

**ORDINANCE NO.
LANSING TOWNSHIP BOARD OF SUPERVISORS
MOWER COUNTY, MINNESOTA**

**AN ORDINANCE ESTABLISHING USE AND RATE REGULATIONS
FOR WATER SERVICE IN THE UNINCORPORATED
VILLAGE OF LANSING, MOWER COUNTY, MINNESOTA**

WATER RULES

An Ordinance regulating the use of and establishing procedures for the water system, and providing penalties for violations of the regulations. This Ordinance applies to the water system designed to service the unincorporated Village of Lansing, Mower County, Minnesota. Be it ordained and enacted by the Lansing Township Board of Supervisors as follows:

1.0 WATER RULES AND REGULATIONS

1.1 DAMAGE AND CONNECTION

No person, firm or corporation shall break, remove, tamper with, or damage any property of any kind, including any seal belonging to the water system and used in the business of furnishing water to the people. No person, firm or corporation shall make any connection to the water mains without first obtaining an Application for Water Connection to the water mains from the Lansing Township or its designated representative.

1.2 VIOLATION

Any person who shall violate any kind of provisions of these rules and regulations shall be deemed guilty of a misdemeanor, and shall upon conviction, be fined in a sum not to exceed one thousand dollars (\$1000.00) or be imprisoned in jail for a term not to exceed 90 days, or both.

1.3 SERVICE CONTINUITY

The Lansing Township Board reserves the right to temporarily discontinue service to any or all customers of the municipal water system at any time without notice, (notice will be given whenever possible) when the same is necessary in the repair or extension of said water systems or for other purposes. The Lansing Township Board does not guarantee uninterrupted service.

1.4 CROSS CONNECTION

No cross connection between the Lansing Township water supply and any other water supply will be permitted.

1.5 DEFINITIONS

- A. The meanings of terms used in this ordinance shall have the following meanings unless indicated otherwise.
1. "Authority" - The Lansing Town Board, or its designated representative.
 2. "SSD" - the area within the geographic boundaries of the district as presently established or as amended. The term may also be used to refer to the Authority or its authorized representative.
 3. "Customer" - the person or persons that use the water on a particular piece of land. This does not have to be the owner of the land.
 4. "Curb Stop" - shall mean a water service shutoff valve located in a water service pipe located in the right-of-way. The valve is usually operated by a wrench or valve key and is used to start or stop flows of water to a building.
 5. "Easement" - an acquired legal right for the use of land owned by others.
 6. "General Manager" - the utilities superintendent or a deputy, agent or representative authority as designated by the Authority.
 7. "Land Owner" - a person who holds title to the piece of land, regardless if he or she resides on the land. A land owner is also a customer if they are the person or persons that use the water on a particular piece of land.
 8. "Master Plumber" - a person who undertakes or plans to undertake, to plan for, lay out, or install or make additions, alterations or repairs in the installation of plumbing systems and who is licensed in the State of Minnesota as a master plumber.

9. "Service lateral" - the pipeline extending from the water main to the building served or the consumer's system.

1.6 GENERAL REGULATIONS

- A. There is created a Water Department which is under the supervision of the General Manager. The Water Department shall be responsible for the management, maintenance, care and operation of the water works system by the Authority.
- B. There is created a Water Fund to be managed by the SSD. All collections and funds shall be segregated and placed in the Water Fund. All costs of operation, reserves and debt service shall be paid out of the Water Fund.
- C. No person shall make or use any water service installation to the SSD water service except as provided in this ordinance. A permit fee will be required to cover the cost of inspection of connections, taps, and installation of pipes and the like.
- D. The applicant shall pay to the Authority to connect to the system in accordance with the Schedule of Fees. When a connection is made by the Authority of a service line from the main to the property line, a lien shall be made against the property in the amount of the cost of making the connections, taps, and installations as well as the necessary street repairs. No permit shall be granted when any assessment or connection charge is delinquent. No part of the system shall be covered until it has been inspected and accepted by the Authority. It is the responsibility of the applicant to notify the Authority that the job is ready for inspection. The Land Owner or occupant of property shall give the Authority free access to the property at reasonable times to make inspections. If the inspection reveals deficiencies, the Authority shall give the applicant notice of the defects. The applicant shall then eliminate the defects, and the modifications shall be inspected by the Water Department.
- E. It shall be unlawful for any person to install a private water system which is intended to provide water for human consumption. Upon determination that it is not feasible to connect with the public system, then the applicant may be granted a permit to install a private system in accordance with appropriate State and local requirements.

- F. The Water Department is authorized and directed to discontinue water service to any property in violation of this Ordinance and to take such other precautionary measures to eliminate danger to public health and welfare.
- G. All consumers using toxic or hazardous liquids shall install and maintain a reduced pressure principal back flow preventer in the main service line to each building on the premises. The back flow preventer must be installed in an easily accessible location.
- H. Restricted hours - Whenever the Authority finds that a shortage of water supply threatens the public, it may, limit the times and hours during which water may be used for sprinkling, irrigation, car washing, 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, and the customer shall be charged a fee as set forth in the Schedule of Fees for each day of violation. The charge shall be added to the next water bill. Continued violation shall be cause for discontinuance of water service.
- I. All other Ordinances and parts of Ordinances inconsistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

2.0 WATER SERVICE CONNECTIONS

2.1 SERVICE REQUEST

- A. Any person, firm or corporation desiring a connection with the municipal water system of the Authority shall apply through a licensed, bonded contractor, at the SSD office. At least a 24-hour notice prior to tap is required.
- B. The applicant shall state the location of the premises for which a water service is desired, designated by street, lot and block, name of the owner, size of the tap required and the kind and size of service pipe to be used.
- C. A connection may be disallowed if all terms of abandonment of service covered by Section 12.0 have not been complied with.

2.2 SERVICE STANDARDS

- A. The "Service" shall be that part of the piping extending from the curb stop to the meter within the building. This shall be installed at the expense of the Land Owner and remains the property of the Land Owner. The piping from the water main to the curb stop is the property and responsibility of the Authority.
- B. Except as hereinafter provided in Section 9.0, supply for individuals and for individual premises shall be taken from the common or public supply in the mains only through service pipes.
- C. Each service shall include the corporation stop. A curb stop and a stop box with a telescoping top section as approved by the Authority must be installed at the right-of-way, or as directed by the Authority.
- D. The excavation site must comply with OSHA standards.
- E. Each service shall enter the building at a point readily accessible at all times, and as close as possible to the point of service from the main.
- F. A stop valve shall be installed on each water service pipe at a point designated by the Authority, usually adjacent to the meter and shall supply no more than one premise unless conditions make it impossible and inadvisable in the judgment of the Authority. In such case, permission may be granted for the use of one service connection for more than one premise, provided each branch service pipe has its own stop valve and box located and accessible outside the premises, and its own meter, to make possible the metering and turning on and off the water at all times.
- G. Water services shall be placed at least seven (7) feet in depth below grade of street and grounds, throughout their length.

3.0 WATER SERVICE REPAIRS

3.1 REPAIR RESPONSIBILITY

- A. Maintenance or repair of the service from and including the main to the curb stop to the premises remains the responsibility of the Authority. These costs are the responsibility of the Authority, including the cost of thawing frozen pipes. Responsibility for maintenance and repair of the piping from the curb stop to the premises and in the premises is the responsibility of the Land Owner.

- B. A Licensed Bonded Contractor at the expense of the Land Owner or Authority will make water service repairs or renewals that become necessary consistent with this Ordinance.

3.2 LEAK REPAIR

When a leak develops on a customer's service it shall be repaired as soon as possible. If repairs have not been completed, the water may be shut off by the Authority at the its discretion.

4.0 SERVICE SIZES AND MATERIALS

4.1 APPROVAL

The size of pipe to be installed in any service shall be subject to the approval of the Authority.

5.0 MAIN EXTENSIONS

5.1 EXTENSION REQUEST

- A. The Authority shall make the determination as to the feasibility of all water main extension petitions based upon staff recommendations including the type of materials to be used.
- B. Applicants shall be required to sign "Agreement for Water Main Extensions", and shall comply with all provisions of the agreement as stated.
- C. Costs for extending water main for new developments shall be paid for by the developer.
- D. When an Easement is required to make a line extension for the purpose of providing water service to a Land Owner's property, the Land Owner shall be required to grant the necessary Easement at no cost to the Authority.

6.0 TAP SCHEDULE AND CHARGES

6.1 TAP CHARGE - NEW

A charge will be made for each new tap to the Authority water system. All charges will be paid in advance of any tap installations, with the Land Owner or Developer following specifications determined by the Authority.

7.0 METERS

7.1 METER FURNISHED

The supply of water through each house service shall be recorded by a meter furnished by Authority and all water shall pass through this meter. The Authority will furnish only one meter for each residential service, and its remote register shall not be disconnected or interfered with by the customer or others. The Land Owner is responsible for the installation and maintenance costs. A remote read type meter of the appropriate size may be furnished for each residential commercial or industrial service. Meters are Authority property.

7.2 MULTIPLE UNITS

Where multiple dwelling units (as an example - apartments) are served through a common meter, there shall be an additional charge added to the bill for each additional dwelling unit, such charge found on the Schedule of Fees.

7.3 LOCATION OF METERS

All meters shall be installed as near as practical to the point where the service enters the building in an approved accessible, dry, frost proof, and vandal proof place. The service point of entry shall be close to an outside wall. An approved shutoff valve shall be provided inside the building upstream and downstream of the meter. Services on industrial and commercial properties may run under floors ahead of the meter, only if the service line is sleeved and is approved by the SSD.

7.4 REMOTE REGISTERS

- A. All non-remote meters may be subject to installation of a remote register.
- B. All new installations will have remote registers installed by the SSD.

7.5 CARE OF METERS

The Land Owner shall be responsible for the care of the water meter from any accidental or willful injury and shall at all times protect the meter from freezing or

from damage from heat, hot water or steam. If a meter is damaged, the SSD will repair it and charge the cost to the customer or property owner. The SSD shall be responsible for repair, maintenance and replacement of meters which become unserviceable through wear and tear.

7.6 METER SEALS

The Authority reserves the right to place a seal on any meter or stop valve and it shall be unlawful to break the seal so placed on any meter or stop valve.

8.0 READING METERS

8.1 METER ACCESS

For the purpose of reading, checking meters, or enforcement of Authority Rules and Regulations, duly authorized employees of Authority may legally enter upon any premises and have access to the meters at any reasonable time. The meter shall not be enclosed in any enclosure which cannot readily be removed by the owner when it becomes necessary to remove the meter for repair, maintenance, or routine testing.

8.2 METER ERRORS

The quantity of water recorded by the meter shall be conclusive evidence on both the Authority and the consumer as to the quantity used for figuring the cost to the consumer, except when the meter has been found to be defective or has ceased to register. In such case, the quantity of water shall be determined by the average daily registration as shown by the meter findings during the past year.

8.3 FAILURE TO READ METERS

Where the Authority is unable to read a meter, an estimated average charge will be applied and the difference adjusted when the meter is again read. However, after two unsuccessful attempts to read the meter, arrangements will be made with the customer to gain access to the meter for reading. No estimated billings shall go beyond a three (3) month period.

8.4 WATER LEAKS

The Authority will not be responsible for water loss due to a leak on the customer's premises or through the plumbing, as the customer is responsible for keeping their own plumbing in repair.

9.0 FIRE SERVICE

9.1 REQUEST FOR SERVICE

- A. Services which are to be used exclusively for supplying water for fire protection will be granted by the Authority where, in their judgment, special protection may be necessary, provided the following conditions are complied with.
- B. Application must be made by the owner of the premises to be served, or their legal representative; the owner must comply with all rules and regulations of the Authority which apply, and save the Authority free and harmless from all damages which may be occasioned by or on account of the service rendered.

9.2 MAIN SIZE

The Authority expressly reserves the right to determine the size of the service pipe which will be granted depending upon the size of the street main, the available pressure on the main and the nature and capacity of the fire protection equipment within the building.

9.3 NUMBER OF SERVICES

One fire service only will be allowed to any one building or premise, unless in the opinion of the Authority, more than one is absolutely necessary for the proper protection of the premise. All fire protection equipment connected to the Authority shall be confined within the building or on the premise named in the application and where two or more fire service connections are made for one building or premise, they shall be kept separated, unless special permission is obtained from the General Manager to connect the same in a manner approved by him.

9.4 WATER USE

No water shall be drawn from the fire service pipes for any purpose, except for fire protection, and no connection shall be made between the fire service pipe system and the regular water supply to the premise. Valves on hose outlets, drain cocks, etc. placed on the pipe system shall be of a style that can be sealed by an inspector, and when such valve is opened, the owner or occupant of the premise shall notify the Authority so that the same can be resealed at once. This paragraph is not to be

construed as prohibiting a reasonable use of water for fire drills, draining of a system to prevent, or other reasonable use in connection with proper fire protection.

9.5 INSPECTION AND PENALTIES

- A. All fire services shall be subject to inspection by the agent of the Authority who will visit all premises having fire services from time to time scheduled to cause as little inconvenience to the Land Owners or Customers as possible. The Land Owners or Customers shall give the inspector all reasonable facilities for making the inspections, and any information concerning the same that he may require.
- B. In any case, when the Land Owner or Occupants of any premises are found to be using or wasting water from a fire service for other purposes than fire protection, the water shall be shut off from same until the offender shall give reasonable assurance that the offense will not be repeated. Payment for the estimated charge of water taken or wasted will be required before turning the water on after it has been shut off for this cause.
- C. A second violation of this section will be considered sufficient cause for cutting off service at the main, and refusing to reconnect until the situation has been resolved to the satisfaction of the General Manager.
- D. The Authority reserves the right at any time to require the Land Owner of the premises supplied to furnish and install at their expense, and under the direction of the Authority an approved water meter and keep the same in accurate operating condition.

10.0 FIRE HYDRANT USE

- A. It is unlawful for any person not an employee of the Authority authorized to operate, draw water from or in any manner tamper or interfere with any fire hydrant or street sprinkling hydrant.
- B. The Authority may grant a permit that water be taken temporarily from a fire hydrant for other than fire fighting purposes in localities where other arrangements for supply would be unduly difficult. In this case, a hydrant meter with a backflow preventer and an operating valve shall be attached to one of the hydrant openings of an Authority employee and the hydrant opened full, the supply of water being controlled entirely by the small valve. A charge, will be made for opening the hydrant and installing the hydrant meter.

Any water used will be billed at the existing rate, consumption to be either estimated, or determined by the installed meter.

- C. In case a fireman or other person shall open any fire hydrant, the same shall be reported to the General Manager immediately thereafter.
- D. When hydrants are used for furnishing water for street sprinkling or flushing sewer mains, or flooding skating rinks, a report must be made immediately thereafter to the General Manager, stating the time and the number of hours the hydrant was used.

11.0 PLUMBING RULES

- A. The right is reserved by Authority to enforce the removal of any faucet, water closet, stop valve or other device of a character that will cause or is liable to cause excessive shock to the water pipes, waste of water, or pollution of the general or individual water supply.
- B. Licensed plumbers and all others are forbidden to make any cross connection or physical connection on or between the Authority water supply and that any other source, including wells.

12.0 ABANDONED WATER SERVICES

- A. All discounted or abandoned water services shall be shut off and discounted at the main and the stop box removed by a licensed bonded contractor at the expense of the property owner and at the discretion of the Authority.
- B. If the owner is in doubt about the future use of the water service, one year may elapse before service must be disconnected at the main and stop box removed.
- C. If a new service is requested for property where an abandoned service remains connected to the main, the new service shall be refused until the abandoned service is disconnected.
- D. When a permit for moving or wrecking a house is granted, the Authority shall inform the applicant that a licensed bonded contractor must shut off the water service at the main, an inspection must be made before backfilling any excavation and a bond or deposit is required by the Authority.

- E. In a situation where a new service is installed and the old service is abandoned, the General Manager shall instruct the Land Owner to proceed to have the old abandoned water service discontinued and plugged at the main.

13.0 BILLING REGULATIONS

- A. The cost of long term maintenance and replacement shall be built into the water user fees. Proper management of the system requires that a level of excess capacity be maintained and that monetary reserves are appropriate to accommodate future demand. Water access fees and security deposits shall be set by the Authority as indicated on the Schedule of Fees.
- B. Rates - All rates and charges shall be set by the Lansing Town Board on at least an annual basis and set in the Schedule of Fees. Rates shall be based on an annual analysis of the costs of operation, maintenance and replacement with the assistance of a consultant as needed.
- C. Accounts shall be the responsibility of the Land Owner. The Land Owner shall remain responsible for all water supplied to the premises, whether the Land Owner occupies the property or not. Unpaid charges shall become a lien against the property.
- D. Bills shall be sent monthly to all Customers and shall specify the water consumed or estimated to have been consumed and the charge in accordance with relevant rates. If a Customer does not pay his or her bill, it then becomes the responsibility of the Land Owner. The Authority may also seek its remedies against the Customer, as well, however.
- E. Delinquent accounts - All payments on charges shall be due and payable thirty (30) days after billing by the Authority and shall be delinquent thereafter. The Schedule of Fees shall establish interest, penalties and administrative charges on delinquent accounts unpaid after thirty (30) days. The Authority shall endeavor to collect delinquent accounts promptly. Annually, all delinquent accounts shall be certified against the property by the Authority Clerk who shall prepare an assessment roll providing for assessment of the delinquent amounts against the respective properties. This assessment roll shall be delivered to the Authority for adoption on or before September 30th of each year. This action may be optional with the Authority or be in lieu of or in addition to taking other action to collect delinquent accounts.

- F. **Liens - Liens on real estate shall be of equal rank with State tax liens. The liens may also be enforced against the Land Owner, occupants of the property, lessees, lessor, or other users or all of them in a civil action, without other remedies being waived. Service may also be shut off in accordance with applicable law.**

- G. Notice and Hearing - Water shall not be shut off under this Ordinance, except in the case of an emergency, until Notice and an opportunity for hearing have first been given to the Land Owner or the Customer of the premises involved. Notice shall be by first class mail. Notice shall be sent to the billing address of the Customer and/or the address of the Land Owner, which is deemed to be sufficient notice. The notice shall state that if payment is not made before a day stated in the notice, but in no case less than thirty (30) days after the date on which notice is given, the water supply to the premises may be shut off. The notice shall state that the Land Owner or Customer may, before the date, demand a hearing on the matter, in which case the supply will not be shut off until the hearing is held. If the Authority finds that the amount claimed to be due and owing and unpaid is actually due and unpaid, the Authority may shut off the water supply assuming there is no legal reason not to do so. If water is shut off and the Land Owner or Occupant makes full payment on the arrears, a reconnection fee will be paid before re-establishing service.

Passed by the SSD-1 at Lansing, Minnesota on the 7 day of December, 2005.


SSD Board Chair
Topp

Attest:


Clerk



A000545647

OFFICE OF COUNTY RECORDER
MOWER COUNTY MINNESOTA


I HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS FILED, AND/OR
RECORDED ON 12/12/2005 11:44AM

AS DOC #: A000545647
REC FEE: \$46.00

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SUSAN M. DAVIS
COUNTY RECORDER

BY



Deputy

Lansing