

201. CITY WATER SYSTEM

- 201.010. CONTROL OF WATER SYSTEM. The Water System of the City of Birchwood Village shall be under the immediate direction and control of the City Council, who shall have the authority to do everything pertaining to said system that may be necessary for the management and protection thereof. The City Council shall appoint all persons who have responsibility for management of said system and prescribe their salaries and wages.
- 201.020. APPOINTMENT OF SUPERINTENDENT AND HIS DUTIES. The City Council may appoint a Superintendent of the Water System who shall have charge of the operation, maintenance and repair thereof subject to the direction of the City Council. The superintendent shall have immediate control and custody of all the property of the system, and see that all of such property is properly stored and cared for and that a full and complete record and inventory of the same is kept. The superintendent shall see that the hydrants, valves and other parts of the system are in order and that all leaks are promptly repaired and that full and accurate reports are kept of all work done, the cost of the same, the names and time of the those employed, and any other information and records that may be required by the City Council.
- 201.030. MAPS AND RECORDS. The Superintendent shall keep a full set of records and maps which shall show in detail the location and measurement for all water pipes, hydrants, valves, taps, shut-off boxes, T's, and such other records and measurements as may be necessary. The superintendent shall not remove or change the location of any fire hydrant, valve, water main or any other permanent improvement without first obtaining authority to do so from the City Council.
- 201.040. ACCOUNTS, BILLS, PERMITS, ETC. The Superintendent or such other person as the City Council may designate, shall keep a complete set of books, which shall at all times show the distribution of accounts of the Water System; submit all bills, payrolls and accounts monthly to the City Council to be considered and approved; shall keep a correct account of all receipts, read all meters in service, prepare all bills for water service or materials and labor furnished and performed, collect the same and deposit the money so collected with the City within fourteen (14) days thereafter, to be credited to the Water Fund.
- 201.041. CREATION OF WATER FUND. All fees, water rentals and charges, and any other monies received in connection with the water system shall be deposited within fourteen (14) days of receipt and credited to a separate fund called the Water Fund.
- 201.042. USE OF WATER FUND. All expenses and costs incurred in the operation and maintenance of the City water system, including bonds and interest and loans, shall be paid out of the Water Fund. All monies in the Water Fund shall be dedicated to maintenance of the City water system.

201.050. SUPERINTENDENT - SALARY. The Superintendent shall receive such salary or compensation for said duties as the City Council shall by resolution prescribe.

201.060. APPLICATION TO CONNECT TO WATER MAINS. Before a connection can be made to any water line or main in the City, an application for permit shall first be made to the City which shall be signed by a master plumber licensed by the State, and bonded to the City and accompanied by a fee set by the City Council. The application shall contain the size and location of the service connection requested.

201.070. NEW CONNECTION - COST.

For a water service connection, water service lines and shut-off boxes shall be installed, water mains shall be tapped and pipes laid within the right-of-way, at the expense, including materials and labor, of the property owner, by a licensed plumber bonded to operate in the City. The property owner shall also pay the fee set in the fee schedule for connection of each dwelling unit to the City water system. The fee shall relate to the cost of establishing and providing the water system. However, the City shall waive one fee if the dwelling unit, or a dwelling unit that the dwelling unit replaces, including after a lot split, subdivision or consolidation:

1. was connected to City water service, with or without a water meter, before January 1, 2009; or
2. previously paid the fee; or
3. had an approved water meter installed and sealed by the City.

Not more than one fee shall be waived for each dwelling unit replaced. Where an existing water main cannot be used to establish a connection, the City may assess additional costs.

201.071. MULTIPLE CONNECTIONS.

Multiple connections of more than one building to a single building sewer or sewer service line shall be permitted only by variance. To apply for a variance, the applicant shall submit a detailed sketch showing location, grades and special structures to the City, and shall describe the practical difficulty. All costs for the variance and engineering review shall be paid by the applicant at the time of variance application. Multiple connections shall pay charges and receive credits as in 202.070.

201.080. METERS.

1. The City will monitor water usage by consumers through a water meter furnished by Kamstrup Electronic Water Meters designated by the Council. Every household or other final consumer of City water must have its own meter. A

suitable place, safe from frost and other damage, and accessible for examination and reading must be provided at the expense of the consumer.

2. Meters shall be installed by the City at the owner's expense. All meters shall be under the control and supervision of the City and shall be sealed by the proper City employees. No person other than City employees or other person designated by the City in charge of said work shall break said seals.

3. Non-Kamstrup Electronic Water Meters

1. Any water meter that is not the designated Kamstrup Electronic Water Meter will require manual readings and the quarterly Non-electronic water meter fee. For any water meter that is not the designated Kamstrup Electronic Water Meter, a legible timestamped photo of the resident's current meter reading must be emailed by the resident to the City's designee between the first and the fifteenth of February, May, August and November or the Non-submission of emailed photo of non-electronic water meter fee listed in the fee schedule will be imposed.
2. Failure to timely report any water meter reading two times in any four-quarter period is a violation of this code and is a misdemeanor. Submitting an intentionally erroneous reading is also a violation of this code and is a misdemeanor. Failure to timely produce a legible timestamped photo of the current reading shall result in double the fee set in the fee schedule.
3. Upon the sale of any property in the City the Kamstrup Electronic Water Meter must be installed.
4. Consumers must keep their service pipes, attachments, and meters in order, and must protect them from frost.
5. In case of the breakage or stoppage of any meter, the consumer shall immediately notify the City. Any repairs necessary shall be made at the expense of the owner, except in the case of normal wear and tear.
6. In cases where the meters are difficult to access by the officers of the City, or are exposed to danger from frost, the water shall be shut off from such premises until the obstruction is removed or the danger is avoided.

201.090. WATER USE RATES. All water supplied to consumers, shall be sold at rates established by City Council resolution. A water use rate is hereby imposed upon each household served by the city water system.

There shall be two classifications for water rates; Residential and Non-Residential rates. Residential rates shall apply to water users whose property, being supplied with city water, is located within the City of Birchwood Village, and non-residential rates

shall apply to water users whose property, being supplied with city water, is located outside the City of Birchwood Village.

201.100. PAYMENT. Charges for water services furnished by the City shall become due and payable quarterly except as otherwise specifically provided for by the City Council. All current water bills paid on or before the due date shall be paid at the net rate and those water bills paid after the due date shall be charged a penalty as set by the City Council.

201.105. TERMINATION OF WATER SERVICE. Any consumer failing to pay his or her water bill within twenty (20) days after the due date of such water bill shall be immediately sent a notice of termination of water service. Said notice shall be sent by certified mail to the address of the consumer. Said notice shall inform the consumer that the consumer has one week from the date of receipt of the notice to return to the City a written objection to termination of water service. Said objection shall explain why the person has not paid his/her water bill and/or the factual basis upon which the consumer is disputing the amount of his/her water bill.

Upon the receipt of the objection, the city shall place the matter on the agenda of the next regularly scheduled City Council meeting. The consumer shall be sent a notice by regular U.S. Mail of the date of said meeting. At the meeting, the consumer shall be given an opportunity to present such testimony or other evidence as the consumer feels supports his or her position. The City Council shall make a decision on the objection at the time of the meeting, which may include delaying the decision until additional information is collected.

If the City Council agrees with the consumer, then the necessary adjustments shall be made to City records and the water service shall not be terminated. If the City Council disagrees with the consumer, the consumer shall be given 72 hours, within which time to make full payment of all due charges. If payment is not made within 72 hours, the City shall immediately terminate the water service of said consumer.

Any consumer aggrieved by the decision of the City Council shall be entitled to file an action in Washington County District Court seeking an injunction from preventing the City from turning off the consumer's water.

201.110. CHARGES BECOME A LIEN. Each charge levied by and pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by a connection to the water system of the City. All such charges which are on August 31st of each year more than 35 days past due and having been properly billed to the occupant of the premises served, shall be certified by the City to the Washington County Auditor each year. The City in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other

taxes, and collected by the County Treasurer, and paid to the City, along with other taxes.

All accounts carried upon the books of the City Water System shall be with the owner of the property served, or his authorized agent, and such owner shall at all times be liable for water used upon such premises whether occupied by him or not.

“AMENDED BY ORDINANCE 2019-08-02; OCTOBER 8, 2019”

- 201.120. REPAIR OF SERVICE LINES. If at any time a service line from the property to the main, to the service connection at the main, or to the curb stop becomes broken, the property owner shall immediately repair the same at his/her own expense. Maintenance and repair of such service line shall be the property owner's responsibility and the property owner shall be responsible for the expense of such maintenance and repair. This responsibility includes the connection at the main, the curb stop, and the box and the service line itself from the main to the residence. The property owner shall maintain the stop box at such a height as will ensure that it remains at the finished grade of the property.
- 201.121. CITY AUTHORIZED TO REPAIR. In the event said property owner fails to repair the same after notice by the City, the City is hereby authorized to make such necessary repairs and the cost of such repairs shall be a lien against said property and levied and collected in the same manner as provided in Section 201.110
- 201.122. TIME TO REPAIR. If the property owner shall fail to repair any leak occurring in the service line within twenty-four (24) hours after notice of the break, the City may shut off the water. The City will not turn the water back on until the leak is repaired. The cost of shutting off the water and turning it back on shall be charged to the property owner.
- 201.123. FROZEN LINE. In the event that the service line becomes frozen between the main and the residence, the property owner shall have the sole responsibility to thaw the line and restore the service. No person shall be given a credit on a water bill for allowing water to run to prevent freezing of the line without first obtaining authorization to do so from the City Council.
- 201.130. RIGHT TO DISCONTINUE SERVICE. The City expressly reserves the right to shut off the water at any time, when deemed necessary or desirable and to discontinue the service on any or all premises.
- 201.140. RIGHT TO LIMIT USE OF WATER. The City expressly reserves the right whenever it may deem it necessary for securing adequate fire protection, or for the proper and necessary husbanding of the water supply for domestic use or other necessary or desirable purposes, owing to drought, shortage of water supply, or other cause, to prohibit for such length of time as it may deem proper, the use of water for sprinkling purposes, or otherwise than for the most necessary and essential domestic purposes.

- 201.150. EXEMPT FROM CLAIM FOR DAMAGES. The City reserves the right at any time, to shut off the water in the main pipe for the purpose of repairing, cleaning, making connections or extensions thereto. No claim shall be made against the City by reason of the breaking of any service pipe or service cock, or for any damages arising from shutting off water for repairing, laying or re-laying mains, hydrants or other connections.
- 201.160. DEFECTIVE METERS. In case a meter fails to register the quantity of water used, the amount to be paid by the consumer for water during the period shall be ascertained by the amount registered during the corresponding period in a previous month, quarter or year.
- 201.170. TESTING METERS. At the written request of any owner or consumer, the City will test the meter supplying his/her premises. A deposit will be required before the meter is disconnected, which will be returned if the meter is found to be registering incorrectly within two percent on a flow equal to one-eighth of the diameter of the service, or in favor of the consumer. Otherwise, the deposit will be retained by the City to cover the cost of the test.

The owner or consumer may, if desired, be present at the time the test is made. The result of the test will be reported to the owner or consumer in every case.

If the testing of a meter shows that it fails to register correctly, the charge to the consumer shall be on the basis for the corresponding period of the previous year. If the meter has not been in service for a year, or if for any other reason the charge for the corresponding period of the previous year cannot be justly determined, the charge shall be equitably adjusted by the City Council. Such adjustment shall not extend back more than one billing period from the date of the written request.

Any other adjustment of charges for water supplied through meters shall be made by resolution of the City Council.

- 201.180. ACCESS TO AND INSPECTION OF METERS, ETC. Authorized City Officers, Superintendent or City employees shall have right of access to any consumer's premises at all reasonable hours for the purpose of reading, inspecting or repairing meters, pipes, hydrants, and valves used in connection with the water service and for any other purpose proper in the operation of the water system.
- 201.190. SEPARATE SHUT-OFFS AND SERVICE CONNECTION. Unless special permission is granted by the City Council, each premises shall have a separate and distinct service connection, water meter, shut-off box, wheel handled service stop, a shut-off valve on each side of the City-issued meter, and a check valve between meter and main. All valves are to be no less than the size of the service connection.

- 201.200. MAKE AND DEPTH OF SERVICE PIPES. All service pipes shall be of a size and type approved under the State Plumbing Code. All service pipes shall be laid not less than seven (7) feet below the established grade.
- 201.210. SHUT-OFF BOXES AND THEIR LOCATION. There shall be a shut-off box to every service pipe attached to the main. The shut-off box shall be located on the property owner's property close to the property line. Any connection discontinued shall require five-day notice to the City.
- 201.220. COST OF SERVICE INSTALLATION BEYOND SHUT-OFF BOX. The cost of installation of all plumbing between the shut-off box and any service devices maintained by consumer, and all extensions made to such service pipes, as well as all repairs to the same, shall be borne entirely by the consumer. However, such service pipes and devices shall at all reasonable hours be subject to inspection by the Superintendent or authorized City employee.
- 201.230. EXCAVATING WORK.
1. All installation work or repair of connections to the water system including grades, bends, and backfilling shall be inspected by the Plumbing Inspector. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable for the purpose. The City shall be held harmless of any claim or loss as might otherwise arise for damage, loss or injury caused by or arising by reason of such work being performed.
 2. No digging in any city street shall be permitted except by special written permission from the City. Backfilling shall be thoroughly compacted by mechanical means to 100% Standard Proctor density. The top 12 inches of the excavation shall be backfilled with Minnesota Department of Transportation Class 5 gravel base material. The base shall be compacted and a 3.5 inch thick bituminous surface shall be installed in two lifts in accordance with the Minnesota Department of Transportation Specification No. 2350/2360, or to current standards.
 3. The plumbing contractor shall be responsible for the restoration of the City street in accordance with the paragraph above and shall furnish a deposit in an amount set by the City Council to assure compliance. Said deposit shall be used to correct any deficiencies. If the cost of repairs shall exceed the amount on deposit with the City, the plumbing contractor shall be liable to the City for any additional cost. After sixteen (16) months the City shall refund to the plumbing contractor or his designee any remaining balance of the deposit which has not been used for the repair of the City streets.
 4. Any service pipe installed in the city shall be able to be located with a locating device. If plastic pipe is installed, the contractor shall install a tracer wire along the entire length of the pipe. The tracer wire shall be brought up to ground level at one end

of the pipe in a manner that allows permanent access to the wire for connection to locating equipment.

5. No work shall be covered or backfilled until authorized by the Plumbing Inspector. Before authorizing the covering of any work, the Plumbing Inspector shall establish the horizontal and vertical locations of installed service laterals. The Inspector may elect to accept data provided by the contractor or owner to establish the location of the service lateral. The City may order the owner to uncover any service lateral for which the horizontal and vertical locations have not been determined prior to covering and the City may withhold the entire deposit until the information is provided and may pursue other remedies for violation of this provision. The requirements of this provision apply to any service lateral installed after 5/9/06.

- 201.240. FEE FOR TURNING WATER ON AND OFF. In all cases where the water has been turned off it shall not be turned on again until a fee for each turning off and on of water service as determined by the City Council is paid together with all water charges that may be due. A fee will be charged for each turning on or off of the water service.
- 201.250. NOTICE OF LEAKS - PENALTY. In case of failure on the part of any consumer or owner to repair any leak occurring upon his service pipe within twenty-four (24) hours after verbal or written notice has been given upon the premises, the water will be shut off from the same and will not be turned on until fees as prescribed in 201.240 have been paid. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of such notice.
- 201.260. NOTICE TO DISCONTINUE WATER SERVICE. Whenever any consumer desires to discontinue water service to the property, the consumer shall give five (5) days notice unless waived by the City Council to the Superintendent of his intention to discontinue service. Three (3) days notice is required for turning on water.
- 201.270. Has been recoded as 201.041.
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- 201.290. LIABILITY OF CITY FOR TURNING OFF WATER. The City shall not be liable for any deficiency or failure in the supply of water to consumers whether occasioned by shutting off the water for the purpose of making repairs or connections or for any cause whatsoever. In case of fire or alarm of fire, or in making repairs or constructing new works, the water may be shut off any time for such period as may be deemed necessary.
- 201.300. UNLAWFUL USE OF WATER. It is hereby declared unlawful for any person, firm or corporation to take water from the City water system except that drawn through a meter, owned or approved by the City, or to take water from any premise without permission of the owner.

- 201.310. TAMPERING WITH WATER SYSTEM. It shall be unlawful for any person to turn on any shut off box or to open or interfere with any of the hydrants, valves, or to tamper with any part of the water works system. The Superintendent, members of the fire department and employees and persons authorized by the City Council are exempt from this provision.
- 201.320. SEPARATION OF CITY WATER SYSTEM FROM PRIVATE SYSTEMS. There shall be a complete physical separation from any private water system with that of the City water system, so that in no case can water from a private system enter into the City system at any location, public or private.
- 201.330. USE OF FIRE HYDRANTS. No person shall open, use, or otherwise operate any fire hydrant in the city unless specifically authorized by the City to do so. No person shall interfere in any way with the water system.
- 201.440. MUNICIPAL WATER SYSTEM: CONSERVATION.
1. Purpose. To conserve groundwater resources and prevent the wasteful and harmful effects of irrigation during the mid-day hours and during times when it is improvident to irrigate due to excessive moisture.
 2. Irrigation Restriction. No person shall irrigate using the public water supply between the hours of 10:00 a.m. and 5:00 p.m. on any day from May 1 through September 30. This water restriction applies to all property within the City.
 3. Excessive Moisture Detection. All new automatic irrigation systems must install rain sensors and/or metered moisture detection with automatic shutoff, using best available technology on their control systems at the time of installation.
 4. Penalty. Failure to comply with this ordinance shall be subject to the following penalties: 1st violation \$25.00; 2nd Violation \$50.00; 3rd and subsequent violations \$100.00.

“AMENDED BY ORDINANCE 2015-06-01; JULY 14, 2015”

“AMENDED BY ORDINANCE 2006-1; MAY 9, 2006”

“AMENDED BY ORDINANCE 2011-03; JUNE 14, 2011”

“AMENDED BY ORDINANCE 2015-06-01; JULY 14, 2015”

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“AMENDED BY ORDINANCE 2022-11-01; JANUARY 10, 2023”

“AMENDED BY ORDINANCE 2023-03-03; APRIL 11, 2023”