

CHAPTER 51 WATER SERVICE

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§ 51.01 PURPOSE AND ESTABLISHMENT

The purpose of the City’s public water utility is to provide safe drinking water to the city and allow for a distribution system that permits responsible residential, commercial and industrial development. The public water system is only sustainable when there are requirements to connect to the system and set appropriate user fees to pay for all system costs.

There is established a water utility of the city which shall be under the supervision of the - City Administrator. The water system as it is now constituted or shall herewith be enlarged or extended shall be operated and maintained under the provisions of this chapter, subject to the authority of the City Council at any time to amend, alter, change or repeal the same. The Public Works Department shall have responsibility for the management, maintenance, care and operation of the water system of the city.

§ 51.02 DEFINITIONS

For the purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

Account - A record of utility services used by each property and the periodic costs for those utility services.

Area Charge - Fee set by ordinance paid at the time parcels are annexed and/or subdivided (platted) into the City limits.

City - The City of Cambridge, County of Isanti, State of Minnesota.

City Utility System - Facilities used for providing public utility service owned or operated by City or agency thereof, including sanitary sewer, storm sewer, street light, and water service.

Private Service Line/Connection – The parcel or structure’s connection(s) from the City’s water main into the water meter(s) for that parcel. Private Service Lines are owned and to be maintained by property owners.

Utility Rate Schedule - A schedule of all utility rates and charges set by ordinance of the City.

Water Access Charge – Fee set by ordinance paid at the time a new connection to the City’s water main is made.

Water Main – an underground transmission pipe that supplies water throughout the City. Private Service Lines are connected to the City’s Water Main to provide water to individual parcels. The Water Main is owned and maintained by the City.

Waterworks System – Water, and sanitary sewer transmission pipes, lines, fixtures, lift stations, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sanitary sewer services for public or private use.

§ 51.03 ACCOUNTS

All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. A property owner shall be liable for all utility services supplied to the property by the City, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

§ 51.04 BILLING

(A) Water and sewer charges shall be billed on one bill for each meter connection as applicable to each account. Storm sewer and street light utility fees will also be included on the monthly utility bill.

All charges shall be due upon receipt and considered delinquent after the fifteenth (15th) day of the month. All bills shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the fifth (5th) day of each month and specify the water consumed, sewer charges, storm sewer charges, and street light utility charges in accordance with the current fee schedule set by ordinance of the City council.

(B) Fees for municipal water and sewer service will be set from time to time by the City Council by resolution or ordinance. Fees will include a Basic Service Charge and a charge based on volume of water used. The Basic Service Charge will be set by the City Council in accordance with the procedures set forth in this section.

(1) *Basic Service Charges for Single Family Residence Accounts.* The Council shall set a monthly basic service charge to be applied to all single family residence accounts (the "SFR Unit Basic Service Charge").

(2) *Basic Service Charge for All Other Accounts.* Each account that is not a single family residence account shall pay a Basic Service Charge that is a multiple of the SFR Unit Basic Service Charge. The multiple will be based on the actual or projected volume of water usage and the Annual System Per Unit Volume (ASPUV). The ASPUV will be set by the City Council in its fee ordinance at an amount which, when applied in accordance with this Section, will result in the recovery of a fair and reasonable portion of the costs for the construction, operation and maintenance of the water and sewer systems. The multiple for each account will be determined by dividing the actual or projected annual water usage for that account by the ASPUV, rounded to the nearest whole number (with .5's rounded to the next higher whole number and no number smaller than 1). That multiple will be multiplied by the SFR Unit Basic Service Charge to determine the monthly Basic Service Charge for that account.

(a) *Annual Determination of Service Charges.* The Basic Service Charge will be set each year to be in effect for a one-year period, commencing each January 1 based on water usage for the prior twelve-month period from October 1 to September 30.

(b) *Service Charges for Accounts with Twelve Months of Meter Readings.* If twelve months of meter readings are available, the multiple will be based on actual annual water usage

(c) *Service Charges for Accounts with from Three to Twelve Months of Meter Readings.* If fewer than twelve months, but at least three months, of meter readings are available, the actual water usage shall be annualized and used to determine the multiple for that account.

(d) *Service Charges for New Accounts and Accounts with Changes in Use or Structure.* For new accounts and changes to the use or structure of the account that require issuance of a building permit, the multiple shall be based on projected water usage determined by the City Administrator or the Administrator's designee after consideration of the square footage and use of the structure and the water usage of other similar uses and structures in the City. This multiple shall be used until the January

following the first time when there are at least three months of meter readings at full anticipated use, as of September 30.

(e) *Adjustment of Unreasonable Basic Service Charge.* The City Administrator or the Administrator's designee may increase or decrease the Basic Service Charge for accounts other than single family residence accounts, if the Administrator determines that the strict application of this results in a substantially unreasonable Basic Service Charge due to erroneous meter readings; unbalanced or unrepresentative water usage during the applicable meter reading period; or other extraordinary cause.

(f) *Appeal.* Decisions of the City Administrator or the City Administrator's designee specifying a Basic Service Charge based on projected water use under paragraph (A)(2)(d), or an increase of a Basic Service Charge under paragraph (A)(2)(e) may be appealed to the City Council by written notice of appeal to the City Administrator. Notice of appeal must be delivered to the Administrator within twenty-one days of mailing of written notice of the Administrator's determination of the Basic Service Charge to the account.

(g) *Sprinkler Accounts.* Sprinkler accounts shall pay a Basic Service Charge at the monthly rate of one-twelfth of one annual SFR Unit Basic Service Charge for each of the six months per year for which the city bills sprinkler accounts.

§ 51.05 DELINQUENT ACCOUNTS

(A) Penalties. A late payment penalty of 5 (five) percent, with a minimum of \$5.00, shall be assessed on all accounts with a past due balance.

(B) Shut-off for nonpayment. Water shall be shut-off after a notice of intent to shut-off has been mailed by first class mail and an opportunity for a hearing before the city council or an employee designated by the city council have been provided to the occupant and owner of the premises involved.

(1) If any bill is not paid by the due date listed on the bill, a second notice stating the balance due will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the second bill, water service to the premises will be shut off for nonpayment.

(2) The second notice (shut-off notice) must contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

(3) The notice shall also state that the any occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the city official in charge of utility billing. This official shall

be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

(4) If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.

(5) If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice but not until the charges have been reached \$200.

(6) If the customer's water is shut off by the City and the water is turned back on by anyone other than a City employee without paying the utility bill in full will be fined \$500 per occurrence. This fine if not paid will be certified for collection with taxes. This matter can also be referred to the City's prosecuting authority for criminal charges of tampering with a municipal water supply.

(C) **Certification for collection with taxes.** Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

In addition to any penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to procure payment.

The City will have a maximum of twelve certification cycles per year. Certifications will be scheduled and heard at the Council meeting which occurs on the third (3rd) Monday of each month. All city utility accounts, unless payment arrangements have been made with the City or exempt for other legal reason, which are delinquent and remain unpaid as of the certification cut-off date shall have the balance on the account included in the preliminary certification list.

(D) **Optional payment before certification.** The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

(E) **Hearing required.** A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

(1) **Hearing options.** For each certification sustained, the property owner shall have the following options after the hearing,

(a) To pay the delinquent amount listed on the preliminary roll prior to the certification being delivered to the County for inclusion on the tax rolls.

(b) To pay the certified charges as billed to them by Isanti County on their property tax statement with a collection term of one year.

(2) **Delivery to County.** Prior to December 1 of each year the certified roll, minus any payments, shall be delivered to Isanti County.

§ 51.06 APPLICATIONS, PERMITS, FEES, AND CONNECTIONS

(A) No person, firm or corporation shall make any type of connection to the water system, without making an application therefor on a form provided by the City and receiving a permit issued by the City for each purpose. The application shall include the legal description of the property to be served, the uses for which the connection is requested, the size of the service line to be used, full name and address of the owner, the time when the corporation stop is to be inserted and shall show all other particulars necessary to the full understanding of the subject. At the time of making such application there shall be paid to the City Administrator fees which shall be set by the City Council from time to time by resolution or ordinance for the following purposes.

(B) No connection shall be made to the City's water system serving any parcel within the City until the applicant has paid the Water Access Charge for connecting to the City's water system. This connection fee shall be in addition to any fees or charges required under this Chapter. The Water Access Charge is charged to parcels on which service lines have not been previously run from the street mains to the property. The Council shall annually set the Water Access Charge in the City's fee ordinance.

(1) The City Council may also establish water districts and area charges, which will be annually set by the City's fee ordinance and paid at the time parcels are annexed into the City limits and subdivided (platted) for development.

§ 51.07 INSTALLATION OF CONNECTIONS.

(A) *General.* All connections to the water system shall be performed under the regulations of this chapter and all other city ordinances and applicable statutes of the State of Minnesota and requirements of the Building Inspector.

(B) *Pipe requirements.* Either copper, polyvinyl chloride (PVC), or ductile iron service pipes may be used; lead-free brass fitting are required.

(C) *Pressure and connections.* All ductile iron, PVC, or copper pipe must sustain a pressure of not less than 150 pounds to the square inch. No person, except someone employed or authorized by the City, shall tap a distributing main or pipe of the city water supply system or insert corporation stop therein.

(D) *Excavation permits required.* No person shall excavate in a public street to service a water main, unless given permit to do so by the City.

§ 51.08 IMPLIED CONSENT TO RULES, REGULATIONS AND RATES

Every person applying for water service, every owner of property for which any such application is made, every person accepting water service and every owner of property where such service is accepted subsequent to the passage of this chapter shall be deemed upon making such application or accepting such service to consent to all rules, regulations and rates as established by this chapter and as may hereafter be set forth and adopted by the City Council by resolution and ordinance.

§ 51.09 CITY NOT LIABLE

The City shall not be held liable at any time for any deficiency or failure in the supply of water to the customer, whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatever.

§ 51.10 RIGHT TO ENTER LAND

(A) The city, by any authorized employee or agent, shall have the right to enter and be admitted to any lands and property in the city at all hours of the day between 7:00 a.m. and 6:00 p.m. for the purpose of inspection of materials, plumbing work and fixtures of all kinds used by or in connection with the water systems.

(B) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Administrator, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(C) Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Administrator or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to

enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Administrator to object to the termination before it occurs, subject to appeal of the Administrator's decision to the City Council at a regularly scheduled or special meeting.

(D) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

REGULATIONS

§ 51.11 WATER METER REGULATIONS

(A) Before any water conveyed through the City water system shall be used or utilized on the land or premises of any person, firm or corporation, there shall first be installed a water meter that will accurately measure the water consumed on the premises, except and unless such installation shall be exempted by the City.

(B) All applicants for the installation, maintenance and repair of water meters shall be made to the Building Official, who shall proceed to comply with such application within a reasonable time thereafter. All meters installed shall be purchased from the City. Regulations for the cost of furnishing and use of water meters shall be established by Council resolution or ordinance.

(C) For all new services the water meter shall be purchased from the City and installed by a licensed plumber. All meters, fittings, wiring and remote reading devices shall be installed in accordance with the requirements of the water utility and the Building Official.

(D) No person, firm or corporation other than the City or its designee shall install, maintain or repair any water meter within the City limits. Every water meter connected to the water system shall be sealed by or under the direction of the City Administrator or Public Works-Utility Department, and no person, firm or corporation shall break or remove such seal; provided, however, that a plumber licensed to do business in the city may break such seal or remove such meter if removed by a licensed plumber, such plumber shall notify the water utility of the fact within 24 hours after the seal is broken or the meter is removed. Whenever any seal attached to a water meter by or under the direction of the City Administrator or water utility is found broken, the broken condition of such seal shall be a prima facie evidence that such seal was broken contrary to the terms and provisions in violation of this chapter.

(E) All water meters connected to the water system shall be accessible to the City Administrator or Public Works-Utility Department or designee at all hours between 7:00 a.m. and 8:00 p.m. of any business day and the refusal of admission by any owner or occupant of any premises wherein a water

meter is installed after such owner or occupant has been notified that admission is desired for the purpose of inspecting a water meter installed in the premises shall constitute a violation of this chapter.

(F) Water meters shall be repaired or replaced from time to time as is necessary to insure accurate measuring of the flow of water. The cost of the repair or replacement shall be borne by the City, except that whenever a meter has been damaged due to negligence on the part of persons other than the employees of the City, the owner, occupant or user of the premises or such other person desiring the use of the water shall reimburse the City for the expense of repairing or replacing any such meter. Upon failure to reimburse the City within a reasonable time and upon demand therefore, the water service and supply to said premises may be shut off or discontinued as determined to be in the best interest of the City.

(G) It shall be unlawful for any person to tamper with, alter, bypass or in any manner whatsoever interfere with the proper use and functioning of any water meter within the City.

(H) Whenever a water user questions the accuracy of the meter and desires that his or her meter be tested, he or she shall pay a fee, the amount of which shall be established from time to time by Council resolution or ordinance, if the meter tests accurate within a range of minus 3% to plus 1½%. If it is not accurate within this range, no charge will be made for testing and an adjustment on the water bill will be made for the period of time that the meter is assumed to be inaccurate, not to exceed two billing periods.

§ 51.12 LIABILITY FOR REPAIRS

After the initial connection has been made to the curb stop, the applicant, owner or the occupant or user of the premises shall be liable for all repairs required to any Private Service Line necessary for connection of the premises to the street main, including any necessary street repairs. It shall be the responsibility of the applicant, owner, occupant or user to maintain the stop box at such height as will insure that it remains at the finished grade of the land or property.

§ 51.13 DEFICIENCY OF WATER

(A) *General requirements.* The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting 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 or construction of new works, water may be shut off at such time and kept off as long as necessary. In addition, the City Council or City Administrator shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations.

(B) *Irrigation and sprinkling restrictions.* The following irrigation and sprinkling restrictions shall apply to the use of the municipal water supply system. This does not apply to those persons who are irrigating and sprinkling from a private well.

(1) *Cross-connections prohibited.* No person shall construct, cause to be constructed or

operate any device which provides a cross connection between the municipal water supply and a private well or the sewer system.

(2) *Waste of water prohibited.*

(a) Customers shall maintain taps, faucets, valves and other water facilities so that water waste is eliminated from seeps, dripping faucets, etc.

(b) No person shall waste water deliberately by allowing irrigation or sprinkling water to run off onto the street or into the drains.

(3) *Permission to use hydrant.* No person shall open, close or tamper with any fire hydrant except under the authorization of Cambridge Public Works Department or, in case of fire or emergency, authorization of the Cambridge Fire Department.

(4) *Odd-even day sprinkling.* Sprinkling will be curtailed from May 1 through August 31st. Even numbered addresses can sprinkle only on even numbered calendar days. Odd numbered addresses can sprinkle only on odd numbered calendar days.

(5) *Prohibited hours.* There shall be no sprinkling in the City of Cambridge by either even or odd numbered addresses, from the city water system, between the hours of 12:00 noon and 6:00 p.m.

(6) *Penalty.* Violations of these watering restrictions carry a \$50 fine per day of violation, which shall be collected on the customer's water bill. Unpaid fines may be collected as an assessment to the customer's property taxes, per Minnesota law.

(7) *Exemptions.*

(a) Newly sodded or seeded yards will be exempt from the odd-even restriction for a period of six weeks only. Over seeding or spot patching of existing established yards can be watered every day with a hand controlled hose. No watering will be allowed between 12:00 noon and 6:00 p.m.

(b) Car washing, filling of children's swimming pools, and children playing with a hose operated sprinkler or water toy are exempt from these restrictions.

(8) *Additional restrictions.*

(a) Additional restrictions on the use of water during periods of dry weather may be enacted by order of the City Administrator by publication in the official newspaper of the city. When restricted, no person shall water for the purpose of watering lawns, shrubs, trees, washing cars or structures. All unnecessary use of water is prohibited for the duration of the imposed restriction.

(b) If more drastic restrictions are necessary, orders may be issued by the City

Administrator to take necessary action to protect the water system so that ample water may be available for health, sanitation and fire protection.

§ 51.14 LEAK IN SERVICE LINE

Any owner, occupant or user of a premises who shall discover a leak in a service line to the premises shall notify the Public Works Department within 24 hours. Any water wasted due to failure of such person to comply with this regulation shall be charged against the owner of such premises at the established rate.

§ 51.15 PRIVATE WATER NOT PERMITTED IN CITY SYSTEM

Whenever any premises are connected to the City water system there shall be maintained a complete physical separation between the City water supply system and the private water supply system so that it is impossible to intentionally or unintentionally allow any water produced by a private system to be introduced in the supply line from the City system.

§ 51.16 CONNECTION TO MUNICIPAL WATER SYSTEM REQUIRED

(A) Where a parcel of property in the City has connected to the City water system, no owner or occupant of the property or any other person shall:

(1) Construct any private water supply or well on the property; or

(2) Make use of any existing private water supply or well on the property for human consumption or commercial purposes.

(3) There shall be no connection, either directly or indirectly, to the plumbing system for service within the structure or to the City sanitary sewer system. The parcels shall also be prohibited from disconnecting from the City water system.

(B) Where a parcel of property in the City is using any private water supply or well and where the city water system is available to a parcel of property existing on the effective date of this chapter, the parcel of property shall be required to connect to the City water system at such time the private water supply or well is abandoned or is in need of replacement or at the point of sale of the property. The private water supply or well shall not connect, either directly or indirectly, to the City water system.

(C) All new residential, commercial or industrial construction on a parcel of property within the City where the municipal water system is available to a parcel of property shall be required to connect to the City water system.

(D) In cases of extreme hardship, an owner may request an exemption from the City Council to construct a private well. For the purposes of this chapter, **Hardship** shall be defined as the City's water main being greater than 300' feet away from the parcel. In allowing an exemption, the City

Council may apply special conditions as benefits the health and safety of the City. The hardship will no longer exist once the water main is extended past the property and the owner will be required to connect to the City's water public supply.

(E) Any person convicted of a violation of any of the provisions of this section shall be guilty of a misdemeanor. (Penalty, see § 10.99)

§ 51.17 INDIVIDUAL CONNECTIONS TO CITY WATER SYSTEM

(A) *Definition.* For the purposes of this section, the term **Combined Connection** means a single connection to the municipal water system that serves:

- (1) Two or more residential units; or
- (2) Two or more commercial or industrial lots or separate parcels of record.

(B) *Combined connection after effective date.* Unless permitted for a hardship situation in accordance with division (E), no combined connection may be made after the effective date of this section.

(C) *Combined connections discontinued.* Unless permitted to continue for a hardship situation in accordance with division (E), combined connections in existence on the effective date of this section shall be discontinued and replaced with individual connections in accordance with this section.

(1) Owners of properties using a combined connection must replace such connection with an individual connection within three years of the date of notice from the City that replacement is required.

(2) Owners of the properties using a combined connection may use those parts of the connection lying within their property or in the public right of way between their property and the public water pipe, but must otherwise disconnect from the common connection and construct a new individual connection.

(D) *Exceptions.* The requirements of division (C) do not apply to:

(1) Multi-family residential rental properties where all units served by a combined connection are under the same ownership; or

(2) Multiple industrial or commercial lots or parcels of land that are adjacent, under the same ownership, and used for a single, unified business enterprise; or

(3) Combined connections where there is not an individual service from the main to the edge of the right-of-way available for each property using the combined connection.

(E) *Variances.* The City Council may grant variances from the requirements of division (C) upon a

finding that there are unique or unusual physical constraints on constructing an individual connection that make such connection impractical from an engineering perspective.

(F) *Notice.* Notice to owners provided for in this section shall be by certified mail to the person or persons whom tax statements are to be sent according to the records of Isanti County.

(G) *Penalties.* Any person convicted of a violation of this section shall be guilty of a misdemeanor. Violation of this section is also grounds for termination of sewer or water service and the imposition of such penalties or charges as may be imposed by City Council resolution.

§ 51.18 OTHER REMEDIES

In addition to any procedures or penalties provided for this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the council or any City official designated by it may institute appropriate proceedings at law or at equity to procure payment and or enforce the provisions of this ordinance.

§51.19 SEVERABILITY

If any section of this chapter is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without invalidating the section or provision.