

## Chapter 25

### WATER

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### **ARTICLE I. IN GENERAL**

#### **Section 01. Purpose of this article.**

The purpose of this article is to assure that water consumed by humans is potable, adequately treated and free from contaminants within the standards set forth by the Minnesota Department of Health and to assure a fair and equitable sharing of the cost of the municipal system. (Ord. No.211 ,Sec. 9, 4/16/73)

#### **Section 02. Connection to municipal system required; exception.**

(a) Any lot, piece or parcel of land for which a building permit is issued, subsequent to the effective date of this article (April 16, 1973) , and upon which there will be water consuming plumbing , facilities and upon which water will be used for domestic purpose or upon which will be human consumption of water shall, within two (2) years after such water service becomes available to it, connect to the municipal water system.

(b) This section shall not, however, prevent the drilling of private wells but is intended to give reasonable assurance to the public that water consumed is within the standard of potability as set forth by the Minnesota Department of Health. (Ord. No.211 , Sec. 9, 4/16/73)

#### **Section 03. Permit to connect to system required; compliance with permit and chapter.**

No person shall make, construct or install any water service installation, or make use of any water service connected to the municipal water system except pursuant to application and as provided in this chapter, nor shall any person otherwise make, construct, install or make use of any installation connected to the municipal water system contrary to the regulations of this chapter. (Ord. No.211 1 Sec. 1' 4/16/73; Ord. No.382, Sec. 2 6/16/85)

No person shall be issued a permit to connect to any water main or trunk water system, of the City either directly or indirectly from any lot or tract of land unless it should be determined that:

(a) The lot or tract of land to be served by such connection has been assessed for the cost of connection for the water main and water trunk system with which the connection is made; or

(b) If no assessment has been levied for such construction cost;

(c) The proceedings for levying such assessments have been or will be commenced in due course; or

(d) The water main to which it is to be connected was constructed and financed by private individual and has been inspected and accepted as a public facility by the City.

(e) If none of the above requirements have been met the sum equal to the portion of costs for construction of said water main and water trunk system which would be assessable against said tract of land must have been paid to the City. The City Administrator shall be responsible for determining the amount of pay of which will be based on the cost of constructing a similar facility based on present dollars. (Ord. No.382, Sec. 2, 6/17/85)

#### **Section 04. Permitting use by others.**

No person shall permit water from the municipal water system to be used for any purpose except upon their own premises except in emergency and then only if written permission is first obtained from the Public Utilities Department. (Ord. No.211 , Sec. 3, 4/16/73)

#### **Section 05. Application for service; procedure.**

All applications for service installations and for water service shall be made at the office of the City Clerk on printed forms furnished by the City, and shall contain the name of the owner, and a description of the property, lot, block and addition, the name of the street upon which the property fronts, the official street number assigned to the premises as shown by the records of the City, and the signature of the applicant agreeing to conform to the rules and the regulations that may be established by the City as conditions for the use of water, and any other information that the City Council may adopt from time to time. (Ord. No.211, Sec. 2, 4/16/73)

#### **Section 06. Application -fees and deposit.**

All applications for service installation shall be made by the owner of the property to be served, or by his authorized agent, and shall state the size of service connection required, and the applicant shall, at the time of making application, pay to the City the amount of the fee and deposit required for the installation of the service connection as provided in this chapter. When service connections have been installed, application for water service may be made either by the owner, or his duly authorized agent, or by the tenant or occupant of the premises; however, no water shall be furnished said premises until such time as a deposit or other security as provided in Section 15 of Chapter 8, of the Code of Ordinances, Chaska, Minnesota, has been provided City. (Ord. No.211, Sec. 2, 4/16/73; Ord. No.388, Sec. 5, 12/16/85)

#### **Section 07. Tapping and costs.**

No tap or any distribution main or pipe of the City water supply system shall be made nor, only stop clocks inserted therein unless approved by the Public Utilities Department. Taps or connections made by authorized persons shall require a permit. Fees for taps made by the Public Utilities Department shall be at cost for such work as determined by the Superintendent of Utilities. (Ord. No 211, Sec. 3, 4/16/73)

**Section 08. Turning on water .**

No person except an authorized City employee, shall turn on any water supply at any valve or stop box without a permit from the Public Utilities Department. (Ord. No.211 , Sec. 3, 4/16/73)

**Section 09. Deficiency in supply of water and shutting off water.**

The City is not 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, water may be shut off to insure a supply for fire fighting, or in making repairs of construction of new works, water may be shut off at any time and kept shut off so long as necessary. (Ord. No.211, Sec. 3, 4/16/73)

**Section 10. Restricted hours of use of water.**

Use of the City water supply system for lawn and garden sprinkling, irrigation, car washing or other non-potable uses shall be limited to an odd/even schedule corresponding to property address effective each year from May 1 to September 30. Whenever the City Council shall determine that a shortage of water threatens the City, it may, by Resolution, limit the times and hours during which water may be used from the City water supply; said Resolution shall state the date upon which it shall become effective, and shall be made public through whatever means of communication the Council deems appropriate and reasonable. The Public Utilities Superintendent may, on a temporary basis, issue a total ban on above water uses, without prior approval from the City Council, after contacting the City Administrator. Twenty-four (24) hours after said Resolution becomes effective any water customer who shall cause or permit water to be used in violation of said resolution shall be deemed in violation of this section and shall be subject to the penalties as set forth in Section 08 of Chapter 1. Each day said violation continues shall be considered a separate and distinct violation hereof; continued violation is hereby prohibited and shall be cause of discontinuance of water service. Special permit consideration will be given for those property owners with new seed or sod. (Ord. No. 588, Sec 1, 11-20-95)

**Section 11. Connection beyond City boundaries.**

Any and all connections located outside the City to the municipal water system made pursuant to agreement with the appropriate governing bodies shall be made in accordance with the applicable ordinance of the City. (Ord. No. 211, Sec. 3, 04-16-73)

**Section 12. Time for connection.**

If, for any cause, the plumber laying the service pipe shall fail to have the connection made at the time specified in his application, notice shall be given the Public Utilities Department fixing another day on which he wishes to make the connection. The notice must be given at least two (2) days previous to the excavation for laying the service pipe, and the connection must be made before 4:00 p.m. except in special cases, and then the work shall be done only upon a written order for the Public Utilities Department. (Ord. No.211, Sec. 4, 4/16/73)

**Section 13. Private water supplies.**

No water pipe of the City water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply and when such cross sections are found the Public Utilities Department shall notify the owner to disconnect the same, and if not done immediately, the water supply shall be turned off forthwith. Before any new connection to the City system is permitted, the Public Utilities Department shall ascertain that no cross-connections will exist when the new connection is made. (Ord. No.211, Sec. 3, 4/16/73)

**Section 14 Private wells.**

Private wells may be maintained and continued in use after connection is made to the municipal water system, provided there is no means of cross-connection between the private well and municipal supply at any time. Hose bibbs, that will enable the cross-connection of the two systems will not be permitted on internal piping of the well supply system. The threads on the boiler drain of the well volume tank should be removed or the boiler drain hose bibb replaced with a sink faucet. Outside hose bibbs shall not be installed on the municipal system where dual water systems are in use. (Ord. No.211, Sec. 3, 4/16/73)

**Section 15. Supply from one service.**

No more than one house or building shall be supplied from one service connection unless approved in writing by the Public Utilities Department. Whenever two (2) or more buildings are supplied from one (1) pipe connecting with the distribution main, each building or part of building must have a separate stop box and a separate meter. (Ord. No.211, Sec. 3, 4/16/73)

**Section 16. Sources of contamination of public wells.**

(a) The following possible sources of contamination shall not be installed within fifty (50) feet of any public well :

- (1) Building plumbing
- (2) Building drains
- (3) Septic tanks
- (4) Storm sewers

(b) The following possible sources of contamination shall not be installed within seventy-five (75) feet of a public well:

- (1) Cesspools
- (2) Leaching pits
- (3) Drain fields

(Ord. No.211 , Sec. 3, 4/16/73) .

### **Section 17. Repair of leaks.**

It shall be the responsibility of the consumer or owner to maintain the service pipe from the structure side of the curb box or service valve into the house or building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after written or verbal notice has been given to the owner or occupant of the premises the water will be turned off if repair has not commenced within said timeframe. Administrative costs for the City's involvement in these matters shall be charged to the property. (Ord. 668, Sec. 1, 04-17-00)

### **Section 18. Change of service line.**

Where it is desired to increase or change the old water service, no new connection to the main shall be made until all of the old service line and appurtenances have been removed and the main plugged. No old service line shall be abandoned in the ground.. (Ord. No.211, Sec. 3, 4/16/73)

### **Section 19. Abandoned services.**

The property owner of all service installations connected to the water system that have been abandoned, or have not been used for three (3) years or, for any reason, have become useless for further service, shall cause same to be disconnected at the main. In the event the property owner neglects or refuses to so disconnect such service the City may so remove said service installation and shall bill the actual cost of such removal to the property owner. (Ord. No.211, Sec. 3, 4/16/73)

### **Section 20. Use of fire hydrants.**

(a) No person other than an employee of the street department who is engaged in sprinkling or washing the public street or flushing sewers shall operate fire hydrants or interfere in any way with the City water system without first obtaining authority to do so from the Public Utilities Department.

(b) Contractors or others desiring to obtain water from hydrants for construction or other purposes shall make application to the Public Utilities Department for such service. Such application shall state the location or locations of the hydrants to be used, and shall be accompanied by a deposit of fifty dollars (\$50.00) for each hydrant to be used. Each hydrant used shall be metered which meter shall be supplied by the user, and payment for water used shall be at the standard rate as hereinafter set forth except that there shall be a minimum charge of fifteen dollars (\$15.00) for each hydrant used. Hydrants shall also be fitted with a hose adaptor with adequate external valving so that the hydrant can be fully opened together with any other devices deemed necessary by the Public Utilities Department to protect the hydrants. This requirement shall not be applicable to municipal improvement projects. (Ord. No.211, Sec. 3, 4/16/73; Ord. No.243, Sec. 19, 1/3/77)

### **Section 21. Installation of detector meters.**

Meters or detector-check valves must be installed on such services as required by the Public Utilities Department. Should it be found that water not metered is used through a fire

connection for any purpose other than the extinguishing of fire upon the premises, the owner and occupant will be notified. and if such improper conditions are not corrected within ten (10) days, the water will be shut off until proper adjustments are made, and the owner shall be subject to the penalties as provided in this Code. (Ord. No.211 , Sec. 6, 4-16-73)

## **Section 22. Inspections.**

Regular inspections shall be made of all fire service connections with all piping, fire gates, and other attached appurtenances. The inspector shall have access to the premises for such inspections and shall keep a record of all inspections made. (Ord. No.211, Sec. 6, 4/16/73)

## **Section 23. Inspection of hydrants on private lines connected to the municipal system.**

(a) It is recognized that even though a fire hydrant is on a private water line it is in the public interest that said hydrants be inspected by qualified personnel to give reasonable assurance that it is maintained in good working order.

(b) At least annually the Public Utilities Department shall inspect all fire hydrants directly or indirectly connected to the municipal system. The fee for inspection of hydrants on a private line shall be seven dollars and fifty cents (\$7.50) per inspection per hydrant, which fee shall be billed with the quarterly bill for the quarter in which such inspection took place.

(c) In the event said inspection shall indicate that repairs are required the Public Utilities Department shall notify the owner of said hydrant, by registered mail, setting forth the repairs required. If said repairs are not made within ten (10) days of said notification the City shall make the necessary repairs and the cost of said repairs billed to the owner or owners responsible for said hydrant. (Ord. No. 211, Sec. 6, 4/16/73; Ord. No.243, Sec. 20, 1/3/77)

## **Section 24. Assessment procedures.**

When the Public Utilities Department is in doubt as to whether the property proposed to be served has been assessed or will be assessed for the water main and appurtenant facilities from which service is proposed, it may refer to the City Clerk the question of whether provision has been or will be made to assess the property proposed to be served. No permit shall then be issued to tap or connect with any water main of the City either directly or indirectly from any lot or tract of land unless the City Clerk shall have certified that all water charges and/or assessments pursuant to this article or amendments thereto, have been paid or provisions to insure payment thereof have been made. (Ord. No.211 , Sec. 5, 4/16/73)

## **Section 25. Service pipes.**

Every service pipe must be laid sufficiently waving to allow not less than one (1) foot of extra length and in such manner as to prevent rupture by settlement. The service pipe must be placed not less than six and one-half (6 1/2) feet below the surface and in all cases so arranged as to prevent rupture by freezing. Service pipes must extend from the curb box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A shut-off or other stop cock with waste valve, of the size and strength required, shall be placed close to the inside wall of the building, well protected from freezing.

Type K copper tubing shall be used to and including two (2) inch services. Joints or copper tubing shall be kept to a minimum with not more than one joint used for a service up to seventy (70) feet in length. The line shall be left uncovered until inspected. All services over two (2) inches shall be durlite iron. Connections to the mains for domestic supply shall be not less than three-fourths (3/4) of an inch except for service line in excess of one hundred (100) feet in length, in which cases the minimum size shall be not less than one (1) inch. (Ord. No.211, Sec. 3, 4/16/73)

### **Section 26. Discontinuance of service for violation of article.**

Water service may be shut off at any stop box connection whenever:

(a) The owner or occupant of the premises served, or any person working on any pipes or equipment thereon which are connected with the water supply system, has intentionally violated any of the requirements of this article relative to the water supply system;

(b) The owner or occupant of the premises served threatens to violate or causes to be violated, any of the provisions of this part;

(c) Whenever any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant of the premises served is unpaid; or

(d) Fraud or misrepresentation by the owner or occupant in connection with an application for service.(Ord. No.211 ,Sec. 3, 4/16/73)

### **Sections 27 through 36. Reserved.**

## **ARTICLE II. METERS**

### **Section 37. Water to be metered.**

Except for extinguishing fires, no person except authorized City employees shall use water from the water supply system of the City 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 Public Utilities Department shall connect, disconnect, take apart or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof. (Ord. No.211 , Sec. 8, 4/16/73)

### **Section 38. Meters property of the City.**

All water meters shall be and remain the property of the City and may be removed or replaced or changed as to size and type by the City whenever deemed necessary. (Ord. No.211, Sec. 8, 4/16/73)

### **Section 39. Installation.**

All water meters shall be installed in accordance with the provisions of this part and in accordance with the following rules:

(a) The service pipe from the water main to the meter, when the same enters the building, shall be brought through the floor in a vertical position. The stop valve shall be installed about twelve (12) inches above the floor.

(b) The meter shall be located so that the bottom is from six (6) to twelve (12) inches above the finished floor line. The meter shall be set not more than twelve (12) inches measured horizontally from the inside line of the basement wall, unless an alternate method is approved in writing by the Public Utilities Department. The meter shall be set in a horizontal position and shall be readily accessible for maintenance and reading.

(c) All meter installations shall have a stop valve on each side of the meter. In no case shall there be more than twelve (12) inches of pipe exposed between the point of entrance through the basement floor and the stop and waste.

(d) The water pipe connecting with the main shall not run under any basement floor for a distance of more than two (2) feet, measured from the inside of the basement wall, before being connected to the water meter, unless approved in writing by the Public Utilities Department.

(e) All five-eighths (5/8) inch, three-fourths (3/4) inch and one (1) inch meters shall be set in an appropriate meter setting device approved by the Public Utilities Department. (Ord. No.211, Sec. 3, 4/16/73)

#### **Section 40. Meter fee.**

The Utility Superintendent shall from time to time fix the meter fee to be made to customers for water meters, and payment for same shall be made in advance before delivery and installation. Said list of fees shall be posted in the City Clerk's office. (Ord. No.211, Sec. 8, 4/16/73)

#### **Section 41. Maintenance.**

The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. However, where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense caused the City thereby shall be charged against and collected from the water consumer and water service may be discontinued until the cause is corrected and amount charged collected. (Ord. No.211, Sec. 8, 4/16/73)

#### **Section 42. Testing.**

When a consumer makes a complaint that the bill for any past service period has been excessive, the City shall upon written request have such meter reread. If the consumer remains dissatisfied and desires that the meter be tested, said consumer shall then make a deposit with the City Clerk as prescribed in this article, and the City shall test the meter. The consumer shall, if he so desires, be present when such test is made. In case a test shall show an error of over five (5) percent of the water consumed in favor of the City, the deposit will be refunded to the consumer, a correctly registering meter will be installed and the bill will be adjusted accordingly. Such adjustment shall not extend back more than one (1) service period plus one (1) month from the date of the written request and the minimum charge shall not be affected. In case the test shows an accurate measurement of water or an error in favor of the consumer, the amount deposited shall be retained by the City to cover part of the expense of making such a test. (Ord. No.211, Sec. 8, 4/16/73)

**Section 43. Deposit for tests.**

Before making a test of any meter, the person requesting such test shall, at the time of filing his request with the City, make a deposit with the City Clerk for the amount charged for such test, subject to the conditions stated in this article, which charges are as follows:

Five-eighths (5/8) inch or three-fourths (3/4) inch meters.	\$12.50
One (1) inch meters.	\$15.00
One and one-half(1 1/2)inch meters	\$17.50
Two (2) inch meters.	\$25.00
Over two (2) inch meters.	Actual cost

The deposit required for testing any meter over two (2) inches shall be fifty dollars (\$50.00), any amount in excess of the actual cost shall be refunded. If actual cost is in excess of the amount deposited the balance owing shall be paid to the City Clerk, or added to bill for next billing period. (Ord. No.211, Sec. 8, 4/16/73; Ord. No.243, Sec. 21, 1/3/77)

**Section 44. Reading and Inspection.**

City employees delegated for the purpose of meter reading shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system for reading meters and inspections. (Ord. No.211 , Sec. 8, 4/16173)

**Sections 45 through 54. Reserved.**

**ARTICLE III. RATES AND CHARGES**

**DIVISION 1. GENERALLY**

**Section 55. Connection Inspection fees.**

The connection inspection fee shall be fifteen dollars (\$15.00) for each connection. (Ord. No.211, Sec. 4, 4/16173; Ord. No.243, Sec. 22, 1/3/77)

**Section 56. Turning on water after service has been terminated.**

For turning on water where service has been turned off for nonpayment of water bill, failure to repair a leak, discontinuance of service or any other cause, a service charge of fifteen dollars (\$15.00) will be made. (Ord. No.211, Sec. 7, 4/16173; Ord. No.243, Sec. 23, 1/3/77)

**Section 57. Adjustment of curb box.**

For raising or lowering curb box tops to correspond with ground level the charge to the property owner shall be the actual cost, with minimum charge of fifteen dollars (\$15.00) will be made. (Ord. No. 211, Sec. 4, 4/16/73; Ord. No. 243, Sec. 24, 1/3/77)

**Section 58. Basic rates.**

The rate due and payable to the City from each water user within the City for water taken during any month from the water supply system shall be as follows:

Gallons per billing period                      \$1.11 per thousand gallons

(Ord. No. 780, Chap. 25, Art. III, Div. 1, Sec. 58/12-19-05)(Ord. No. 816, Art. III, Div. 1, Sec. 58/01-07-08)

**Section 59. Minimum charges and minimum flat rate charges.**

Notwithstanding the schedule of charges listed herein each water user shall pay a Minimum Charge and a Minimum Flat Rate Charge for each monthly period during which water service is furnished as follows:

<u>Meter Size</u>	<u>Minimum Monthly Charges (Per Occupancy Unit)</u>	<u>Minimum Monthly Flat Rate Charge for Safe Drinking Water (Per Service Connection)</u>
5/8 to 3/4 inch	\$ 3.70	\$0.53
1 inch	\$ 4.55	\$0.53
1 1/2 inch	\$ 6.45	\$0.53
2 inch	\$ 9.85	\$0.53
3 inch	\$18.50	\$0.53
4 inch	\$27.15	\$0.53
6 inch and over	\$35.05	\$0.53

The above stated Minimum Charge as applied to single family dwellings, townhomes, condominiums, apartments and duplex homes shall be three dollars and thirty five cents (\$3.35) for each living unit contained therein.

The above stated Minimum monthly Flat Rage Charge for safe drinking shall apply to all water service connections. (Ord. No. 211, Sec. 6, 04-16-73; Ord. No. 243, Sec. 26, 01-03-77; Ord. No. 294, Sec. 2, 12-17-79; Ord. No. 507, Sec. 1, 06-29-92; Ord. No. 509, Sec. 1, 08-03-92; Ord. No. 518, Sec. 2, 12-21-92; Ord. No. 567, Sec. 2, 12-19-94, and Ord. 612, Sec. 2, 12-16-96; Ord. No. 784 updated 05-15-06) (Ord. No. 816, Sec. 59/01-07-08)

**Section 60. Standby fire protection service.**

Where a connection is made to an automatic sprinkler system for standby fire protection service, a charge for such service shall be made on an annual basis as follows and which shall be billed with the first month billing each year.

2 inch Fire Sprinkler Riser.                      \$50.00

3 inch Fire Sprinkler Riser.	\$75.00
4 inch Fire Sprinkler Riser	\$100.00
6 inch Fire Sprinkler Riser	\$125.00
8 inch Fire Sprinkler Riser	\$150.00
10 inch Fire Sprinkler Riser	\$175.00
12 inch Fire Sprinkler Riser	\$200.00

These rates shall apply in all cases where automatic sprinklers are installed. Multiple riser pipes shall result in multiple fees. No charge will be made for water used in extinguishing fire.

Where a connection is made to an automatic sprinkler system for standby service only, a charge for such service shall be made on an annual basis as follows and which shall be billed with the first month billing each year. (Ord. No.211, Sec. 6, 04-16-73; Ord. No.243, Sec. 28, 1/3/77; Ord. No.294, Sec. 3, 12/17/79; Ord. No.518, Sec. 3, 12/21/92; Ord. No.567, Sec. 3, 12/19/94)

**Section 61. Water bills.**

Water bills shall be mailed to the customers monthly and shall specify the water consumed and the charges in accordance with the rates set out herein. Payment for water bills shall be made at the office of the City Clerk and shall be due on or before the fifteenth (15th) day of the month in which the bill is received by the customer. A five percent (5%) penalty shall be added to bills not paid by the close of the business day on the fifteenth (15th) day of the month. (Ord. No.211, Sec. 6, 04-16-73; Ord. No.243, Sec. 28, 01-03-77; Ord. No.294, Sec. 4, 12-17-79; Ord. No.574, Sec. 1, 5/15/95)

**Section 62. Discontinuance of water for nonpayment of bills.**

All charges for water shall be due on the monthly due date specified by the City for the respective account. It shall be the duty of the City to endeavor to promptly collect delinquent accounts. In all cases where satisfactory arrangements for payment have not been made, and said amount is more than thirty (30) days delinquent, instructions shall be given to discontinue service by shutting off the water at the stop box. All delinquent accounts shall be certified to the City Clerk who shall prepare an assessment roll each year providing for assessments of the delinquent amounts against the respective parties served. This assessment roll shall be delivered to the Council for adoption on or before October 1st of each year, and may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. Such action may be optional or subsequent to taking legal action to collect delinquent accounts. (Ord. No.211, Sec. 7, 01-16-73; Ord. No.243, Sec. 29, 1/3/77; Ord. No. 294, Sec. 5, 12/17/79)

**Section 63. Voluntary discontinuance of water service.**

A user of water service, not delinquent in payment for water used, may request the City to connect or terminate service to his property and if said service is not reconnected until more than thirty (30) days after disconnect it shall be deemed a voluntary disconnect and service

shall be reconnected upon payment of a reconnection charge in the amount of five dollars (\$5.00). (Ord. No.341, Sec. 2, 12/6/82)

**Sections 64 through 72. Reserved.**

## **DIVISION 2. AVAILABILITY CHARGES**

### **Section 73. Purpose of division.**

It is recognized that property which has water available to it, though not connected to the municipal water system benefits from said water through its availability for fire protection and adequate reserves for said fire protection and other purposes. This division is intended to establish a system of charges for such purposes so as to provide an equitable sharing of the cost of the municipal water system. (Ord. No.211, Sec. 10, 4/16/73)

### **Section 74. Statutory authority.**

The provisions of this division are adopted pursuant to Minnesota Statutes, Sections 444.075. Ord. No.211, Sec. 10, 4/16/73)

(Ord. No.211, Sec. 10 4/16/73)

### **Section 75. Properties subject to charges.**

All properties in the City which are improved subsequent to the effective date of this division (April 1973) and have water consuming plumbing facilities and which abut upon streets or other places where water mains are located but which property is not connected to the system shall be subject to the charges provided for in this division..

### **Section 76. Schedule of charges**

The monthly charges to be made against all such properties shall be as follows:

(a) For each single family dwelling and each living unit within any townhouse, condominium, apartment. and duplex home. \$2.25

(b) Charges against any other property not connected above shall be on the basis of the meter size which would be needed if the property were to be connected to the municipal water system, based upon size of meter installed on similar properties elsewhere in the City.

Billing shall commence with the first full billing period subsequent to water becoming available to property. (Ord. No.211 1 Sec. 10 4/16/73; Ord. No.243, Sec. 30, 1/3/77; Ord. No.294, Sec. 6, 17/79; Ord. No.518, Sec. 4, 12/21/92; Ord. No.567, Sec. 4, 12-09-94; and Ord. No. 612, Sec. 3, 12-16-96)

**Sections 77 through 86. Reserved.**

## **DIVISION 3. CONNECTION CHARGES**

### **Section 87. Purpose and intent of division.**

For the purpose of paying for the establishment, obtainment, construction, reconstruction, repair, replacement, depreciation, enlargement and improvement of the total municipal water system including but not limited to the cost of supply, storage, treatment, distribution, mains, trunks and other appurtenances, it is hereby determined by the City Council that charges, in accordance with the schedules hereinafter provided, shall be paid to the City, by every lot, piece or parcel of land connecting to the municipal water system, or for additional use causing excessive water usage or additional living units constructed upon land already connected to the system.

It is hereby determined to be the policy of the City that the benefit to any lot, piece or parcel of land developed within the classifications set forth in this division, for water service or availability is similar and that payment for said service or availability should be collected on as fair, reasonable and equitable basis as possible. It is further determined that the charges as hereinafter set forth and determined fairly and reasonably represent a benefit to said land in addition to any amounts previously assessed for water service or availability, except assessments for laterals or service connections, or any amount paid for any permit fee and charges paid for inspection of said connection pursuant to any other ordinances of the City or any other governmental entity or agency. (Ord. No.209, Sec. 1, 01-23-73)

### **Section 88. Definitions.**

As used in this division the following terms shall have the meanings given:

**Acreage Availability Charge:** Is the amount of dollars per acre as set forth in this division. The acreage used in computation of the Acreage Availability Charge shall be the net developable land area exclusive of lakes, major parks, major recreation areas, major greenways and major thoroughfares and external collector streets as shown on the appropriate comprehensive guide plans of the City, or amendments thereof.

**Basic Equivalent Unit (BEU):** For the purpose of this division, the classification of property, and the computation of the number of BEUs applicable for each connection to the municipal water system, shall be in accordance with the classification and computation of the Metropolitan Waste Control Commissioner's procedures for classification and computation of its service availability charge as more particularly set forth in that document identified as Instruction and Reporting Forms Reserve Capacity Charge; Monthly Report Manual, 1982, revised, of the Metropolitan Waste Control Commission. (Ord. No.325, Sec. 2, 5/3/82)

**Basic Equivalent Unit charge:** Is the amount of dollars per Basic Equivalent Unit as set forth in Section 95 of this chapter .

**Connection to water system:** For purpose of this division every lot, piece or parcel of land is considered to be connected to the water system at the time a water connection permit is issued. Where water is available the water connection permit shall be applied for at the time of application for a building permit.

**Water charge:** Shall mean the total amount of charges against a lot, piece or parcel of land to be paid to the City for water service or availability, exclusive of laterals. service connection and use charges, and that said total water charge shall be a combination of the

"Acreage Availability Charge" (AAC) or "Basic Equivalent Unit" (BEU) charge. (Ord. No.209, Sec. 2, 01-23-72; Ord. No.326, Sec. 2, 05-03-82)

**Section 89. Establishment of charge.**

(a) In order to accomplish the purpose and intent of this division there is hereby established a water charge against every lot, piece or parcel of land within the City which charges shall be collected as provided in this section.

(b) At the appropriate time the City Clerk, or his duly authorized representative, shall compute the total Acreage Availability Charge and the basic equivalent charge against the land to be subdivided, to be developed, or for which a building permit is requested, or which is to be connected to the municipal water system. The sum total of the above two (2) charges shall constitute the water charge for said land. From the water charge shall be deducted the principal amount of any water assessments, other than assessments for laterals or service connections, previously levied against said land pursuant to Minnesota Statutes, Chapter 429, together with interest paid on the total amount of any such assessment principal in excess of nine hundred thirty six dollars (\$936.00) per acre as determined from the respective assessment rolls and adjusted to net developable acres, to December 31 of the year in which connection is made to the municipal water system. The remaining balance shall constitute the amount of the water charge to be paid prior to the issuance of a water connection permit. (Ord. No.209, Sec. 3, 1/23/73; Ord. 278, Sec. 1, 3/19/79; Ord. No.417, Sec. 3, 8/3/87 and 01-01-98)

**Section 90. Continued payment of assessment levied.**

A property owner may continue to make assessment payments as provided in the original assessment roll. In that event an amount equal to the total principal assessed together with interest on any such assessment principal in excess of nine hundred thirty six dollard (\$936.00) per acre to December 31 of the year in which the property is connected to the municipal water system shall be deducted from the water charge, and the difference shall be paid in cash prior to the issuance of a water permit, unless paid as so permitted in Section 95 of this chapter. (Ord. No.209, Sec. 3, 1/23/73; Ord. No.278, Sec. 2, 03/19/79)

**Section 91. Credits against future assessment payments.**

A property owner may, in the event that more than nine hundred thirty six dollars (\$936.00) per acre, as adjusted to net developable acres, is assessed against the land which is to be connected to the municipal water system, have the amount assessed in excess of nine hundred thirty six dollars (\$936.00) per acre, together with the interest paid on such excess amount, credited against future payments of assessments already levied against other property of the owner. (Ord. No.209, Sec. 3, 1/23/73; Ord. No.278, Sec. 3, 3/19/79, 1/1/98)

**Section 92. Payment for additional living units.**

Prior to the issuance of a building permit for construction of additional living units on any land already connected to the municipal water system an amount equal to the Basic Equivalent Unit charge for each of such living units to be constructed thereon shall be paid to the City. (Ord. No.209, Sec. 3, 01-23-73)

**Section 93. Payment for excessive usage.**

In the event that the discharge of sewage from any land already connected to the water system within the classification as set forth in this division shall exceed two hundred thousand (200,000) gallons acre per year, the City Clerk shall recalculate the Basic Equivalent Unit charge for water based upon such increased discharge. From the Basic Equivalent Unit charge as so determined shall be deducted any Basic Equivalent Unit charges for water theretofore paid and the remaining balance shall be the additional Basic Equivalent Unit charge to be paid to the City for such excessive usage. (Ord. No.209, Sec.3, 1/23/73)

**Section 94. Exclusive storage capacity.**

In the event that a particular lot, piece or parcel of land shall desire exclusive storage capacity, the cost of said exclusive storage capacity shall be in addition to the charges set forth herein. (Ord. No.209, Sec.3, 1/23/73)

**Section 95. Rates.**

The water charge commencing April 1, 1979 and thereafter, or until changed as herinafter set forth, is hereby established as the sum total of the following:

Acreage Availability Charge	\$936.00 per acre
Basic Equivalent Unit Charge	\$936.00 per BEU

Because of the added tax base, the addition of new jobs and employment opportunities, it is in the best interest of the City to encourage the subdivision of land in accordance with the Subdivision Ordinance of the City, business, commercial and industrial development within the City, and in connection therewith it is hereby determined that the Basic Equivalent Unit (BEU) charge, for any land subdivided or for any development within the classification shall be paid in cash, or assessed if so requested by owner or developer, at the time the land is subdivided or developed whichever occurs first, and if assessed, be paid over a period of years not to exceed ten (10) years within the guidelines hereinafter set forth.

(a) If the BEU charge is assessed the City Council shall, by Resolution, after taking into consideration the amount of the charge, the results of the latest financial analysis as set forth in Section 96 of this chapter, and any other factors they deem necessary and advisable, determine the number of years over which the assessment is to be paid.

(b) The City Council, in said Resolution, shall determine the number of years over which said charge shall be spread and the amount of interest to be charged thereon. Said payments may be spread over a period of not less than

three (3) nor more than ten (10) years at an interest rate dependent upon the municipal investment market at that time.

(c) Prior to said charges being paid over a period of years the land owner and/or developer shall execute an agreement with the City whereby the landowner and/or developer agrees that said charges shall be spread on the same basis as, and shall be considered as, assessments against the land developed; and that said charges be a first and prior lien against the property in question and on a parity with other assessments levied pursuant to Minnesota Statutes, Chapter 429, if any.

The Acreage Availability Charge (AAC) if not paid in cash, shall be assessed as provided above at time of development or subdivision of land, whichever occurs first. The Basic Equivalent Unit (BEU) charge, if not paid in cash or assessed as above provided, shall be collected at time of obtaining a Building Permit. (Ord. No.41 7, Sec. 4, 8/3/87)

### **Section 96. Annual review of charges.**

(a) A complete fiscal analysis and review of current and project revenue, capital expansion and projected growth shall be made prior to each major improvement to the municipal water system including but not limited to, well drilling, construction of treatment plants or additions thereto, construction of storage tanks, installation of distribution lines, or a major capital expenditure for equipment, or at least annually by the City Administrator, together with such other persons as he deems necessary and advisable, and it shall be reported to the City Council on or before January 1 of each year.

(b) Such analysis shall include and take into account changes in the estimated capital costs resulting from inflation or deflation, engineering design, technology, location and alignment of water distribution lines; increase or decrease in lateral benefits from the distribution lines, amendments to the comprehensive water layout, new materials, governmental grants, State and Federal regulations, and any other items or considerations which will have an affect upon the total cost of the municipal water system. Changes or potential changes in land use, zoning, density, rate of growth, interest earned on sinking funds and prepayments, or any other financial consideration or other factors affecting projected revenue of the system shall also be considered.

(c) The Acreage Availability Charge and/or Basic Equivalent Unit connection charge may be adjusted to reflect any changes shown to be necessary by said fiscal review. (Ord. No.209, Sec. 5, 1/23/73)

### **Section 97. Separate account.**

All charges collected under this division not specifically pledged to the repayment of a past or future bond issue shall be placed in a separate account. Revenues from time to time received in excess of amounts so pledged may be pledged by Resolution of the governing body, or may be used though not pledged, for the payment of principal and interest on obligations issued pursuant to Minnesota Statutes, Chapters 444 or 475 for capital improvements, as contemplated by this division, to the municipal water system or for any other purpose permitted under Minnesota Statutes, Chapter 444. (Ord. No.209, Sec. 6, 1/23/73)

