

**An Amendment to Ordinance 52**  
**An Ordinance Establishing Water Regulations**  
City of Ashby, County of Grant, State of Minnesota

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**GENERAL PROVISIONS**

**52.01 GENERAL OPERATION.**

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

**52.02 USE OF WATER SERVICE.**

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this ordinance. No person shall make or use any installation contrary to the regulatory provisions of this ordinance.

Penalty, see Ordinance 10.99

**52.03 USE TO CIRCUMVENT ORDINANCE PROHIBITED.**

No person shall permit water from the water system to be used for any purpose to circumvent this ordinance.

Penalty, see Ordinance 10.99

#### **52.04 DAMAGE TO WATER SYSTEM.**

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

Penalty, see Ordinance 10.99

#### **52.05 CONNECTIONS BEYOND CITY BOUNDARIES.**

Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of this ordinance and subject to any contract for the supply of water between the city and any other city.

Penalty, see Ordinance 10.99

#### **52.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.**

(A) Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this ordinance, a charge shall be made in an amount established by Ordinance 52.51.

(C) Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

(1) The well pump and tank shall be disconnected from all internal piping;

(2) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;

(3) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;

(4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

Penalty, see Ordinance 10.99

#### **52.07 USE OF WATER FOR AIR CONDITIONING; PERMITS.**

(A) All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to Ordinance 52.51.

Penalty, see Ordinance 10.99

#### **52.08 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.**

(A) *Use of fire hydrants.* Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 30 day period as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a rental charge as established pursuant to Ordinance 52.51 for each day including Sundays and legal holidays, and a fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to Ordinance 30.11 of this code, as that ordinance may be amended from time to time for each 1,000 gallons of water used.

(B) *Temporary connection to fire hydrants.* An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and payment specified in Ordinance 52.51. In addition, the method of connection to the private system shall conform to all existing requirements of this ordinance and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent. Penalty, see Ordinance 10.99

#### **52.09 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.**

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in Ordinance 52.72.

#### **52.10 OWNERSHIP/RESPONSIBILITY OF WATER LINES**

The homeowner owns and is responsible for service line from the curb stop to dwelling.

#### **52.25 SUPPLY FROM ONE SERVICE.**

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter. Penalty, see Ordinance 10.99

#### **52.26 TAPPING OF MAINS RESTRICTED.**

No person, except persons authorized by the Public Works Superintendent, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein. Penalty, see Ordinance 10.99

#### **52.27 REPAIRS.**

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *Thawing of water services.* The city will attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

(C) *Excavation or repair of water service.*

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(D) *Failure to repair.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to Ordinance 52.51 has been paid to the city. Penalty, see Ordinance 10.99

**52.28 ABANDONED OR UNUSED SERVICES.**

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service shall be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense. Penalty, see Ordinance 10.99

**52.29 DISCONNECTION PERMIT.**

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to Ordinance 52.51. Penalty, see Ordinance 10.99

**52.30 SERVICE PIPES.**

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be used. All services over two inches shall be ductile or cast iron. All underground joints are to be mechanical, except joints under floors shall be silver soldered, unless otherwise approved by the Utilities Superintendent. Joints of copper tubing shall be kept, to a minimum, with not more than one joint used for service for each 70 feet in length. Splicing may be approved with three-piece unions only. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and tested at normal water line pressure. Unions must be three-part type. All services over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least one inch up to the curb stop box. Penalty, see Ordinance 10.99

**52.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.**

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance

with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and ductile or cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.

Penalty, see Ordinance 10.99

(E) All excavation & construction must meet the pertinent requirements of the Minnesota Plumbing code and City Engineers Association of Minnesota Standard Specifications as they may be amended from time to time.

### **52.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.**

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

Penalty, see Ordinance 10.99

### **52.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.**

#### *(A) Connection applications.*

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to Ordinance 30.11 of this code, as that ordinance may be amended from time to time or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand.

(2) The size of the water service connections and meter shall be subject to approval of the City.

(3) Water billing shall start at the time of installation of the water meter.

#### *(B) Connection charges.*

(1) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(2) There shall be a connection charge pursuant to Ordinance 52.51 levied by the city to contribute to the payment of the costs of the Public Water System.

(3) When water services have been stopped because of a violation of this ordinance, the city shall collect the fee established pursuant to Ordinance 52.51 before service is recommenced.

(4) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the city shall collect an amount from the applicant that is established pursuant to Ordinance 52.51.

Penalty, see Ordinance 10.99

### **52.34 LOCATION OF CURB STOP BOX.**

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see Ordinance 10.99

### **52.35 WATER METERS.**

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) Water meters will be provided by the City at no charge to the resident. This applies to new construction and meters that need to be replaced through ordinary wear and tear. If the property owner requests a meter larger than the size normally provided by the City, the cost of the meter will be paid by the property owner.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and "Y" off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to Ordinance 52.51. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and remote readers shall be and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) *Water meter setting.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council.

Penalty, see Ordinance 10.99

## ***RATES AND CHARGES***

### **52.50 WATER UNIT.**

A water unit (hereinafter called unit) shall be one residential equivalent connection based on usage of 100,000 gallons per year or portion thereof.

### **52.51 RATES, FEES AND CHARGES GENERALLY.**

The City Council shall establish a schedule of all water rates, fees and charges for permits or services in the

Ordinance Establishing Fees and Charges adopted pursuant to Ordinance 30.11 of this ordinance, as that ordinance may be amended from time to time.

**52.52 WATER SERVICE BILLING; CHANGE OF ADDRESS.**

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

**52.53 WATER RATES.**

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to Ordinance 52.51.

(B) In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined in the Ordinance Establishing Rate and Fees.

(D) The minimum rate shall begin to accrue after connection of the water meter.

(E) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the base or minimum charge shall continue. All properties with a structure and water service to the building will be charged the base fee each month. . This fee will be charged even if services have been disconnected to the property; either by the choice of the property owner or for nonpayment. Penalty, see Ordinance 10.99

**52.54 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.**

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

(B) If a monthly service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk and forwarded to the County Auditor for collection as provided for in Ordinance 54. Penalty, see Ordinance 10.99.

***ADMINISTRATION AND ENFORCEMENT***

**52.70 SUPERVISION BY UTILITIES SUPERINTENDENT; LICENSING.**

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected, tested and the meter sealed by the Utilities Superintendent.

(B) No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections within the city without first obtaining a license to carry on the occupation from the city. A master plumber licensed by the state under the provisions of M.S. 326.40, as it may be amended from time to time, is exempt from the provisions of this ordinance. A person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this ordinance.

(1) The applicant shall file with the City Clerk evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. Evidence of insurance required pursuant to M.S. 326.40, Subd. 2, as it may be amended from time to time, shall satisfy this requirement.

(2) The applicant shall file with the City Clerk a surety bond guaranteeing the conformance and compliance of work with this ordinance. The bond shall be in the amount of \$2,000. The city shall hold the bond for one year following the license period. Failure to comply with provisions and requirements of this ordinance shall result in forfeiture of the bond. The applicant may comply with the requirements of M.S. 326.40, Subd. 2, as it may be amended from time to time in lieu of these requirements.

(3) Applications for licenses shall be filed with the City Clerk and shall be reviewed and subject to approval of the city.

(4) Any installation, construction, alteration of a water connection by a license in violation of any provision of this ordinance or refusal on the part of a licensee to correct the defective work shall be cause for revocation of or refusal to renew a license. This license may be revoked or refused for renewal by the city at any time for cause which shall be documented in writing.

(C) All licenses required in this ordinance shall be renewable annually. Applications for licenses shall be made annually on a form furnished by the City Clerk. Licenses shall be in effect from January 1 to December 31 of the same year. The license fee shall be established pursuant to Ordinance 52.51.

(D) Before any license issued under the provisions of this ordinance may be revoked or its renewal refused, the licensee shall be given a hearing by the City Council to show cause why the license should not be revoked or refused. Notice of the time, place and purpose of the hearing shall be in writing.

**52.71 POWERS AND AUTHORITY OF INSPECTORS.**

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this ordinance. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in Ordinance 10.20 before entering the property, except in emergency situations.

**52.72 DISCONTINUANCE OF SERVICE.**

Water service may be shut off at any connection as provided for in Ordinance 54. The City of Ashby has the right to remove any person from a home after water has been disconnected. State Plumbing Code requires that a working and safe supply of potable water be maintained in an occupied residence.

**52.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.**

No person, except an authorized city employee, shall turn on or off any water supply at the curb stop box. Penalty, see Ordinance 10.99

**52.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.**

Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

*Passed by the Ashby City Council on this date February 1, 2005.  
Amended by the Ashby City Council on this date May 3, 2005.  
Amended by the Ashby City Council on this date January 12, 2012.  
Amended by the Ashby City Council on this date January 8, 2015.*

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*Mayor*

\_\_\_\_\_  
*Clerk*