

*town of*



# *Rice Lake*

ORDINANCE #27  
TOWN OF RICE LAKE, MINNESOTA  
A RESTATED WATER ORDINANCE

REPEALER

THIS ORDINANCE HEREBY REPEALS AND REPLACES ORDINANCE #7,  
RESTATED WATER ORDINANCE

TOWN OF RICE LAKE  
RESTATED WATER ORDINANCE #27

This shall be known as the Town of Rice Lake Water Ordinance, an ordinance relating to the township water system, establishing regulations for water service and providing penalties for violations thereof.

The Board of Supervisors of the Town of Rice Lake hereby ordains:

Section 1. DEFINITIONS.

- A. AMR: Automatic meter reading device enabling water meter reading to be acquired remotely.
- B. APPLICATION FEE: Fee charged at time of application for administrative and processing costs in amount determined by the Town Board.
- C. AUTHORIZED AGENT: A licensed Contractor registered with the Town and approved by the Town to make a water service connection to the Water System. In order to register, the Contractor must provide the information requested by the Town, including proof of public liability and property damage insurance in an amount of at least \$500,000.
- D. COMMERCIAL: Any dwelling requiring over the minimum size service line or any business establishment or cemetery.
- E. CROSS CONNECTION: Plumbing lines, fixtures, and/or apparatus that create the potential for water to transfer from one source to another.
- F. DEPARTMENT: The Water Utility Department in the Town of Rice Lake herein established by the Town Board to conduct the Town of Rice Lake water utility operations.
- G. ENGINEER: The licensed engineer retained by the Town.
- H. PRV: Pressure reducing valve.
- I. RESIDENTIAL: A single family dwelling or a parsonage and church combination on the same lot.
- J. SERVICE INSTALLATION: Installation of water service line from the water main up to and including the curb stop and box (shutoff valve).

- K. TOWN: The Township of Rice Lake, Minnesota, and includes employees, agents or contractors authorized to perform services or activities on behalf of the Town.
- L. WATER SERVICE: Water furnished by the Town of Rice Lake.
- M. WATER SERVICE ACCESS CHARGE: Fee charged at time of application for new water service that varies by service area based in part on the assessed cost of extending utilities to the service area.
- N. WATER SYSTEM: The complete facilities of the Town's water supply system including all, water storage facilities, and transmission lines, and all appurtenances thereto. It shall also consist of all facilities, works, instrumentalities, lines and properties now or hereafter existing, used or useful in obtaining of a water supply, its treatment, distribution, and all other necessary functions, whether such installation is owned outright or used under lease or otherwise, by the consumer. The system also includes all lines connecting it to the water system operated by the City of Duluth.

Section 2.     CONNECTION OF WATER SERVICE AND USE OF WATER RESTRICTED TO AUTHORIZED PERSONS.

- A. No person, firm or corporation shall make, construct or install any water service installation, or make use of any water service connected to the Town Water System except as provided in the Town "Standard Specifications and Construction Requirements for Streets, Water, Storm Sewer and Sanitary Sewer System" as it may be amended from time to time.
- B. TURNING ON WATER.  
No person shall turn on any water supply at the stop box without a permit from the Town. No such permit shall be issued except to an Authorized Agent.
- C. TAPPING OF MAINS PROHIBITED.  
No person except an Authorized Agent shall tap any distributing main or pipe of the water supply system, or insert stopcocks or ferrules therein. All taps to water distribution mains shall be in accordance with the Town "Standard Specifications and Construction Requirements for Streets, Water, Storm Sewer and Sanitary Sewer System" as amended from time to time. All taps to water distribution mains shall be reviewed and approved by the Engineer.
- D. USE OF FIRE HYDRANTS.  
No person except an Authorized Agent or the fire department shall operate fire hydrants without first obtaining a permit from the Town.

- E. RESALE OF WATER; UNAUTHORIZED USE.  
No water supplied by the Water System shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application. After water is supplied to any building or upon any premises, no person shall make or employ any other person to make any tap or connection to water supply lines upon the premises without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.
- F. TAMPERING WITH THE WATER SYSTEM.  
It shall be unlawful for any person not authorized by the Town to tamper with, alter or injure any part of the Water System, or any meter.

Section 3. APPLICATIONS FOR WATER SERVICE CONNECTION.

- A. APPLICATION PROCEDURE. All applications for service installations and for water service shall be made on printed forms furnished by the Town, and shall contain the name of the owner and a description of the property, lot and block, parcel code, name of the street or road upon which the property fronts, the official street or road number or mail route number assigned to the premises as shown by the records of the Town, name of Contractor performing the work, a description of the intended use of the premises, and such other information as is requested by the Town. The form must contain the signature of the applicant verifying that the information is correct.
- B. MULTIPLE STRUCTURES. No more than one Residential structure or business structure shall be supplied from a single service connection. Where multiple structures exist on a single water service the Town shall arrange for replacement of the multiple service connection with separate water service connection. The expense of such replacement shall be paid by the affected property owners.
- C. FEES ASSOCIATED WITH APPLICATION. All applications for service installation to the property adjacent to an existing main shall be made by the owner of the property requesting service, or by the owner's Authorized Agent, and shall state the size of service connection requested, and the applicant shall, at the time of making application, pay to the Town the amount of the Application Fee, Water Service Access Charge, and other fees or deposits required for the service installation as herein provided.
- D. PAYMENT OF FEES. All payments will be made in cash or check to the Town prior to water service connection. When service installations have been made, application for water service may be either by the owner or his/her Authorized Agent.

- E. EXISTING SERVICE LEADS. A permit must be obtained to connect to water service leads at the curb stop and box. Only an Authorized Agent will be issued a permit to make such connection.

Section 4. ACCOUNTS.

A. RECORDS.

All accounts shall be maintained by the Town with the house number, road or street name/number, parcel code, account number assigned thereto and name and address of the owner. All bills and notices by the Town shall be mailed to the owner at the name and address provided on the account. If non-resident owners desire personal notice mailed to a different address, they shall file an application therefore with the Town. Any error in address shall be promptly reported to the Town.

B. BILLING.

All water customers not equipped with an AMR device shall read their own water meter and record the readings on the meter card furnished by the Town the 15th day of each month. The cards shall be turned in with the payment in the amount due as herein provided. All water meter readings shall be verified by the Town through inspection on a regular basis.

C. DELINQUENT WATER ACCOUNTS.

Submission of water meter readings and all charges of water shall be due on the fifteenth day of each month for the month previous for the respective account, and shall be delinquent thirty (30) days thereafter. It shall be the duty of the Town to endeavor to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, instructions shall be given to discontinue service by shutting off the water at the stop box. All delinquent accounts shall be certified by the Town Clerk who shall prepare an assessment roll each year providing assessment of the delinquent accounts against the respective properties served. This assessment roll shall be delivered to the Town Board for adoption on or before November 1<sup>st</sup> of each year.

Section 5. WATER RATES AND CHARGES.

A. SERVICE RATES AND CHARGES.

Water service rates and charges to users of the Water System shall be determined and fixed according to the provisions of this chapter.

B. FAULTY WATER METER.

If the customer's water meter is not working, or found to be operating in a faulty manner, the amount of the water used will be estimated based on that customer's water usage in the previous twelve billing periods.

C. ESTABLISHMENT OF RATES AND CHARGES.

The rates due and payable to the Town by each water user for water taken from the Town Water System shall be established by Resolution of the Town Board. The Town Board may make adjustments in water charges to a customer where the Town Board determines that the amount billed is erroneous due to meter deficiency or other mistake.

D. ADJUST CURB BOXES.

All costs incurred by the Town for raising or lowering the top of the curb stop and box resulting from ground level changes made by the property owner shall be billed to the property owner. All repairs and changes required, up to and including the stop box, shall be performed by the Town or its contractor. The costs will be based on contractor invoices received by the Town for work completed or on an invoice itemizing hourly work completed by the Town.

E. TEMPORARY WATER SERVICE.

When water is desired for construction purposes or other temporary uses, the owner shall make application in the same manner as provided in Section 3. The applicant shall secure use of a portable water meter from the Town and satisfy all deposit requirements and applicable taxes prior to use. The rate for temporary water service will be determined by the Town Board when the permit is issued.

Section 6. INSPECTIONS.

A. ACCESS FOR INSPECTION.

Town representatives may at all reasonable hours enter any private premises for the purpose of inspecting water and sewer system connections, meters, plumbing, and appurtenances to assure compliance with this or other applicable laws, regulations and ordinances.

B. INSPECTION RECORD.

The Town shall keep a record of all inspections conducted.

Section 7. POINT OF SALE INSPECTION.

A. LIMITATION ON CONVEYANCE OF PROPERTY.

No person shall sell, advertise for sale, give or transact a change in title or property ownership of real property with one (1) or more buildings or structures without first obtaining a certificate of inspection from the Town. The applicant for a certificate of inspection shall pay the inspection fee.

An inspection shall be made by the Town and shall determine whether the property use is in accordance with Town regulations, including proper water service connections and inspection of the structure's sump pump, footing or foundation drain discharge to verify there is no inflow and infiltration into the public sewer system. The entire property and all buildings on the property shall be made available for inspection.

B. CERTIFICATE OF INSPECTION.

Prior to conveyance as set forth in Section 7.A., the owner of the property shall apply for and obtain a Certificate of Inspection from the Town. A Certificate of Inspection is not required if:

- 1) A Certificate of Occupancy has been issued by the Town building official within five years before title to the property is transferred;
- 2) The property is newly constructed within the last 180 days;
- 3) The property is newly constructed and has not been previously occupied; or
- 4) The property is inherited and not occupied by the person receiving the inheritance.

C. APPLICATION.

The owner of the property or the owner's representative shall apply to the Town for a Certificate of Inspection before the property is offered for sale or purchase, whether for consideration or otherwise. The applicant must pay the application fee at the time of the application. Such fee shall be set from time to time by Town Board.

D. INSPECTION.

The applicant for a Certificate of Inspection is responsible for requesting an inspection of the property after making application and payment of the fees. An inspection shall be made by the Town to determine whether the property complies with all applicable building, fire, health, and property maintenance codes and Town regulations and ordinances. The entire property shall be made available for inspection.

E. COMPLIANCE.

If the property is found in compliance with all applicable building, fire, health and property maintenance codes and Town regulations and ordinances, a Certificate of Inspection will be issued by the Town. A Certificate of Inspection is valid to be used only by the owner listed on the Certificate for a period of 18 months from date of issuance. Failure to transfer ownership does not relieve the owner from making the identified repairs to the property.

F. TEMPORARY CERTIFICATE OF INSPECTION/TRANSFERS OF OWNERSHIP.

- 1) A temporary Certificate of Inspection may be issued by the Town permitting the transfer of ownership in situations where some of the corrections listed in the Certificate have not been made if:
  - (a) The Town determines that no immediate safety or hazardous conditions exist on the property; and
  - (b) An agreement by the buyer and seller has been executed and filed with the Town, whereby the buyer agrees to complete the corrections to the property within 180 days after transfer of ownership to the buyer. Failure of the buyer to complete the corrections during that time period is a violation of this section. All hazardous or unsafe structures or equipment shall be corrected prior to the transfer of property.
- 2) If the Town determines that immediate safety or hazardous conditions exist on the property, transfer of ownership of the property without a Certificate of Inspection will be allowed only if all of the following conditions are met:
  - (a) The buyer and seller enter into an agreement in a form approved by the Town pursuant to which the buyer agrees to correct all of the safety and hazardous conditions within 60 days of transfer of ownership, not to occupy the property until the Town has approved all of the corrections to the safety and hazardous conditions, and to correct all non-safety and non-hazardous conditions within 180 days after transfer of ownership;
  - (b) All corrections to safety and hazardous conditions must be performed by a Minnesota licensed contractor;
  - (c) A cash escrow to ensure completion of the corrections to the safety and hazardous conditions must be posted with the buyer's lending institution or title company in an amount equal to 150% of the estimated cost of the corrective work as determined by a Minnesota licensed contractor. The cash escrow will be held in place until a temporary Certificate of Inspection has been issued by the Town. No release or reduction in the cash escrow will be allowed until all safety and hazardous conditions are



repaired; and the fee in the amount determined by Town Board resolutions has been paid.

G. PENALTIES.  
Penalties for violations of this section shall be in accordance with Section 18.

H. NO WARRANTY BY TOWN.  
By enforcement of this section, neither the Town, nor its Town Board, agents, or employees, warrant or guarantee any aspect of any structure, dwelling or property. Buyers and sellers should take whatever steps they deem appropriate to protect their interests prior to transfer of ownership.

Section 8. PERMANENT DISCONNECTION OF SERVICE.  
No customer may permanently disconnect from the water service. The Town Board reserves the right to consider a request to permanently disconnect a customer from the water service.

Section 9. TEMPORARY DISCONTINUANCE OF SERVICE.

A. BY CUSTOMER.  
A customer may submit a request to the Town to temporarily discontinue use of an existing water service. The request will be reviewed by the Town Board, which may approve or deny the request, or approve the request with conditions. The base rate for water service shall continue to be charged during the discontinuance period. Temporary discontinuance for repair or replacement of a water service connection shall require a permit. A reconnection fee shall be required to reinstate water service.

B. BY TOWNSHIP.  
The Township may temporarily discontinue water service for any customer. The base rate for water service shall continue to apply during the discontinuance period. A reconnection fee shall be required to reinstate water service. The Town may temporarily discontinue water service for the following reasons:

- 1) The owner or occupant of the premises served, or any person working on the pipes or equipment thereon which are connected with the water supply system, has violated any of the requirements or provisions of this Ordinance.
- 2) The owner or occupant of the premises served threatens to violate or cause to be violated any of the requirements or provisions of this Ordinance.

- 3) Any charge for water, service, meter, or any other financial obligations imposed by this Ordinance on the present or former owner or occupant of the premises is unpaid.
- 4) Fraud or misrepresentation is committed by the owner or occupant in connection with an application for service.
- 5) The Residential or Commercial structure has been abandoned for a period of no less than one billing period and no more than one year.

Section 10. SERVICE FAILURES AND INTERRUPTIONS.

A. SERVICE FAILURES.

All Water Service supplied by the Water System shall be upon the express condition that the Town shall not be liable nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, branches, service pipes, apparatus or appurtenances connected with said system or any part or portion thereof, or for any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

B. SERVICE INTERRUPTIONS.

The Town reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the Town in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for sprinkling lawns or gardens. No claim shall be made against the Town by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections, or repairing any part of the Water System, or from failure of the water supply, or by increasing the water pressure at any time, or from concentrated or restricted use of water as above.

Section 11. SERVICE AND MAINTENANCE.

A. REPAIR OF LEAKS.

It shall be the responsibility of the property owner to maintain the service pipe from the curb stop and box into the house or building. In case of failure upon the part of any owner to repair any leak occurring in his service pipe within twenty-four hours after verbal or written notice has been given the owner of the premises, the water will be shut off by the Town until necessary repair has been made and until the re-connection fee has been paid.

B. RISK OF DAMAGE.

When the loss of water is determined to be significant, or when property damage is likely to result from the leak, the Town may shut off the water immediately.

Section 12. ABANDONED SERVICES; PENALTIES.

A. DISCONNECTION DUE TO ABANDONMENT.

All service installations connected to the Water System, that have been abandoned or have not been used for one year or, for any reason, have become useless for further service, shall be disconnected at the main by the Town, and all pipe and appurtenances shall be the property of the Town.

B. NEW OR UPGRADED STRUCTURES ON EXISTING SITES.

When any construction, excavating or building occurs on the site of an existing or abandoned Water Service where the intent is to increase, change or abandon the existing Water Service, no connections with the mains shall be made until the entire old service has been removed and the main capped as approved by the Engineer. If the Owner or contractor shall fail to do so within twenty-four hours of written or oral notice from the Town, the Town may remove the old service and the owner shall pay the Town for all the costs incurred for such removal.

Section 13. SERVICE PIPES.

The size and type of all service pipes shall conform to the "Standard Specifications and Construction Requirements for Streets, Water, Storm Sewer and Sanitary Sewer System." Any proposed exceptions to the Standard Specifications shall be reviewed by the Engineer and approved by the Board.

Section 14. WATER METERS.

A. SECURITY DEPOSIT.

The Town Board may determine if security deposits for water meters will be required from customers. If the Town Board requires a security deposit, it may, from time to time, determine the amount of the security deposit to be made by customers for water meters. Payment of the security deposit shall be made at the time of making application for service installation. The money received from these deposits shall be placed in a revolving fund for the purchase and maintenance of water meters. Refund of the water meter deposit shall be made to the owners of the premises only if said premises are destroyed or no longer needed and the Town-owned meter is returned in good condition.

B. UNMETERED WATER USAGE.

Except for extinguishment of fires or uses specifically authorized and permitted by the Town, no person shall use water from the water supply system of the Town or allow water to be drawn from the water supply system, unless the water is passed through a meter supplied by the Town. No person shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with the proper use of a water meter .

C. REPAIR/MAINTENANCE OF WATER METERS.

The Town shall maintain, repair or replace a meter when rendered unserviceable through ordinary use and operation, or when the Town Board determines in its discretion, that the meter should be upgraded. However, where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense incurred by the Town shall be charged against and collected from the owner of the premises, and Water Service may be discontinued until the cause is corrected and amount charged collected.

D. WATER METER TESTING. A customer may by written request have the water meter tested by paying a deposit or fee as determined by the Town Board. The customer may be present when such test is made.

If the test shows an error of over five percent of the water consumed in favor of the Town, the deposit will be refunded to the customer, a correctly registering meter will be installed and the water bill will be adjusted accordingly. Such adjustment shall not extend back more than one service period plus one month from the date of the written request and the minimum charge shall not be affected.

If the test shows an accurate measurement of water or an error in favor of the customer, the amount deposited shall be retained by the Town to cover part of the expense of making such test.

E. WATER METERS PROPERTY OF THE TOWN.

All water meters are the property of the Town, and may only be removed, replaced or changed by the Town.

Section 15. SETTING OF METERS.

A. SERVICE PIPE UNDER FLOOR.

All water meters hereafter installed shall be in accordance with the following rules: The water pipe connecting with the stop and box shall not be run under any floor for a distance of more than two feet, measured from the inside of the wall, before being connected to the water meter, unless otherwise authorized by the Town Board.

- B. SERVICE PIPE ENTRANCE.  
The service pipe from the stop and box to the meter, when the same enters the building, shall be brought through the floor in a vertical position unless otherwise authorized by the Town Board. The stop and waste valve shall be installed at a maximum of twelve (12) inches above the floor.
- C. ACCESS TO METER.  
Meter shall be placed in heated area readily accessible for inspection.
- D. PLACEMENT OF METER.  
The meter shall be located so that the bottom is from six (6) to twelve (12) inches above the finished floor line. The meter shall be set not more than twelve (12) inches measured horizontally from the inside of the wall, unless an alternate method is approved by the Town Board. A suitable bracket to support the meter in a proper vertical position and to prevent noise from vibration shall be provided.
- E. STOP AND WASTE VALVE ARRANGEMENT.  
All meter installations shall have a stop and waste valve on the street side of the meter. There shall not be more than twelve (12) inches of pipe exposed between the point of entrance through the floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter located within twelve (12) inches of the meter.

Section 16. PRIVATE WATER.

- A. CONSTRUCTION OF PRIVATE WATER SYSTEM.  
Except where Water Service is not available, it shall be unlawful to construct any private water system which is designed or intended to provide water for human consumption.
- B. OPTION.  
Wherever a private water system exists when Water Service becomes available to the property, the property owner has the option to use the private water system for the sole source of water for human consumption. If a private water service is used on the property, and the water is discharged in any way to the Town sewer system resulting in an unmetered sewage discharge, the private water system must have a Town water meter complying with the provisions of this ordinance.
- C. COMBINED USE OF MUNICIPAL AND PRIVATE WATER SYSTEMS.  
Existing private water systems may be used in conjunction with municipal water as long as the following conditions are met:

- 1) Municipal water is the sole source for water for human consumption.
- 2) All means and potential sources of cross connections have been eliminated.
- 3) Hose bibs shall not exist for the private water system on the internal plumbing of the structure.
- 4) Hose bibs external to the structure may exist for either the municipal water or the private water but not both.
- 5) All private water wells not to be used as the sole source for water for human consumption or not plumbed in accordance with this Ordinance for use as non-potable water in conjunction with municipal water shall be maintained or abandoned in accordance to Minnesota Rules Chapter 4725 and Minnesota Statutes Chapter 103I.

D. WATER SERVICE TO NEW STRUCTURES.

All new Residential or Commercial structures shall connect to the Water Service if available to the property.

E. INACCESSIBILITY TO WATER SERVICE.

Where new Residential or Commercial structures do not have Water Service available to the property, the Town shall determine whether Water Service shall be extended to the property and under what conditions an extension will be provided.

F. CROSS CONNECTIONS.

No portion of the Water System shall be connected with any pump, well or tank that is connected with any other source of water supply. When Cross Connections are discovered, the Town shall notify the owner to disconnect the same, and if not done immediately, the Water Service shall be turned off forthwith. Before any new connection to the Water System is permitted, the Town shall confirm that no Cross Connections will exist before the new connection is made.

Section 17. RESTRICTED WATER USE.

Whenever the Town determines that a shortage of water supply may exist, a public notice shall be published of the times and hours during which water from the Water System may be used for lawn and garden sprinkling, irrigation, car washing, air conditioning or other uses specified therein are limited; a copy of such notice shall be mailed to each water customer. Two days after the mailing of such notice if any water customer shall cause or permit water to be used in violation of the provisions of such

notice, the customer is in violation of this Ordinance. Each day in which any such violation shall occur shall be deemed a separate offense. In addition to enforcement of the penalty provisions in Section 18, the customer shall be assessed for each day of such violation a restricted water use charge. The assessed charges shall be added to the customers next water bill. Continued violation is shall be cause for discontinuance of Water Service.

Section 18. PENALTY.

A. CIVIL ACTION.

The Town may, at its discretion, seek any civil remedies available, including injunctive relief and reimbursement of all costs and disbursements, including Attorney's fees expended by the Town in enforcing this Ordinance. In addition, any costs incurred by the Town may be assessed against the affected property pursuant to Minnesota Statutes, Section 429.101.

B. CRIMINAL ACTION.

Violations of this ordinance shall constitute a misdemeanor and shall be punishable by up to the maximum penalty for a misdemeanor as provided by state law. Each day a violation shall occur shall constitute a separate violation. If convicted, the person may be assessed costs of prosecution as allowed by Minnesota Statutes, Section 366.01, Subdivision 10.

Section 19. SEVERABILITY


If any portion of this Ordinance shall be found unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

Section 20. AUTHORIZATION OF ORDINANCE ENACTMENT.

- A. This Ordinance shall become effective and enforceable on the day following publication.

Passed by the Town Board this 15th day of June, 2011.

  
\_\_\_\_\_  
Chairperson, Town Board

Attested to by:   
\_\_\_\_\_  
Town Clerk