

WASHBURN CITY ORDINANCE #140 WATER & SEWER UTILITIES

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CHAPTER 1-01 GENERAL PROVISIONS

1-01-01. Definitions. "Utility" means water, sanitary sewer, storm sewer, and/or any other service furnished by the city to consumers.

1-01-02. Scope of Title. All pertinent provisions of this Title are a part of the terms and conditions whereby the City furnishes utility service to a person; or whereby the city permits utility connections, or performs works of any kind in connection with the furnishing of utility services pursuant to the rules and regulations of the Board of City Commissioners.

1-01-03. Issuance of Regulations. The Board of City Commissioners has the authority to establish the standards and specifications necessary for the installation, construction and maintenance of any utility service system owned and operated by the city within or without the city and under the management of the Board. The rules, regulation, standards, specifications or ordinances must be filed in the office of the City Auditor. Violation of the rules, regulations, standards, specifications or ordinances is an offense and subject of fines up to \$500.00.

1-01-04. Water Service Application. Application to have water turned on must be made in writing to the City Auditor by the owner of the property, and contain an agreement by the applicant to abide by and accept all of the city's ordinances and policies relating to water service as conditions governing the use of the city water supply. A reasonable deposit as established by the Board of City Commissioners must be paid with the application, if the applicant has not previously received utility services from the City or has not established a history of prompt payment for utility services. Upon termination of the service, the deposit shall be applied to any unpaid charges and the remainder, if any, refunded.

1-01-05. Right of Entry. All authorized city employees have access at a reasonable time 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. Service Termination.

1. The City has the right to disconnect or refuse to connect or reconnect any water utility service for the following reasons:
 - a. Failure to meet the applicable provisions of law.
 - b. Violation of the rules and regulations pertaining to utility service.
 - c. Nonpayment of bills.
 - d. Willful or negligent waste of service due to improper or imperfect

pipes, fixtures, appliances or otherwise.

- e. Damaging or tampering with any meter, seal or other equipment controlling or regulating the supply of utility service.
 - f. Theft or diversion and/or use of service without payment.
 - g. Vacancy of premises.
 - h. Failure of consumer or the owner of the property to permit entry for the purpose of examination of the water service, 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 water meter.
2. The City will provide prior notice in writing by regular mail to the address shown on billing records at least seven (7) working days in advance to the owner before disconnecting a water service. The notice shall include a statement that upon demand made in writing and filed with the City Auditor the owner has the right to an informal hearing before the City Water Commissioner or his designate before water service is shut off if the owner believes that the City does not have sufficient grounds to shut off service. Upon demand made in writing, the City Auditor shall schedule an informal hearing as soon as is practicable, at which time the owner shall have the opportunity to present evidence. Following the hearing, the City Water Commissioner may order that service be terminated or make such other reasonable order as necessary or appropriate.
 3. Sewer utility service may be disconnected, or the City may refuse to reconnect sewer service, upon the same grounds and in the same manner as water service by discontinuing the water service.
 4. Whenever utility service is disconnected pursuant to this section, a reasonable reconnect fee shall be paid by the owner or successor in interest before reconnection.

1-01-07. 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.

1-01-08. Permit Application.

1. A person may not uncover, repair, make connections with or opening into, use, alter or disturb any utility or connections thereto without first obtaining a 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. A permit fee, to be established by the Board of City Commissioners, must be paid at the time the application is filed. In applications for larger private areas such as mobile home parks, school, commercial or industrial developments, multiple building developments, and other large installation, the applicant shall furnish plans and specifications showing the proposed construction and location of utility lines and services which must be approved in advance by the City Engineer.

3. Approval of the application for utility service by the Board of City Commissioners constitutes permission for the service.

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. Assumed Use. All premises connected to any utility service of the City are assumed to be using the utility service and the owner or occupant shall be charged therefore so long as the premises remain connected with the utility service.

1-01-11. 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 and subject to a fine up to \$500.00.

1-01-12. Equipment Damage or Trespass. It is unlawful and subject to a fine up to \$500.00 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 Public Works Superintendent or to damage or trespass upon any equipment or premises belonging to the City connected with any utility service.

1-01-13. 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.

1-01-14. Resale of Service Prohibited. It is unlawful to resell a utility service obtained from the city except by arrangement with the Board of City Commissioners.

1-01-15. Service Connection.

1. Connections to any utility furnished by the city may be made only under the supervision of the City Public Works Superintendent or his designate.
2. Only city employees or its designates 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. A person who makes a connection to a utility system without the prior knowledge and consent of the City is guilty of an offense and subject to a fine up to \$500.00.
5. Any person who by-passes or makes improper connections to a utility system will be guilty of an offense and be subject to a fine up to \$500.00. All such by-passes and connections are required to be corrected within five (5) working days or utility services will be shut-off. After shut-off, a reconnect fee will apply before service will be restored.

1-01-16. 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. Water service beginning with the inlet of the curb stop and including the curb stop to the water meter is the property of the building owner and shall be kept in repair at the owner's expense. All water service piping and connections shall be under the control and supervision of the City.

1-01-17. Construction Materials. Services may be constructed only of material allowed by the latest edition of the North Dakota State Plumbing Code.

1-01-18. Water Service Location. All water services must be a minimum depth of seven and one-half feet below finished grade with a curb stop and stand pipe set at a location specified by the City Public Works Superintendent or his designate. This section shall apply to new construction and improvements made after final passage of this ordinance.

CHAPTER 1-02 CONTROL OF WATER METERS

1-02-01. Installation and Control of Water Meters.

1. The City shall make available and install meters for the measurement of water utility services furnished by the City.
 - a. Any person, business, corporation or other entity desiring water service from the City of Washburn shall have a water meter available from and installed by the City of Washburn. 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 and meter shall be sealed by an employee of the City of Washburn. All costs and expenses associated with a new install and connection of the water meter to the City of Washburn's water system shall be borne by the consumer. If a meter is defective, the City shall replace a standard (5/8") meter at no charge to the consumer.

- b. The consumer or owner shall not tamper with, alter or make any addition to any water meter. Water meters shall only be repaired, installed or 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. Broken seals shall be reported to the City Auditor immediately upon discovery.
 - c. All water meters shall be sealed with a seal affixed by the City of Washburn and such seals shall not be removed.
 - d. Any costs associated with the maintenance of a water meter, its installation, testing or repair, shall be the responsibility of the City unless otherwise specified by the City.
 - e. 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 purposed, the city may, upon 24 hours notice, elect to discontinue the water utility service until such time as the requested access is allowed.
 - f. Water service starting at the inlet of the curb stop and including the curb stop to the water meter is the property of the owner and must be kept in repair at the owner's expense. All water service piping and connections shall be under the control and supervision of the City of Washburn.
2. The rates and charges for the consumption of utility services furnished by the city and the charges and fees for connections shall be determined and adjusted by the Board of City Commissioners from time to time and be filed in the office of the city auditor.
 3. Multiple family units (including apartment complexes and homes with rental units) and mobile home parks shall have at least one meter and shall pay a minimum for each unit or lot occupied during

the month and the additional cost of water usage through the meter if greater than the minimum usage amount plus the sewer charge for each occupied unit or lot.

4. RV parks shall have one meter and shall pay one minimum and the additional cost of water through the meter if greater than the minimum plus one sewer charge during operating months.
5. Hotels/Motels shall have one meter and shall pay one minimum and the additional cost of the water through the meter if greater than the minimum plus one sewer charge.

CHAPTER 1-03 BUILDING SEWER AND CONNECTIONS

1-03-01. Connection Costs. All costs and expenses associated with the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from all loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

1-03-02. Construction. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the latest addition of the North Dakota State Plumbing Code or other applicable rules and regulations of the City. The consumer shall own the sewer line from the City curb stop to the dwelling or building.

1-03-03. Restrictions. A person may not make connection of roof down spouts, exterior foundation drains, or other sources of surface runoff or groundwater to a building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City and the North Dakota State Health Department.

1-03-04. Building Codes. The connection of the building sewer into the public sewer shall conform to the requirements of the latest addition of the North Dakota State Plumbing Code or other applicable rules and regulations of the City. All such connections must be gas tight and watertight and verified by proper testing.

1-03-05. Prohibitions. A user may not discharge or cause to be discharged, directly or indirectly, any of the following substances into the wastewater disposal system or to any public sewer:

1. Any pollutants which create a fire or explosion hazard in the sewer system or wastewater treatment facility.
2. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the

wastewater system.

3. Any wastewater having a ph less than 6.0 or having other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater disposal system.
4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system.
5. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
6. Pollutants which result in the presence of toxic gases, vapors or fumes in the wastewater facilities that may cause a public nuisance, hazard to life or cause acute health and safety problems for workers.
7. Any substance which will cause the wastewater disposal system to violate its North Dakota Pollutant Discharge Elimination System Permit and/or other State Disposal System Permits.
8. Any unpolluted water, including but not limited to non-contact cooling water, storm water, subsurface drainage or groundwater.
9. Any wastewater containing fats, wax, grease or oils, including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, if such materials:
 - a. Deposit grease or oil in the sewer lines in such manner as to obstruct the sewers; or
 - b. Overload the User's skimming and grease handling equipment; or
 - c. Are not amenable to treatment and will therefore pass through the wastewater treatment facilities to the receiving waters without adequate treatment; or
 - d. Have adverse effects on or interfere with the treatment process.
10. Any garbage that has not been properly shredded.

11. Any trucked or hauled pollutants.

CHAPTER 1-04 UTILITY CHARGES

1-04-01. Payment Provisions.

1. All bills for utility services furnished by the City are due and payable prior to midnight of the fifteenth (15th) day following the date of the bill, except that if the due date falls on a Saturday, Sunday or a legal holiday observed by the city, then the 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.
2. In the event bills for utility services are not paid when due, the city has the right to disconnect and discontinue all utility services furnished by the City, following reasonable prior notice to the consumer or owner.
3. In the event that utility service is disconnected for nonpayment, the consumer has the right to be reconnected upon the payment of the amount due. In addition, a reconnection fee reflecting actual cost of labor plus overhead, equipment and materials expended in making the reconnection is assessable.
4. The owner of premises where any utility service is furnished is liable for the payment of all rates and charges for those premises, irrespective of whether the owner is the user of the utility services.

1-04-02. Written Notice of Discontinuance. Consumers wishing to discontinue the use of any utility service must give written notice to the city. Failure to do so renders them liable for the payment of all bills until the notice is given.

1-04-03. Fees.

Utility Deposit	\$50.00
Service Termination/Reconnect Fee	\$50.00
Seasonal Reconnect Fee	\$25.00

1-04-04. Fines. Violations of this Ordinance shall be subject to a fine of up to a maximum of \$500.00 per violation to be determined by the Municipal Judge.

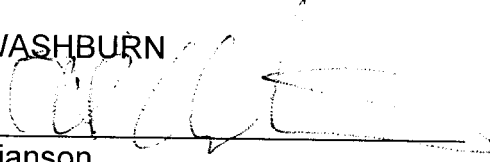
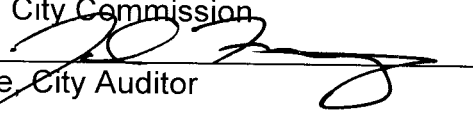
CHAPTER 1-05 Repeal

- 1-05-01. Repeal. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

CHAPTER 1-06 Effective Date

1-06-01. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication.

CITY OF WASHBURN

Approved: 
Alan Christianson
President, City Commission
Attest: 
Joel Frieze, City Auditor



First Reading: January 2nd, 2007
Second Reading: January 22nd, 2007
Final Passage: January 22nd, 2007
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