

CHAPTER XI

MUNICIPAL WATER SYSTEM

Section 1100 - Purpose and Interpretation

1100.01 Public Utility. The City of Rice has ordered the construction of a Municipal Water System consisting of a pumping station and water mains. Forthwith, upon the completion of the improvement, the water system shall be operated as a public utility of the City, and the regulations and provisions of this ordinance shall be applicable thereto.

1100.03 Connection Application. Any party desiring water service from said utility for premises not theretofore connected with the water system shall apply for a connection on a form provided by the City Clerk. Such application shall give an exact description of the premises to be served, and shall be filed, together with payment of the hookup or connection fee as established, from time to time, by the City Council by resolution, with the City Clerk for approval by the City Council.

1100.05 Party other than Original Applicant. Any party other than the original applicant desiring water service for premises where a connection has been made pursuant to Section 1100.03 hereof shall make written application therefore in the same manner as provided in Section 1100.03.

1100.06 Mandatory Hook-Up. With the exception of currently constructed residences located adjacent to a public street, alley or right-of-way in which a public water main is located, which are not connected to such water main. Owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes which are situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a Municipal Water System of the City, shall be required at the owner(s) expense to install a service connection to the Municipal Water System, in accordance with provisions of this Ordinance, within 90 days of the date said water system is operational, provided said Municipal Water System is located in any street, alley or right-of-way adjacent to where said structure are located. All currently constructed residences and/or businesses located adjacent to a street, alley or right-of-way on which a public water main is located as of the first day of March, 2009, that are not connected to said water main will not be required to connect to said system until the earliest of the following events:

- a. The owner of said residence and/or business seeks to make structural changes requiring the issuance of a building permit.
- b. The real estate is transferred to a third party who is not an owner of said real estate as of July 6th, 2009.
- c. The well servicing the real estate needs to be or is replaced.

At such time as the earliest of the aforementioned events occurs, the residence and/or business is required to connect to the Municipal Water System. If water connections are not made pursuant to this section, a 60 day notice shall be served instructing the affected property owner to make said connection. The Rice City Council may use its discretion regarding connections involving properties larger than 5 acres.

1100.07 Service Lines. The cost of the original installation of all plumbing between the property line and all service devices maintained by the owner or occupant of the premises, shall all extensions and repairs made to such plumbing shall be borne entirely by such owner or occupant; but all extensions and repairs made to such plumbing and service devices shall at all reasonable times be subject to inspection by a duly authorized representative of the City. Any repairs found to be necessary by such representative shall be made promptly, and the City reserves the right to cause the same to be made and to charge the cost thereof to the owner or occupant of the premises and to collect the same in any manner now or hereafter permitted by the laws of the State of Minnesota. The property owner shall be responsible for all maintenance from the structure/building to the curb stop, including the curb stop and 5 feet beyond the curb stop to water main.

1100.09 Building Water Mains. Building Water mains and connections and street excavations relating thereto:

- (a) No building water main shall be built, repaired, extended or connected with the public water main without a permit.
- (b) No building water main shall be built, repaired, extended or connected with the water main except by a plumber duly licensed by the State of Minnesota to perform the work, or by and other person that is qualified by the City Council.
- (c) All applications for water main permits shall indicate the person employed to do the work.
- (d) All plumbing installations shall comply with the State Plumbing Code.
- (e) Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the City Clerk of the progress of the work at such state as during construction as the City may direct, and in particular, shall notify the Clerk when the building water main is complete and ready for connection with the public water main. The City shall be given an opportunity to inspect the work after it is completed and shall require the work to be done satisfactorily and in compliance with the law before excavations are filled.
- (f) The City Council may, from time to time, by resolution, adopt regulations not inconsistent with this ordinance governing construction of the building water mains and connections to the municipal water mains.
- (g) All excavations for building water main installations shall be adequately guarded with barricades, lights, and other appropriate warning devices so as to protect the public from hazard. Streets,

alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

- (h) The applicant shall indemnify and save harmless the City from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to the issuance of the permit. The City may, as a condition to issuance of the permit, require the applicant to file a corporate surety bond for faithful performance of the work and to indemnify and save harmless the City from any negligence in performance, the bond to be for a period of two years.

1100.11 Service Charges.

- (a) Water Service Charges will be established from time to time by the City Council, either by Ordinance or by Resolution.
- (b) An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his premises. Bills for service will be rendered quarterly and will be due within (10) days from their date, but failure of the City to render a bill or of user to receive a bill will not excuse payment. Bills will be mailed to users at the addresses shown on the applications on the day of their date. The City Clerk will keep accounts and render the bills; he will receive payment of bills and give receipts therefore.
- (c) All water service charges, when collected, and all moneys received from the sale of any water facilities or equipment shall be placed in a separate fund and shall be used first to pay the normal, reasonable, and current costs of operation and maintaining the facilities, and the balance shall be used as the Council may direct and as provided by law.
- (d) All water service charges are made a lien against the property served. The lien shall be valid against third parties after written notice of the lien, certified by the Clerk, is recorded in the Office of the Register of Deeds for Benton County. The City may also pursue any other remedies at law available to it for collection of the delinquent charges.

1100.13 Claims for Defective Service. All claims for defective service shall be made in writing and filed with the City Clerk on or before the 10th day of the month next succeeding such defective service, or be deemed waived by the claimant; and if such claims are so filed, it shall be the duty of the City Clerk to investigate the facts alleged in such claims and determine the amount, if any, which should be refunded to such claimant by reason of such defective service and report such determination to the City Council, and, if approved by the body, such amount shall be allowed as a credit on the following bill or paid as other claims, but no claim shall be made against the municipality for any fire or any injuries to the person or property of any consumer of water under the provisions hereof.

1100.15 Discontinuation of Service. The Municipality reserves the right to discontinue service to any or all customers of the municipal water system, without notice, when necessary for repairs or for disregard of rules or regulations affecting the service. When service has been discontinued for non-payment of bills or disregard of regulations, it shall not be resumed except upon payment of the bills, together with interest thereon at a rate of six percent (6%) per annum, full compliance with the regulations, and the payment to the City Clerk of a fee of Twenty-five Dollars (\$25.00) for reestablishing service.

1100.17 Provision Violation. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof by a Court of competent jurisdiction, shall be subject to a fine of not exceeding seven hundred dollars (\$700.00) for each such violation, and/or imprisonment for not exceeding ninety (90) days for each such violation.

1100.18 Water Conservation Plan. The City of Rice has adopted a permanent Water Conservation Plan. The water sprinkling restrictions are:

- a. Properties having a street address ending with an even number may sprinkle lawns on an even-numbered day only.
- b. Properties having a street address ending with an odd number may sprinkle lawns on an odd-numbered day only.
- c. Properties in violation after receiving one notice will be fined \$50.00 each offense. The fine will be added to the next month's water billing.
- d. Sand point wells cannot be connected to the home or buildings where the public water system is available. Agriculture zoned properties are exempt from this ordinance.
- e. Sand point wells are only allowed for irrigation purposes.
- f. Sand point wells must meet all setback requirements.
- g. Residents with a sand point well must notify the State of MN and comply with State Well Construction Codes.

The City reserves the right to totally prohibit the use of the municipal water supply and/or sand point wells for sprinkling as deemed necessary by the City maintenance director to protect the City's water supply. A sprinkling ban of this type shall be published by local radio and the City's web site. Residents shall comply with the terms and conditions of the sprinkling ban. The ban shall be enforced by the City's police department.

Said amendments and addition shall be effective upon passage and publication as required by law date this 20th day of July, 2009.