

**51.00 PUBLIC WATER DISTRIBUTION SYSTEM  
FOR THE CITY OF KERKHOVEN**

**51.01 Water Department.** There is hereby established a water department, which shall be under the supervision of the City Council and Water Operator. The Council and Operator shall be responsible for management, maintenance, care and operation of the water works system of the City.

**51.02 Use of Water System Restricted (Amended by Ordinance adopted August 10, 2009).**

- 1) No person shall make or use any water service installation connected to the City water system, except pursuant to application and permit as provided in this chapter.
- 2) No person shall make or use any such installation contrary to the regulatory provisions of this chapter.
- 3) 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.
- 4) 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.

**51.03 Application for Service.**

- 1) Procedure. Application for water service shall be made to the City of Kerkhoven on a form prescribed and furnished by the City. By his signature, the applicant shall agree to conform to this Ordinance and to rules and regulations that may be established by the City as conditions for the use of water.
- 2) Connection Fee. When a connection requires installation of a new or replacement service line from the main to the property line, the applicant for a permit shall pay to the City an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.
- 3) Water installation shall be restricted to properties within the City limits. (Amended by Ordinance adopted November 22, 2010)

**51.04 Accounting, Billing and Collecting.**

- 1) Accounts in Name of Owner. All accounts shall be carried in the name of the property owner. The owner shall be liable for water supplied to his property, whether he/she is occupying the property or not, and any charges unpaid shall be a lien upon the property.
- 2) Bills for Service. Bills shall be mailed to the customers monthly and shall specify water charges in accordance with rates established by resolution by the City Council.
- 3) Delinquent Accounts. All charges for water shall be billed the first of the month and shall be delinquent thereafter. The City shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the City may, after the procedural requirements of subdivision 5 have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water

service to any premises has been discontinued, service shall not be restored except upon payment of all delinquent bills and a fee of \$30.00. Delinquent accounts shall be certified by the Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before October 1 of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts. (Amended by Ordinance adopted August 10, 2009)

- 4) Penalty on Delinquent Accounts. The delinquent customer shall be assessed and pay a penalty of \$3.00 per month which shall be due and payable with the monthly bill.
- 5) Procedure for Shutoff of Services. Water shall not be shut off under subdivision 3 or for a violation of rules and regulations affecting service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be sent and shall state that if payment is not made before a day stated in the notice, but not less than 10 (ten) days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may request a hearing on the matter before the 10 days after the date on the notice are up, in which case the supply will not be cut off until after a hearing is held. The Mayor will set the date of the hearing. If as a result of the hearing the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this Ordinance, the City may shut off the supply.

#### 51.05 **General Water Use Regulations.**

- 1) Discontinuance of Service. The City may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in subdivision 5, Section 51.04, for nonpayment of charges, or for violation of rules and regulations affecting utility service.
- 2) Supply From Service. No more than one house or building shall be supplied from one service connection except by special permission of the Council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box.
- 3) Turning on Water, Tapping Mains. No person except an authorized City employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stock cock or other appurtenance therein without a city permit.
- 4) Use of Fire Hydrants. No person other than an authorized City employee shall operate a fire hydrant or interfere in any way with the City water system without first obtaining authority from the Water Operator. (Amended by Ordinance adopted August 10, 2009)
- 5) Private Water Supply. No water pipe of the City water supply shall be connected with any pump, well or tank that is connected with any other source of water supply. When any such connection is found, the water department shall notify the owner to sever the connection and if this is not done immediately, the City shall turn off the water supply forthwith. Before any new connection to the City system is permitted, the department shall ascertain that no cross connection will exist when the new connection is made. The drilling of water wells or driving of sand points within those areas of the City wherein reasonably convenient connection to the City water supply may be had is prohibited. (Amended by Ordinance adopted August 10, 2009)

- 6) Restricted Hours. Whenever the Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which City water may be used for sprinkling, car washing, irrigation, air conditioning or other specified uses. After publication of the resolution, no person shall use or permit water to be used in violation of the resolution. (Amended by Ordinance adopted August 10, 2009)
- 7) Permitting Use by Others. No person shall permit City water to be used for any purpose except upon his own premises except in an emergency and then only if written permission is first obtained from the water department. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the Council for such services. (Amended by Ordinance adopted August 10, 2009)
- 8) Damage to Water System. 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. 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. (Amended by Ordinance adopted August 10, 2009)

**51.06 Repairs (Amended by Ordinance adopted August 10, 2009).**

- 1) 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.
- 2) 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.
- 3) Excavation or Repair of Water Service.
  - (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.

- 4) 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 of \$30.00 has been paid to the City.

**51.07 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 Public Utilities Department 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. (Amended by Ordinance adopted August 10, 2009)

**51.08 Meters (Amended by Ordinances adopted August 11, 2008 and August 10, 2009).**

- (1) Meters Required. 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 there from unless the same be metered by passing through a meter supplies 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 remote reader or the action thereof, or break any meter or valve seal.
- (2) Maintenance. Whenever a water meter is found to be out of order, then the Utilities Superintendent shall direct its repair and if damage shall be caused by carelessness or neglect (including damage from freezing or hot water backup) the property owner shall be liable for the expense or repairing or replacing the meter.
- (3) Charges. All water passing through a meter will be charged to the property, whether used or wasted. It shall be the duty of the person authorized by the City Council or Public Utilities Department to see that all meters are read monthly and the amount of water to be charged to the premises will be billed monthly.
- (4) Meter reading and Inspection. Meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected to the City water supply in order to read the meters and make inspections.
- (5) Meter ownership. All meters and remote readers shall be and remain the property of the City.
- (6) Final Reading. It shall be the responsibility of the consumer to notify the City to request a final reading at the time of the customers' billing change.

**51.09 Penalty.** Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00 and/or up to 90 days in jail. (Amended by Ordinance adopted August 10, 2009)