

ORDINANCE #59

An Ordinance relating to connections with the Municipal Water System

Original Ordinance #23, An Ordinance relating to connections with the Municipal Water System is Repealed and replaced with Ordinance #59

The City Council of the City of Nevis, Minnesota, ordains as follows:

ARTICLE I

Requirements to Connect. Each lot, piece or parcel of property in the City of Nevis on which is situated any building which is served by a private well, is hereby required to be connected with the Municipal Water System of the City by September 1, 1990. It shall be unlawful for any owner of any premises to construct, operate, or maintain any private well on any premises on which a structure or building is located after said date.

Failure to Connect; Council Action. Should the owner of any premises having access to the City water system fail to connect said premises with the System, the Council may cause the connection to the Municipal System by an authorized representative of the City upon 30 days' notice to the owner thereof, by certified mail, return receipt requested, and may cause the cost of said installation, together with the connection charges hereinafter provided, to be assessed against the owner of said premises, which assessment and connection fee shall be paid within 30 days after notification in writing, by certified mail, return receipt requested, to the owner of said premises and if not paid within 30 days may be certified to the County Auditor to be collected in the same time and manner as real estate taxes against said property. Said assessment and connection charge will be payable in two equal annual installments with one-year's interest at the rate of 9% per annum to be added to the first installment and one-year's interest at the rate of 9% per annum to be added to the final or second installment on the unpaid, balance.

Service Charges. The owner shall thereafter be liable for a minimum fixed service rate as established by the Council whether or not the owner uses the Municipal Water System as connected.

Private Wells; Capping. After September 1, 1990, no private well shall be used as a source of domestic water supply. For private wells existing prior to the date of the enactment of this Ordinance, a permit may be obtained by application therefor at the office of the City Clerk for irrigation, stock watering, or other non-domestic purposes. It shall be unlawful for any owner of any premises, whether or not said premises have buildings or improvements thereon, to construct, operate or maintain any private well on said premises after the date of enactment of this Ordinance, without a permit having been previously issued by the Water Superintendent. Except for those private wells having permits pursuant to this section, all private wells shall be capped in a manner consistent with state Code or other regulations by September. 1, 1990.

Connection with City System prohibited. It shall be unlawful for any owner of any premises to cross connect or hook into the Municipal Water System any part of any system connected to a private well.

Water Superintendent. The Council may designate by resolution, from time to time, any agent or employee of the City who shall act as the City's "Water Superintendent."

Penalties. Any person violating any regulation of this Ordinance shall be guilty of a misdemeanor. Any prosecution hereunder shall not prevent the enforcement of any civil right or remedy reserved in this Ordinance or any other applicable statute, ordinance or regulation.

ARTICLE II

A second water meter for irrigation of residents or business lawns only will be permitted under this ordinance. The meter will be installed downstream from the primary meter in the residence/business with back flow preventer installed between two meters. All parts will be supplied by the City of Nevis and billed back to the residence/business.

A State of Minnesota licensed plumber must install all plumbing parts. At any time, the city may request an inspection of this plumbing and if any cross connections are found the irrigation meter and all parts will be removed at the owner's expense for a minimum of one year.

The City of Nevis will approve any other usage for the second water meter.

On December 31 of each year the irrigation meter will be read. This number will be subtracted from the total water use in a year and will determine the amount of water that was sent to the sewer system. The amount will be used to determine ERU's for residents and businesses. The second water meter will not be charged a fee for sewer.

Example:

Total water read through Primary meter	35,000 gallons
Total water read through irrigation meter	<u>10,000 gallons (subtract from primary meter)</u>
Total water sent to sewer plant	25,000 gallons

25,000 gallons will be the figure used to determine ERU's.

ARTICLE III

Cost of installation of service. The cost of installing the service from the main to the premises, as well as repairs to same, shall be borne entirely by the owner. If, in an opinion by the Public Works Director, it has been determined that a service line should be replaced or repaired, the city council may order such replacement or repair and the Public Works Director shall cause the same to be done and the cost thereof shall be charged to the customer or owner of the premises. The cost of such repair shall be collected in the same manner as bills for water consumption.

Use Restrictions.

- a. Private lines. No person shall, except with the written consent of the city council, furnish water to other persons or premises by means of temporary service line, hose, or other device.
- b. Emergency use. The city council may determine from time to time that the supply of water is inadequate for unrestricted use. At such times, an upon published notice, no person shall draw water from the public water system for any purpose or in any quantity other than may at that time be permitted under the restrictions so imposed.

Shut-off. The city council reserves the right to shut off the water at any time for the purpose of extending, replacing, repairing, or cleaning mains and appurtenances or for any purpose which said city council deems necessary.

Repair and Leaks, Defective service, refunds. The public works director will make a determination based on information supplied by the property owner or available to the city, whether a problem exists in the portion of

the water service which is the property owner's responsibility. The City is responsible for correcting problems from the water main to the curb stop and the property owner is responsible for correcting problems from the curb stop to the building served by the water. If the property owner fails to repair any leak in such service within 24 hours after notice by the City, the City may turn the water off.

Claims for defective service. Claims shall be made in writing and filed with the city office. Upon the filing of such claims, the public works director shall investigate the basis of the claim and determine the amount, if any, of damage suffered by such claimant by reason of such defective service. The public works director shall submit a report of his findings to the city council which shall approve or disapprove said findings. Approved damages shall be allowed as a credit on the following bill or refunded as other claims; provided, however, that no claim shall be allowed against the city for any injuries to persons or property.

Frozen service lines. Frozen lines from the shut off to the water meter, will be thawed at homeowner's expense. To prevent frozen water lines, the public works director from to time may ask a homeowner to run water during extremely cold weather, this extra water usage will not be charged to the homeowner.

Meters.

- a. Required: No water shall be furnished to any customer from the water system unless the same is measured by a meter.
- b. Installation: The city shall own, install, and assume the costs of installation of water meters. The city will provide the initial meter to a new home at the expense of the city.
- c. Customer duties: Every customer shall provide a suitable place where a meter can be installed and any person authorized by the city council shall be allowed free access at all reasonable hours to all parts of every building for the purpose of inspecting, removing, or replacing meters and observing the manner in which the water is used.
- d. Testing: If a customer desires to have the meter tested for accuracy, the same shall be done by the city. If said test reveals the meter less than 98 percent accurate, said meter shall be replaced and said customer's bill shall be adjusted to reflect the true services received. If said test reveals the meter is at least 98 percent accurate, the customer shall pay the fee for water usage. The cost of replacing or repairing a meter damaged by lack of care by the customer shall be charged to the customer.
- e. Frozen Meters: All residents are responsible for keeping the meters insulated if their meter is in an outdoor location. All meters damaged or frozen, shall be replaced at the homeowner's expense.

Hydrants. No person shall open any hydrant or draw or attempt to draw any water therefrom, nor shall any person at any time recover any hydrant, or remove or attempt to remove therefrom any matter or thing designed or intended for the protection thereof, or in any manner intermeddle with any such hydrant without the express permission from the chief of the fire chief of the fire department, the public works director, or the city council.

Billing and Payment.

- a. Responsibility. All accounts shall be carried in the name of the owner who personally, or by his authorized agent, shall apply for such service. The owner shall be liable for water supplied to the property, whether he is occupying the property or not, and any charges unpaid shall be a lien upon the property.

- b. Time. Statements for total water charges for the preceding month shall be sent to each customer. The amount listed on the statement shall be due by the date set forth by the Nevis City Council.
- c. Non-payment. Bills not paid within the period prescribed by the city council shall be deemed delinquent and the administrator/deputy clerk shall notify the delinquent owner-occupant in writing regarding the delinquent bill and subsequent penalty. Then penalty shall be computed at ten percent of the original bill and shall be increased the same ten percent for every month bill is outstanding.
- d. Shut-offs; resumption.
 - 1) The city reserves the right to discontinue service to any or all customers of the water system for non-payment of bills when the account has become 60 days delinquent; when service has been discontinued, it shall not be resume except upon payment of all delinquent bills, together with a shut-off/turn-on fee which shall be set by resolution of the council.
 - 2) The city shall not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met;
 - a. The disconnection would occur during the period between October 15 and April 15;
 - b. The customer's account is current for the billing period immediately prior to October 15.
 - c. The city shall, between August 15 and October 15, of each year, notify all residential customers of the provisions of the Cold Weather Rule, Minn Stats. 216B.097. This notification will be present on the City of Nevis Website.
 - d. The customer shall provide proof to the City Administrator/Public Works Director of said primary heat source of the residential unit.
 - 3) Remedies. Any amount due under this section may be collected in an action brought in the name of the city against the customer, or the city may certify to the county auditor the amounts due, together with the legal description of the premises served, and the county auditor shall thereupon enter such assessment on the tax rolls in the same manner as a special assessment, except that the full amount shall be due within one year, and it shall be collected in the same manner as taxes against the real estate; provided, however, that nothing herein shall alter the other provisions of this ordinance.

Voted upon and passed by the Nevis City Council on the _____ day of _____, 2025.

ATTEST:

Dawn Veit, Nevis City Administrator

Published on _____

city seal