

## CHAPTER 52: WATER REGULATIONS

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#### ***Cross-reference:***

*Assessable current services, see Section 92.01*

## ***GENERAL PROVISIONS***

### **SECTION 52.01 GENERAL OPERATION.**

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

### **SECTION 52.02 USE OF WATER SERVICE.**

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter.

Penalty, see Section 10.99

### **SECTION 52.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.**

No person shall permit water from the water system to be used for any purpose to circumvent this chapter.

Penalty, see Section 10.99

### **SECTION 52.04 DAMAGE TO WATER SYSTEM.**

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

Penalty, see Section 10.99

### **SECTION 52.05 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.**

(A) Except where municipal water is not available within 100 feet of the property line, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. It shall be unlawful to construct private wells to provide water for other than human consumption. Private wells which are in existence prior to the effective date of this ordinance may be maintained and continued in use, even after connection is made to the municipal water system, provided there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or buildings shall connect to the municipal water system if water is available within 100 feet of the property line. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this chapter, a charge shall be made in an amount established by Section 52.50.

(C) Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

(1) The well pump and tank shall be disconnected from all internal piping;

(2) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;

(3) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;

(4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with Section 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

Penalty, see Section 10.99

## **SECTION 52.06 USE OF WATER FOR LAWNS, POOLS, ETC.**

The use of City water for sprinkling of lawns and/or gardens, the filling of swimming pools, or for washing vehicles during the period of May 1 to October 1 is hereby restricted as follows (this section does not apply to private wells):

(A) Those customers whose house number is an even number may water on even numbered days.

(B) Those customers whose house number is an odd number may water on odd numbered days.

Upon notification to the public works department, property owners may water new lawns on an as needed basis, irrespective of the odd/even requirements, for a period of 30 days after which time they will be required to comply with this section.

In the event of drought conditions or other emergency conditions, the Mayor may certify to the City Clerk that there is an imminent shortage of water supply. The certification shall specify in detail the restrictions on water usage and shall become effective upon posting by the City Clerk.

Penalty, see Section 10.99

**SECTION 52.07 USE OF WATER FOR AIR CONDITIONING; PERMITS.**

(A) All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to Section 52.50.

Penalty, see Section 10.99

**SECTION 52.08 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.**

(A) Privately owned water trucks are hereby authorized, upon completion of required inspection, payment of necessary fees, and issuance of a City permit, to fill from the City hydrant located at the City's public works shop adjacent to Poplar Avenue.

(B) The City reserves the right to terminate this authorization at any time, without notice, either temporarily or permanently, in the event the City Council determines, in its sole discretion, that it is necessary to terminate such authorization to protect or preserve the City's water supply.

(C) Privately owned water trucks wishing to fill their water tank from the City hydrant must first be inspected by the City's public works staff. Truck owners must bring their trucks which will be used for filling to the public works department during regular business hours for inspection by City staff. The truck owner must have this inspection done annually and must pay an annual inspection fee to cover the cost of such inspection on all trucks which the owner has inspected for this purpose. Such fee shall be established by the City Council and may be amended from time to time. The trucks which are properly equipped to draw water from the City water system shall be issued a permit with the truck make, model, year, and license number. The permit shall be placed in the front window of the truck so that it can be easily seen by City staff for purposes of compliance checks on trucks filling from the City water supply. Such permitted trucks will then be allowed to fill at the specified hydrant located at the City's public works shop adjacent to Poplar Avenue.

(D) Truck owners must pay a fee for the water drawn from the City. Such fees shall be established by the City Council and may be amended from time to time, and shall be paid by the owner on a periodic basis as established by the City Council. It will be the responsibility of the owner to track and pay such fees on the honor system. Truck owners who fail to track and make proper payments for the City water used may have their permits revoked pursuant to the Violations provisions herein.

(E) Truck owners who fill from the City water source without going through the appropriate permitting process, or who own a permitted truck which fills incorrectly or which fills while its backflow or other required mechanical compliance equipment are not

in working order, shall be assessed a minimum administrative fee of \$100 as well as any and all consequential and/or incidental damages, including but not limited to costs associated with and for a Special Council meeting, as a result of a violation of or non-compliance with this Ordinance. The truck owner shall also be liable for any damages to the City water supply or equipment. Such damages may include, but are not limited to the costs of testing or other contamination prevention or treatment measures which may be taken by the City for purposes of detecting, avoiding, or correcting contamination which result from such inappropriate filling.

(F) Upon discovery of a suspected violation by a permittee or employee of a permittee or any other person or entity, notice of said alleged violation shall be issued, either personally or by mail, setting forth the alleged violation and shall inform the alleged violator of his/her right to be heard on the accusation in an administrative forum. If a permittee or employee of a permittee accused of violating this Ordinance so requests, a hearing shall be scheduled, the time and place of which shall be provided to the accused violator in person or by mail at least three (3) days prior to the scheduled hearing date. The City Council shall act as the hearing board for requested hearings under this section. If the City Council determines that a violation of this Ordinance did occur, that decision, along with any assessment of damage to be imposed under this Ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the Council finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded in writing a copy of which shall be provided to the accused violator.

## **SECTION 52.09 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.**

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in Section 52.72.

### ***WATER REGULATIONS***

## **SECTION 52.25 SUPPLY FROM ONE SERVICE.**

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter.

Penalty, see Section 10.99

## **SECTION 52.26 TAPPING OF MAINS RESTRICTED.**

No person, except persons authorized by the City Council, shall tap any distributing

main or pipe of the water supply system or insert stopcocks or ferrules therein.

Penalty, see Section 10.99

## **SECTION 52.27 REPAIRS.**

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem, appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *Thawing of water services.* The city will attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

(C) *Excavation or repair of water service.*

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(D) *Failure to repair.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to Section 52.50 has been paid to the city.

Penalty, see Section 10.99

## **SECTION 52.28 ABANDONED OR UNUSED SERVICES.**

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service shall be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to

increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense.

Penalty, see Section 10.99

### **SECTION 52.29 DISCONNECTION PERMIT.**

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to Section 52.50.

Penalty, see Section 10.99

### **SECTION 52.30 SERVICE PIPES.**

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be used up to and including two-inch services. All underground joints are to be mechanical, except joints under floors shall be silver soldered, unless otherwise approved by the Utilities Superintendent. Joints of copper tubing shall be kept, to a minimum, with not more than one joint used for service for each 70 feet in length. Splicing may be approved with three-piece unions only. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and tested at normal water line pressure. Unions must be three-part type. All services over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least one inch up to the curb stop box.

Penalty, see Section 10.99

### **SECTION 52.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.**

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and cast iron water pipe with specially protected

joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.

Penalty, see Section 10.99

### **SECTION 52.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.**

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

Penalty, see Section 10.99

### **SECTION 52.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.**

#### *(A) Connection applications.*

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to this code, as that ordinance may be amended from time to time or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand.

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping.

#### *(B) Connection charges.*

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to Section 52.50. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the

work is started and should be based upon one and one half (1 ½) times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to Section 52.50 levied by the city to contribute to the payment of the costs of the Public Water System Facilities. The City Council shall set by resolution the charges to be made for non-residential installations.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to Section 52.50 before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the city shall collect an amount from the applicant that is established pursuant to Section 52.50.

Penalty, see Section 10.99

#### **SECTION 52.34 LOCATION OF CURB STOP BOX.**

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see Section 10.99

#### **SECTION 52.35 WATER METERS.**

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to Section 52.50 shall be paid by customers

to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a second line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, or a consumer desiring a 2<sup>nd</sup> meter for lawn sprinkling, he or she will be permitted to run one line into the premises and “Y” off into two lines at the building. When this is done, separate meters must be attached to the each line and the property owner will be responsible for submitting separate meter readings for each use.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to Section 52.50. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and remote readers shall be and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) *Water meter setting.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council.

Penalty, see Section 10.99

## ***RATES AND CHARGES***

### **SECTION 52.50 RATES, FEES AND CHARGES GENERALLY.**

The City Council shall establish a schedule of all water rates, fees and charges for

permits or services in the Ordinance Establishing Fees and Charges adopted pursuant to this Code, as that ordinance may be amended from time to time.

**SECTION 52.51 WATER SERVICE BILLING; CHANGE OF ADDRESS.**

All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

**SECTION 52.52 WATER RATES.**

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to Section 52.50.

(B) In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.

(D) The minimum rates established pursuant to Section 52.50 shall begin to accrue after connection of the service pipe with the curb stop box.

(E) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date service is disconnected at the curb box.

Penalty, see Section 10.99

**SECTION 52.53 PAYMENT OF CHARGES; LATE PAYMENT.**

(A) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges.

(B) If a service charge is not paid when due, then a penalty of may be added thereto.

(C) Each and every charge levied by and pursuant to these Sections is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in these Sections shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due refuse service charges. As an alternative to levying a lien, the city may, at its discretion, file suit in a

civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

## ***ADMINISTRATION AND ENFORCEMENT***

### **SECTION 52.70 SUPERVISION BY UTILITIES SUPERINTENDENT.**

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected, tested and the meter sealed by the Utilities Superintendent.

### **SECTION 52.71 POWERS AND AUTHORITY OF INSPECTORS.**

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter.

### **SECTION 52.72 DISCONTINUANCE OF SERVICE.**

(A) *Generally.* Water service may be shut off at any connection whenever:

(1) The owner or occupant of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated, or threatens to violate, any of the provisions of this chapter.

(2) Any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant served is unpaid.

(3) Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

(B) *Disconnection for late payment.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's utility bills shall contain the address and telephone number of the official in charge of billing and the due date of the bill.

(2) If any bill is not paid by or before the due date, a second bill will be mailed containing a shutoff notice that if the bill is not paid within the date specified on the second bill, service will be discontinued for nonpayment.

(3) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(4) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been unpaid for at least 30 days.

(5) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to this code, as that ordinance may be amended from time to time.

(6) *Cold weather rule.* Pursuant to M.S. Section 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule.

(C). *Effect of Disconnection of Service.* In the event water service has been disconnected or discontinued to a residential dwelling unit, whether single family or multi-family, for any reason, and the service has not been re-established within forty-five (45) days of the date of disconnect, any dwelling unit affected by the disconnect shall be presumed unfit for human habitation. The Code Enforcement Officer may thereafter revoke any certificate of occupancy and require any residents to be immediately removed from the premises until such time as water service has been re-established. The Code Enforcement Officer may declare that a dwelling unit is unfit for human habitation prior to the expiration of the forty-five (45) day period if, considering all the facts and circumstances, the Code Enforcement Officer finds that continued occupation of the dwelling unit is reasonably likely to have a detrimental effect on the occupant's health and welfare. The owner and/or occupant of such dwelling units may appeal the determination of unfitness for human habitation to the City Council.

### **SECTION 52.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.**

No person, except an authorized city employee, shall turn on or off any water supply at the curb stop box.

Penalty, see Section 10.99

**SECTION 52.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.**

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

**SECTION 52.75 ASSESSMENT**

(1) Each and every water service charge levied by and pursuant to Sections 52.01 through 51.74 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in these Sections shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due water service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the water works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.