

TITLE IX.

WATER, GARBAGE AND SEWER SERVICE

CHAPTERS:

- 9-01. Garbage and Sewer Service
- 9-02. Water Service

CHAPTER 9-01
GARBAGE AND SEWER SERVICE

(Source: Ord. 2015-18, Sec. 1)

SECTIONS:

- 9-0101. Sewer Service Connection, Repairs and Rates.
- 9-0102. Garbage Service.
- 9-0103. Discharge.
- 9-0104. Certain Discharges of Storm Sewer Water Deemed Nuisance.
- 9-0105. Penalty.

9-0101. **SEWER SERVICE CONNECTION, REPAIRS AND RATES.** The City Council of the City of Horace shall, by resolution, establish the procedure and cost for connection to sewer lines in the City of Horace, set the monthly charges for sewer service, and set out the City's and customer's responsibilities for repairs to sewer lines.

9-0102. **GARBAGE SERVICE.** Any person with water service requesting not to have garbage picked up at the water connected address should notify the City Auditor, at which time the City Auditor will notify the waste company hired not to pick up any garbage from the person requesting this said item.

Any person with water service with no garbage pick-up will be responsible for the removal of any garbage without use of the City dumpsters or another resident's curbside pick-up place.

9-0103. **DISCHARGE.** No person may discharge or cause to be discharged, any storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface waters into the sanitary collection system of the City of Horace between the dates of March 1 to November 30 during any calendar year. Before March 1, 2002, any persons, firm or corporation having a roof, sump pump, swimming pool discharge, or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner, as approved by the City Engineer for the City of Horace.

1. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow City employee(s) to inspect the building to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system during the prohibited time period. Any person refusing to allow their property to be inspected within fourteen (14) days of the date City employee(s) are denied admittance to the property shall immediately become subject to a surcharge hereinafter provided for.
2. A surcharge of \$100.00 per month is hereby imposed and added to every sewer billing mailed on and after March 1, 2002, to property owners who are not in compliance with Paragraph 1 of this section. The surcharge shall be added every month through November, 2002, until and unless the property is in compliance. The surcharge shall continue to be levied monthly for the months of March through

November (both inclusive) for every year on properties not complying with paragraph 1 of this section. Provided, the surcharge shall not be charged unless a property has been inspected and found not to be in compliance, or if the person owning improved real estate refuses to allow an inspection.

3. When a structure is being constructed in the City of Horace, if at or prior to final inspection City staff determine that the sump pump connection has been illegally connected to the City's sanitary sewer system such that there will be a permanent discharge into the City's sanitary sewer system, there shall be levied a \$500 administrative fine against the general contractor for the structure found to be in violation. If after 24 hours after written notice from the City the general contractor has not remedied the situation so that the sump pump connection can be arranged so that no surface runoff or groundwater can enter into the City's sanitary sewer system from May 1 to November 30 of each year, there shall be an additional \$100 administrative fine for each day such a violation exists. In addition, the Building Inspector shall not issue another building permit within the jurisdiction of the Building Inspector of the City of Horace for that contractor until the violation has been remedied and any administrative fine has been fully paid to the City. A contractor who is informed of the administrative penalty shall have seven (7) days from the date of his notification of the same to request, in writing, a hearing on the issue of whether or not the basis for the administrative penalty actually exists. Such letter must be filed with the City Auditor of the City of Horace. Upon receipt of such a letter, in a timely fashion the City Auditor shall set the matter for hearing at the next City Council meeting. The contractor claiming that the basis for the penalty is incorrect shall have the burden at that hearing to establish that the violation set forth by the City staff is, in fact, incorrect. The City Council shall either confirm the determination of violation by City staff or modify or eliminate the penalty if the evidence is such that it establishes no violation occurred.

9-0104. CERTAIN DISCHARGES OF STORM SEWER WATER DEEMED NUISANCE.

1. Discharges of storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters into areas with inadequate drainage tend to create a harborage for insect and vermin infestations and are hereby deemed a nuisance. No owner, occupant or user of property therefore may discharge any storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters in such a manner so as to allow the collection of the same on their property or other properties without proper drainage. Discharges of storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters by the use of such devices as sump pumps must be made directly into the storm sewer system of the City of Horace or drainage ditches which run thereto.
2. No owner, occupant, or user of property abutting Park District property of the City of Horace shall cause or allow water from any spout, sump pump, or similar device to be directly or indirectly deposited on the Park District property. Similarly, no person shall deposit snow, earth, construction material, or other substance on Park

District property of the City of Horace without written permission from the City Auditor of the City of Horace. Notwithstanding such written permission issued, no person shall deposit any material containing salt, sand, or other substance which may be harmful to vegetation or other Park District property.

3. The City Auditor of the City of Horace shall have the authority to issue letters to violators of this section. If the violation is not abated within the time set forth in the notice of violation, the City Attorney is authorized to prosecute such offenses in the Horace Municipal Court or to seek abatement in the District Court.

9-0105. **PENALTY.** A violation of this chapter may be punishable as an infraction as set forth in Section 1-0211 of these ordinances.

CHAPTER 9-02
WATER SERVICE
(Source: Ord. 2015-18, Sec. 2)

SECTIONS:

- 9-0201. Water Service Connection – Application.
- 9-0202. Permit Fee.
- 9-0203. Corporation Cock – Curb Stop.
- 9-0204. Stop and Valve – Gate Valve.
- 9-0205. Service Connections.
- 9-0206. Tap Size.
- 9-0207. One Building Per Service.
- 9-0208. Minimum Depth of Service.
- 9-0209. Curb Cock.
- 9-0210. Curb Box Under City Control – Exception.
- 9-0211. Stop Box.
- 9-0212. Plumbers to Close Curb Shut-off.
- 9-0213. Installation and Maintenance Water Service Lines.
- 9-0214. Owner’s Responsibility for Supply Line if Location of Leak Uncertain.
- 9-0215. Disconnection.
- 9-0216. Meters May be Required.
- 9-0217. One Meter Per Service.
- 9-0218. Meter Repair – Consumer’s Duty.
- 9-0219. Duplexes.
- 9-0220. Meter Seals.
- 9-0221. Freezing – Hot Water – Owner’s Duty.
- 9-0222. Interference with Water System.
- 9-0223. Approval of City Required Before Use.
- 9-0224. New Pipe Diameter.
- 9-0225. Free Access for Inspection and Reading.
- 9-0226. Solder Not Used in Copper Lines.
- 9-0227. Water Rates and Charges.
- 9-0228. Approval of Water Purchase Agreement.
- 9-0229. Water Rates and Charges – Billing.
- 9-0230. When Bill Due: Failure to Pay.
- 9-0231. Liability of Owners and Occupants for Service.

9-0201. **WATER SERVICE CONNECTION – APPLICATION.** Application for Water Service Connections must be made to the City Engineer, on forms to be provided by the City Engineer, in writing by the owner or agent of the property to be served, and shall state the following:

1. Location by legal description of the property to be served;
2. The size and kind of pipe proposed to be used;
3. The size of the tap for the water main desired;

4. The approximate course of the water pipe from the place of connection with the water main until it enters the structure proposed to be served; and
5. The name of the plumber who will do the work.

Said application shall be accompanied by a fee in an amount set by resolution of the City Commission as the fee for tapping into said water main.

9-0202. **PERMIT FEE.** No water service connection permit shall be issued by the City Engineer until a fee in the amount set by resolution of the City Commission for each connection shall have been paid for such permit. Such fee shall include the cost of a water meter.

9-0203. **CORPORATION COCK – CURB STOP.**

1. The Corporation Cock shall be Mueller or equal.
2. The Curb Stop shall be Mueller or equal.

9-0204. **STOP AND VALVE – GATE VALVE.** Every service pipe must have a standard compression stop and valve placed adjacent to and on street side of meter and be kept in working order at all times so that the water may be shut off by the occupant of the premises; there shall also be a gate valve placed on the outlet side of any water meter larger than five-eighths (5/8) of an inch and not more than three (3) feet from the meter, so that the meter can be taken out or replaced without draining the pipe system in the building.

9-0205. **SERVICE CONNECTIONS.** Service connections shall be made with the following kinds of pipe:

“K” type copper with the following exceptions:

That where pipe already under the surface of the ground is proposed to be used that such portion of said pipe left remaining under the surface of the ground may be used even though said pipe may be of material other than “K” type copper; except that “K” type copper pipe must be used between the water main and the curb cock.

9-0206. **TAP SIZE.** No tap shall be smaller than one (1) inch except that where a tapping sleeve is used, a tap of not larger than two (2) inches may be used.

9-0207. **ONE BUILDING PER SERVICE.** No new service shall be constructed and no existing service shall be changed in such manner that more than one (1) occupied building shall be on the same service. Outbuilding may not have a separate service.

9-0208. **MINIMUM DEPTH OF SERVICE.** All services shall have a minimum depth of six (6) feet below finished grade.

9-0209. **CURB COCK.** Each service shall have a curb cock fitted with a valve box of not less than one and one-half (1½) inches in diameter at standard location six (6) inches outside of and at the same grade as the sidewalk.

9-0210. **CURB BOX UNDER CITY CONTROL – EXCEPTION.** The curb box used shall be under the sole control of the City and its employees and no one except an employee or person especially authorized by the City shall open the cover of such box or turn water on or off; provided, however, that licensed plumbers may turn water on or off to test plumbing or make repairs but whenever so used the shut off must be left closed if found closed and open if found open by the plumber who uses it.

9-0211 **STOP BOX.** The stop box on every service must be kept flush with the surrounding ground or sidewalk surface and must be visible from the sidewalk and must be kept in good condition and ready to use at all times, by the owner. If the stop box is located in a driveway, it must have a PVC sleeve surrounding the shut off. Should the owner neglect to maintain such box and shut off in proper condition to be used, the City shall have the right to clean or repair the same without giving notice and charge the cost thereof to the owner; and if payment is refused may turn off the water in the service until the same is paid.

9-0212. **PLUMBERS TO CLOSE CURB SHUT-OFF.** Plumbers installing water service pipes shall close the curb shut-off and leave it closed upon completion of their work, and when pipes are laid to the curb only, they shall close the end of the pipe or fitting with a tight metal plug or cap.

9-0213. **INSTALLATION AND MAINTENANCE OF WATER SERVICE LINES.** All water service pipes and fixtures from the street main to the premises, including the corporation cock and curb stop shall be installed by and at the expense of the owners, unless the City has previously installed all or part of the service pipe and fixtures. The City will be responsible for maintenance and repair of any leaks or other defects of the water service line and fixtures from the point of connection with the street main through and including the curb cock. The owner of the property of such service line shall be responsible for the maintenance of the service pipes from the curb cock to the premises. If there is not a curb cock for that property, the City will be responsible for maintenance of the service pipes from the main, including corporation cocks, to the property line, and the property owner will be responsible from the property line to the premises. If there is a leak that is the responsibility of the owner to repair and the repair is not promptly made, the City may turn off the water until such repairs have been made, and the expense incurred in shutting off the water shall be charged against such owner and must be paid before water will be turned on again.

9-0214. **OWNER’S RESPONSIBILITY FOR SUPPLY LINE IF LOCATION OF LEAK UNCERTAIN.** Where there is a leak in a water supply line and it is uncertain whether such leak is on that part of the line that is the responsibility of the owner or the City, the City may make the necessary excavation, and if such leak is found to be in the service pipe that is the responsibility of the owner to maintain, the property owner shall immediately repair such leak, refill such excavation, and pay the City for the cost of making the excavation. The City may shut off the water to the property if the owner fails or neglects to repair such leak or fails to pay the cost of such excavation.

9-0215. **DISCONNECTION.** No plumber or owner of property shall disconnect or remove water supply fixtures or piping from any premise served by City water or alter the same in such a way as to make the service connection unnecessary for the premises without permanently closing off the connection and reporting the same to the City.

9-0216. **METERS REQUIRED.** Any person, firm or corporation taking water from the water mains is required to use a meter furnished by the City at the expense of the consumer to measure the water used by such consumer. The City shall either install the meter or authorize another person deemed qualified by the City to install the meter. The location of the water meter must be approved by the City.

9-0217. **ONE METER PER SERVICE.** One meter only shall be installed and read on each service.

9-0218. **METER REPAIR OR REPLACEMENT.** After the initial meter is installed, the City will be responsible for the repair and replacement of the meter.

9-0219. **DUPLEXES.** For a duplex dwelling there shall be a separate meter and a separate shut-off in the street for each part of the building.

9-0220. **METER SEALS.** Meters shall be sealed and seals not be broken. Meters shall be removed only by employees of the City.

9-0221. **FREEZING – HOT WATER – OWNER’S DUTY.** Owner or occupant of premises where a meter is installed shall be responsible for its care and protection from freezing and from hot water, and shall give notice when repair is needed.

9-0222. **INTERFERENCE WITH WATER SYSTEM.** No person shall tamper with or by any cause whatsoever damage, destroy or temporarily place out of service any City water main, gate, valve, stop cock, hydrant or other water system connection or machinery or in any manner interfere with the same anywhere in the City. Nor shall any person in any manner obstruct the access to any stop cock, hydrant or valve connected with any water pipe within the City by means of any timber, brick, building materials or other article, thing or hindrance whatsoever. Nor shall any person open any hydrant within the City without permission of the Superintendent of Waterworks or the permission of the commanding officer of the Fire Department.

9-0223. **APPROVAL OF CITY REQUIRED BEFORE USE.** All water connections must be approved and inspected by the City or its authorized agent before the water can be turned on and used.

9-0224. **NEW PIPE DIAMETER.** New pipe being installed must be at least one (1) inch in diameter.

9-0225. **FREE ACCESS FOR INSPECTION AND READING.** Authorized employees of the waterworks department shall have free access to any premises supplied with water, at proper times, to inspect and ascertain the condition of the meters and fixtures, or for reading meters, and no owner or occupant shall refuse such employees such access. If an owner or occupant refuses access, his or her account shall be assessed a surcharge of \$100.00 per month until access is permitted.

9-0226. **SOLDER NOT USED IN COPPER LINES.** No type of solder shall be used in copper water service lines.

9-0227. **WATER RATES AND CHARGES.** Water charges shall be on a monthly basis covering the respective monthly periods each year. The term “residential” as used herein shall include all premises occupied and used exclusively as a home by not more than two (2) families. The term “commercial” shall include all other premises. When a charge is determined by metered water consumption, the amount of water on which the charge is based shall be that multiple of One Thousand (1,000) gallons closest to the actual meter reading.

The owner or occupant of each residential or commercial premises connected with the water works system of the City shall pay for all water used and consumed, as registered by the meter during such month, at the rates and charges set forth in a fee schedule established by resolution of the City Council.

The rates and charges established by this section may be revised or supplemented and may be raised or reduced from time to time, by resolution amendatory hereof or supplemental hereto; provided, that as so revised, such rates and charges shall always yield gross revenues at least adequate to pay all current costs of operation and maintenance of such system and produce net revenues sufficient for the prompt and full payment of all amounts payable by the City in respect to money borrowed for the improvement of the water system.

9-0228. **APPROVAL OF WATER PURCHASE AGREEMENT.** The City owns a system for the distribution of water for fire protection and other public purposes and for selling water to its inhabitants and industries; that for such purposes the water supply is unsuitable and inadequate; therefore, the City Council deems it necessary and prudent to contract for the purchase of water.

1. Cass Rural Water District is a water district able and willing to furnish water to the City for its water system in accordance with the Water Purchase Agreement, entered into by and between the City and Cass Rural Water District, which is on file in the office of the City Auditor in accordance with Section 40-33-16 of the North Dakota Century Code. Cass Rural Water District will furnish potable water meeting applicable residential purity standards of the Department of Health of the State of North Dakota in quantities as required by the City at a monthly price to be periodically amended in accordance with the Water Purchase Agreement.
2. The City and Cass Rural Water District may contract for the purchase of water for a term of up to forty (40) years from the date of initial delivery of water.
3. The City hereby covenants and agrees that upon the completion and acceptance of the improvements and equipment necessary to take delivery of water under the Water Purchase Agreement, it will initially and thereafter periodically amend its Utility Services Fee Schedule to establish and maintain rates and charges for supplying water to its inhabitants and industries sufficient to produce net stated amounts monthly for specified periods of time during the life of said Water Purchase Agreement over and above the amount sufficient to pay all costs and expenses of operating and maintaining said water system, including operating reserves and the revenues to be paid into the City’s water fund. The net stated amounts so collected will be pledged and appropriated to the City’s water fund to be used for the monthly payments to become due under the Water Purchase Agreement.

4. The City covenants and agrees to pay at the rate or rates agreed upon in or pursuant to said Water Purchase Agreement for all water taken by the City under said contract and not resold by the City.
5. Pursuant to its Home Rule Charter powers and its powers enumerated under Section 40-05.1-06 of the North Dakota Century Code, the City Council deems it necessary and prudent to approve the Water Purchase Agreement without submitting this Ordinance, which authorizes the purchase of water under said contract, to the voters of the City for approval. The Mayor and the City Auditor are hereby directed to execute on behalf of the City, the Water Purchase Agreement with Cass Rural Water District in accordance with the terms and conditions of this Ordinance.
6. That the City, upon approval of this Ordinance by a majority vote of the City Council, will do and perform any other acts or things, which in the discretion of the City Council, are deemed reasonable and appropriate for the procurement of such water under said Water Purchase Agreement on the most efficient and economical basis.

(Source: Ordinance No. 2020-25)

9-0229. **WATER RATES AND CHARGES – BILLING.** The City Auditor shall render a statement at the end of the first full week of each month setting forth separately the charges for water and for sewage service for the preceding month to each premise connected with the water or sewage system.

(Source: Ordinance No. 2022-16, Sec. 1)

9-0230. **WHEN BILL DUE: FAILURE TO PAY.** All bills for water service, sewage service, charges and rentals, and water deliveries and labor and materials furnished each month shall be due and payable on the 25th day of the month at the office of the City Auditor. A monthly late fee, in an amount set by resolution of the City Council, will be assessed for all payments received after the 25th day of the month. If such bills, or any part thereof, are not paid within sixty (60) days of the date of the bill, the City will provide written notice, at least ten (10) days prior thereto, of the City's intent to shut off the supply of water to the premises for which the bill is rendered and shall not be turned on again until the entire balance has been paid, together with an amount as set by resolution of the City Council for recontinuing the service. A fee will also be charged for all returned checks and returned ACH payments, as set by resolution of the City Council.

(Source: Ordinance No. 2022-16, Sec. 2)

9-0231. **LIABILITY OF OWNERS AND OCCUPANTS FOR SERVICES.** The owner and occupant of each premises shall be jointly and severally liable for all charges for water and sewage service and garbage during the period of their respective ownership or occupancy. Water will not be furnished to any property which is indebted to the City.

(Source: Ordinance No. 2022-16, Sec. 3)