

TITLE V: PUBLIC WORKS

Chapter

[50.](#) WATER AND SEWERS

## CHAPTER 50: WATER AND SEWERS

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## GENERAL PROVISIONS

### § 50.01 DEFINITIONS

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

**RESIDENTIAL.** The principal use of land or buildings for homes or apartments where people live and reside.

**COMMERCIAL.** The principal use of land or buildings for the sale, lease, rental, trade of products, goods, or services.  
(Ord. 2019-2, passed 6-11-2019)

### § 50.02 TOILET REQUIRED; WATER AND SEWER CONNECTION.

(A) *Inside Toilet Required.* The owner of every residence or business building abutting upon any street or alley in which city water and sewer mains are maintained, shall install a toilet in the building and connect it with the water and sewer mains within 30 days after written notice to do so has been served by the City Clerk-Treasurer on order of the City Council. Service shall be made on the owner or his or her authorized agent personally or by mail sent to his or her last known address. If the owner cannot be reached by mail so addressed, service may be made on the occupant.

(B) *Installation by City.* Whenever the notice provided for in division (A) is not complied with the Council shall by resolution direct the installation of a toilet and connection with the water and sewer system. The cost of the installation shall be paid initially from the general fund and then assessed by the Council against the property benefitted. If the assessment is not paid to the City Clerk-Treasurer within 10 days after the Clerk-Treasurer has served written notice in the same manner as provided for the notice referred to in division (A), the Clerk-Treasurer shall certify the amount of the assessment to the County Auditor for collection in the same manner as other special assessments. The Council, by resolution, may provide for payment of the assessment in annual installments bearing interest at 5% per annum from the expiration of that 10-day period.

(C) *Certain Outside Toilets, Septic Tanks, and the Like, Declared Nuisances.* When a toilet connected with the city water and sewer system has been installed in any residence or business building on any parcel of land, any outside toilet, cess pool, or septic tank on that parcel is declared a nuisance and shall be removed by the owner within 10 days after the connection to the water and sewer system has been made.

(D) *Failure of an Existing Private Well or Private Sewer.* If at any time an existing private well or existing private sewer should fail, the owner of the residence or business shall hook up to city water and / or city sewer, providing the residence or business abuts upon any street or alley in which city water and sewer mains exist.

- (1) Failure of a private well shall be defined as:
- (i) Any event which would cause the replacement of the casing of the existing well; or
  - (ii) Any event which would cause the replacement of the sand point to an existing shallow well, or the screen to an existing deep well; or
  - (iii) In any event where a new well drilling would be a necessary remedy; or
  - (iv) Any event where the existing well “fails inspection”.

(2) Failure of private sewer shall be defined as:

- (i) In any event where a new septic system would be a necessary remedy; or
- (ii) Any event where the existing septic system “fails inspection”.

(E) *Violations.* Any person who shall interfere with the execution of this section or who shall maintain a nuisance contrary to division (C) above shall be guilty of a misdemeanor. A conviction shall not bar a later conviction for subsequent violation of this section.  
(Ord. 2019-2, passed 6-11-2019; Amended 2-8-2022) Penalty, see § 10.99

## CONSTRUCTION, CONNECTION, AND USE

### **§ 50.15 NEW CONNECTION; APPLICATION.**

(A) Any party desiring service from the water or sewer system of the city for premises not connected with the system shall apply for a connection permit on a form provided by the city. The application shall state an exact description of the premises to be served. The application shall be provided by the Clerk-Treasurer.

(B) Fees for connection will be established by resolution and reviewed yearly.  
(Ord. 2019-2, passed 6-11-2019)

### **§ 50.16 NEW SERVICE TO EXISTING CONNECTION.**

Any party desiring water and sewer services for the premises where a connection is existing shall make a written application as in § 50.15 of this code. If any connection charge, water or sewer charge, or meter charge of any kind is outstanding against the premises, the applicant shall pay it before connection or request the same to be specifically waived by resolution of the City Council.

(Ord. 2019-2, passed 6-11-2019)

## **§ 50.17 CONSENT TO REGULATIONS.**

Every person applying for water or sewer service from the city system, and every owner for which such an application is made, shall be deemed by that application to consent to all the rules, regulations, and rates contained in the ordinances of the city and to all modifications thereof, and to all new rules, regulations, and rates duly adopted.

(Ord. 2019-2, passed 6-11-2019)

## **§ 50.18 INSTALLATION AND MAINTENANCE RESPONSIBILITY.**

### *(A) Residential Single-Family Homes.*

- (1) The customer is responsible for the installation of all water and sewer lines from the main to the residence, with installation and repairs being done to city specifications.
- (2) These lines shall not be covered until an inspection by a city authorized inspector is done.
- (3) Repairs of water lines from the main to and including the curb stop line shall be the responsibility of the city, and maintenance and repairs of water lines from the curb stop to the structure shall be the responsibility of the property owner. Repair of sewer service lines from the main, including the service connection, to the house or building shall be the responsibility of the property owner.

(Amended 6-8-2021)

### *(B) Commercial, Industrial, and Multi-Family Homes.*

- (1) The property owner is responsible for the installation of water and sewer lines from the main to the structure.
- (2) Repairs from the main to the curb stop or property line shall be the responsibility of the city, and maintenance and repairs of water and sewer lines from the curb stop or property line to the structure shall be the responsibility of the property owner. Repair of sewer service lines from the main, including the service connection, to the building shall be the responsibility of the property owner.

(Amended 6-8-2021)

- (3) These lines shall not be covered until an inspection by a city authorized inspector is done.

*(C) Line Maintenance.* The property owner is responsible that all lines are kept free flowing from the main to the house. This would include, but is not limited to, freeze-ups or plugs due to debris or root problems.

(Ord. 2019-2, passed 6-11-2019) Penalty, see § 10.99

### **§ 50.20 METER INSTALLATION; REPAIR AND REPLACEMENT.**

(A) Every consumer shall have a meter and transmitter installed.

(B) If any meter is damaged by negligence of the consumer, the cost of repairing or replacing the meter shall be borne by the consumer. Meters that are found to be defective will be replaced at no charge to the consumer.

(C) Residential meters up to 1 inch shall be supplied by the City at no cost to the consumer. Meters larger than 1 inch shall be supplied by the City with the cost of the meter to be borne by the consumer. Consumers are required to pay for meters before receiving any water service.

(Ord. 2019-2, passed 6-11-2019) Penalty, see § 10.99

### **§ 50.21 UNLAWFUL USE OF WATER.**

It shall be unlawful for any person to use water from the city water system that is not drawn through a meter installed by the city. No person except an authorized representative of the City Council shall tamper with any of the curb stops.

(Ord. 2019-2, passed 6-11-2019) Penalty, see § 10.99

### **§ 50.22 SEPARATE CONNECTIONS REQUIRED.**

Each premises or structure shall have its own separate and distinct water and sewer connection.

(Ord. 2019-2, passed 6-11-2019) Penalty, see § 10.99

### **§ 50.23 MATERIALS AND CONSTRUCTION; STANDARDS.**

(A) Standards for new services or replacing or repairing of old services.

(1) All materials shall conform to the State Plumbing Code, State Department of Health regulations, and the city requirements, whichever are more restrictive.

(2) The type "K" copper or SIDR 7 poly shall be used for normal house water service. Normal house water service lines shall be a minimum of  $\frac{3}{4}$  inch nominal diameter if copper is used and a minimum of 1 inch nominal diameter if poly is used.

(3) The depth of all water services shall be maintained at 8 feet or more to insure

against frost and freezing of lines. All segments of water service lines under a street or roadway shall be insulated with a minimum of 4 inches of a certifoam type of insulation. Insulation shall be no more than 18 inches above the water service line with a minimum width of 4 feet.

- (4) The sewer service pipe shall be of sufficient size and slope to provide wastewater from the building to the collection main. It shall be in no case less than 4-inches nominal diameter. Methods of sizing the sewer service pipe are described in the State Plumbing Code.
- (5) All plastic water or sewer service lines shall be buried with a tracer wire. The tracer wire shall have an access box located at the property line and a magnesium anode attached at each end.

(B) Separation of water and sewer service. The separation of services shall conform to the State Department of Health regulations.

(C) Water system check valves and back siphoning devices shall be installed where required by the State Department of Health regulations, State Plumbing Codes and City Building Codes.

(Ord. 2019-2, passed 6-11-2019) Penalty, see § 10.99

## **§ 50.25 LAWN SPRINKLING RESTRICTIONS**

(A) Tiered lawn sprinkling restrictions, becoming increasingly restrictive, shall be implemented following determination by the Public Works Superintendent and posting of the notice at City Hall. Additional means of notification may be used, as directed by the City Manager.

(1) Tier I: Properties will be prohibited from sprinkling during the hours of 9:00 a.m. to 7:00 p.m.

(2) Tier II: All property with addresses that end with an odd number may be sprinkled on odd numbered calendar days and property addresses that end with an even number maybe sprinkled on even numbered calendar days.

(3) Tier III: All lawn sprinkling by all properties is totally restricted.

(B) The above restrictions do not apply to private wells.

(C) Property owners with newly sodden lawns may receive up to thirty (30) calendar days exemption upon written authorization of the Public Utilities Department.

(D) *Penalties*: The following penalties will be imposed for violations, and will go from January to December.

(1) First violation-verbal and/or written warning.

(2) Second violation \$75.00 fine.

(3) Third violation \$250.00 fine

(4) Any violations after the third will be charged at \$500.00 per violation.  
Violations will carry over for a two year period.

(Ord. 2019-2, passed 6-11-2019)

### **§ 50.26 USE OF CURB STOP KEY.**

Only a Public Works employee of the City or a licensed plumber is authorized to use a curb stop key to operate a curb stop. A licensed plumber may only use a curb stop key to operate a curb stop in relations to performing water line repairs or seasonal residency.

(Ord. 2019-2, passed 6-11-2019)

## ADMINISTRATION AND ENFORCEMENT

### **§ 50.35 DISCONTINUANCE OF SERVICE.**

(A) The city's form for application for utility services shall contain, the title, address, and telephone number of the official in charge of billing, and clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That discontinuance of service shall only take effect at such time as the water utility supply line from the curb stop to the residence or business is removed due to demolition of buildings; and

(3) That service shall be reinstated at such time as any new residence or business requiring water / sewer services is erected upon the property in accordance with section § 50.02 of this ordinance.

(Ord. 2019-2, passed 6-11-2019; Amended 2-8-2022)

### **§ 50.36 BILLING AND PAYMENT; COLLECTION OF DELINQUENT PAYMENT.**

Definitions and meanings.



(1) "Delinquent" means any water utility account that is past due;

(A) *Billing and Payment.*

(1) The City Clerk-Treasurer or authorized agent designated by the City Council shall prepare and mail or email a monthly billing statement, for each customer, stating the amount due under the terms of this chapter. Statements shall include applicable additional fees such as Tax (commercial accounts) and late fees if incurred. Statements shall be due and payable to the Clerk-Treasurer on or before day 20 of the current month. Accounts delinquent as of the 21st of said month shall incur a late fee of 8%. A monthly billing register summary shall be generated and on file in the office of City Hall.

(Amended 9-14-2021)

(2) Fees for water usage shall be set by resolution and will be reviewed and adjusted accordingly.

(3) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges.

(B) *Collection of Delinquent Payments.* Any amounts due for water charges may be collected in action brought for that purpose in the name of the city against the consumer. In the absence of payment of the bill rendered in excess of \$100.00, as provided for by M.S. § 444.075, Subd. 3e, as it may be amended from time to time, the City Clerk-Treasurer will certify to the County Auditor the amounts due for water, including any penalty fees incurred, together with legal description of the premises served.

(C) *Certification.* The City Clerk-Treasurer yearly shall prepare a list of delinquent charges to be certified for payment as taxes. The list of delinquent charges shall be delivered to the City Council for adoption. Upon adoption, the City Clerk-Treasurer shall certify the unpaid charges to the County Auditor for collection as other taxes are collected, and the County Auditor shall thereupon enter that amount in the tax levy on the premises collectible with the taxes for the next ensuing year. This action may be optional or subsequent to taking other legal action to collect delinquent charges, and shall not preclude the City or its agents from recovery of the delinquent charges and interest under any other available remedy, and shall not preclude the disconnection for late payment provided for in this chapter.

(1) The City hereby establishes a procedure to certify delinquent utility accounts, in excess of \$100.00 at the time and date of certification established by the City Council, to the County Auditor for collection with the subsequent year's property taxes due against the parcel for which said past due billing is owed.

(2) One Time Per Year Procedure.

(a) Prior to November 1<sup>st</sup> of each year, the City shall prepare a list of delinquent accounts; and

(b) Prior to November 1<sup>st</sup> of each year, the City shall send a letter to the delinquent account property owners advising the owner of the following:

(i) That the account is delinquent in excess of \$100.00 as of November 1<sup>st</sup> of that year; and

(ii) That the delinquent account, if left unpaid, shall incur a \$40.00 administrative fee as of November 1<sup>st</sup> of that year; and

(iii) That the owner must make full payment on the delinquent account, in cash, or cash equivalent, at City Hall prior to November 1<sup>st</sup> of that year to avoid the action to certify to taxes; and

(iv) That the owner has until December 31<sup>st</sup> of that year to avoid actual certification to taxes, but will incur any accrued late fees and interest, as well as an administrative fee; and

(v) That if the balance is not paid in full prior to December 31<sup>st</sup> of that year, then the amount due on that date, (which will include any accrued late fees, interest, certification fees, and administrative fees) will be certified to the County Auditor for collection with the following year's property taxes; and

(vi) That upon actual certification to taxes of a delinquent account by the Cass County Auditor, a \$100 certification fee will be applied; and

(vii) That payment of delinquent water assessment after December 31<sup>st</sup> of that year must be made to the County Auditor.

(D) *Person Responsible for Payment of Water and Sewer Rates.* The rates and charges for water services, and the rates and charges for sewer services, whether supplied by the City of Pine River or any other entity and whether now or in the future, shall be the responsibility of the owner of the premises served.

(1) It shall be the responsibility of the owner to collect these charges from the current occupants of the premises if the premise is not occupied by the owner; and

(2) The owner shall be responsible for the charges. Utility billing shall be in the owner's name, and will be addressed and mailed to the owner utilizing the

owner's preference of a mailing address or physical address; and

(3) Payment by the occupant is permitted and this payment shall be credited to the account of the appropriate owner.

(Ord. 2019-2, passed 6-11-2019; Amended 9-14-2021; Amended 2-8-2022) Penalty, see § 10.99

#### **§ 50.37 DEFECTIVE SERVICE; CLAIMS.**

All claims for defective service shall be made in writing and filed with the City Clerk-Treasurer within 30 days or before day 10 of the next month. Any claim so filed shall be inspected by the Public Works Director to determine the defect. The Public Works Director shall report that determination to the City Council, and if the claim is approved by that body, the claim shall be allowed as a credit on the next bill, or paid as other claims. No claim shall be made against the city for any fire, or injuries to the person or property of any consumer of water under the provisions hereof.

(Ord. 2019-2, passed 6-11-2019) Penalty, see § 10.99

#### **§ 50.38 WATER FUND; SEWER FUND.**

(A) *Water Fund.* There shall be created a special city fund as the Water Fund to be kept and maintained by the City Clerk-Treasurer. Into this fund shall be paid all collections of water charges as provided in resolutions adopted and updated at regular intervals and other monies as may from time to time be appropriated or directed by the City Council. Out of this fund shall be paid all costs of operation and maintenance of the water system and other liabilities or obligations as may be described from time to time by ordinances or specified by the City Council.

(B) *Sewer Fund.* There shall be created a special city fund as the Sewer Fund to be kept and maintained by the City Clerk-Treasurer. Into this fund shall be paid a specified yearly amount as stated in the budget and other monies as may from time to time be appropriated or directed by the City Council. Out of this fund shall be paid all costs of operations and maintenance of the sewer system and other liabilities or obligations as may be described from time to time by ordinance or specified by the City Council.

(Ord. 2019-2, passed 6-11-2019)

#### **§ 50.40 VIOLATIONS; REMEDIES NOT EXCLUSIVE.**

Any person violating any regulation of this subchapter or §§ 50.15 et seq. shall be guilty of a misdemeanor. Any prosecution hereunder shall not prevent the enforcement of any civil right or remedy hereunder or any other applicable law.

(Ord. 2019-2, passed 6-11-2019) Penalty, see § 10.99

**§ 50.41 CONNECTION APPLICATION FEES.**

(A) *New Connections.* Any party desiring water and sewer connection where the connection from the street mains has not been previously established shall make application pursuant to § 50.15 of this code as follows.

- (1) *Residential or Commercial.* Any party desiring water and sewer connection where the connection from the street mains has not been previously established, shall make application and shall pay to the Clerk-Treasurer, as and for a connection charge, as follows.

Surface Type	Connection(s)	Charge
Blacktopped surface	Water or sewer	\$2,000
Blacktopped surface	Water and sewer	\$3,000
Gravel surface	Water or sewer	\$500
Gravel surface	Water and sewer	\$750

- (2) *Commercial Along Barclay Avenue.* Permits for water and sewer connections on Barclay Avenue will be established on a case by case basis and the cost shall be based on the actual cost of restoration and repairs.

(B) *Existing Connections; Water Access Fee.* For services where the connection from the main to the property line is already existing, the charge of \$250 shall be paid by the property owner before water service will be established.

(Ord. 2019-2, passed 6-11-2019)

**§ 50.42 WATER RATES.**

(A) The owner of any premises connected to the City water systems shall be responsible for all water consumed thereon at the following rates:

- (1) For the first 4,000 gallons of water used per month, which is also the minimum charged, the amount will be:

Effective 1-1-2022: This rate will increase to \$29.50 a month for 4,000 gallons and the minimum charge will be \$29.50.

Effective 1-1-2023: This rate will increase to \$31.00 a month for 4,000 gallons and the minimum charge will be \$31.00.

(Amended 9-14-2021)

(2) For usage over 4,000 gallons per month the charge will be \$2.20 per 1,000 gallons.

(Amended 9-14-2021)

(B) The minimum water rate fee will be charged for accounts that are on temporary disconnect and will continue unless the water service line is removed from the residence or the building is removed as established in Section 50.35, para.2.

(Ord. 2019-2, passed 6-11-2019; Amended 2-8-2022) Penalty, see § 10.99