

ORDINANCE NO. 1 OF THE MARSHALL AND POLK RURAL WATER SYSTEM

AN ORDINANCE ESTABLISHING THE RULES, REGULATIONS AND USERS FEES FOR THE MARSHALL AND POLK RURAL WATER SYSTEM.

The Water Commission of the Marshall and Polk Rural Water System does ordain as follows:

ARTICLE I  
BENEFITS AND DUTIES OF MEMBERS

Section 1.

The Water Commission of the Marshall and Polk Rural Water System will install, maintain, and operate a main/<sup>water</sup>distribution pipe line or lines from the source of the water supply and service lines from the main distribution pipe line or lines to the location of each user of the Water System, at which points, designated as delivery points, meters and pressure reducing valves to be purchased, owned, and maintained by the Water System shall be placed. The cost of the service line or lines from the main distribution pipe line or lines of the Water System to the delivery point of each user shall be paid by the Water System. The Water System also may purchase and install a cutoff valve to be owned and maintained by the Water System and to be installed on some portion of the service line owned by the Water System. The Water System shall have the sole and exclusive right to use of such cutoff valve. However the provisions of this section shall not be construed to require the acquisition or installation of meters/<sup>pressure-reducing valves</sup> or cutoff valves where the Water Commission determine under the circumstances of the system and the nature of the users that the use of either or all of such devices is impractical, unnecessary to protect the system, and/or economically not feasible.

Section 2.

Each user will be required at his own expense to have dug a trench for the connection of the service line or lines from the delivery point of the user to his dwelling or other portion of his premises and to purchase and have installed the portion of the service line or lines from his delivery point to the place of use on his premises. The user will maintain such portion of such service line or lines which shall be owned by the user at his own expense. The Water System may, if the

Water Commission so determines purchase the pipe for and install such portion of such service line or lines, the cost of which will, however, be paid by the individual user. In addition each user shall pay such connection charge, if any, as may have been imposed by the Water Commission before such user may be entitled to receive water from the system.

Section 3.

No user shall make, construct, or install any water service installation, or make use of any water service, connected to the Marshall and Polk Rural Water System, except pursuant to application to the Water Commission as set forth below and except upon approval and receipt of a permit from the Marshall and Polk Rural Water System.

Section 4.

Application for water service shall be made in writing and signed by the owner and shall clearly state the legal description of the location to be hooked to the Water System, the name and address of the person owning the premises to be connected to the Water System, the nature of the work to be done, the plumber to be employed to do the work, and the type of use for which the water will be put and such other and further information as the Water Commission from time to time may require to obtain a full understanding of the project. Upon approval of such application, such person may proceed to connect to the Rural Water System.

Section 5.

No user shall be permitted to make any alteration to the Water System after it is connected to the Water System or to have additional service lines from the Water System or to connect the water pipes with additional buildings or structures at the same location without filing an application as set forth in Section 4 above and obtaining the permit required therein.

Section 6.

Each user may be permitted to purchase from the **Commission** such water as is needed by him, subject, however, to the provisions of these rules and regulations and to such other further rules and regulations as

may be prescribed by the Water Commission from time to time. In the event the total water supply shall be insufficient to meet all of the needs of the users or in the event that there is a shortage of water, the Water Commission may prorate the water available among the various users on such basis as is deemed equitable by the Water Commission, and may also prescribe a schedule of hours covering use of water by each user and require adherence thereto or prohibit the use of water for commercial, agricultural, or industrial purposes; provided, that if at any time the total water supply shall be insufficient to meet all of the needs of all of the users, the Water Commission must first satisfy all of the reasonable needs of the users for domestic purposes before supplying any water for livestock purposes and must satisfy all of the needs of all of the members for domestic and livestock purposes before supplying any water for commercial or industrial purposes; and, provided further, that where a user has more than one service line, the Water Commission may cut off the flow of water to the non-domestic service lines until such time as the supply of water from the system is sufficient to meet the needs of all of the users for domestic and livestock purposes.

## ARTICLE II NEW USERS AFTER ORIGINAL USERS

### Section 1.

The Marshall and Polk Rural Water System was originally designed for six hundred and five (605) users and new users will be allowed to connect to the Water System, after receiving the appropriate permit as set forth in Article I, Section 4, if the Water System has sufficient capacity to permit the delivery of water to the new user in the opinion of the consulting engineers for the system or in the opinion of the manager of the system. If the Water System is inadequate to permit the delivery of water through a service line in the opinion of the consulting engineers for the Water System or the manager of the Water System, then the connection shall not be allowed or the Water Commission may order such improvements as shall be necessary to provide the hookup and shall take the necessary action to call for contracts and to make the special assessment for the additional improvement.

## ARTICLE III TURNING ON WATER

Section 1.

No person shall turn on any water supply at any turnoff valve without a permit from the Water System.

ARTICLE IV  
PRIVATE WATER SUPPLIES

Section 1.

No water pipe of the Water System shall be connected with any pump, well, <sup>pipe line,</sup> or tank that is connected with any other source of water supply and when such are found, the Water Commission shall notify the owner to disconnect the same and if not done immediately, the water supply shall be turned off forthwith.

Section 2.

Where the Water System is to be connected to a facility with existing plumbing, the Water Commission shall verify that the existing plumbing meets the State Plumbing Code with respect to providing the Water System adequate protection from contamination.

ARTICLE V  
DEFICIENCY OF WATER

Section 1.

The Water System shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasion by shutting the water off for the purpose of making repairs or making connection or from any cause whatsoever. Prior to turning off the water in any nonemergency situation the Water Commission will attempt to notify all affected parties of the impending interruption.

Section 2.

The Water Commission is not responsible for any damage whatsoever caused by normal water pressure and fluctuations thereof. It is the obligation of the user to provide adequate plumbing and safeguards to accommodate normal facilities, water pressure, and fluctuations thereof.

Section 3.

The Water Commission is hereby empowered to establish by resolution limited days and hours for sprinkling and watering of yards and gardens using water from the Water System.

ARTICLE VI  
REPAIR OF LEAKS

Section 1.

In case of failure upon the part of any user to repair any leak

occurring upon his service pipe upon his premises within twenty-four (24) hours after verbal or written notice from the Water Commission has been given, water will be shut off and will not be turned on until the necessary repair has been made. 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.

#### ARTICLE VII RATE SCHEDULE

##### Section 1.

The user's fees for water from the Water System shall be \$3.10 per thousand gallons with a minimum charge for one thousand (1,000) gallons per month.

##### Section 2.

The water users will read their own meters on the first day of each month, or the earliest date thereafter, and remit the payment as billed to them not later than the tenth day of the month for which the bill is due. Payment for water used will be in accordance with the rate schedule set forth above.

#### ARTICLE VIII DELINQUENT ACCOUNTS

##### Section 1.

All bills from the Water Commission shall be payable monthly, postmarked not later than the tenth (10th) day of the month for which the bill is due and shall be deemed delinquent thereafter.

##### Section 2.

In addition to the charges described above, bills not paid by the tenth of the month for which the bill is due, shall be subject to a 10 percent late charge.

##### Section 3.

At the close of each month, the Water Commission shall compile a list of users whose accounts have become delinquent and they shall notify the delinquent user of the delinquent account due to the Water Commission. If the same is not paid within ten (10) days after said notice, then the Water Commission shall immediately shut off the water.

Section 4.

In all cases where the water has been turned off for the nonpayment of bills, such water shall not be again turned on unless said bill has been fully paid and a reconnection charge of \$25 paid to the Commission for turning the water on. In addition, the minimum monthly charge for water use shall remain in effect during the period that the water is turned off.

ARTICLE IX  
ACCESS TO BUILDING

Section 1.

The Water Commission and its officers, agents and employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the Water System.

ARTICLE X  
ALTERING THE METER

Section 1.

No user shall turn back a water meter or in any other way interfere with the proper functioning of a water meter or interfere with the proper measuring of the water used by the meter.

Section 2.

No user shall use any water before it has been measured by the water meter nor shall he maintain an outlet from the water pipe before the water has gone through the water meter and been properly measured.

ARTICLE XI  
ASSESSMENT OF DELINQUENT ACCOUNTS

Section 1.

Charges established for connections to and the use and availability of service from the Water System if not paid when due, shall, together with any penalties established for nonpayment become a lien upon the property connected or for which service was made available. On or before July 1 in each year written notice shall be mailed to the owner of any property as to which such charges are then due and unpaid, stating the amount of the charges and any penalty thereon and that unless paid by October 1 thereafter, or unless a hearing is desired on the question whether such amount and penalty is properly due and payable, the same will be certified, extended and assessed as a tax or special assessment on the property for collection with and as part of other taxes in the following year. Upon request of any property owner, he shall

be notified of the time and place of such hearing and the Commission shall then hear all matters presented by him and determine the amount and penalty, if any, which is properly due and payable and shall cause the same to be certified, extended and assessed as stated in the notice. The Commission may also provide by resolution for discontinuance of water services to any premise in the event of nonpayment of charges for any water service provided to the premise, upon reasonable notice to the owner an opportunity for hearing upon any claim that charges are not properly due and payable.

#### Section 2.

This section is intended to contain the provisions of Minnesota Statutes 116A.22 and shall be considered amended by any changes in said section.

### ARTICLE XII DISCONTINUANCE OF USE OF WATER

#### Section 1.

Any user desiring to discontinue the use of the water service shall notify the Water Commission to that effect and upon their approval, the water shall be shut off at the curb stop. The minimum charge shall remain in effect during the period that the water is shut off.

#### Section 2.

If the user again desires the water service, he shall notify the Water Commission and it shall proceed to have the water again connected upon their approval and a charge of \$25 shall be made for turning the water back on.

### ARTICLE XIII PLUMBERS

#### Section 1.

No plumber or user shall commence any plumbing work of any kind where a permit is necessary without first assuring himself that a permit has been granted.

### ARTICLE XIV PROTECTION OF STREETS AND ALLEYS, ETC.

#### Section 1.

In putting down or repairing service pipes, the streets or roadways must be open at all times and in a manner that will cause the least inconvenience to the traveling public and every precaution must be

taken to insure the public safety and the safety of property. All excavations remaining overnight shall be protected by substantial barriers, sufficient warning lights kept burning thereat from early twilight until morning.

Section 2.

In filling trenches in streets or alleys, the plumber or user must carefully tamp in materials so that it will be a solid and in as good a shape in every respect as before opening the trench.

Section 3.

The plumber or user shall replace or repair all curb, sidewalk, pavement, boulevard, or street surface in as good a condition as when he found it and he shall pay all costs of replacement or repair.

ARTICLE XV  
INITIAL INSTALLATIONS

Section 1.

Prior to connecting any water user to the Water System, the special assessment records of the premises shall be examined to determine if an assessment for the water service has been paid or levied against the premises in the form of a special assessment. If an assessment has not been paid or levied against the user, the applicant shall be required to pay a service charge or connection charge to be determined by the Water Commission which shall not be less than the assessment charge to the original users of the Water System.

Section 2.

All original users of the Water System shall connect to the Water System within a six-month period after the water becomes available.

Section 3.

The minimum monthly charge for water shall begin within three (3) months after the water becomes available.

ARTICLE XVI  
PENALTIES

Section 1.

Any person who violates any provisions of these rules and regulations shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300.00 or shall be subject to a jail sentence of up to 90 days or both.



Section 2.

Each day in which any such violation shall continue shall be deemed a separate offense.

ARTICLE XVII  
VALIDITY

Section 1.

In validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XVIII  
EFFECT OF DATE

Section 1.

This ordinance shall be in full force and effect from and after its passage and publication in the Warren Sheaf, Crookston Times, and Grand Forks Herald.

Passed this 20<sup>th</sup> day of July, 1976.

Lawrence Labine  
LAWRENCE LABINE, CHAIRMAN

Attest,

Winton Knutson  
WINTON KNUTSON, SECRETARY