

**TITLE V: PUBLIC WORKS**

Chapter

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- 51. GARBAGE AND REFUSE**
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## CHAPTER 50: UTILITIES; GENERALLY

### Section

- 50.01 Definitions
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- 50.04 Contractual contents
- 50.05 Rules and regulations relating to municipal utilities
- 50.06 Connection or tapping prohibited; delinquent assessments or charges
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### § 50.01 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMPANY, GRANTEE, and FRANCHISEE.** Any public utility system to which a franchise has been granted by the city.

**CONSUMER and CUSTOMER.** Any user of a utility.

**MUNICIPAL UTILITY.** Any city-owned utility system, including, but not limited to, water, sewerage, electric, and refuse service.

**SERVICE.** Providing a particular utility to a customer or consumer.

**UTILITY.** All utility services, whether the same be public city-owned facilities or furnished by public utility companies.

(1985 Code, § 3.01)

### § 50.02 FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.

All rates and charges for municipal utilities, including, but not limited to, rates for service, permit fees, deposit connection and meter testing fees, disconnection fees, and reconnection fees, including

penalties for nonpayment, if any, shall be fixed, determined, and amended by the Council and adopted by resolution. The 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. The Council may exempt senior citizens from refuse collection charges under guidelines established by the resolution fixing utility rates.

(1985 Code, § 3.02)

### **§ 50.03 FIXING RATES AND CHARGES FOR PUBLIC UTILITIES.**

(A) All rates and charges for public utility franchisees, not regulated by an agency of the state, shall be fixed and determined by the Council and adopted by ordinance. The ordinances shall be listed and referred to in the Table of Special Ordinances, Table IV.

(B) Public utility company rates and charges may be fixed and determined by the respective franchisees in compliance with this section, as follows.

(1) No rate or charge involving an increase thereof shall become effective until approved by the Council. To request the increase, the franchisee shall prepare its written petition setting forth the then current and proposed rates and charges, the effective date of the proposed increases (which may not be within 90 days of filing the petition), and the reason or reasons necessitating the proposed increase or increases. The petition shall be filed with the Council by serving the same on the City Clerk-Treasurer in person or by certified mail, return receipt requested.

(2) Within 30 days of the filing the Council shall adopt a resolution and serve the same upon the resident superintendent of the franchisee in like manner as the petition may be served either approving the proposed increases or ordering a hearing thereon to be held within 60 days thereof. If no action is taken by the Council, the increase or increases shall take effect on the date stated in the franchisee's petition as though approved by the Council.

(3) Prior to the hearing date, the franchisee shall, without delay, comply with the city's reasonable requests for examination and copying of all books, records, documents, and other information, relating to the subject matter of the petition. Should the franchisee unreasonably delay, fail, or refuse the requests, the same shall be grounds for a continuance of the hearing date.

(4) Notice of hearing shall be in the form and manner stated in the resolution. At the hearing, all persons wishing to be heard thereon shall be afforded a reasonable opportunity. Findings and a decision shall be made by the Council within 15 days after the hearing and served upon the franchisee.

(1985 Code, § 3.03)

**§ 50.04 CONTRACTUAL CONTENTS.**

Provisions of this title relating to municipal utilities shall constitute portions of the contract between the city and all consumers of municipal utility services, and every consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this title.

(1985 Code, § 3.04) Penalty, see § 10.99

**§ 50.05 RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.**

(A) *Billing, payment, and delinquency.* All municipal utilities shall be billed monthly or quarterly and a utilities statement or statements shall be mailed to each consumer each month. With the exception of churches, schools, and government agencies on board-approved expenditures, all utilities charges shall be delinquent if they are unpaid at the close of business on the tenth day of the month following the billing; provided that, if the tenth day of the month shall fall on a Saturday, Sunday, or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty of 10% of the current monthly bill shall be added to, and become part of, the existing delinquent account. If service is suspended due to delinquency, it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

(B) *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, and all fees, charges, and assessments required by this title have been paid in full. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of the utilities taken as metered or ascertained in connection with the rates.

(C) *Discontinuance of service.* All municipal utilities may be shut off or discontinued, any time between any Monday at 9:00 a.m. and the following Friday at 9:00 a.m., whenever it is found that:

(1) 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 this code relative thereto, or any connection therewith;

(2) 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

(3) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor.

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(D) *Ownership of municipal utilities.* Ownership of all municipal utilities, plants, lines, mains, extensions, 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.

(E) *Right of entry.* The city has the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a utility system, or any part thereof, and for the purpose of connecting and disconnecting service.

(F) *Meter test.* Whenever a consumer shall request the city to test any utility meter in use by him or her, the request shall be accompanied by a cash deposit for each meter to be tested. If any 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 the test.

(G) *Unlawful acts.*

(1) 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.

(2) 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.

(3) 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 nonpayment of a bill, or for any other reason, without first having obtained a permit to do so from the city.

(4) 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.

(H) *Municipal utility services and charges a lien.*

(1) Payment for all municipal utility service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to the owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager, and the like) as agent for the fee owner, and consented to by the city. If the utility service and charges are for a single metered multi-unit rental residential building, the owner of the building shall be

the customer of record and this responsibility shall not be waived by contract or otherwise. 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 division (H)(1).

(2) Except as to the furnishing of retail natural, manufactured, or mixed gas or electric service to or for the public, and to the extent otherwise authorized by state law, each account is hereby made a lien upon the premises served. All the accounts which are more than 45-days' delinquent may, when authorized by resolution of the Council, be certified by the City Clerk-Treasurer 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 the premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the city along with other taxes.

(3) As to the furnishing of retail natural, manufactured, or mixed gas or electric service to or for the public, and to the extent otherwise authorized by state law, the city shall not:

(a) Recover or attempt to recover payment for a tenant's outstanding bill or charge from a landlord, property owner or manager, manufactured home park owner, or manufactured home dealer who has not contract for the service;

(b) Condition service on payment of an outstanding bill or other charge for utility service due upon the outstanding account of a previous customer or customers when all of the previous customers have vacated the property; or

(c) Place a lien on the landlord's or owner's property for a tenant's outstanding bill or charge.

(I) *Municipal utility service outside the city.* The City Clerk-Treasurer is hereby authorized to furnish municipal utility service to consumers outside the city; provided, that the consumers specifically agree to all of the terms of this code, including, but not limited to, rules, regulations, and rates adopted thereunder and the right to specially assess delinquent services, charges, and penalties, and bear all costs incident to extending the service.

(1985 Code, § 3.05) (Ord. 2, passed 5-11-1999) Penalty, see § 10.99

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

(1985 Code, § 3.06)

**§ 50.07 APPLICATION OF PAYMENT OF UTILITY CHARGES.**

In the event that any customer makes a payment of only a portion of the utility charges, including any penalty or fees, the amount paid shall apply to that portion previously billed before being applied to more recent or current charges.

(1985 Code, § 3.07) (Ord. 2-85, passed 6-4-1985)



## CHAPTER 51: GARBAGE AND REFUSE

### Section

- 51.01 Municipal Garbage Collection System
- 51.02 Definition
- 51.03 Transport
- 51.04 Containers
- 51.05 Dirt, rock, brush, and the like
- 51.06 Container replacement
- 51.07 Service charges
- 51.08 Storage
- 51.09 Assessment roll
- 51.10 Violations
- 51.11 Effective date

### § 51.01 MUNICIPAL GARBAGE COLLECTION SYSTEM.

There is hereby created and established a municipal garbage and refuse collection system, to be known and designated as the Municipal Garbage Collection System. For the purposes of carrying out this chapter, the City Council shall provide the trucks and equipment necessary and shall employ the necessary personnel; provided, however, that the City Council may grant, by contract to any person, firm, or corporation, the right and authority to collect and dispose of all garbage and refuse within the city upon any terms and conditions as the City Council may determine.

(Ord. passed 5-11-1993)

### § 51.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***GARBAGE AND OTHER REFUSE.*** All drained organic material resulting from the preparation of food, and spoiled or decayed food from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, and tree or lawn clippings, but does not include any material, such as earth, sand, brick, stone, plaster, or other similar substances that may accumulate as a result of construction operations.

(Ord. passed 5-11-1993)

**§ 51.03 TRANSPORT.**

It is unlawful for any person to transport garbage or other refuse except by reason of that person's employment with city, by acting within the course and scope of a written contract with the city, or by special permit from the City Council.

(Ord. passed 5-11-1993) Penalty, see § 10.99

**§ 51.04 CONTAINERS.**

(A) Except as otherwise provided in this section, all garbage and other refuse shall be placed and kept in those containers provided by the city, which shall be the only kind and type permitted for the keeping, storage, and holding of garbage and other refuse.

(B) All garbage and other refuse shall be drained of liquid so far as practical and placed into impervious bags of a kind and type that are sufficient strength and size to hold the contents without breakage or leakage, and the bags shall be closed and sealed prior to being placed in the city's supplied containers.

(C) The city's supplied containers shall be placed in those portions of the streets or alleyways as the city may deem necessary and proper, or upon private property pursuant to the agreement with the property owner. It is unlawful for any person except an employee or agent of the city to move city-supplied containers, except as provided by Council resolution.

(Ord. passed 5-11-1993) Penalty, see § 10.99

**§ 51.05 DIRT, ROCK, BRUSH, AND THE LIKE.**

It is unlawful to place refuse items such as dirt, sod, rock, plaster, iron, boards, tires, tree branches, hot ashes, brush, and leaves in a city container. The items shall be compacted and bundled and placed clear of the container, but the size of the bundles shall not exceed three feet in length and 50 pounds in weight, and shall only be placed along side the city container at the times as the city may designate, pursuant to notice for collection thereof .

(Ord. passed 5-11-1993) Penalty, see § 10.99

**§ 51.06 CONTAINER REPLACEMENT.**

The city shall initially furnish the containers and shall replace the container as may be necessary. However, the City Council may, by resolution, provide rules and regulations wherein the cost to replace the containers and/or the use and cost of required bags to be utilized in conjunction with the containers shall be paid by the owner/occupant of the premises. The cost of container replacement, if imposed upon the owner/occupant, shall be added to the service charges.

(Ord. passed 5-11-1993)

**§ 51.07 SERVICE CHARGES.**

There is hereby imposed upon each household and business or other establishment from which garbage or other refuse may be collected by the city a charge for the service in accordance with the schedule established from time to time by resolution of the City Council. Service charges shall be charged to the owner and occupant of the premises served, and shall be paid in accordance with City Council resolution. When any charges remain unpaid after the due date, a penalty of 10% shall be added thereto. Interest shall be charged on unpaid bills at the rate of 6% per year from the due date until paid. Receipts from service charges shall be credited to the General Fund when collected.

(Ord. passed 5-11-1993)

**§ 51.08 STORAGE.**

It is unlawful for any person to store garbage and other refuse, or transport same, except as provided in this chapter.

(Ord. passed 5-11-1993) Penalty, see § 10.99

**§ 51.09 ASSESSMENT ROLL.**

As soon as possible after September 1 of each year, the City Clerk-Treasurer shall prepare an assessment roll for garbage and refuse collection, which shall contain a list showing each lot and parcel of ground with respect to which service charges levied under this chapter remain unpaid. The Council shall thereupon levy an assessment for the unpaid garbage and refuse collection charges. The Clerk-Treasurer shall certify the assessment to the County Auditor for collection in accordance with law.

(Ord. passed 5-11-1993)

**§ 51.10 VIOLATIONS.**

Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$700 and/or imprisonment for not more than 90 days.

(Ord. passed 5-11-1993) Penalty, see § 10.99

**§ 51.11 EFFECTIVE DATE.**

This chapter shall take effect and be enforced from and after its passage, adoption, and publication.

(Ord. passed 5-11-1993)



## CHAPTER 52: WATER SERVICE

### Section

- 52.01 Deficiency of water and shutting off water
- 52.02 Repair of leaks
- 52.03 Abandoned services
- 52.04 Service pipes
- 52.05 Private water supplies
- 52.06 Restricted hours for sprinkling
- 52.07 Private fire hose connections
- 52.08 Opening hydrants
- 52.09 Unmetered service
- 52.10 Water meters
- 52.11 State Plumbing Code requirement
- 52.12 Additional rules and regulations

### **§ 52.01 DEFICIENCY OF WATER AND SHUTTING OFF WATER.**

The city is not liable for any deficiency or 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 ensure a supply for firefighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

(1985 Code, § 3.30)

### **§ 52.02 REPAIR OF LEAKS.**

It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 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.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.03 ABANDONED SERVICES.**

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, served 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 the pipe from the main. Also, the improper disposition thereof shall be corrected by the city and the cost incurred shall be borne by the person causing or allowing the work to be performed.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.04 SERVICE PIPES.**

Every service pipe must be laid in the 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 curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not 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 and kept to a minimum. Not more than one joint shall be used for a service up to 70 feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be three-fourths inch in diameter.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.05 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 exist when the new connection is made. When a building is connected to "city water," the private water supply may be used only for the purposes as the city may allow.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.06 RESTRICTED HOURS FOR SPRINKLING.**

Whenever the city shall determine that a shortage of water threatens the city, it may 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 the determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.07 PRIVATE FIRE HOSE CONNECTIONS.**

Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at any rates as the Council may adopt by resolution as herein provided.

(1985 Code, § 3.30)

**§ 52.08 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 purposes strictly pertaining to their lawful use.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.09 UNMETERED SERVICE.**

Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. The service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof, the consumer agrees to have the city estimate the water used. In so estimating, the city shall consider the use to which the water is put and the length of time of unmetered service.

(1985 Code, § 3.30)

**§ 52.10 WATER METERS.**

All water meters shall be of the remote type, and shall be purchased, installed, and maintained by the city, with no expense to the consumer. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All water meters shall be of sufficient size to serve the property and its facilities as required by city and state regulations.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.11 STATE PLUMBING CODE REQUIREMENT.**

All piping, connections, and appurtenances shall be installed and performed strictly in accordance with the State 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.

(1985 Code, § 3.30) Penalty, see § 10.99

**§ 52.12 ADDITIONAL RULES AND REGULATIONS.**

The Council may, by resolution, adopt any additional rules and regulations relating to placement, size, and type of equipment as it, in its discretion, deems necessary or desirable. Copies of the additional rules and regulations shall be kept on file in the office of the City Clerk-Treasurer, and uniformly enforced.

(1985 Code, § 3.30)



## CHAPTER 53: SEWERAGE SERVICE

### Section

- 53.01 Definitions
- 53.02 Classification of industrial wastes
- 53.03 Deleterious substances
- 53.04 Unlawful discharge
- 53.05 Size, kind, and depth of pipe
- 53.06 Additional rules and regulations

### § 53.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**INDUSTRIAL WASTE.** Any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing, trade, or business, or from development of any natural resources.

**SEWAGE.** 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 the ground water infiltration and surface water as may be present.

**SEWERAGE SERVICE.** The use of and benefit from the sewerage system, including the collection, transportation, pumping, treatment, and final disposal of sewage.

**SEWERAGE SYSTEM.** 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.

(1985 Code, § 3.40)

**§ 53.02 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 the sewer uses the water basis consumption does not provide a practicable method in the premises, but until so determined and the distinct rate fixed, the water consumption basis hereinbefore prescribed shall remain in full force and effect as to the commercial or industrial users. The city may require and prescribe pretreatment on the consumer's premises.

(1985 Code, § 3.40)

**§ 53.03 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 the 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 or she shall discontinue the practice and the practice is hereby declared to be a violation of this chapter. Each day of the violation continuing after having been notified in writing by the Director of Public Works to discontinue the practice shall be deemed a separate violation.

(1985 Code, § 3.40) Penalty, see § 10.99

**§ 53.04 UNLAWFUL DISCHARGE.**

(A) *Generally.* It is unlawful to discharge any of the following described wastes into the sewerage system.

(B) *Specifically.*

- (1) Liquids having a temperature higher than 150°F;
- (2) Water or waste which contains more than 100 ppm by weight of fat, oil, or grease;
- (3) Gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas;
- (4) Garbage, except such as has been properly shredded;

(5) 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;

(6) Noxious or malodorous substances capable of creating a public nuisance; and/or

(7) Roof water, ground water, or any other natural precipitation.

(1985 Code, § 3.40) Penalty, see § 10.99

**§ 53.05 SIZE, KIND, AND DEPTH OF PIPE.**

The city may prescribe the size, kind, and depth of sewerage service pipe and connections. The minimum size, when placed underground, shall be four inches in diameter.

(1985 Code, § 3.40) Penalty, see § 10.99

**§ 53.06 ADDITIONAL RULES AND REGULATIONS.**

The Council may, by resolution, adopt any additional rules and regulations relating to placement, size, and type of equipment as it, in its discretion, deems necessary or desirable. Copies of the additional rules and regulations shall be kept on file in the office of the City Clerk-Treasurer, and uniformly enforced.

(1985 Code, § 3.40)



## CHAPTER 54: ELECTRIC SERVICE

### Section

- 54.01 National Electrical Code requirement
- 54.02 Electrical systems
- 54.03 Large commercial/industrial electrical installations
- 54.04 Meter bases
- 54.05 Replacing or converting to underground or overhead
- 54.06 Final connection
- 54.07 Commercial and area lighting
- 54.08 Cost allocation
- 54.09 Additional rules and regulations

### **§ 54.01 NATIONAL ELECTRICAL CODE REQUIREMENT.**

(A) All wiring, connections, and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code.

(B) Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections, may result in termination of electrical service to any consumer.  
(1985 Code, § 3.50) (Ord. 2015-02, passed 10-13-2015) Penalty, see § 10.99

### **§ 54.02 ELECTRICAL SYSTEMS.**

(A) The city will determine if it will provide electric power, up to the property line, for any private residential or commercial use.

(B) The city will determine whether new or changed service installations are placed underground or overhead.

(C) The city will determine whether temporary service installations are placed underground or overhead.

(D) The consumer shall use the Service Mast System for overhead installation and the Meter Pedestal System for underground installation. Illustrations for both systems will be provided by the city.

(E) It is the consumer's responsibility to ensure there is ample power supply available for the intended use of the electrical system. If the power supply to the building or structure is not adequate, the consumer is responsible for the cost of power upgrades; some cost may be deferred by Council action. (1985 Code, § 3.50) (Ord. 2015-02, passed 10-13-2015) Penalty, see § 10.99

### § 54.03 LARGE COMMERCIAL/INDUSTRIAL ELECTRICAL INSTALLATIONS.

(A) All new or changed electrical service installations shall comply with the following, where applicable:

(1) Motors of 20 HP or more must have line compensators on same; provided, however, that the city may, at its option, make an exception if the total connected motor load required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.

(2) Any establishment having a total motor load of 125 HP or more is required to have 440 volts for its motor load.

(3) All motor installations of less than five HP shall be supplied with 240-volt single-phase energy, except:

(a) Motors of one-half HP or smaller may be 126 volt; or

(b) Three-phase motors of three HP or more may be served from existing secondary power circuits where only service wires and meters are required.

(B) The city shall make an installation charge for extraordinary expenses required by a consumer. (1985 Code, § 3.50) (Ord. 2015-02, passed 10-13-2015) Penalty, see § 10.99

### § 54.04 METER BASES.

(A) *Location.* For all new or changed electrical service installations, meter bases shall be located on the outside of the building or structure. No electrical meters shall be installed on any of the city's power poles.

(B) *Ownership.* The city will furnish a minimum 200-amp meter base with hub at no cost to the consumer. The consumer will install the meter at his or her expense. The city will maintain ownership of such meter and will replace any defective meter at the city's expense. If no defects are found with the meter, full expense of the replacement meter will be billed to the consumer. The city retains the right to disconnect or pull the meter for cause.

(Ord. 2015-02, passed 10-13-2015) Penalty, see § 10.99

**§ 54.05 REPLACING OR CONVERTING TO UNDERGROUND OR OVERHEAD.**

(A) *Converting to underground or overhead.*

(1) The city may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground or underground to overhead.

(2) Where the present service is converted to underground, the city shall only cover and refill the trench and other ditching maintenance or repair, and all subsequent changing and repairing of the service shall be the obligation of the consumer.

(B) *Replacing.* Nothing herein shall prevent the city from replacing an underground or overhead service with the same type.

(C) *Meters and placement service.* Placement of services and meters shall be determined by the city.  
(1985 Code, § 3.50) (Ord. 2015-02, passed 10-13-2015)

**§ 54.06 FINAL CONNECTION.**

(A) It is the consumer's responsibility for completing the final connection. The consumer may use Minnesota Power services for their final connection, or any other electrical contractor licensed, insured and bonded in the State of Minnesota. Proof of the electrical contractor's compliance must be submitted to the city prior to any final connections being made.

(B) The meter base shall have a State of Minnesota electrical inspection sticker before the service line is connected to the main power line.

(C) The city will not provide power to a meter base that does not have a State of Minnesota electrical inspection sticker indicating the electrical work has passed state requirements.  
(Ord. 2015-02, passed 10-13-2015) Penalty, see § 10.99

**§ 54.07 COMMERCIAL AND AREA LIGHTING.**

Commercial and area light is available through the area lighting agreement.  
(Ord. 2015-02, passed 10-13-2015)

**§ 54.08 COST ALLOCATION.**

(A) (1) For all initial or changed electrical service installations, the following shall be provided and paid for by the city:

(a) For underground, up to 40 feet of wire to the power pole, and the connection at the top of the pole;

(b) For overhead, up to 100 feet of wire from the pole to the consumer's weather head, and the connection at the weather head;

(c) The connection, if coming from a ground transformer box.

(2) All other costs and materials are the responsibility of the consumer.

(B) If additional poles are needed beyond the consumer's property line, the full cost of the poles is the consumer's responsibility.

(C) *Minnesota Power*. If Minnesota Power services are used, the full cost is billed to the city by Minnesota Power. The city will pay to Minnesota Power the full amount billed. The city will then bill the consumer for reimbursement.

(D) If an electrical contractor other than Minnesota Power is used by the consumer, all billing will be sent to the consumer and payment shall be the consumer's sole responsibility.

(E) If any reimbursement is due to the consumer from the city, reimbursement will be based on actual receipts of cost incurred by the consumer. It is the consumer's responsibility to provide such receipts to the city.

(F) All costs for temporary electrical service shall be the full responsibility of and billed to the consumer.

(G) Maintenance and repair of primary electrical systems is the responsibility of the city, and maintenance and repair of secondary electrical systems is the responsibility of the consumer.

(H) Any failure to pay by the consumer may result in termination of electrical service.  
(Ord. 2015-02, passed 10-13-2015)

#### **§ 54.09 ADDITIONAL RULES AND REGULATIONS.**

The Council may, by resolution, adopt any additional rules and regulations relating to placement, size, and type of equipment as it, in its discretion, deems necessary or desirable. Copies of the additional rules and regulations shall be kept on file in the office of the City Clerk-Treasurer, and uniformly enforced.

(1985 Code, § 3.50) (Ord. 2015-02, passed 10-13-2015)