

ORDINANCE NUMBER 2015-1

UTILITY ORDINANCE

CITY OF TURTLE LAKE

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE 2015-1, PROVIDING RULES AND REGULATIONS REGARDING CITY UTILITY SERVICES WITHIN THE CITY OF TURTLE LAKE, NORTH DAKOTA

BE IT ORDAINED AND ENACTED BY THE CITY COMMISSION OF THE CITY OF TURTLE LAKE, NORTH DAKOTA AS FOLLOWS:

SEE ATTACHMENT

FIRST READING: On the 14th Day of March 2016

Ayes
Nays
Absent

SECOND READING: On the 11th Day of April 2016

Ayes
Nays
Absent

FINAL PASSAGE: On the 11th day of April 2016

SIGNATURE:

Richard Britton, President City Commission

ATTEST:

Darwin Saari, Auditor
City of Turtle Lake

CHAPTER 1-01

GENERAL

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1-01-01. Definitions. For the purpose of this title, the following words shall have the meanings given herein:

1. "Utility" means and includes water, sanitary sewer, storm sewer and/or any other utility service furnished by the City to consumers thereof.
2. "Waterworks system" means 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 the City, and the inhabitants thereof, now or hereafter owned or to be owned by the City, regardless of whether or not acquired by the issue of general obligation bonds, special assessment warrants or other obligations of the City.

1-01-02. Scope of Provisions. All pertinent provisions of this title are hereby made a part of the terms and conditions whereby the City shall furnish any utility service to any person; or whereby the City shall make any utility connections, or perform any work of any kind in connection with the furnishings of any utility service pursuant to the rules and regulations of the City Commission.

1-01-03. Rules. Regulations. The City Commission shall have the authority to establish by rule or regulation such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the City within or outside of the City and under the management of the City Commission. Such rules, regulations, standards and specifications shall be filed in the office of the City Auditor. Violation of such rules, regulations, standards and specifications shall be deemed an offense.

1-01-04. Applications for Water Service. Application to have water turned on shall be made in writing to the City, and shall contain an agreement by the applicant to abide by and accept all of the requirements of the City relating to water service as conditions governing the use of the City water supply by the applicant. Each applicant shall pay a non-refundable application fee that is to be set by the City Commission from time to time by resolution, which fee shall accompany the application.

1-01-05. Right of Entry. All authorized City employees shall have access at reasonable times to all premises supplied with the utility service by the City for the purpose of examination in order to protect the utility service and to read the meter for billing purposes.

1-01-06. Termination of Service Authorized. The City shall have the right to disconnect or refuse to connect or reconnect any utility service for any of the following reasons:

1. Failure to meet the applicable provisions of the law.
2. Violation of the rules and regulations pertaining to the utility service.
3. Nonpayment of bills.
4. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
5. Damaging or tampering with any meter, seal or other equipment controlling or regulating the supply of utility service.
6. Theft or diversion and/or use of service without payment therefore.
7. Vacancy of premises.
8. Failure of consumer or the owner of the property to permit entry for the reading of the City meter, or to pay an estimated billing when the City has been unable to obtain entry of the premises to read the City meter.

1-01-07. Notice of Disconnect. The City shall provide prior notice in writing by either regular mail, or notice on the utility billing to the address shown on the billing records or notice placed at the address by door tag at least five days in advance to the owner or customer before disconnecting any water service.

1-01-08. Maintenance of Service Lines. The City shall be responsible for all repairs and maintenance of the main utility service lines in the City, and all consumer service lines and connection to such mains shall be the sole responsibility of the individual landowners .

1-01-09. Unassessed Property. A permit may not be issued to make a connection to water or sewer lines of the City until the costs of all water and sewer improvements have been paid or assessed to the property.

1-01-10. Unauthorized Use Prohibited. Any person having a permit from the City for the use of any utility service offered by the City who uses the utility service for a purpose other than stated in the permit or who makes unauthorized changes in the service is guilty of an offense.

1-01-11. Equipment Damage or Trespass. It is unlawful for a person to open or close a water hydrant, water valve or tamper with a utility service furnished by the City without first obtaining permission from the City Superintendent or to damage or trespass upon any equipment or premises belonging to the City connected with any utility service.

1-01-12. Emergency Service Interruption or Restriction. The City reserves the right to cut off or restrict utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

1-01-13. Resale of Service Prohibited. It is unlawful to resell a utility service obtained from the City except by arrangement with the City Commission.

1-01-14. Service Connection.

1. Connections to any utility furnished by the City may be made only under the supervision of the City Superintendent .
2. Only employees of the City are authorized to connect, turn on, turn off, or disconnect any water utility service offered by the City, or remove, replace or repair equipment connected to any utility service.
3. Every building, structure or consumer in the City must have a separate utility service connection.
4. Any person who makes a connection to a utility system without the prior knowledge and consent of the City is guilty of an offense.
5. Water service may not be constructed from a main to a building or a premises having a greater capacity than fifty percent of the main, and in no case larger than six inches in diameter, nor less than three-fourths inch in diameter, water sprinkling systems excepted. In dwellings or a building

containing two dwelling units or more, the water service line must be at least one inch in diameter. The City Superintendent has the authority to require water meters and service lines of a specified size or dimension within these limitations, based on water pressure in the area and number of fixtures.

1-01-15. System Maintenance. The consumer of any utility service furnished by the City shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with the utility service.

1-01-16. Construction Materials. Services may be constructed only of materials allowed by the latest edition of the North Dakota State Plumbing Code.

1-01-17. Water Service Location. All water services shall be a minimum depth of seven and one-half (7 & 1/2) feet below finished grade with a stop fitted with a box set at a location specified by the City Superintendent . Curb stops shall be the stop and waste type unless otherwise specified by the City Superintendent . Curb stops shall be equipped with extension boxes not less than two inches in diameter, with Mueller boxes, or their approved equal adjusted to grade.

CHAPTER 2-02
RATES AND CHARGES

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2-02-01. Installation and Control of Water Meters and Rates and Charges for Utility Services.

1. The City shall furnish a meter installation kit at the request of any person, business, corporation, or builder desiring water service from the City. The kit will include the following items: 3/4 inch water meter, ball valve, and fitting to the meter coupler. A licensed plumber will need to install the kit. A licensed electrician will need to install the required wire (not provided by the city), for the reading of the meter, from the meter to the front of the home. After installation by a licensed plumber and electrician, the city needs to be contacted to hookup the meter wire to the meter for measurement of water utility services furnished by the City.

2. Meter locations shall be set firmly and in a workmanlike manner and shall be located in a convenient and readily accessible location for reading and inspection. No tap or withdrawal of water shall be permitted ahead of the City meter.
3. The consumer or owner shall not tamper with, alter or make any addition to any water meter. Water meters shall only be repaired, installed and removed by authorized City employees. The consumer shall not make any alteration or addition to the meter location that interferes with the reading or inspection of the meter.
4. All water meters shall be sealed with a seal affixed by the City and such seals shall not be removed.
5. Any water meter two inches in size or over shall have a bypass and shall have a suitable valve on either side of the meter and a valve on the bypass. Each bypass shall be sealed with a seal affixed by the City and such seals shall not be removed.
6. In the event that the owner of the property or the consumer shall deny the authorized employees of the City access to the water meter for reading or inspection purposes, the City may, upon five days notice, elect to discontinue the water utility service until such time as the requested access is allowed.
7. All service pipes, curb boxes, corporation stops, shut off boxes and any other fixtures off of the main utility service lines are the property of the owner and must be kept in repair at the owner's expense. All consumer service lines and connection to such mains shall be the sole responsibility of the property owner. All such fixtures shall be under the control and supervision of the City.
8. The rates and charges for the use and consumption of the water and sewer utility services furnished by the City and the charges and fees for utility connections and other utility services shall be established by the City Commission from time to time by resolution. If the City is unable to gain access to the premises furnished utility services to read its meter, and the owner or consumer has not arranged for a reading of the meter, the utility charge may be estimated by the City, and payment is due at the same time as if the City had been able to make a meter reading.

2-02-02. Application and Permit Required and Restriction on Building Permit Issuance.

1. No person shall uncover, repair, make connections with or open into, use, alter or disturb any utility or connections thereto without first obtaining a written permit from the City Auditor.
2. Any person desiring utility service furnished by the City shall apply to the City Auditor. The application shall contain the applicant's name, address, and the uses for which utility service is desired. In applications for larger private areas such as mobile home parks, schools, commercial or industrial developments, multiple building development, and other large installations, the applicant shall furnish plans and specifications showing the proposed construction and location of utility lines and service lines which must be approved in advance by the City Auditor. The applicant shall further agree as a condition of obtaining service that in the larger installations, the applicant shall pay the cost of the approval and/ inspection on a time and material basis, in addition to the hook-up fees. Approval of the application for utility service by the City Auditor constitutes permission for the service.
3. The Building Inspector shall not issue any building permit unless water and sewer hook-up fees and water meter installation fee due have been paid. Prepaid water hook-up fees shall not be offset or credited against sewer hook-up fees due, nor shall prepaid sewer hook-up fees be offset or credited against water hook-up fees due.

2-02-03. When Payment Due. All bills for utility services furnished by the City shall be due and payable prior to midnight of the fifteenth (15th) day of each month following the date of such billing; provided, however, that if such due date shall fall on a Sunday or a legal holiday observed by the City, then such bill shall be due and payable by midnight of the following business day, except that upon termination of service all unpaid charges are due and payable immediately. The city commission by resolution shall determine a late fee to be charged to the utility bill of each consumer whose bill(s) shall remain unpaid after after the 20th of each month.

2-02-04. Disconnect for Nonpayment. In the event bills for utility services are not paid when due, the City shall have the right to disconnect and discontinue all utility services furnished by the City, following prior notice to the owner in accordance with Section 1-01-07.

2-02-05. Reconnection after Disconnection. In the event that utility service is disconnected for nonpayment of the bill, the consumer thereof shall have the right to have the same reconnected only upon the payment of the amount due, and in addition thereto, a reconnection fee in the amount as established by the City Commission from time to time by resolution. The obligation and liability for payment of the reconnection fee is incurred upon dispatch of City personnel to disconnect utility service.

2-02-06. Liability of Property Owner. The owner or owners of all real property in the City furnished water, sewer or garbage 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. It shall be the duty of the city auditor to certify to the county auditor such unpaid water or service charges that are unpaid in the same manor and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner.

2-02-07. City Liability. The City is not liable for damage sustained by a customer of City utility service due to backflow of the sewerage system, failure to supply, interruption of service or any cause outside the direct control of the City.

2-02-08. Written Notice of Discontinuance. Consumers wishing to discontinue the use of any utility service shall give written notice thereof to the City Auditor. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

2-02-09: Sewer Charges. The City Auditor is hereby authorized to add the sewer charges to the City charges for water services and waste collections and submit the same on a bill in connection with said water service bills. The City 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. 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.

2-02-10. Ordinance and Resolutions Conflicts. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed in so far as the conflicting portions thereof are concerned.

2-02-11. Effective Date: This ordinance shall become effective April 11th, 2016.