period; that average usage will then become one (1) ERU and will not change until the next biennial calculation. For the purpose of this ordinance the first calculation shall be done for the 2015 billing cycle using the 12 month period of June 2013 through May 2014; the next calculation would then be done for the billing cycle of 2017, using the 12 month period of June 2015 through May of 2016; and so on. For all nonresidential properties, their annual usage shall be divided by the average ERU to determine their number of base fees to be collected monthly. However, until one full year's use is established the base fee shall correlate to the MCES Appendix A determination.

(b) *The Demand Charge*. In addition, each water user shall pay for water used each month based upon the schedule adopted by the City.

Sec. 38-52. Accounting, billing and collecting.

(a) *Accounts in name of owner; liability*. All accounts shall be carried in the name of the owner. The owner shall be liable for water supplied to his property, whether he is occupying the property or not, and any charges unpaid shall be a lien upon the property.

(b) *Bills for service*. Water service charges shall be distributed to the responsible party on a monthly basis and shall specify the water consumed and the water charges in accordance with the adopted rates.

(c) *Delinquent accounts*. All charges for water service shall be due on the due date specified by the city for the respective account and shall be considered delinquent if not paid on that due date. If payment is considered delinquent there shall be a penalty added to the amount due, as established by the City Council. In any case, where satisfactory arrangements for payment have not been made, the public works department may, after the procedural requirements of subsection (d) of this section have been complied with, discontinue service to the delinquent customer by shutting off the water at the curb stop. When water service to any premise has been discontinued, service shall not be restored except upon full payment of all delinquent bills, including the penalty, and a fee as established by the city. Delinquent accounts shall be certified by the utility billing clerk who shall prepare an assessment role each year providing for assessment of the delinquent accounts, including penalties, against the respective property served, to be presented to the City Council for approval. The approved assessment role shall be certified to the county auditor as defined by State Statute for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts

(d) *Procedure for shutoff of service*. Water shall not be shut off under subsection (c) of this section or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be served upon the occupant of the premises by mail. Notice shall also be sent by mail to the owner of the premises at the address shown on the deed

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recorded with the county recorder for the county and to the party at the address shown on the most current real estate tax statement on file with the county auditor for the county. The notice shall state that if payment is not made before a date stated in the notice but not less than ten days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the city council at a time and date identified in the notice. If as a result of the hearing the city council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this division, the city may shut off the supply.
(Ord. No. 3.01, § 1.05, 7-5-1978; Ord. No. 82-2, § 1, 6-7-1982; Ord. of 6-17-1996, § 1.05)

Sec. 38-53. Meters.

(a) *Required; authorization for connection.* Except for the extinguishment of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the City Council or the public works department shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

(b) *Installation.* All meters, including a second meter, shall be installed through the permit process as defined in Section 38-20 (a), and in accordance with the provisions specified in Section 38-29 (b).

(c) *Maintenance.* The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

(d) *Complaints; meter testing.* When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If the consumer remains dissatisfied, they may request a meter accuracy test by submitting a completed request form and the associated fee(s) as established by the city. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

(e) *Deemed city property.* All water meters and remote readers shall be and remain property of the city and may be removed or replaced as to size and type when deemed necessary.

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(f) *Readings and inspections.* Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

(g) *Excessive changes in usage.* If during the billing process it is determined that there may be either excessive water usage, or water usage has declined considerably based on past history of water usage at that location, city staff may contact the property owner , or inspect the premises.

(h) *Tampering.* Any person who violates any provision of this article, alters the operation of the meters or in any way tampers with the flow of water through the meter, shall be guilty of a penal offense and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment for a period of time not to exceed 90 days, or both; provided, however, that if a different punishment be prescribed for violation of a specific portion of this article, such provision shall govern the punishment for such violation.

(Ord. No. 3.01, §§ 2.02, 3, 7-5-1978)

(i) *Final Readings.* It shall be the responsibility of the consumer to notify the City to request a final reading at the time that the property ownership changes.

Secs. 38-54--38-75. Reserved.