

### **Redlined Code Section**

Deleted language indicated by strikethrough and inserted language indicated by underline.

#### Chapter 91. Water Code – Miscellaneous Provisions

##### **Sec. 91.01. Resale of water.**

No consumer, except with the written consent of the board of water commissioners previously obtained, will be allowed to furnish water to other persons or property or to suffer such other persons to take it themselves. Violations of this regulation may cause the supply to be shut off.

##### **Sec. 91.02. Water charges to one person only.**

Where two (2) or more tenants are in one building or two (2) or more buildings are on one lot or enclosure, the water consumption will be charged to one person only, who must pay the full rate for the whole property, and no reduction will be made on the plea that some of the tenants do not use the water or on account of some of the fixtures not being used or portions of the premises vacant.

##### **Sec. 91.03. Water conservation.**

Plumbing fixtures installed in any new building or any retrofitted building shall be of water conserving type and shall meet requirements of the state building code. The board of water commissioners may implement a plan to promote and encourage replacement of nonconserving faucets, shower heads and toilets.

All automatic lawn sprinkler systems connected to the public water system must be equipped with water conserving devices. However, systems which were installed prior to the effective date of this chapter may continue in operation at their current locations.

No person shall allow water to be wasted through any faucet or fixture or keep water running longer than necessary. The board of water commissioners shall discourage any wastage of water and may, when in its judgment deemed necessary, turn off any water service and require remedial action as it may in its judgment be deemed proper and necessary.

##### **Sec. 91.04. Right to make inspections.**

Inspectors of the water utility, or any person authorized by the board of water commissioners, shall have free access at all reasonable hours to all parts of every building for the purpose of reading, inspecting, removing or replacing meters, remote meter reading receptacles and connecting cable, examining water fixtures and observing the manner in which water is used.

**Sec. 91.05. Outside watering~~Sprinkling~~ restrictions.**

The Board's General Manager is authorized to declare or rescind water use restrictions to meet water use/demand requirements dependent upon the applicable drought phases defined by the State of Minnesota.

Drought Warning, Restrictive Phases, and Emergency Phases may require any combination of the following restrictions to comply with State requirements:

- (a) Outside watering may be prohibited between 10:00 am and 6:00 pm.
- (b) Outside watering may be limited to two hours per day.
- (c) Outside watering may be limited to specific days such as alternate days, 2 days per week, or 1 day per week.
- (d) Outside watering for irrigation may be prohibited.
- (e) Outside watering for dust control may be prohibited.
- (f) Any other restriction deemed necessary for the purpose of protecting the public welfare.

The customer is responsible for complying with established restrictions. Those who violate restrictions will be subject to the following penalties:

- (a) For a first violation, the customer will be advised in writing and informed that a monetary charge will be added to the water bill for subsequent violations.
- (b) For a second violation, the customer will be advised in writing and an Outside Water Use Second Violation charge in the amount listed in the fee schedule established pursuant to Sec. 85.08 will be added to the water bill.
- (c) For a third violation, the customer will be advised in writing and an Outside Water Use Third Violation charge in the amount listed in the fee schedule established pursuant to Sec. 85.08 will be added to the water bill.
- (d) For a fourth and any subsequent violation of any restriction, the customer will be advised in writing and an Outside Water Use Fourth Violation charge in the amount listed in the fee schedule established pursuant to Sec. 85.08 will be added to the water bill. In addition, service may be suspended temporarily until all outstanding charges and the current Turn-On Service Charge have been paid.

Notwithstanding the foregoing, ~~T~~the use of water for ~~lawn sprinkling~~ outside watering purposes shall at all times be subject to the express condition that the board of water commissioners may, at any time when in its opinion the condition of the public water supply demands it, limit the time during each day when water may be used for ~~sprinkling~~ outside watering purposes; and the board may forbid the use of water for ~~lawn sprinkling~~ outside watering for any period not exceeding thirty (30) days at one time. Notwithstanding this limitation, the board may forbid the use of water for ~~lawn sprinkling~~ outside watering if required to do so by any federal, state or local authority for any period of time determined by said authority.

**Sec. 91.06. No claim against the board for breaks or shutoffs.**

The board of water commissioners may at any time shut off the water for the purpose of extending, replacing, repairing or cleaning mains and appurtenances, and said board shall not be held liable for any damage arising therefrom. No claim shall be made against the board by reason of the breaking of any water main, service pipe or connection.

**Sec. 91.07. Service outside city limits.**

The board of water commissioners may furnish water to places outside of the boundaries of the City of Saint Paul where such service will not affect the city's supply, under such rules and regulations as are approved by the board.

**Sec. 91.08. Order to turn off.**

If so ordered by the owner of the premises or authorized agent, the water utility will turn off the water, except that water will not be turned off for the purpose of eviction.

**Sec. 91.09. Order to remove meter.**

On the request of the owner or authorized agent, the water will be shut off and the meter will be removed and any fixed charge stopped as of the date of removal. Removal of any remote meter reading device and connecting cable shall be at the discretion of the water utility.

**Sec. 91.10. Reserved.**

**Sec. 91.11. Request for re-establishment of service.**

After service has been shut off for any reason except repairs or nonpayment, it shall not be reestablished unless requested by the owner or the owner's authorized agent.

**Sec. 91.12. Shutoff for nonpayment or violation of rules.**

For violation of any rule or for nonpayment of any and all charges, including water bills and/or sewer service charges, when due, the board may discontinue service and shut off the water supply, in accordance with Chapter 46 of the Saint Paul Legislative Code. The board shall not discontinue service to a tenant because of a delinquent account owed or incurred by a prior customer at the service address. The board shall not knowingly bill a tenant for a delinquent account owed or incurred by a prior customer at the service address.

### **Sec. 91.13. Turn-On Service Charge.**

- (a) When water has been turned off for nonpayment of charges due, for any infraction of rules or upon request of the owner or authorized agent, the water may not be turned on again until a ~~Turn-On Service Charge in the amount of \$50.00~~ has been paid or arrangements for payment have been made and approved by the water utility. This charge shall be in the amount listed in the fee schedule established pursuant to Sec. 85.08.
- (b) If a water utility truck is dispatched to a property during established working hours for the purpose of turning off the water service for nonpayment of delinquent charges and the owner or tenant pays the delinquent charges rather than have the water service terminated, a collection service fee equal in amount to the current ~~Turn-On Service Charge~~ shall be charged even though the water service is not actually shut off.
- (c) Whenever water has been turned off for nonpayment of charges due or for infraction of the rules, all outstanding charges must be paid or arrangements for payment must be made and approved by the water utility, in addition to the ~~Turn-On Service Charge~~ or collection service fee, before water is turned on again. Water service will only be turned on during established working hours.

### **Sec. 91.14. Unpaid service charges.**

The property owner is responsible for all charges for water service and sewer service against the property. If the owner desires to have bills sent to a tenant, the water utility will do so. This does not, however, relieve the property owner of the responsibility for payment of the charges. All charges for water and sewer service are a continuing lien against the property until they are paid. The utility may annually certify delinquent water and sewer charges to the county auditor to be collected with the real estate taxes for the property on the date specified by the county taxing authority. An ~~Administrative Certification Fee of fifteen dollars (\$15.00), or as otherwise set by resolution of the board of water commissioners, and twelve (12) months of interest, at an interest rate determined by the city, in the amount listed in the fee schedule established pursuant to Sec. 85.08~~ will be added to the delinquent water and sewer charges at the time these charges are certified to the county auditor. Charges so collected shall be remitted to the city treasurer in the same manner as assessments for local improvements.

### **Sec. 91.15. Permanent mains.**

Petitions for the extension of permanent street mains shall be made to the board of water commissioners upon proper forms. Petitions will not be granted until the street surface has been graded to the grade established by the city council and certified to by the department of public works, or until a future grade line is established by the department of public works, and the future grade line as certified does not vary by more than two (2) feet of fill or six (6) inches of cut from the existing grade line.

### **Sec. 91.16. Private mains.**

(a) The board shall have the authority to enter into private main agreements in such cases where a private water main is deemed necessary. The board shall determine the terms of the private main agreement.

~~(b) — For private mains in streets which have not been officially graded (formerly called temporary mains), the private main shall be the property of the board, and all repairs shall be paid for by the water users supplied by such main.~~

~~Private mains which are located in officially graded streets and in other streets which meet the criteria for ungraded streets established in section 91.15 (permanent mains) shall be owned by the board and maintained at water utility expense.~~

### **Sec. 91.17. Private water facilities, maintenance.**

Private water facilities located on private property shall at all times be maintained by the owner in accordance with water utility standards and the Minnesota Plumbing Code at the owner's sole expense. If the owner fails to provide said maintenance, the water utility may, upon due notice, shut off water service thereto until the maintenance is completed. "Private water facilities" includes all hydrants, mains, service connections, main and service connection valve boxes, and their related appurtenances.

### **Sec. 91.18. Official house number.**

Water will not be turned on nor service continued unless the official house number is conspicuously shown on the property in accordance with the records of the water utility. Temporary official numbers will be accepted on new buildings.

### **Sec. 91.19. Bills to property supplied.**

Unless a request for a special mailing address is placed on file in the water utility office, all bills and charges will be addressed to the property supplied. The property owner shall be responsible for payment of all bills and service charges against the property supplied.

### **Sec. 91.20. Water bills not split.**

If more than one (1) tenant is supplied by a street service, the property owner must apportion the charges to each tenant, if the owner desires such apportionment. The water utility will not adjudicate charges.

### **Sec. 91.21. Board may make additional rules.**

The board of water commissioners may make such further rules and regulations, subject to approval by the city council, as may be necessary for the preservation and protection of the water system.

### **Sec. 91.22. Failure to receive bills.**

Failure to receive a bill will not relieve the property owner of responsibility for payment.

### **Sec. 91.23. Miscellaneous charges.**

The board of water commissioners may charge the actual costs, including labor, equipment, materials and overhead, incurred for nonrequired services performed at the request of others, such services to include, but not be limited to, hydrant flow tests, relocations of hydrants, relocation of water mains or connections, inspections, and other similar services.

### **Sec. 91.24. Special purpose lateral mains.**

The board may, at its discretion, install special purpose lateral mains within street rights-of-way from the public main in the street to the property line. Special purpose lateral mains may be used for connections to private water mains, hydrants, and multiple street service connections. Charges for special purpose lateral mains shall be in accordance with charges for street service connections and fire services, in the amount listed in the fee schedule established pursuant to Sec. 85.08 ~~sections 87.13 and 87.16~~. Special purpose lateral mains shall be maintained by the water utility as part of the public water main system.

### **Sec. 91.25 Appeals.**

- (a) *Timing.* Any person wishing to appeal a violation, invoice, fee or shutoff imposed under the Water Code may appeal to the city's legislative hearing officer within sixty (60) days of receiving notice thereof.
- (b) *Contents of appeal.* Appeals shall be made by written petition to the legislative hearing officer. The appeal shall be made on a form designated by the board of water commissioners. The appeal must clearly set forth the grounds for appeal.
- (c) *Hearing.* The legislative hearing officer will schedule the hearing within thirty (30) days of receipt of the petition. The hearing officer shall give notice to the petitioner of the time and place for such hearing no less than the (10) days prior to the hearing.
- (d) *Final determination.* Upon completion of the hearing, the hearing officer shall forward a recommendation to the secretary of the board of water commissioners. That

recommendation shall state the relevant facts, conclusions and recommended action of the board of water commissioners. The secretary of the board of water commissioners shall place that recommendation on the agenda of the next available meeting of the board of water commissioners. The board shall, by resolution, approve, modify, reverse, revoke, wholly or partly, the hearing officer's recommendation and shall state any reasons for deviation from the recommendation in the resolution. All matters, determinations and conclusions of the hearing officer, being recommendations to the board of water commissioners, are not subject to judicial review.