

IV. DEPARTMENTS

401. Municipal Water System

§401.010 MUNICIPAL WATER SYSTEM; CONNECTIONS, PERMITS, FEES, ASSESSMENTS.

Subd. 1. Permit, Inspection Fee. Before a connection can be made to any water line or main in the City, an application for permit shall first be made to the City Clerk which shall be signed by a plumber licensed by the State of Minnesota and accompanied by a fee of twelve (\$12.00) dollars. After such permit has been issued, the holder thereof shall obtain the approval of the Public Works Director before any connection is made to a City water line or main and before the excavation is covered or backfilled.

Subd. 2. Connection Charge. Before a permit is issued allowing the initial connection to a water line or main in the City there shall be paid a connection charge of three hundred (\$300.00) dollars for a single family residence, six hundred (\$600.00) dollars for a two (2) family residence or one hundred eighty (\$180.00) dollars per unit for a multiple dwelling unit. For industrial and commercial property there shall be a connection charge of five hundred (\$500.00) dollars per acre or three hundred (\$300.00) dollars per unit for each one hundred thousand (100,000) gallons of estimated annual flow, whichever is greater. Commercial or industrial building units shall be assigned a minimum of one (1) unit.

Building additions, remodeled buildings or buildings with a change of occupancy that require additional SAC units shall pay Water Availability Charge units in accordance with additional use units. Units of estimated annual flow shall be computed in accordance with the current estimates used by the Metropolitan Waste Control Commission. If for improvements made after January 1, 1980, the property has previously paid or been assessed a lump sum connection or trunk charge for the water distribution, treatment and storage facilities of the City, such payment or assessment shall not reduce the amount charged for the additional use units since the present dedicated use of each financing method is independent of the other. (Ref. Ord. No.679, 12/11/84)

Subd. 3. Assessments Generally. The connection fee described in Subdivision 2 above shall be in addition to any assessments that may be made against the property as provided for by City Charter Section 8.01 and Municipal Code sections §401.010 Subd. 4; §403.020 and §902.010. If the property has previously paid or been assessed a lump sum connection or trunk charge for the water distribution, treatment and storage facilities of the City, it shall receive a credit toward the aforesaid charge for all sums paid.

Subd. 4. Utility Availability Charge. The owner of any property desiring to connect such property to an existing municipal water main, where such property has not previously been connected to said main and has not been previously assessed for the cost of the main, may do so on the approval of the City and upon paying a utility availability charge. The utility availability charge shall be the proportionate cost of construction, maintenance and use of the main in question. Determination of the amount of such proportionate cost shall be made by the Public Works Director, upon the same basis as assessments then being charged against comparable benefitted properties for water mains in the City. The utility availability charge may be made payable in equal installments spread at not greater than annual intervals for the period of years that assessments for similar water mains are then

being spread over in the City, and at an interest rate equal to interest rates then being charged for such assessments. (Ref. §1201.010, Code 1966; Ord. Nos. 446, 11/14/67; 497, 7/14/70; 520, 10/13/71; 589, 9/7/76; 591, 11/9/76; 614, 6/13/78; 638, 3/4/80)

§401.020 MUNICIPAL WATER SYSTEM; METERS. No person other than an authorized City employee shall use water from the City water system or permit water to be drawn therefrom unless the water passes through a meter supplied by and approved by the City. All meters shall be the property of the City and shall remain under the control and supervision of the City. Meters may be removed and replaced only by the City when deemed necessary, in the City's sole discretion. No person not authorized by the City shall connect, disconnect, take apart or in any manner change, interfere or tamper with any water meter or its use.

City-approved meters will be installed, replaced, and repaired, when deemed necessary by the City at all locations with City water service. Installation of standard size meters will be at the City's expense, except that larger meters may be installed at the customer's expense. Customers not complying with installation or replacement of standard City meters will be subject to a manual meter reading fee, which may be established by the City Council in its fee schedule, or, if deemed necessary by the City, water service shut-off pursuant to Municipal Code sections §401.090. (Ord. 2054, 3/8/22)

§401.030 MUNICIPAL WATER SYSTEM; METER MAINTENANCE AND ACCESS. The City shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and use and shall replace said meter, if necessary, at no cost to the customer. Where meter repair or replacement is made necessary by act or neglect of the customer or any occupant of the premises it serves, City replacement and repair costs shall be a charge against and collected from the customer. Customers must use reasonable measures to keep their service lines, attachments and water meters in working order, and must protect them from damage and freezing. In case of the breakage or stoppage of any meter, the customer shall immediately notify the City.

Authorized City employees and contractors shall be provided access at reasonable hours of the day to every building or property connected with the City water supply in order to install and replace meters, obtain meter readings, maintain meters, and make meter inspections, as deemed necessary in the City's sole discretion. Water meters shall be kept unobstructed and accessible by the customer.

If after reasonable efforts the City is unable to gain access to a building or property to install, read, maintain, replace, or inspect any water meter, irrespective of the reason, the water customer shall be subject to a quarterly non-compliance fee to account for the City's inability to determine usage and properly maintain its water meters and its overall municipal water system. Said fee may be established by the City Council in the City's fee schedule. If deemed necessary by the City, water service shut-off pursuant to Municipal Code sections §401.090 may also be utilized when meter access is not provided to the City. (Ord. 2054, 3/8/22)

§401.040 MUNICIPAL WATER SYSTEM; WATER USE RATES

Subd. 1. Water Use Rates: All water supplied to consumers, both within and outside the corporate limits of the City of White Bear Lake that is measured by meter shall be sold at the following rates:

1. Residential:
 - 0 - 799 cubic feet: Minimum fee of \$9.00 per meter per quarter effective March 1, 2016 for residential accounts
 - 0 - 799 cubic feet: Minimum fee of \$9.75 per meter per quarter effective February 1, 2017
 - 800 and greater cubic feet: \$1.05 per 100 cubic feet effective March 1, 2016 as measured during winter quarter reading period
 - 800 and greater cubic feet: \$1.15 per 100 cubic feet effective February 1, 2017 as measured during winter quarter reading period
 - Non winter quarter billing periods recorded consumption that is higher than the winter quarter reading period: \$1.30 per 100 cubic feet effective March 1, 2016
 - Non winter quarter billing periods recorded consumption that is higher than the winter quarter reading period: \$1.40 per 100 cubic feet effective February 1, 2017

2. Commercial:
 - 0 - 799 cubic feet: Minimum fee of \$9.00 per meter per quarter effective March 1, 2016
 - 0 - 799 cubic feet: Minimum of \$9.75 per meter per quarter effective February 1, 2017
 - 800 - 2,699 cubic feet: \$1.05 per 100 cubic feet effective March 1, 2016
 - 800 - 2,699 cubic feet: \$1.10 per 100 cubic feet effective February 1, 2017
 - 2,700 - 74,999 cubic feet: \$1.10 per 100 cubic feet effective March 1, 2016
 - 2,700 - 74,499 cubic feet: \$1.15 per 100 cubic feet effective February 1, 2017
 - 75,000 and greater cubic feet: \$1.20 per 100 cubic feet effective March 1, 2016
 - 75,000 and greater cubic feet: \$1.30 per 100 cubic feet effective February 1, 2017
 - Non winter quarter billing periods recorded consumption that is higher than winter quarter reading period: \$1.30 per 100 cubic feet effective March 1, 2016
 - Non winter quarter billing periods recorded consumption that is higher than winter quarter reading period: \$1.40 per 100 cubic feet effective February 1, 2017

3. That sale to other municipal districts shall be sold at a rate of \$1.15 per cubic feet during the winter quarter billing period effective March 1, 2016. \$1.25 per 100 cubic feet during the winter quarter billing period effective February 1, 2017. Non winter quarter billing periods recorded consumption that is higher than winter quarter reading period: \$1.30 per cubic feet effective March 1, 2016. Non winter quarter billing periods recorded consumption that is higher than winter quarter reading period: \$1.40 per 100 cubic feet effective February 1, 2017

4. Rates shall be effective for water billings processed after March 1, 2016 and February 1, 2017

(Ref. §1201.030, Code 1966; Ord Nos. 454, 2/13/68; 588, 9/7/76; 625, 1/9/79; 661, 5/17/82; 670, 1/10/84; 681, 12/11/84; 713, 3/12/86; 740, 4/14/87; 917, 1/10/95; 3/1/07; 1071; 7/27/10; 8/24/11, 2/3/16)

§401.050 MUNICIPAL WATER SYSTEM; PAYMENTS. The City Clerk shall compute the amount due to the City for water charges and for sewer charges and render a statement thereof quarterly. All amounts due as shown on the statement shall be payable at the Municipal Building on or before the fifth (5th) day of the month following the month the statement is presented. A penalty of ten (10) percent shall be added to all accounts that are not paid in full by said due date. This ten (10) percent penalty shall be computed on the unpaid balance of the last billing not paid by the appropriate date at the time each quarterly statement is prepared and presented. The City reserves the right to shut off water service if the account is delinquent for an unreasonable length of time as determined by the City Manager. (See also §401.090) (Ref. §1201.040, Code 1966; Ord Nos. 499, 7/14/70; 713, 3/12/86; 822, 11/27/90)

§401.060 MUNICIPAL WATER SYSTEM; LIEN. Each charge levied by and pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by a connection to the water or sewer system of the City and all such charges which are on July Thirty-First (31st) of each year more than thirty (30) days past due and having been properly billed to the occupant of the premises served, shall be certified by the City Clerk to the Auditor of Ramsey County before the tenth (10th) day of October of each year. A certification fee of fifteen (15.00) dollars shall be added to the delinquent amount. The City Clerk in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County Treasurer and paid to the City Clerk, along with other taxes. (Ref. §1201.050, Code 1966, Ord. No. 713 3/12/86)

§401.070 MUNICIPAL WATER SYSTEM; BROKEN SERVICE LINES. If at any time a break or blockage occurs in the service line between the building connection and the lateral or main in the street, the property owner shall repair the same at his expense. If the property owner fails to make the necessary repairs, the City Manager after giving the property owner ten (10) days written notice, may effect the necessary repairs and the cost thereof shall be a lien against the property and collected in the same manner as is provided in section 401.060 of the Code. (Ref. §1201.060, Code 1966; Ord. No. 451, 2/13/68)

§401.080 MUNICIPAL WATER SYSTEM; INSPECTION OF PREMISES. Every water consumer shall at all reasonable times permit any duly authorized officer or agent of the City to enter his premises or buildings and to examine the building, the water pipes and fixtures, the meter and the manner in which water is used. (Ref. §1201.070, Code 1966)

§401.090 MUNICIPAL WATER SYSTEM; DISCONTINUANCE OF SERVICE. The City expressly reserves the right to shut off the water at any time when deemed necessary or desirable and to discontinue the service on any or all premises. (Ref. §1201.080, Code 1966)

§401.100 MUNICIPAL WATER SYSTEM; RESTRICTED USE. The City expressly reserves the right whenever it may deem it necessary for securing adequate fire protection or for the proper and necessary husbanding of the water supply for domestic use or other necessary or desirable purposes, owing to drought, shortage of water supply or other cause, to prohibit for such length of time as it may deem proper, the use of water for sprinkling purposes or otherwise than for the most necessary and essential domestic purposes. (Ref. §1201.090, Code 1966)

§401.110 MUNICIPAL WATER SYSTEM; DAMAGE CLAIM EXEMPTION. The City reserves the right

at any time to shut off the water in the main pipe for the purpose of repairing the same, making connections or extensions thereto or for the purpose of cleaning the same. No claim shall be made against the City by reason of the breaking of any service pipe or service cock or for any damages arising from shutting off water for repairing, laying or relaying mains, hydrants or other connections. (Ref. §201.100, Code 1966)

§401.120 MUNICIPAL WATER SYSTEM: CONSERVATION

Subd. 1. Purpose. To conserve groundwater resources and prevent the wasteful and harmful effects of irrigation during the mid-day hours and during times when it is improvident to irrigate due to excessive moisture.

Subd. 2. Irrigation Restriction. No person shall irrigate using the public water supply between the hours of 10:00 a.m. and 5:00 p.m. on any day from May 1 through September 30. This water restriction applies to all property within the City.

Subd. 3. Excessive Moisture Detection. All new commercial, industrial, and institutional automatic irrigation systems must install rain sensors using best available technology on their control systems at the time of installation. Existing commercial, industrial and institutional applications must install rain sensors on their irrigation system no later than August 1, 2007.

Subd. 4. Penalty. Failure to comply with this ordinance shall be subject to the following penalties:

1st violation: Written warning

2nd violation: As provided in the most current resolution of the City Council establishing administrative fines (Ref. Ord. No. 1033; 3/28/06)

§401.130 CRITICAL WATER DEFICIENCY

Subd. 1. Purpose. The purpose of this section is to satisfy the requirement imposed on the City under Minnesota Statutes, section 103G.291 to adopt and enforce water conservation restrictions that apply when the Governor declares by executive order that there is a critical water deficiency.

Subd. 2. Scope. This section applies to the use of water supplied by the City's municipal water system during the period of a critical water deficiency. Nothing in this section limits the City's authority to implement any emergency response plans or procedures it may adopt, even if those plans impose additional or more restrictive limitations on the use of water. This section is in addition to the water conservation restrictions established in Section 401.120.

Subd. 3. Definitions. For the purposes of this section, the following terms shall have the meaning given them in this subdivision.

(a) Critical Water Deficiency. "Critical water deficiency" means the period during which the Governor has determined and declared by executive order that a critical water deficiency exists within the City.

(b) Customer. "Customer" means an owner or lessee of property lawfully connected to the City's municipal water system within the City.

- (c) Irrigation. "Irrigation" means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.
- (d) Reclaimed Water. "Reclaimed water" means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.
- (e) Water Recirculation System. "Water recirculation system" means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

Subd. 4. Public Notice. If the Governor declares a critical water deficiency, the City shall post notice of the declaration at City Hall and on the City's website, and shall utilize the City's other methods of electronic communications to notify residents of the critical water deficiency and that additional water conservation measures are in effect.

Subd. 5. Water Conservation Measures. The following restrictions on the use of water from the City's municipal water system shall apply during the period of a critical water deficiency:

- (a) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited. This prohibition does not apply to fruit and vegetable gardens used primarily to provide food for persons living on the same property;
- (b) Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited;
- (c) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited;
- (d) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer;
- (e) Operation of outdoor misting systems used to cool public areas is prohibited;
- (f) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited; and

- (g) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except for City emergency vehicles and other vehicles requiring frequent washing to protect public health, safety, and welfare, and except for facilities equipped with wash water recirculation systems.

Subd. 6. Variances. The City Manager, or designee, is authorized to grant a variance to this section where strict application of its provisions would result in a serious health or safety hardship to a customer. A customer must submit a written request for a variance that explains the basis for the claimed serious hardship. A variance may only be granted for reasons involving health or safety as determined by the City Manager or designee. The City Manager or designee shall provide the customer its decision in writing. If granted, the customer is exempt from the restrictions imposed under this section, but only to the extent specifically provided for in the written variance. A customer may appeal the denial of a variance request by submitting a written appeal to the City Clerk within five days of the denial. The City Council shall hear and act on the appeal at the next City Council meeting. The decision of the City Council on the appeal is final.

Subd. 7. Violations. A violation of this section is punishable as a petty misdemeanor or as an administrative offense under Section 205 of the Municipal Code. A person who violates any provision of this section shall be subject to criminal or administrative penalties as provided in this subdivision.

- (a) First Violation. The City shall issue the owner or occupant of a property a written warning for a first violation of this section.
- (b) Subsequent Violations. Any subsequent violations of this section occurring on the same property during the same critical water deficiency declaration shall be issued a petty misdemeanor citation or an administrative citation for the violation.

(Ref. Ord. No.2048, 4/27/21)