

City of Lowry  
Ordinance No. 99  
Municipal Water System

An ordinance providing for the operation, management and control of the municipal waterworks system, the construction of additions and extension to same: prescribing rules and regulations for the furnishing of water to private consumers, and providing for the assessment against real property of unpaid water assessments. An Ordinance repealing Ordinance's 51, 56, 60, 61, 85, 89 and that part of 95 that refers to water.

The City of Lowry, Pope County, Minnesota ordains as follows:

**GENERAL PROVISIONS**

The City Council, City of Lowry, shall have general supervision of the existing waterworks systems and any repairs, upgrading, additions or extension to this system.

**1. Use of Water Service; turning water on and off.**

No person other than Water Superintendent or person authorized by the City of Lowry shall uncover, or make, or use any water service installation connected to the city water system except in the manner provided by this ordinance. No person shall make or use any installation contrary to the regulatory provision of this ordinance and no person, except as authorized by the City shall turn on or off any water supply at the curb stop box. No person shall permit water from the water system to be used for any purpose to circumvent this ordinance. 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. 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.

**2. Connection to System required; use of private wells.**

- A. All buildings using or which will be using water service within the city limits shall be connected to the Water System in conformance with this Ordinance. Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system.
- B. All new homes or buildings shall connect to the municipal water system.
- 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 the well is not to be used after the time a municipal water connection is made, the well pump and tank shall be disconnected from all internal piping and the well sealed in accordance with Minnesota State Statutes. Within 30 days after the municipal water connection is made, the owner or occupant must advise the City that the well has been sealed.

**3. Use of Water from Fire Hydrants; Temporary Connections.**

Except for extinguishment of fires, no person, unless authorized by the City of Lowry or Water Superintendent, shall operate fire hydrants or interfere in any way with the water system without first obtaining permission to do so from the city. The user shall relinquish the use of the hydrant to authorized city employees in emergency situations. The user shall also pay a charge as established by Council.

**4. Water Deficiency Shut Off and use Restrictions**

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 by Council.

**WATER REGULATIONS**

**1. Supply From One Service**

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council.

**2. 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 stopcocks or ferrules therein.

**3. Repairs**

- A. The pipes leading from the main, the curb cocks, the inside stops and all equipment leading the water from the main except the corporation cock shall be the property of the owner of the premises and shall by him or by the occupant thereof be kept in repair and

maintained in good working order. If the owner or occupant shall fail to repair and keep in good working order the connection between the main and the meter on the premises, or any part thereof, the Council may order the water supply shut off.

- B. Based on the information supplied by the property owner or available to the city, the city will 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.
- C. The city will 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.
- D. Excavation or repair of water service.
  - (1) The city will 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 will 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 will 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.
- E. 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 shall not be turned on until the leak has been repaired and a fee as set by the Council has been paid to the city.

#### **4. Excavation**

- A. No excavation shall be made until permission for the connection has been granted by the city.
- B. 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.

#### **5. 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.

#### **6. Water Connections; Application and Charges.**

- A. All applications 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. By signing this application, an applicant shall agree to conform to this Ordinance and to rules and regulations that may be established by the City as conditions for the use of any water. The applicant will be responsible for payment of the hook up fee as established by the Council.
- B. Whenever there is an existing lot or a newly formed lot for the purposes of construction of a building having water and sewer services, the owner of this property will bear the cost of hooking the property to an existing water main by putting in the new curb stop as directed by the city.
- C. Water billing shall start at the time of completion of outside piping for new connections or when the water is turned on to supply existing piping with water to a structure. All water usage is required to be metered and billings will be done monthly based on those meter readings.

#### **7. 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 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 so that the top of the curb stop box is level with the finished ground elevation. No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box, or cause damage to the same.

#### **8. Water Meters**

- A. Except for extinguishment of fires, no person or business, unless otherwise authorized by the City Council shall use water from the water system or permit water to be drawn from the water system unless the water is metered by passing through a meter provided and

approved by the city. No person or business not authorized by the City Council or Water 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.

- B. The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter 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 property owner.
- C. All water meters and readers shall be and remain the property of the city.
- D. 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.
- E. 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.

#### **9. Yard Hydrants**

Any yard/house hydrant shall be metered either by the main meter in the house or a separate meter installed on the hydrant. If a person so chooses to have a yard hydrant they may, but it has to be metered. The City will supply a meter and it shall be the responsibility of the owner to maintain that meter. All yard hydrants that are not metered must be locked by the City. If the owner wishes to keep the hydrant they must have a meter installed. The property owner is responsible for the hydrant to the right-a-way or curb stop and the City is responsible from the curb stop to the street.

#### **10. Rates, Fees and Charges**

- A. The Water System for the City of Lowry will be financially managed as an enterprise fund separate from the General Fund. All revenue collected from users of the Water System will be used to off-set all expenditures incurred for annual operation, maintenance and replacement, and for debt service on capital expenditures incurred in constructing improvements or repairs to the Water System. All income of the Water System from user fees, taxes or assessments will be deposited to a separate fund known as the Water Fund. All property owners with water to the building will share the cost of paying for the Water System even if water is not being used in their building.
- B. For billing purposes each single-family dwelling shall be considered one ERU (Equivalent Residential Unit) and each school, church or other public buildings shall be considered one ERU. Apartment buildings or multi-family dwellings will be deemed one ERU per apartment unit or family residence. Each single business shall be considered one ERU for water billing purposes. The owner shall at all times be liable for payment of said billing per ERU whether he/she is occupying the ERU or not.
- C. All accounts shall be placed in the name of the owner of the premises and they shall be liable to pay for the service to their premises. This service is furnished to the premises by the city only upon the condition that the owner of the premises is liable to the city. At the Owners request these utility bills may go directly to a tenant but the owner of the property will always be responsible for the payment of these bills if not paid by the tenant. All bills and notices shall be mailed or delivered to the address requested. Any change or error in address shall be promptly reported to the City Clerk.
  - (1) 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.
  - (2) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue so that the Water System Fund can make the annual bond payment. The minimum amount shall be set with the water rates by Council.
  - (3) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent monthly charges.
  - (4) In the event a user/owner fails to pay the water utility billing when due, late fees as determined by Council will be added to the account. If an account goes unpaid these unpaid utilities can be assessed against the property on which the charges have incurred. These assessed utilities shall be forwarded to the County Auditor for collection with the property taxes.
- D. Water meters will be read by the city and bills will be processed and mailed on approximately the 25<sup>th</sup> day of each month. All water bills are due and payable on or before the 15<sup>th</sup> day of the following month in which the bill was sent. All bills are due and payable every month. Any bill not paid in full by the 15<sup>th</sup> of the month will be considered delinquent. Delinquent owner/occupant will be notified in writing regarding the delinquent bill and possible disconnection of water service. Disconnection of services for late payment shall follow the procedures established by the Council.

- E. The City Council shall establish a schedule of water rates, deposits, fees, penalties and charges for services. This schedule shall be adopted by resolution and may be amended from time to time by the council.

#### **ADMINISTRATION AND ENFORCEMENT**

**1. Supervision by Water Superintendent and or City of Lowry**

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 Water Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Water Superintendent. The water meter installation shall be inspected by The City of Lowry

**2. Inspections**

The Water Superintendent and other duly authorized employees of the city, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this ordinance.

**3. Discontinuance of Service.**

A. Water service may be shut off at any connection whenever:

- (1) The City needs to make repairs
- (2) The owner or occupant of the premises served or any person working on any pipes or equipment which is connected with the water system has violated, or threatens to violate, any of the provisions of this ordinance.
- (3) Any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant served is unpaid.
- (4) Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

B. Disconnection for late payment.

- (1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. That all bills are due and payable each month on or before the date set on the billing.
- (2) That any customer disputing the correctness of his or her bill shall contact the City Clerk or the City Council. This official or the city council shall be authorized to order that the customer\*s service not be discontinued and shall have the authority to make a final determination of the customer\*s complaint.
- (3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with any other fees as established by the Council.
- (4) Cold weather rule. Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, and the customer\*s account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule.

**4. Turning Water on and off**

No person, except the Water Superintendent or person authorized the city shall turn on or off any water supply at the curb stop box.

**5. Liability for Expense, Loss or Damage**

Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation. All penalties for violation of this ordinance will be established by the City Council. A violation of this ordinance shall be a misdemeanor. Each day that a violation continues shall constitute a separate offense.

All ordinance of this City or any provisions in conflict with this ordinance are hereby repealed. This ordinance shall be effective upon its passage and publication summary of its contents according to law.

Adopted by the City Council this 6<sup>th</sup> day of January, 2009.

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Bruce Larson, Mayor

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ATTEST: Lucy Olson, Clerk