

## **ORDINANCE #79**

### **WATER SERVICE CHARGE ORDINANCE – Amended (2)**

**An ordinance establishing the water service charge of the water system operated by the City of McVille, Nelson County, North Dakota, and provisions pertaining thereto.**

**BE IT ORDAINED BY THE CITY OF McVILLE.**

#### **SECTION 1: Purpose**

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete water system of the City.

#### **SECTION 2: Determining the Total Annual Cost of Operation, Maintenance & Establishment**

The City of McVille Council, or its engineer and staff, shall determine the total annual costs of operation and maintenance of the water system that are necessary to maintain the capacity and performance for which the system is designed. The total annual costs shall include any provisions for reserve funds, or the accumulation thereof, provided by resolution by the City Council.

No person/business in the city limits shall drill a well for either private or commercial use within the platted portion of the City of McVille.

All wells drilled on un-platted City limits shall request permission from the City Council of the City of McVille prior to construction of the same.

#### **SECTION 3: Establishment of Rate Schedule and Classes**

All users are considered to be separated into two classes, residential and commercial, each having a base monthly charge plus a charge per 1000 gallons of usage, the rates for which shall be established by policy of the City Council. Apartments are to be considered a separate dwelling and shall pay a minimum fee.

It is hereby expressly provided that the City Council reserves the right to review and revise water fees, hook-up fees and utility deposits from time to time to assure equity in the water service charge system, to assure that sufficient funds are obtained to adequately operate and maintain the water system and pay the obligation against said system when it comes due, and at all times make such other restrictions, rules and regulations as in the judgment of the City Council may be necessary.

#### **SECTION 4: Payment of User's Water Service Charge and Penalties**

The City of McVille shall submit to each user a monthly statement of their water service charge. The City shall add a penalty if the payment is not received within 30 days from the date of the billing, after which time has elapsed, 60 days, the City may stop water service to the property.

**SECTION 5: Proper Design and Construction of Water Connections**

All water connections shall be and conform to the requirements of the building and pump code or other applicable rules and regulations of the City of McVilIe and that of the State of North Dakota.

All Water lines connected to the City Water Main that provide water into the residence/business shall be the sole responsibility of the owner of such property. More specifically it shall include the property owner line between the curb stop and the main water line and the property owner water line from the curb stop into the facility where water is provided.

The City reserves the right to exercise and take control of the curb stop at any time deemed necessary for services to the consumer.

The curb stop shall be provided to the homeowner at no-charge in all new connections. It shall be the responsibility and expense of the property owner's contractor to install said new curb stop.

**SECTION 6: FROZEN WATER LINE POLICY**

It shall be the responsibility of the homeowner to incur charges associated with the disabled line from the main into the residence/business as stated above.

The City Public Works will work to un-thaw the water line by either utilizing the city's equipment or contracting the Nelson County Highway Department for assistance. A Request for Thaw Agreement must be signed by the property owner or responsible party prior to thawing. The policy of payment established and charges set forth in the Agreement, are subject to change from time to time. Billing will be made by the City Office in as timely a manner as possible and payment shall be by the responsible party by separate check or cash.

**SECTION 7: Penalty**

Any person who violates or fails to comply with any provision of this ordinance shall be subject to a fine of *1.5% or 18% per annum* or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.

**SECTION 8: Validity**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**SECTION 9: Ordinance in Force**

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

ATTEST:

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Paul Aaser, Mayor

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Renaë Arneson, Auditor

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