

ORDINANCE NO. 61A

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 61 ADOPTED ON
MAY 6, 1986, AND TITLED “AN ORDINANCE REGULATING INSTALLATION AND
CONSTRUCTION OF PLUMBING WITHIN THE CITY OF BROWNTON.”**

The City Council of Brownton, Minnesota ordains:

Section 1 of Ordinance No. 61 adopted on May 6, 1986 and titled “An ordinance regulating installation and construction of plumbing within the City of Brownton” is amended **to read:**

All plumbing, including but not limited to, piping, connections and appurtenances shall be installed and performed strictly in accordance with the State Plumbing Code, being Minnesota Administrative Rules Chapter 4714-4715, and as amended. 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. All work done hereafter in this City shall be done in accordance with the provisions thereof. Plumbing permits are required.

Section 2.5 of Ordinance No. 61 will read when added:

All water meters shall be furnished by the City, prior to installation. Water meters shall be maintained by the City. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. Any other meter in need of replacement shall be replaced with a remote-type meter, which shall be furnished and maintained by the City. All water meters shall be installed, removed and in all respects controlled by the City. Any remote-type meter in need of replacement by reason of normal usage shall be furnished and installed by the City; thereafter, the City shall own that meter.

Section 2.6 of Ordinance No. 61 will read when added:

- A. The owner or occupant of any property served by any public utility, including franchise utilities, for which a meter measuring the utility use is located upon the property, shall grant access to the property to the meter reader.
- B. Personnel of any utility whose meter reader is unable to gain access to the meter due to locked doors, fences, gates or other devices, or because of a threatening dog or other animal upon the premises, preventing access to the meter, may leave a notice of an attempt to read the meter conspicuously upon the property. Such notice shall be in such a form as prescribed by the Brownton City Administrator, and shall contain a copy of this code chapter.
- C. Said notice shall state that there has been an attempt to read the meter which was prevented by a designated cause, and that another attempt will be made not less than 24 hours and not more than 72 hours later, exclusive of Saturdays and Sundays.

- D. After such notice is given and should a meter reader be prevented from reading the meter the owner or occupant shall be subject to a surcharge of \$15.00 for each subsequent attempt to read the meter whether or not access is denied. Any surcharges shall be collected along with payment for the utility services as a charge upon regular billings to the owner and/or occupant. Any premises for which a meter reader for a particular utility has been denied access more than five times in any calendar year, and the owner thereof has not made adequate arrangements with the utility for future access, shall constitute proper cause by the utility to suspend service to that premises.

Section 2.7 of Ordinance 61 will read when added:

- A. The following buildings that serve as the principal structure and are used for human occupancy shall be required to be connected to the city water utility.
 - (1) All buildings connected to the City water system on the date of adoption of the ordinance from which this chapter is derived shall remain connected to the City system for so long as the building is occupied or used for any purpose.
 - (2) All buildings constructed on property to which City water service is available at the time a certificate of occupancy is issued for the building after the date of adoption of the ordinance from which this chapter is derived shall be required to connect to City system prior to occupancy.
 - (3) All buildings constructed on property to which City water becomes available following legal occupancy of the building after the date of adoption of the ordinance from which this chapter is derived shall be required to connect to the City system as follows.
 - (a) All buildings shall be required to connect to the water utility within the timeframes established in accordance with a subdivision agreement, assessment roll, annexation agreement or other agreement to connect to City water as determined by the City Engineer.
 - (b) All other buildings shall be required to connect to City water within 90 days from the date City water service becomes available to the property.
 - (4) All buildings existing on the date of adoption of the ordinance from which this chapter is derived on property to which City water service is available or becomes available and are not connected to City water, shall be required to connect to City water as follows.
 - (a) All buildings shall be required to connect to the water utility within the timeframes established in accordance with a subdivision agreement, assessment roll, annexation agreement or other agreement to connect to City water as determined by the City Engineer.
 - (b) All other buildings shall be required to connect to the water utility within three years of the date of adoption of the ordinance from which this chapter is derived.
 - (5) Any buildings that do not meet the criteria set forth in divisions (A)(1) through (A)(4) above shall be required to connect to City water as determined by the City Engineer on a case-by-case basis.
- B. The owner of any building required by this section to be connected to the City water system shall cause the building to be connected to the City system, at the owner's expense, as required. If connections to the City water system are not being made pursuant

to this section, the City shall serve written notice on the affected property owner stating that if connection is not made within 90 days after the date of notice, the connection will be made by the City at the expense of the owner and that, if unpaid, the charge for such work will be made a special assessment against the property concerned. Such assessment, including interest at the legal rate for local improvements, shall be certified to the County Auditor and collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this section shall be in addition to other remedial or enforcement rights provided by this code or other applicable law.

Section 2.8 of Ordinance 61 shall read when added:

- A. The installation of new private wells for domestic use on any property to which City water service is available, is prohibited, subject to the exceptions set forth in divisions (C) and (D) below.
- B. Private wells for domestic use in existence on the date of adoption of the ordinance from which this chapter is derived, and private wells for domestic use installed subsequent to said date, on properties to which City water service is not available at the time of installation, may remain in use provided they comply with all applicable regulations, including, but not limited to, M.S. §§ 144.381 to 144.387, as they may be amended from time to time. The replacement of private wells for domestic use in existence on the date of adoption of the ordinance from which this chapter is derived will be considered by the City Engineer on a case-by-case basis.
- C. ***PRIVATE WELLS FOR DOMESTIC USE*** shall mean any well not owned by the city which is drilled or installed for residential, commercial or industrial potable water or irrigation purposes. ***PRIVATE WELLS FOR DOMESTIC USE*** shall not include wells drilled for such purposes as dewatering, ground water monitoring, heating or cooling, elevator borings or environmental bore holes.
- D. (1) Requests for new private wells for domestic use will be considered on a case-by-case basis. The request shall contain the following information, as well as additional information as may be required by the City Engineer:
 - (a) Full name, mailing address, phone number;
 - (b) Address of property with proposed well and proposed location of well;
 - (c) Well details including diameter, depth, estimated daily volume used in gallons;
 - (d) Intended use of well water; and
 - (e) Reason for request including statement of hardship created by this section.(2) Within 60 days of receipt of all necessary information, the City Engineer shall render a decision either granting or denying the request.

Section 7. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Brownton Minnesota this 2nd day of March, 2021.

Attested:

Mayor

City Clerk