

# **CITY OF GARFIELD**

## **WATER ORDINANCE**

DECEMBER 2014

ORDINANCE NO. 102

**AN ORDINANCE REGULATING WATERWORKS WITHIN THE CITY OF GARFIELD, MINNESOTA**

**THE CITY COUNCIL OF THE CITY OF GARFIELD, MINNESOTA DOES ORDAIN:**

Section 1. Permits:

Before any person, firm, association or corporation shall be allowed to open any ditch on any public street, alley or avenue in said City of Garfield for the purpose of placing therein sewer or water mains or pipes, a permit therefore shall first be obtained from the City of Garfield Utilities Commission for a fee of \$15.00, and any person, firm, association or corporation so opening any ditch must keep the same guarded by a fence by day plus warning lights by night, together with additional warning for traffic as required by the Superintendent of the Waterworks, and any work performed by any such parties for the said City of Garfield must be guaranteed for a period of one year after its installation.

Section 2. Specifications:

All material used in the construction of any sewer or water main, or any part thereof, including mains, hydrants, curb cock and curb boxes shall be as prescribed by the Utilities Commission of said City of Garfield in conformity with the provisions of any Ordinance of the City of Garfield and the rules and regulations of the State Board of Health and the placing of any of the same in position shall be as and in the manner directed by such Commission pursuant to the provisions of the before mentioned Ordinances and the rules and regulations of the State Board of Health respecting the same, and no ditch opened for the purpose of any such construction of any sewer or water main shall be closed before the same has been inspected by the person or persons appointed for that purpose by said City of Garfield and all filling shall be done as prescribed by such inspector.

Section 3. Tapping:

Before any tapping to any water main shall be done, a permit therefore must first be obtained from the Utilities Commission of said City of Garfield and upon the payment to the City of Garfield of a tapping fee of \$250.00 which includes the cost of street repair, a 3/4 inch meter to be furnished and be installed as directed by the Superintendent of the Waterworks. Should a larger meter be required, the tapping charge shall be \$50.00, and the consumer shall also pay the actual expense incurred by the City in completing said tapping. All such tapings shall be done by a licensed plumber under the supervision of the Superintendent of the Waterworks, or his agents, and no taps shall be made between the water main and the inside of the water meter and no ties, branches or other taps shall be made between the water main and the inside of the water meter and it shall be unlawful for any person except the Superintendent of the Waterworks, or his agents, or the fire department in case of fire, to turn on or off the water of the City owned system, at a curb or at any other place on City property. All meters shall remain the property of the Utilities Commission of the City of Garfield. It shall be unlawful to connect a private water source with the City of Garfield Water System.

Section 4. Water Rates:

Each water user shall pay to the City of Garfield such monthly rates as are established by the Garfield Public Utilities Commission. The setting of such water rates shall, however, be subject to a requirement of thirty days' written notice by the commission to each water user affected thereby prior to any change being made and shall also be subject to prior approval after such notice has been given by the City

Council.

For the purpose of providing funds to meet the costs of operating the City's wells, water treatment, water storage and water distribution systems, and the plant and facilities connected therewith, and the payment of capital charges represented by bonds, certificates of indebtedness or otherwise, which may be used to finance the costs of additions or expansions to said facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises having any connection with the City's public water system a water connection charge of \$500, which shall include the installation of a water meter and shut-off valve. Costs associated with the installation of water lines between the main and the premises connected to the water system shall be the responsibility of the landowner.

The connection charge as above authorized shall be levied in addition to the user charges for water service.

Section 5. Non-owners:

No tapping shall be made and no water shall be turned on for any person not the owner of the property where such water is desired until such person shall have paid to the City of Garfield, through the Utilities Commission, the equivalent of one month's base utility bill as a guarantee for the payment of the water bill for the time such person shall be so in possession of any such property, and in the event that such person or persons shall move away without paying the water bill or bills for such property, the amount then due shall be deducted from such deposit and the balance, if any, shall be paid to the person so making such deposit.

Section 6. Meter Reading:

Each water user shall read his own meter quarterly as of the 25th of that month, and on forms provided by the Utilities Commission for such purposes, shall report such reading to said Commission by the last day of such month. Should the water user fail to report a reading as herein required, the Utilities Commission shall bill as if the use was the same as the previous month until otherwise ascertained. The Utilities Commission shall have its agent or employee read every meter in the City of Garfield not less than twice a year for verification of user readings.

Section 7. Water Bills:

Subdivision 1 – Billings.

The Utilities Commission of the City of Garfield shall send to each water user a monthly statement of the amount due for water used the past month, also including any past due balance, which amount shall be due and payable to the Utilities Commission on or before the last day of the month in which the statement is received. In the event any water user shall be in default in the payment of any water bill exceeding 60 days, such water service shall be turned off until such water bill is paid with a fee of \$100.00 to cover the cost of turning the water back on again. It shall be mandatory upon the Utilities Commission in case of a default in the payment of any water bill exceeding 60 days to cause the water to be turned off to that service line because of such delinquency.

Subdivision 2. Procedure.

Water shall not be shut off under Subdivision 1 until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before a date stated in the notice, but no less than ten days after the date

on which notice is given, the water supply to the premises will be shut off. The notice shall clearly inform the customer of the available opportunities to present to the City objections to the bill, and shall identify the telephone number, address, and officer or employee who has the authority to review the facts and files and to correct any errors in the billing. The notice shall also state that the occupant may before such a 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 Utilities Commission at least one week after the date on which the request is made. If as a result of the hearing, the Utilities Commission 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 ordinance, the City may shut off the supply.

#### Subdivision 3. Applications for Service Procedure.

Application for a water service installation and for water service shall be made to the City Clerk on forms prescribed by the Utilities Commission and furnished by the City. By his signature the 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 water.

#### Subdivision 4. Accounts in Name of Owner.

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 his property, whether he is occupying the property or not, and any charges unpaid shall be a lien upon the property.

#### Subdivision 5. Collection with Taxes.

Delinquent accounts shall be certified to the City Clerk, who shall prepare an assessment roll each year providing for assessment of the delinquent amount against the respective property served. The assessment roll shall be delivered to the City Council for adoption on or before October 1 of each year. A certification fee adopted by resolution of the city council will be assessed along with the delinquent bill. Upon such adoption, the Clerk shall certify the assessment roll to the County Auditor for collection along with taxes as authorized under Minnesota Statutes Section 444.075.

### Section 8. Water Service Required:

Subd. 1. Facilities. When property abuts upon any public street or alley along which water mains have been constructed, the owner of any dwelling or commercial establishment on the property shall install water service therein and connect with the City water main in accordance with the provisions of this Ordinance within 120 days after the date of mailing or delivering official notice to do so. The notice shall be given to the owner or occupant or his authorized agent in writing by the City Clerk on order of the Garfield City Council.

As to non-abutting property which, in the case of residential use is within 500 feet of any public street or alley along which water mains have been constructed, the owner shall, as to any new construction requiring water service, connect with the city water main in accordance with the provisions of this Ordinance, before any use or occupancy may be made of such premises.

Any existing business or commercial use which abandons an existing private well or water source must substitute it with a connection to the Garfield City water supply, as opposed to any private water supply.

Subd. 2. City action. Whenever any owner or occupant fails to comply with such written notice, the Council shall by resolution direct that a waterline connection and meter be installed and connection made with the water system and the cost of the installation be paid in the first instance out of the

general fund and then assessed against the property benefited.

Subdivision 3. Non-user Water Rates. As to each curb stop (place allowed for connection to the city water line), any property owner who has not connected to the City water line shall pay a fee set by the City Council for each such curb stop. However, this non-user fee shall not be due and payable in those instances where the property owner served by such curb stop has such property homesteaded and owns also an immediately adjacent homesteaded property which is hooked up to and served by the City water system. The fact, however, that such nonuser water rate is being charged by the City of Garfield or is being waived hereunder in no way waives or diminishes the right of the City to require any property owner to connect to said water system in accordance with the terms and provisions above.

Section 9. Nonperformance:

The City of Garfield will not perform the work necessary in the construction of any ditches for water or sewer mains from the main line of either thereof on any private property.

Section 10. Penalties:

Any person convicted of the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor.

Section 11. Effect:

This Ordinance is in effect from and after the date published.

Passed by the City Council of the City of Garfield, Minnesota on the \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Dan Kalina, Mayor

Attest:

\_\_\_\_\_  
Paulynn Terhark  
City Clerk

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