

CHAPTER 52: WATER SERVICE

Section

- 52.01 Licensed Plumber Required
- 52.02 Water Permits
- 52.03 Establishment of Connection Charge
- 52.04 Completion and Connection with City Water System
- 52.05 Inspection Prior to Connection
- 52.06 Inspection of Repairs; Liability for Repairs
- 52.07 Rates
- 52.08 Storm Water Utility

§ 52.01 LICENSED PLUMBER REQUIRED.

No drains, sewers, or water mains may be installed in the City to connect to a public sewer or water main, except by a licensed plumber. Any person desiring a connection to the City sanitary sewer system or water main must make an application for a connection permit to the City Clerk, together with payment of applicable fees as set by the City's fee schedule.

§ 52.02 WATER PERMITS.

(A) All applications for water connection permits shall be made to the City either at City Hall or the Public Works Department by the owner of the property where the work is to be done or the owner's agent. Applicants shall be made on the City's application form. In the case of new installation, applications must be submitted at least three days before work is started. If the proposed water system complies with the provisions of the Minnesota Plumbing Code and City Code and is satisfactory to the City, the permit shall be approved. City staff, before approving the permit, may add such other restrictions and conditions to the permit as are necessary in order to secure the construction of satisfactory water service in compliance with all requirements of law.

(B) After such application has been approved by the City and the applicant has paid to the City the applicable fees and charges, the Public Works Director or the Water Superintendent must sign the permit by affixing his or her signature on the blank provided for that purpose. Before a permit is issued, the applicant requesting the permit must pay the fee set by the City's fee schedule for each location covered by the permit.

§ 52.03 ESTABLISHMENT OF CONNECTION CHARGE.

(A) A connection charge shall be charged for each connection to the City water system that is to be used by the City for the operation, maintenance, and depreciation of the City water system. The amount of the connection charge shall be set by the City's fee schedule. The charge must be paid to the City when obtaining the building permit and prior to the connection to the City's water system. The charge must be paid for every connection from each lot, dwelling unit, commercial and industrial building, or other structure, whether made directly or indirectly. The charges are established and imposed, pursuant to Minnesota Statutes Section 444.075 and are in addition to, and not in lieu of, monthly water utility charges or special assessments for the construction of water system improvements otherwise imposed and established by the City.

(B) For a property owner who will be charged for five or more connection charges at a single time, the City may, upon receiving a signed petition and waiver agreement from the property owner, levy the charges as a special assessment against the property. The charges will then be collected with the real estate taxes for the property in equal annual installments of principal over a term not to exceed five years with interest on the unpaid balance thereof to be charged at a rate to be determined by the City.

§ 52.04 COMPLETION AND CONNECTION WITH CITY WATER SYSTEM.

The person to whom the water construction permit is granted may proceed with the construction of the water line. The Water Superintendent must be notified of the progress of the work at such stages in the course of construction as he or she may direct and in particular, the Water Superintendent must be notified when the construction of the water line is complete and ready for connection with the City water system.

§ 52.05 INSPECTION PRIOR TO CONNECTION.

Before connection to the City water system is made, and if the water line is satisfactory to the Water Superintendent in all respects and complies with all the City's requirements, the Water Superintendent shall sign the permit and the property may be connected with the City water system.

§ 52.06 INSPECTION OF REPAIRS; LIABILITY FOR REPAIRS.

(A) *Inspection.* In the case of repair or extension of existing water lines or any work not requiring any tapping of or connection with the City water system, after approving the street opening and water connection permit, the Water Superintendent must inspect the work. The work must be done satisfactorily and in compliance with the law before any excavations are filled in.

(B) *Liability for Repairs.* After the initial connection has been made to the water main, the owner, occupant, and other users of the premises will be liable for, but the City may perform, in its sole discretion and subject to the receipt of permission and a right of entry agreement, except in cases of emergency affecting the public health, safety and welfare, all leak-associated repairs between the water main and the structure located on the premises. It is in the sole discretion of the City to repair or replace the leaking water service line. The City may, in its sole discretion and subject to the receipt of permission and a right of entry agreement, except in cases of emergency affecting the public health, safety, or welfare, also repair or replace any broken, leaking, or malfunctioning curb stop boxes. This program permitting City repair between the water main and the structure located on the premises will be funded by an additional utility fee. The City Council will establish and adopt the amount of this fee in the City's fee schedule. The City Council will also set forth any eligibility requirements and opt-out provisions by separate policy. This service shall be provided to all single family, duplexes, four plexes and townhouses. Large apartment complexes and commercial and industrial properties are not included in this program. For any repairs performed by the City, the City will not be responsible for the restoration of the excavation site, including, but not limited to, seeding or placement of sod, trees, shrubs, flowers, underground irrigation, or any other improvements not specifically mentioned herein which may be disturbed, destroyed, or removed during the repair or replacement of the water service. The City will provide, in its sole discretion, only the initial repair or replacement of any impervious surface, should it be necessary in the performance of the repair of a leak or break of the property's service. Responsibility for maintenance and protection of the curb stop box will be that of the owner, occupant, or other user of the premises, and it will be the responsibility of that person to maintain the curb stop box at such height as will ensure that it will remain about the finished grade of the land or property. Nothing herein will prevent the City from recovering the cost of repairs from the owner, occupant, or other user of the premises or any other party in the event it can be established

that the party was the cause of the damages requiring the repairs.

§ 52.07 RATES.

Water utility rates shall be established by the City Council and set forth in the City's fee schedule.

All water utility accounts must be carried in the name of the property owner, regardless of whether the property owner is occupying the property. In the event that a tenant is occupying the property, the tenant may be added to the water utility account and may pay for the water service, but in the event that the tenant does not pay the charges, any outstanding charges will be the responsibility of the property owner. Any unpaid water service charges may be certified by the City to the county auditor with taxes against the property served for collection as other taxes are collected in accordance with Minnesota Statutes Section 444.07, subdivision 3e.

§ 52.08 STORM WATER UTILITY.

(A) *Establishment.* The storm water utility shall be operated as a public utility pursuant to Minnesota Statutes Section 444.075 from which revenues will be derived, subject to the provisions of this Chapter and Minnesota Statutes. The storm water utility is part of the Public Works Department and under the administration of the Public Works Director.

(B) *Storm sewers.* Every building without a yard adequate to absorb the surface water collected from such building, must be equipped with proper metallic leaders for conducting water from its roof in such manner that protects the building's walls and foundations from damage. The building must be connected to the public storm sewer whenever such sewer exists within 50 feet of the building in any abutting street. The building's leaders must be placed and connections to the storm sewer must be made in a manner that no water flows upon any public sidewalk or damages any street abutting the building.

(C) *Drainage.* No subsoil, foundation, clear water, or absorption tile drains may be connected with the sanitary sewer system.

(D) *Rates.* The storm water utility rates for residential, commercial, small industrial properties shall be established by the City Council and set forth in the City's fee schedule. The definitions of "residential," "commercial," "small industrial" and "large industrial" are as set forth in Sections 51.03, 51.05 and 51.06 of this Code.

(E) *Applicability.* The amounts collected by the City for the storm water utility fee may be used for the following: storm water collection system cleaning and maintenance, street cleaning and street cleaning equipment maintenance, engineering studies related to storm water, curb and street repair where required for proper storm water run-off, and to all operating needs required to maintain and operate the storm water service utility.

(F) *Accounts.* All storm water utility accounts must be carried in the name of the property owner, regardless of whether the property owner is occupying the property. In the

event that a tenant is occupying the property, the tenant may be added to the storm water utility account and may pay for the storm water utility service, but in the event that the tenant does not pay the charges, any outstanding charges will be the responsibility of the property owner. Any unpaid storm water utility charges may be certified by the City to the county auditor with taxes against the property served for collection as other taxes are collected in accordance with Minnesota Statutes Section 444.07, subdivision 3e.

(G) *Inspection.* The City must be permitted to enter and inspect all buildings and property under this section as often as may be necessary to determine compliance with this section. If a person does not wish to allow the City to enter his or her property or building to conduct the inspection, she or she may retain a private inspector to conduct the activity. The private inspector must have credentials that are acceptable to the City. The private inspector shall provide the City with the relevant reports or other information that is being requested. If the City has been refused access to any part of the property from which storm water is being discharged, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter or there is a need to inspect to verify compliance with this Chapter, or to protect the overall public health, safety, or welfare, then the City may seek issuance of an administrative search warrant from any court of competent jurisdiction.

(H) *Disconnections.* Any property owner having a building roof or surface drain who discharges water directly or indirectly into the sanitary sewer system, must, upon notice by the City, disconnect the same, plug the opening of the sanitary sewer, and thereafter comply with this section. The opening into the sanitary sewer must then be permanently plugged.

(I) *Exemptions.* The following land uses are exempt from storm water drainage fees: City right-of-way, vacant unimproved land with ground cover, and land used for parks and recreation.