

CHAPTER IX

WATER AND SEWERS

ARTICLE 1.

Utility Established

9.0101 Water and Sewer Utility Created.

The waterworks and sewerage facilities now owned by this City or hereafter acquired, were and are hereby declared to be and to constitute a public utility of the City, to be held, operated, maintained, improved, extended and administered as a single undertaking to be known as the "water and sewer utility." The properties of said utility shall include all plants, systems, works, instrumentalities, equipment, materials, supplies, lands, easements, rights in land, water rights, contract rights, franchises, dams, reservoirs, sewage disposal plants, intercepting sewer, trunk connections, sewer and water mains, filtration works, pumping stations, and all parts and appurtenances of the foregoing which are used or useful in connection with the obtaining of a water supply and the conservation, treatment and disposal of water for public and private uses and/or useful in connection with the collection, treatment and disposal of sewage, waste and storm waters.

9.0102 Scope of Utility.

The properties of said utility and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the City's Water and Sewer Utility Fund and all moneys to be derived thereafter from the services, facilities, products and by-products of said utility, shall be and are hereby appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available water and sewerage service to the City and its inhabitants and industries. Said utility shall at all times be under the management and control of the governing body of the City and shall by it be operated and maintained in such manner as to provide its service with maximum efficiency and at the minimum cost which is compatible with the plan of operation herein described.

9.0103 Service Charges - Use Of.

Said utility shall at all times be so operated and maintained, and rates and charges for its services, facilities, products and by-products shall be such, as to make the utility self-supporting and self-perpetuating. Such charges from time to time imposed and collected shall be made and kept adequate to pay as incurred all costs of operation and maintenance of said utility and to establish and maintain reasonable operating reserves; to produce net revenues which shall be sufficient at all times to pay promptly the principal and interest due on all obligations of the City incurred for the improvement, extension and enlargement of said utility, to the extent that such obligations are according to their terms payable from said net revenues, and to establish and maintain adequate reserves for the security of said obligations; and to produce surplus net reve-

nues, over and above current principal, interest and reserve requirements, in amounts sufficient to provide reasonable allowances for depreciation and replacement of the utility plus a reasonable return on the City's capital investment therein which surplus net revenues, when actually on hand, and to the extent that they are not required as a reserve for depreciation and replacement, may from time to time be appropriated by the governing board to pay or contribute to the cost of any other city functions, subject to the limitations now or hereafter prescribed by law.

The foregoing appropriations shall not, however, be deemed or construed to preclude the city from defraying any part or all of the expense of any improvement enlargement or extension of the water and sewer utility by the levy of special assessments or taxes or the issuance of general obligation bonds, whenever and to the extent that such action is authorized in the manner provided by law and is deemed fair and equitable by the governing body.

9.0104 Policy on Improvements - Extensions.

It is hereby declared to be the policy of the City, subject to such modifications as shall be deemed by the governing body to be required by special circumstances in individual cases, and subject to such modifications as may hereafter be made by ordinance amendatory hereof or supplemental hereto, that the cost of capital improvements, enlargements and extensions of said utility shall be paid in the following manner:

1. Where water mains not exceeding six inches or sanitary sewer mains not exceeding eight inches in diameter are installed adjacent to residential properties, and where water mains not exceeding eight inches or sewer mains not exceeding ten inches in diameter are installed adjacent to commercial properties, the total cost thereof shall be assessed against the properties abutting on such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties. Water and sewer mains of the dimensions above described are referred to herein as "lateral" mains, and other mains are referred to as "trunk" mains.
2. Where a trunk main is installed, the governing body upon advice of the City Engineer, shall estimate the probable cost of construction of a lateral main at the same time and place, and such estimated cost shall be assessed against the properties abutting on such main and in the manner above provided.
3. Twenty percent of the cost of any sanitary sewer in excess of the estimated cost of a lateral sewer at the same time and place shall be assessed against all properties determined by the governing body to require the immediate construction of such main as a trunk sewer, including properties abutting thereon and properties served or capable of being served by lateral sewers connected thereto, in amounts proportionate to and not exceeding the benefits determined to be derived by said respective properties from such trunk sewer.
4. The total cost of storm sewers shall be assessed against properties within the area determined to be benefited thereby, in amounts proportionate to and not exceeding the benefits determined to be derived therefrom by the respective properties.

5. Where a portion of the benefits of any of the foregoing improvements is deemed to accrue primarily to the City at large, a portion not exceeding 20 percent of the cost thereof as determined by the governing body with the concurrence of the Board of Budget Review, may be paid by the levy of ad valorem taxes upon all property within the City over the same period as the levies of assessments for such improvements, or any portion or all of such cost may be paid out of current funds duly provided in the budget, or from the proceeds of general obligation bonds duly authorized by the electors.
6. Such portion of the cost of any improvement, extension or addition to the utility as is not paid by special assessments and taxes levied and actually collected in respect thereof shall be paid from the net revenues of the utility.
7. Where due to any error or omission or to any special circumstances a special assessment is not levied against any property benefited by an improvement at the time of the construction thereof in accordance with the program described in this Section, the City reserves the right to levy a supplemental special assessment upon such property or to impose and collect a special charge for the connection of such property with the utility system in such amount as shall be required to pay its just share of the assessable cost of such improvement.

ARTICLE 2.

Water Service

9.0201 Water System.

All land, buildings, machinery, equipment, tools and apparatus, water mains, hydrants, service connections and all other property used for the purpose of furnishing a water supply to this City, and the inhabitants thereof, now owned or to be owned by this City, whether acquired by the issue of general obligation bonds, special assessment warrants or other obligations of this City, shall constitute and be known as the waterworks system.

9.0202 Water Superintendent.

A water superintendent shall be appointed by the governing board. If he is a part time employee, and if he is also a city employee in some other capacity, only his services respecting the water system shall be an operating charge of the system. It shall be the duty of the water superintendent to exercise control and management of the operation of the waterworks system. He shall have power and authority to employ, subject to the approval of the governing body, all such engineers, filter plant operators, meter readers, laborers and other employees, as may be necessary to the operation of the waterworks system. All such employees shall be subject to his orders and directions, and he shall be responsible for their acts. He shall have power and authority to purchase such materials, supplies, and repairs for the waterworks system, as are necessary to show the operation and condition thereof. He shall at all times be subject to

the supervision and direction of the governing board. He shall perform such other duties and have such other powers and authority as are hereinafter provided for.

9.0203 Water Service - Application For.

Any party desiring water service from said utility for premises not theretofore connected with the system shall apply for a connection on a form provided by the municipality. Such application shall state an exact description of the premises to be served, and, the uses, both general and special, to which the water is to be put, and the estimated amount of water to be used for a quarter-annual period. Such application shall be filed with the City Auditor, and the applicant shall thereupon pay to the City Auditor, as and for a connection charge, the sum of \$200.00, or in lieu thereof shall deliver a written agreement to pay the sum of \$220.00, said agreed sum to be payable without interest in equal monthly installments, the first to be due and payable immediately upon delivery of such agreement and the succeeding installments one with each of the monthly water bills next thereafter issued. Such payment or written agreement shall be returned to the applicant if the application is refused. Said connection charge shall be in full payment of the cost of installing the service pipe or pipes from the municipality's main opposite the premises to the owner's property line (unless the cost thereof has been assessed against the property) and for water curb cocks, installation of water meters, and supervision of the customer's connection with the system.

9.0204 Water Service - Construction Of - Maintenance Of By Owner.

The cost of original installation of all plumbing between the curb and any service devices maintained by the consumer and all extensions made to such plumbing, as well as all repairs, shall be borne entirely by the consumer, although such plumbing and services as well as the meters shall at all reasonable time be subject to inspection by duly authorized representatives of the municipality. Any repairs found to be necessary by such representatives shall be made promptly, or the municipality will discontinue service.

All services shall be constructed by licensed plumbers at the owner's expense, and each service shall be maintained by the owner. Services heretofore acquired by the issuance of special assessment warrants and assessed against the property, or which may be acquired in the future in like manner, shall likewise be maintained by the owner. Services means the service line running from the point of corporation with city main to owner's premises.

9.0205 Water Service - To Property Not Previously Assessed.

No permit shall be issued for the making of any connection between any water or sewer lines and any property which has not previously been benefited by existing water and/or sewer lines, or whenever the owners of such property have not been assessed for such water and sewer facilities, unless and until such person shall have paid or made a written agreement with the City to pay in monthly installments within a maximum of five years an amount of money as may be therefore determined by the governing body. Such amount shall be based upon the area served and benefit resulting to the property involved. Within thirty days from the date of receipt of such application, the governing body shall determine the amount of money required to be paid before such connection shall be made and

shall advise the applicant property owner of such determination. All such moneys paid and received pursuant to the provisions of this section shall be placed in the water sewer utility fund and shall be expended in accordance with the purposes of such fund.

9.0206 Water Service - To Property With Delinquent Assessments.

No permit shall be issued for the making of any connection between any water main of the City and any property on which any special water main assessment taxes are delinquent.

9.0207 Water Service - Who May Tap.

No person other than an employee of the water department under the supervision of the water superintendent, shall make any tap or connection to a main. The tapping of any mains of said system, and the insertion of the corporation cock in said main shall be done under the supervision of the water superintendent.

9.0208 Water Service - Meter Required.

It shall be unlawful for any person to use water from any premises without the consent of the owner, or to use water from the municipal water system except when drawn through a meter installed by the municipality. No person except an authorized representative of the water superintendent shall turn on or off or tamper with any curb cock.

9.0209 Water Service - Branch Service - When.

Unless special permission is granted by the water superintendent, each premise shall have a separate and distinct water service connection, and where permission is granted for branch service systems each branch system must have its own separate meter and separate curb cock.

9.0210 Water Service - Meter Required - Location, Seals.

Meters shall be firmly and substantially set in a workmanlike manner in a convenient and readily accessible location for reading and inspection. No tap or withdrawal of water by the consumer for any purpose shall be permitted ahead of the city meter, or between the meter and the main line. The consumer shall not, after original installation of a meter, make any alterations or addition which will interfere with the repair, maintenance, reading, or operation of the meter.

Meters shall at all times be sealed and such seals shall not be broken. Meters shall be removed only by authorized employees of the water works department.

9.0211 Water Service - Meter Deposits.

There shall be and is hereby established a water meter deposit of \$0, payable with the application of water service. Whenever the premises are sold, or water service thereto is discontinued at the request of the owner, the vendor or owner

shall upon demand made by him be entitled to a refund of the deposit provided the meter is in satisfactory operating condition and no charges for water services to the premises are then delinquent.

9.0212 Water Services - Services - Installation Of.

In installing water service, all taps shall be driven, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in an iron box to which the service is to be connected, by City authorized personnel only. All service pipes connected with the water system shall be laid seven feet below the established grades or as low as the street mains. All sewer service pipes shall be of a material approved by the water superintendent.

9.0213 Curb Cocks.

There shall be a curb cock in every service line attached to the water mains, the same to be placed as near as possible to the curb if on a street, or within one foot of the alley line if the main is located in the alley. Curb cocks shall be supplied with strong and suitable "T" handles and shall be enclosed in a substantial iron case covered with a tight fitting iron lid with the letter "W" cast upon it. There shall be one or more stops and waste cocks attached to every supply pipe at some point between the curb cock and the meter so that the water can be shut off and the meter and the house plumbing entirely drained. There shall be another such stop and waste cock in the pipe on the house side of the meter.

9.0214 Check Valves.

Check valves are hereby required on all water connections to steam boilers or any other connection deemed by the water superintendent to require one. Safety and release valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of fifty pounds per square inch.

9.0215 Regulations Governing Service.

The following rules and regulations shall be considered a part of the contract with every person who takes water supplied by the City through the city water-works system and every such person who takes water shall be considered as having expressed his agreement to be bound thereby.

1. Shutting Off Water: Who Authorized.

No person except as authorized employee of the water department shall shut off or turn on the water at the curb cock to any premises without first obtaining permissions from the water department.

2. City Reserves Right To Shut Off Water, Notice.

In the case of making repairs or constructing new work, the City reserves the right to shut off the water at once and keep the same shut off as long as may be necessary to accomplish such purposes. The City shall in such case make such effort as in practicable to give previous notice to consumers.

3. **Non-liability Of City For Deficient Supply Or Quality Of Water.**
It is expressly provided that the City shall in no event be or become liable to any consumer of water for a deficiency in the supply of water or the quality thereof, whether by shutting off the same to make repairs or to construct new work or for any other cause whatsoever.
4. **Shutting Off Water: Charge For.**
The water department shall, at the present time, not make a charge for shutting off or turning on services except as provided in Section 9.0216 (Rates and Charges)
5. **Entrance And Access To Premises By Waterworks Employees.**
Authorized employees of the water department shall have free access to any premises supplied with water, at proper times, to inspect and ascertain the condition of the meters and fixtures, or for reading meters, and no owner or occupant shall refuse such employees such access. The water department shall have the right to enter any premises and remove the meter for the purpose of examination and test after first notifying the owner or occupant, and to shut off the water to premises where free access is prevented.
6. **Fire Hydrants, Who May Open.**
No person except city employees and firemen in the performance of their official duties shall open or cause to be opened any fire hydrant without the written permission of the water superintendent.

9.0216 Rates and Charges.

There shall be and there is hereby established rates and charges for the use of and for the service supplied by the municipal water system for the City. The owner or occupant of each housing unit or business premise connected with the water system shall pay for water consumed thereon and for the availability of water a minimum charge of \$8.25 per month. The minimum charge will include an allowance of up to 1,500 gallons of water. Gallons used in excess of the minimum charge allowance will be \$1.25 per thousand up to a total gallonage of 19,500 gallons. Thereafter the rate will be 60¢ per thousand gallon of water used.

A housing unit is a house, mobile home, apartment, a group of rooms, or a single room occupied as a separate living quarter. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building.

Water meters are to be read by the owner or occupant the first day of each month. Water, sewer, and garbage bills are to be paid by the 20th of each month, and if not, a \$1.00 penalty will be added. If the water, sewer, and garbage bill is not paid within 30 days of the due date, services will be discontinued. A service charge of \$10.00 will be required for turning the water back on after the water, sewer, and garbage bill has been paid in full. In case a renter moves out without paying the water, sewer, and garbage bill, the owner of the property will be responsible for the bill.

9.0217 Rates and Charges - Liability For.

Owners of premises where water is supplied shall notify the water department in case any tenant moves from said premises, prior to such moving. In case said tenant moves from said premises to other premises in the City, and is there supplied with water, he shall be liable for the water used at his former residence up to the time of moving, and the water department shall take such measures to enforce the collection of such water bill, as are provided for in the case of non-payment of other water bills. In case said tenant moves away from said City or moves to some place within said City where he is not directly supplied by said water department with water and refuses or neglects to pay said bills within fifteen (15) days after notice thereof, then and in that event the owner of the property for which said bill was rendered shall be liable for said bill, and the water department shall take such measures to enforce collection of such water bill, as are provided for in the case of non-payment of other water bills.

The owner or owners of all real property in the city furnished water service or service line repairs shall be responsible for the payment of any and all such charges, regardless of who the occupant or tenant may be. On request of the owner or owners the Water Superintendent will bill the occupant or tenant for such charges, but if such charges are not paid when due by the occupant or tenant, the owner or owners shall be responsible for such charges and they shall be assessed to the property served. It shall be the duty of the City Auditor to certify to the County Auditor such unpaid water or services charges that are unpaid in the same manner and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner.

ARTICLE 3.

Sewer Service

9.0301 Application For.

Application for sewer service shall be filed with the City Auditor upon a form to be supplied by the City. The application shall state the name of the applicant and the premises to be served. All applications shall be accompanied by a fee of \$10.00, payable to the City for the connection charge.

9.0302 Rates.

The sewer rates to be charged shall be fixed from time to time by resolution of the Governing Board, the City reserves the right to change the rates from time to time as it deems best.

9.0303 Charges.

The Water Department is hereby authorized to add the sewer charges provided for herein to its charge for water services and waste collections and submit the same on a bill in connection with said water service bills. The water department shall be authorized to discontinue all utility services if the entire bill shall not be paid, including the bill for sewer charges. In all places where water service is provided the monthly charges set forth shall be added to and collected as a part of the water bill and collected by the Water Department of

the City. Said sums shall become delinquent upon the same dates of the water bill upon which the same is charged. If said service charge is not paid when due, the water service of said premises may be shut off in the same manner as provided for water.

In all places where water service is not provided the charge above set forth shall be paid to the Water Department of the City upon monthly bills from said Water Department.

If the service charge so established is not paid when due, said sum may be recovered by the City, in an action at law against the owner or occupants or both of the property so served and may also be assessed against the premises so served and collected and returned in the same manner as other county and municipal taxes are assessed, certified, and collected and returned.

9.0304 Installation of Services.

All sewer tops, street excavation and replacement thereof and installation of lines from the city sewer mains to the property line shall be under the control of the City Engineer or other authorized personnel.

ORDINANCE NO. 45

AN ORDINANCE ESTABLISHING A WATER AND SEWER HOOKUP FEE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TURTLE LAKE, NORTH DAKOTA.

SECTION I - PURPOSE

The purpose of this Ordinance is to charge the owners of the vacant property along Burke Avenue beginning at Roosevelt Avenue to a point 969.6 feet East of Roosevelt Avenue of the City of Turtle Lake, North Dakota, except property now being assessed, for the right to hookup to the water and sewer system along said street for an amount approximately what the original assessment would have been.

SECTION II - FEE

The City of Turtle Lake does hereby establish a water and sewer hookup fee of \$1,300.00 to connect to the above described water and sewer line.

Passed and adopted by the Commission of the City of Turtle Lake, State of North Dakota on the 1st day of November, 1982, by the following vote:

Yeas 5 Namely: Arlo E. Boggs, Carol C. Sundby, Russell E. Nelson, Roger Grosz

Nayes 0 Namely: None

First Reading: October 18, 1982

Second Reading: November 1, 1982

Signed: Arlo E. Boggs President, City Commission

Attest: [Signature] City Auditor