

CITY OF NORTH OAKS

ORDINANCE 127

AN ORDINANCE REGULATING WATER SERVICE AND RATES AND PROVIDING FOR COLLECTION OF WATER CHARGES

THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS;

§ 127.01 PURPOSE APPLICABILITY AND AUTHORITY

1) It is the purpose to establish standards for the proper construction, use, operation, maintenance, improvement, reconstruction, enlargement and financing of municipal water systems in order to protect the public health, safety and general welfare.

2) This ordinance shall apply to all centralized water systems in the City of North Oaks serving more than one user, whether publically or privately owned.

3) This ordinance is adopted pursuant to the authority granted in M.S. Chapter 444.

§ 127.02 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

WATER WORKS. Waterworks systems including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants and other appurtenances of a waterworks system.

WATER SPRINKLING SYSTEMS. Any systems used for lawn sprinkling or irrigation.

§ 127.03 ACCOUNTS.

1) All accounts shall be carried in the name of the property owner who personally or by their authorized agent applied for such service. The owner shall be liable for water and any water related service consumed by the property, whether they are occupying the property or not. The owner shall be liable for the water or water related service consumed by the property even if the property is rented or used by other persons.

2) Owners or users of property within those areas where municipal water is available (meaning physically available and deliverable to the property) may not use a non-municipal system or private well for water use without a specific written agreement with the City of North Oaks.

§ 127.04 WATER RATES

1) The rates for water usage shall be determined periodically by the City Council of North Oaks and shall provide an adequate reserve for future maintenance and repairs of the water system.

§ 127.05 BILLING

1) Water usage bills shall be calculated on a quarterly basis based on the preceding quarter's usage. All charges shall be due on receipt and considered delinquent immediately after the due date.

2) A penalty of 10% shall be assessed on the unpaid portions of all bills not paid by date established on the quarterly bill. The unpaid portion and the penalty shall be due immediately. Additional late charges on the past due amount shall be added each billing period the account is delinquent.

3) Any unpaid charges shall constitute a lien against the property and shall be subject to assessment along with any administrative fees on the property owner's property taxes.

4) Tampering with a water meter to avoid charges for water is a violation

of this ordinance. Any person found to have tampered with their meter shall be subject to having their water use estimated and in addition paying an administrative fee for each billing period that has to be estimated.

5) At the written request of a property owner the City shall have the meter tested. The fees for testing shall be paid upfront by the property owner. If the meter is found to be faulty the testing fee shall be returned.

6) City staff shall have the ability to adjust water bills for up to \$250.00 without prior Council authorization.

§ 127.06 WATER CONNECTIONS

1) No water service shall be provided without authorization via a permit from the City.

2) No person shall turn on or off any hydrant or water connection or gate valve to any service main or the water supply at any curb stop without authorization from the City.

3) No more than one dwelling or building shall be supplied from one service connection except by special permission of the City Council.

4) The property owner shall be responsible for the costs of installing a service stub from the water main in the street to the home.

5) Any water access charges (WAC) shall be paid at the time the water connection permit is applied for.

6) WAC charges shall be based on the number of units served. Non-residential units shall be determined by assigning one water unit for each sewer availability charge (SAC) unit assigned to it by the Metropolitan Council Environmental Services.

§ 127.07 SERVICE PIPES

1) The service pipe from the water main to the house is the property of the property owner. This pipe must be protected and maintained by the property owner. Any damage occurring to any part of the pipe between the water main and house is the responsibility of the property owner. In the event the property owner fails to make any necessary repairs to the service pipe immediately after being notified by the City, the city has the authority to disconnect the premises from the municipal water system.

2) The cost of all repairs and/or replacement of any plumbing or service pipes between the water main and the property shall be borne entirely by the property owner. If such repair and/or replacement work is done by the City, the cost of the work shall be assessed against the property owner.

§ 127.08 WATER SHUT OFFS AND TURN ON

1)2) The City shall not be liable for any deficiency or failure in the supply of water to customers whether occasioned by water shutoffs or for any other reason whatsoever.

2) Water may be shut off as part of fire response to insure an adequate supply for firefighting.

3) When making repairs to existing infrastructure or construction of new infrastructure, water may be shut off at any time and kept shut off as long as necessary.

4) Water may be shut off to a property upon intentional violation of any provision of this ordinance after notice by first class mail.

5) Water may be shut off to any vacant property if it is found that running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property after notice by first class mail.

6) Shut offs requested by a property owner may be done by the City after payment of a fee set by the City Council.

7) Turning water back on after it is shutoff is subject to a fee.

§ 127.09 WATER USE RESTRICTIONS

1) Owners or users of a municipal water system for lawn sprinkling or irrigation shall be subject to any restrictions or limitations imposed on said use by the owner of the municipal water system or by State law or Minnesota Courts. Such restrictions may include odd/even water restrictions, restricted hours of use or even a total ban on use of the municipal water system for lawn sprinkling or irrigation.

2) While exceptions from any such restrictions on water use may be granted by the City of North Oaks, such exemptions will typically only include allowing the watering of new sod, trees or landscaping for one season or until they are established.

3) Violations of water use restrictions will result in a warning letter for the first violation and administrative fines for additional violations. Fines will escalate for each violation and will be placed on their property owner's water bill or assessed on the property owners taxes.

4) Hand watering of flowers or gardens is permitted unless specifically banned.

§ 127.10 PRIVATE WATER SUPPLIES

1) Users of a municipal water system may not install a private well for irrigation or any other water use.

2) No municipal water system may be connected with any pump, well or tank that is connected to any other source of water supply. If such a connection is found, the City Administrator shall order the owner to disconnect the same and, if not done immediately, the municipal water supply shall be turned off to the effect property.

§ 127.11 FIRE HYDRANTS

1) No person, unless authorized by the City, shall be allowed to use any fire hydrant in the City for any purpose whatsoever without first securing a permit from the City. Payment for the water used, except for firefighting, shall be made in accordance with the rate schedule duly adopted periodically by the City Council. A hydrant meter permit to use water from a fire hydrant may be obtained at City Hall. An upfront deposit is required.

§ 127.12 APPEAL PROCEDURE

1) Any resident or property owner may appeal any portion of this ordinance to the City Council. Appeals must be made in writing and delivered or emailed to City Hall at least one week before any regularly scheduled City Council meeting in order to be heard at that Council meeting. The appealing resident or property owner must attend the City Council meeting in order to present their case to the City Council.

§ 127.13 CONFLICTS WITH OTHER ORDINANCES

1) Any other ordinances or parts of ordinances in conflict with this one are to the extent of such conflict hereby repealed.

Adopted this 12th day of July, 2018 by the City Council of the City of North Oaks.

Gregg Nelson, Mayor

Michael Robertson, City Administrator

Published one time in the Shoreview Press on July 24, 2018.