

**TWIN LAKES TOWNSHIP
CARLTON COUNTY, MINNESOTA
Ordinance No. 2021-01**

ORDINANCE REGULATING THE TOWN'S WATER SYSTEM

The Board of Supervisors of the Town of Twin Lakes ordains:

**ARTICLE I
GENERAL PROVISIONS**

1.01. Definitions. As used in this ordinance, the terms defined in this Section have the meanings given them.

- (a) "Back flow device" means a device designed to restrict water flow into the Town water system.
- (b) "City" means the City of Carlton, Minnesota.
- (c) "Clerk" means the clerk of Twin Lakes Township.
- (d) "Corporation" means a device designed to connect a water service line sized two inches or smaller to the water main.
- (e) "Curb box" means a device designed to provide access to a curb stop.
- (f) "Curb stop" means a device designed to control the flow of water within a water service line from the water main.
- (g) "Ordinance" means this Ordinance Regulating the Town Water System.
- (h) "Owner" means the owner of a parcel as shown on the County's tax records.
- (i) "Parcel" means the lot or piece of real estate that is connected to the Town Water System or to which connection to the Town Water System is available, including through a Town Board approved extension.
- (j) "Town" means Twin Lakes Township, its employees, contractors, or agents, which shall include, but not be limited to, City of Carlton employees.
- (k) "Town Board" means the Board of Supervisors of Twin Lakes Township.
- (l) "Town Water System" means the extension of the City municipal water storage and the entire distribution system constructed by the Town for the benefit of Town residents.

- (m) “Water main” is a pipe, or system of pipes and fittings, designed and used to distribute water to the water service line of a parcel.
- (n) “Water meter” is a device that records the amount of water used.

ARTICLE II

TOWN WATER SYSTEM

2.01. Town Water System. The Town will contract for the construction and maintenance of an extension of the City of Carlton’s municipal water storage and distribution system for the benefit of the residents of the Town, which shall be referred to herein as the “Town Water System.”

2.02. Use of Town Water System Restricted. Except as otherwise authorized pursuant to a permit issued by the Town pursuant to this ordinance, only the Town shall uncover, make, or use any water service installation connected to the Town Water System. Additionally, no person shall make or use such installation contrary to the regulatory provisions of this ordinance.

2.03. Connection to the Water System; Grace Period. Every improved parcel to which the Town Water System is available, or can be made available by extensions which prove to be both feasible and economical as determined by the Town, shall be connected to the Town Water System. Such connection shall be made within 12 months of the Town Water System being made available to the improved parcel. Private wells or tanks are not permitted in instances where the improved parcel is or can be connected to the Town Water System. All connections from private wells or tanks to structures on a parcel connected to the Town Water System shall be disconnected. Private wells on the parcel connected to the Town Water System shall be capped in accordance with applicable laws, except that a private well may be maintained on the parcel for lawn, garden, and similar watering purposes only. Water from one parcel shall not be transferred through a pipe, hose, or other connection to any other parcel or to other structures on the same parcel.

2.04. Separate Connection Required. Each parcel to receive water from the Town Water System shall make a separate and distinct service connection to the Town Water System. In the event that a separate connection is impractical, in the sole discretion of the Town Board in light of circumstances unique to the parcel, the Town may grant permission for a multiple connection. Any such permission shall be in writing. The clerk shall notify the affected persons of the Town Board’s decision.

2.05. Manner of Connection. Only a licensed plumber under the supervision of an authorized representative of the Town shall make a connection to the Town Water System. Connections shall be made according to the requirements of this Section.

- (a) All work shall be done in compliance with the Minnesota Plumbing Code and this ordinance.
- (b) No excavation to connect to the Town Water System may be made until a permit for the connection has been issued by the Town. An application for a permit to connect to the Town Water System shall be made by the owner or agent of the

owner of the parcel to be served. The application must state the size and location of the service connection required. A permit fee shall also be payable at the time of application. An application is not complete and will not be processed until the required permit fee is paid in full. The Town Board shall set the permit fee by resolution.

- (c) Upon receiving a connection permit from the Town, the owner must install, or have installed at the owner's expense, the water service connection for the parcel from the curb box to the interior plumbing. The installation must be performed by a licensed plumber. All water service lines must be made of a material that is in compliance with the specifications of the Minnesota Plumbing Code. Required materials must be used from the water main to the water meter. A back flow device must also be installed at the owner's expense.
- (d) No new water service connection shall be covered until it has been inspected by the Town or its representative.
- (e) Where any portion of the water service line laid is ready to cover, the party installing the line shall notify the Town who shall inspect, or have its representative inspect, and determine whether or not the service line is made of the required material and is properly connected and laid in place in accordance with the provisions hereof and the Minnesota Plumbing Code. When such line is approved in accordance with this paragraph, it shall be covered and the ditch filled.
- (f) All service lines shall be placed not less than six feet beneath the ground surface. No excavations made for connections on public property or right-of-way shall be kept open longer than is absolutely necessary to make the required connections, and while the excavation is open, it shall be protected by suitable barriers, guards, and lights.
- (g) Backfilling shall be thoroughly compacted and the street surface shall be left in as good a condition as before making the excavation.

2.06. Responsibility. The Town shall own and be responsible for repairing and maintaining the water main, the corporation, the curb box, and the curb stop. The owner shall own and be responsible for installing, repairing and maintaining the water line beginning at the curb box facing the owner's parcel line and ending with the connection into the parcel's plumbing system. Any work performed on the water service line must be performed by a licensed plumber in accordance with all applicable rules and regulations.

2.07. Suspension of Use of Water. The Town reserves the right to suspend the use of water from the Town Water System, or any portion thereof, whenever in the opinion of the authorized agent of the Town Board, public exigency shall require it. Additionally, whenever the City limits the time and hours during which its residents may use water for lawn and garden sprinkling, irrigation, car washing and other uses specified by the City, the Town may likewise

impose similar restrictions on use of the Town Water System. The Town will provide notice of such limitation prior to the enforcement of such limitations.

2.08. Rules and Regulations a Part of Contract. The rules, regulations, and water rates herein prescribed by the Town Board shall be considered a part of the contract with every person supplied with water from the Town Water System, and every person supplied and taking water therefrom shall be deemed to have expressed consent to be bound thereby.

2.09. Accounts in Name of Owners. Applications for water service shall be made upon forms provided for that purpose by the Town. All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, shall apply for such service. The owner shall at all times be liable for water used upon the premises, whether he or she is occupying the same or not, and charges not paid may result in termination of service or may be a lien upon said premises, or both at the option of the Town.

ARTICLE III **USE OF WATER**

3.01. Application To Use Water From System. No water shall be delivered to any premises until the person desiring water at that premises has made application to the clerk and provided the following information:

- (a) The date service is desired;
- (b) The location of the premises desiring water; and
- (c) The name and address of the owner or the owner's authorized agent to whom billings may be sent.

3.02. Water Turned on by Authorized Agent of the Town Only. Upon notification by the clerk that proper application has been made and a connect, enhanced connect, or reconnect fee has been paid, only a duly authorized City employee shall turn the water on at the curb box of the premises for which application was made. The Town Board shall set the connect, enhanced connect, and reconnect fees by resolution. The enhanced connect fee shall only apply to parcels that were not specially assessed for the construction of the Town Water System. The enhanced connection fee shall also apply to new parcels created after the construction of the Town Water System. No person other than authorized City employees or representatives shall, without the written consent of the Town, possess a "water key" wrench, or other tool for the turning on or shutting off of water at the curb box.

3.03. Water Rates. The rate due and payable to the Town by each water consumer for water used will be charged per 1,000 gallons used, payable monthly, in addition to a fixed charge for each month regardless of whether any water is consumed. Additionally, any improved parcel that has access and availability to the Town Water System, but does not connect in violation of section 2.03 of this ordinance, shall pay to the Town a fixed monthly availability charge. These charges represent payment for the Town's basic facilities and service costs inherent in the operation, maintenance, and availability of the Town Water System. The Town Board shall set the water usage rate, fixed water charge, and fixed availability charge by resolution.

- (a) In the event that a water meter is found to have stopped or to be operating in a faulty manner, the amount of water used will be estimated by the Town in accordance with the amount used previously by that parcel during the same time period in the previous year.
- (b) If there is no consumption of water for a particular month or period of time, the fixed charge will still be imposed by the Town. An owner who will be absent for a period of time may make a written request to the Town clerk that the water be shut off. The fixed charge will continue to be charged while the water is shut off and the water will not be turned back on until the owner submits an application requesting reconnection. In such cases, the Town will not charge a disconnection or reconnection fee unless the water was shut off due to failure to pay water service and related charges.
- (c) If water service to a parcel is shut off due to a delinquent account as provided in this ordinance, the water will not be reconnected or turned back on until the owner pays in full a disconnection fee, reconnection fee, all past due water service charges (including the minimum charge for the period the water was shut off) and the applicable past due charges as may be established by the Town in its fee resolution.

3.04. Billings for Water Used. Consumers of water shall be billed as prescribed in Article V of this ordinance. If water is shut off by the Town for failure by the account holder to pay its water bills, a penalty of 10 percent of the unpaid balance will be added and charged by the Town on a monthly basis until the unpaid balance is paid in full.

3.05. Damaging of Water System.

- (a) No person shall willfully or carelessly break, injure, mar or deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenance of the Town Water System, hydrants, mains, curb stops, water supply or service pipes, or any part thereof.
- (b) No person shall deposit anything in any valve or curb stop or box, or commit any act intending in any way to obstruct or impair the intended use of the Town Water System.
- (c) No person shall tamper with, reverse, or break the seal of any water meter or in any manner interfere with the proper and accurate metering of the water passing through the meter.

3.06. Discontinuation of Service.

- (a) Voluntary Disconnection. Consumers desiring to discontinue the delivery of water to their premises shall notify the clerk in writing, who shall coordinate the water service to be turned off or disconnected on or after the date specified by the

consumer. The Town does not charge a disconnection/reconnection fee for voluntary disconnections, but the consumer is required to continue to pay the established monthly fixed charge during the entire period of a voluntary disconnection. An application must be made for the parcel to be reconnected to the water service.

(b) Water Shut Off by the Town. Water service to a parcel may be shut off by the Town for the following reasons:

- (1) Violation of a provision of this ordinance relating to the operation, maintenance or connection to the Town Water System;
- (2) Fraud or misrepresentation by person in connection with an application required by this ordinance; or
- (3) Failure of the account holder to pay charges for water service when due.

(c) Water Shut Off Procedures. If the Town determines that grounds exist for shutting off the water service to a parcel, the Town clerk must notify the account holder and the occupant of the Town's intent to shut off the water and the reason for the shut off by mailed written notice not less than 10 days prior to the date of shut off. The notice must state that the owner or occupant may request a hearing before the Town board at its next regularly scheduled meeting and that at the hearing the owner and occupant may present testimony and provide evidence as to why the service should not be shut off. The request for a hearing must be presented in writing to the clerk no later than five days after the date of the notice. If a request for a hearing is received, the clerk shall not shut off service until the hearing has been held and then only at the direction of the Town board. If a request for a hearing is not timely received, the Town may shut off the water service without further notice. The Town will not shut off water service from October 15th through April 15th if the shut off will affect the consumer's primary heat source.

An application must be made in order for the water service to be reconnected and turned back on. The consumer must also pay a reconnection fee as determined by the Town Board in its fee resolution.

ARTICLE IV

WATER METERS

4.01. Water Meters. All properties supplied with water from the Town Water System shall be metered in order to determine the amount of water used. All properties that are connected to the Town Water System must authorize the Town, its employees, agents, or representatives to install water meters. Any owner who refuses to authorize the installation of a water meter on his or her parcel will not be permitted to connect to the Town Water System.

- (a) Water meters shall be provided by the Town and shall remain Town property.
- (b) Installation of the water meter shall be performed by the Town or its agent or representative. The Town shall supply the meter. Water meter installation shall take place only on business days during regular business hours.
- (c) The Town will maintain and repair water meters when they are rendered unserviceable through ordinary wear and tear and replace them if necessary. Where replacement, repair or adjustment of any meter is deemed necessary by the Town due to the act, neglect, including damages from hot water backup, freezeups, or carelessness of the owner or occupant of the parcel, the expense incurred by the Town will be charged against and collected from the water consumer.
- (d) The Town or its agent will remotely read the water meter on a monthly basis. In the event there are problems reading a water meter remotely, the owner shall provide the Town with access to the parcel so that the Town can view the water meter and repair or replace it, if necessary. If the owner refuses to allow access to the parcel to view, repair, or replace the water meter, the Town will estimate the amount of water used in accordance with the amount used previously by that parcel during the same time period in the previous year and will continue to estimate the charges in this manner until it is able to remotely read the water meter. In the event the estimation of charges by the Town is required to continue for an extended period of time as determined by the Town, in its sole discretion, the Town may institute proceedings to shut off the water service to the parcel as provided in this ordinance.

ARTICLE V

WATER UTILITIES BILLINGS

5.01. Billings for Water Utilities. A statement shall be mailed to each consumer in whose name an account has been established showing the amount due the Town for current water utilities of the respective billing period. The Town Board shall set fees and the billing period for each current service by resolution.

5.02. Amounts Due. The amount delineated in the statement shall be payable immediately to the clerk no later than 30 days from the date of the statement.

5.03. Delinquent Accounts. Accounts not paid in full within 30 days from the date of the statement shall be considered delinquent.

5.04. Penalty for Delinquent Accounts. Any person having a delinquent account shall pay in addition to the amounts due a penalty of 10 percent of the amount due. The current water services to a consumer having a delinquent water account may be discontinued in accordance with the process set out in this ordinance.

5.05. Certification for Collection with Taxes. The Town may certify unpaid charges plus penalties on water accounts to the county auditor for collection with taxes imposed on a parcel.

All such amounts shall constitute an unpaid service charge collectible pursuant to Minnesota Statute, section 366.012, or pursuant to any other method available to the Town under law. Prior to certifying the unpaid service charge, the Town shall provide the owner notice and an opportunity for a hearing. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the owner may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid service charges. A hearing shall be held on the matter by the Town board. Owners with unpaid service charges shall have the opportunity to object at the hearing to the certification of unpaid charges. If, after the hearing, the Town board finds that the amounts claimed as delinquent are actually due and unpaid, and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this section, the Town may certify the unpaid charges to the county auditor. The Town Board may elect to exercise any other authority available to it under law to secure the payment of any unpaid amounts including, but not limited to, imposing a lien on the parcel pursuant to Minnesota Statutes, section 514.67.

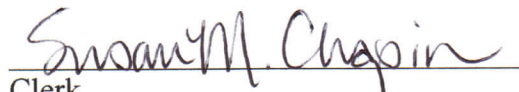
ARTICLE VI **PENALTIES**

6.01. Penalty. Any person violating any provisions of this ordinance or interfering with a Town or city employee, representative, or agent in performance of duties under this ordinance shall be guilty of a misdemeanor. The Town may also take such other actions available to it under law to enjoin or correct a violation of this ordinance.

Adopted by the Town Board of Twin Lakes Township this 16th day of June 2021.


Chair

ATTEST:


Clerk

This ordinance shall become effective upon its adoption and the first day of publication.