

## Chapter 3

### Municipal Utilities

**Section 3.01. Definitions.** As used in this Chapter, the following words and terms shall have the meanings stated:

1. “Utility” means all utility services, whether the same be public City-owned facilities or furnished by public utility.
2. “Municipal Utility: means any City-owned utility system, including, but no by way of limitation, water, sewerage and refuse service.
3. “Company”, “Grantee”, and “Franchisee” mean any public utility system to which a franchise has been granted by the City.
4. “Consumer” and “Customer” mean any user of a utility.
5. “Service” means providing a particular utility to a customer or consumer.

**Section 3.02. Fixing Rates and Charges for Municipal Utilities.** All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. No such resolution shall be adopted before a public hearing has been held thereon. Notice of such public hearing shall be published at least ten (10) days prior thereto. Notice of adoption of such resolution shall be published at least thirty (30) days prior to the effective date thereof. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk-Treasurer and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

**Section 3.03. Contractual Contents.** Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

### **Section 3.04. Rules and Regulations Relating to Municipal Utilities.**

**Subd. 1. City to Read Meter.** At the end of each quarter, a City employee will read each meter.

**Subd. 2. Billing, Payment and Delinquency.** All municipal utilities shall be billed monthly, and a utilities statement shall be mailed to each consumer. All utilities shall be delinquent if they are unpaid within thirty (30) days after the date of the bill. Payments received by mail postmarked on or before the thirtieth day shall be deemed paid within said period. A penalty shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a reconnections charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

**Subd. 3. Application, Connection and Sale of Service.** Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connections with such rates.

**Subd. 4. Discontinuance of Service.** All municipal utilities may be shut off or discontinued whenever it is found that:

A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or

B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof; or

C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

**Subd. 5. Ownership of Municipal Utilities.** Ownership of all municipal utilities, plants, lines, mains, extension and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

**Subd. 6. Right of Entry.** By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspection, repairing, reading meters, connecting or disconnecting the municipal utility service.

**Subd. 7. Meter Test.** Whenever a consumer shall request the City to test any utility meter in use by him, such a request shall be accompanied by a cash deposit for

each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the deposit shall be retained by the City to defray the cost of such test.

**Subd. 8. Unlawful Acts.**

A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

B. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.

C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason without first having obtained a permit to do so from the City.

D. It is unlawful for any person to “jumper” or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

**Subd. 9. Municipal Utility Services and Charges a Lien.**

A. Payment for all municipal utility (as the term is defined in City Code, Section 3.01) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of Badger, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

B. Each such account is hereby made a lien upon the premises served. All such accounts which are more than sixty (60) days past due may, when authorized by resolution of the Council, be certified by the City Clerk-Treasurer of the city of Badger, Minnesota, to the County Auditor, and the City Clerk-Treasurer in so certifying shall specify the amount thereof, the description 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, and collected by the County Treasurer, and paid to the City along with other taxes.

**Section 3.05. Connection or Tapping Prohibited – Delinquent Assessments or Charges.** No permit shall be granted to tap or connect with sewer or water mains

when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

*Source: City Code*

*Effective Date: 1/1/1991*

*(Sections 3.06 through 3.19, inclusive, reserved for future expansion.)*

### **Section 3.20 Rules and Regulations Relating to Water Service.**

**Subd. 1. Deficiency of Water and Shutting Off Water.** The City is not liable for any deficiency of failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs of construction of new works, water may be shut off at any time and kept off so long as may be necessary.

**Subd. 2. Installation and Maintenance.** It is the responsibility of the consumer or owner to install the service pipe from the main service stub to the house or other building. After the initial connection to the main service stub, the property owner shall thereafter be liable for all maintenance and repairs to his sewer service or water line between the street mains and the building being served, except that no excavation shall be performed in the street property without first having obtained a permit from the City. In case of failure upon the part of any consumer or owner to repair any leak occurring in his service pipe without first having obtained a permit from the City. In case of failure upon the part of any consumer or owner to repair any leak occurring in his service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. Each and every structure occupied as a dwelling, including every manufactured home, shall have a separate service from the water main to the structure.

**Subd. 3. Abandoned Services Penalties.** All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, service by this service, shall pay the cost of the excavation. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at

the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be bore by the person causing or allowing such work to be performed.

**Subd. 4. Service Pipes.** Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the main service stub and the building shall be the responsibility of the owner. Service pipes must extend from the main service stubs to the inside of the building' or if no taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or compression-fitted, and kept to a minimum. Not more than one joint shall be left uncovered until inspected. Minimum size connection with the water mains shall be  $\frac{3}{4}$  inch in diameter.

**Subd. 5. Private Water Supplies.** No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow.

**Subd. 6. Prohibited Uses or Restricted Hours.** Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

**Subd. 7. Opening Hydrants.** It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purpose strictly pertaining to their lawful use.

**Subd. 8. Code Requirements.** All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer.

*Source: City Code*  
*Effective Date: 1/1/1991*

*(Sections 3.21 through 3.29, inclusive, reserved for future expansion.)*

### **Section 3.30 Rules and Regulations Relating to Sewerage Service.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings as stated:

A. "Sewage" means water-carried waste products from residences, public buildings, institutions or other buildings or premises, including the excrement or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

B. "Industrial waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business, or from development of any natural resource.

C. "Sewerage system" includes all street lateral, main and intersecting sewers and structures by which sewage or industrial wastes are collected, transported, treated and disposed of; provided that this shall not include plumbing inside or a part of a building or premises served, or service sewers from a building to the street lateral.

D. "Sewerage service" means the use of and benefit from the sewerage system, including the collection, transportation, pumping, treatment and final disposal of sewage.

**Subd. 2. Metered Water Not Discharged.** If a portion of the water furnished to any premises is not directly or indirectly discharged into the sewerage system, the quantity of such water shall be deducted in computing the sewerage service charge or rental, provided a separate meter shall be installed and operated to register the quantity so not discharged into the sewerage system. Provided also, that where it is not practical to meter the portion of the water not discharged into the sewerage system, such adjustment may be made as shall be fair and equitable in order to determine the amount of such service charge or rental; but until such adjustment shall be effected that water consumption basis hereinbefore prescribed shall remain in full force and effect.

**Subd. 3. Classification of Industrial Wastes.** The City shall have the power to classify the industrial wastes from any lot, parcel of land, building or premises discharged therefrom into the sewerage system of the City, taking into consideration the quantity of sewage produced and its concentration, strength, of pollution qualities in general and of any other factors entering into the cost of its disposal, for the purpose of

fixing and prescribing a distinct rate of rental or use charge. Should it be found that as to such sewer uses the water basis consumption does not proved a practicable method in the premises, but until so determined and such distinct rate fixed, the water consumption basis hereinbefore prescribed shall remain if full force and effect as to such commercial or industrial users. The City may require and prescribe pretreatment on the consumer's premises.

**Subd. 4. Deleterious Substances.** No sewage including industrial wastes, shall contain any substance which is deemed deleterious by the City to the operation of the sewerage system or to any plant or facilities used in the treatment or disposal of such sewage. If a user of the sewerage system discharges excessive loads or any deleterious substances therein which are likely to retard or injuriously affect sewerage operations, he shall discontinue such practice and such practice is hereby declared to be a violation of this Section. Each day of such violation continuing after having been notified in writing by the City Clerk-Treasurer to discontinue such practice shall be deemed a separate violation.

**Subd. 5. Unlawful Discharge.** It is unlawful to discharge any of the following described wastes into the sewerage system:

- A. Liquids having a temperature higher than 150° Fahrenheit.
- B. Water or waste which contains more than 100 ppm. by weight of fat, oil, or grease.
- C. Gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid, or gas.
- D. Garbage, except such as has been properly shredded.
- E. Ashes, cinders, shavings, feathers, tar or other liquid or viscous substance capable of causing obstruction to the flow in sewerage system or other interference with the proper operation of the system.
- F. Noxious or malodorous substances capable of creating a public nuisance.
- G. Roof water, ground water, or any other natural precipitation.

**Subd. 6. Unmetered Water Supply.** If any premises discharge normal sewage or industrial waste into the sanitary sewerage system, either directly or indirectly, obtain part or all of the water used thereon from sources other than the City, and the water so obtained is not measured by a meter of equivalent specifications to the meters used by the City, then in such case the City shall permit the discharge of normal sewage or industrial waste into its sanitary sewerage system only when the owner of such premises or some other interested party shall at his own expense install and maintain for the purpose of metering such water supply a water meter of equivalent specifications to

those installed by the City in connection with the City water system. Each water meter shall be installed to measure all water received on such premises and the above charges and rates shall be applied to the quantity of water received as measured by such meter. If, because of the nature of the water supply, the City deems it impracticable to thus meter the water on any premises, the Council may by resolution establish a flat charge per month in accordance with the estimated use of water on such premises.

**Subd. 7 Size, Kind and Depth of Pipe.** The City shall prescribe the size, kind and depth of sewerage service pipe and connections. All underground service lines shall be cast iron, fiberglass or plastic and, as to all underground service lines, have a minimum inside diameter of four (4) inches.

**Subd. 8. Installation and Maintenance.** It is the responsibility of the consumer or owner to install the service pipe from the main service stub to the house or other building. Each and every structure occupied as a dwelling, including every manufactured home, shall have a separate service from the main to the structure.

*Source: City Code  
Effective Date: 1/1/1991*

*(Sections 3.31 through 3.39, inclusive, reserved for future expansion.)*

### **Section 3.40. Rules and Regulations Relating to Refuse Collection and Disposal.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

A. "Garbage" means all animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including cans, containers or wrappers wasted with such material.

B. "Rubbish" means non-garbage solid waste such as tin cans, glass, paper, sweepings, clippings, ash, discarded appliances or household furniture. All ashes must be in burnable containers such as plastic bags, paper boxes, etc.

C. "Refuse" includes garbage and rubbish, but shall not include sewage.

#### **Subd. 2. General Regulations.**

A. It is unlawful for the owner or tenant of any premises to allow the unauthorized accumulation of refuse on such premises.

B. It is unlawful for any person to place any refuse in any street, alley or public place or upon private property, except in proper containers for collection

or other lawful disposal. It is also unlawful for any person to throw or deposit refuse in any stream or other body of water.

C. It is unlawful for any person to deposit any refuse in such manner that it may be carried or deposited by the elements upon any public place or any other premise within the City.

D. It is unlawful for any person to bury any refuse in the City, except in an approved sanitary landfill. This Subdivision does not prevent anyone from composting leaves, grass clippings and other easily biodegradable, non-poisonous garbage on his own premises.

**Subd. 3. Disposal Required.** Every owner or occupant of residential property shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him in accordance with the terms of this Section. Refuse shall be collected or otherwise lawfully disposed of at least once each week.

**Subd. 4. Containers.**

A. All residential and business establishments shall have adequate facilities for the storage and collection of garbage and rubbish, including but not limited to, containers and/or dumpsters supplied by the owner.

B. The refuse shall be placed and the alley or front property line for collection.

**Subd. 5. Contract for Refuse Collection.**

A. Subject to the provisions of this Section, the Council shall grant the authority to collect and dispose of all refuse originating from residential property or business establishments.

B. The contract shall be made for a term of three (3) years subject to extension by mutual consent and to termination during the period of the contract as provided therein.

C. It is unlawful for any person to collect refuse from residential property or business establishments within the City except the person who has obtained a collection contract for the City. It is also unlawful for any person to permit refuse to be collected from his premises by any other person than a contract collector.

**Subd. 6. Refuse Collection Schedule and Vacancies.** The contractor shall collect refuse in the City at least once a week from residences. When the City Clerk-Treasurer is notified in writing that a residence is to be continuously vacant or unoccupied for a period of not less than one (1) calendar month and if said notice is given prior to the first day of the initial month of vacancy, then in that event, there shall be no

refuse billing or liability for such residence during the period of vacancy. Provided, however, that any resident who receives collection services for any week shall be liable for the entire monthly charges.

**Subd. 7. Fund.** All service charges shall be deposited in a separate fund designated as the “Refuse Collection Fund.” All expenses of providing refuse collection service shall be paid from the Fund. If the balance of said Fund is insufficient to pay all expenses, such expenses shall be transferred from the General Fund to said Fund. If there is a surplus in the Fund, the City may adjust the rates accordingly.

*Source: City Code*  
*Effective Date: 1/1/1991*

*(Sections 3.41 through 3.98, inclusive, reserved for future expansion.)*

**Section 3.99. Violation a Misdemeanor.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs and act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

*Source: City Code*  
*Effective Date: 1/1/1991*