

**ORDINANCE # 300-005**  
**AN ORDINANCE REGULATING WATER METERS IN THE CITY OF HEWITT,**  
**TODD COUNTY, MINNESOTA**

The City Council of the City of Hewitt does ordain as follows:

SECTION 1: This ordinance regulates the purchase, installation, reading and maintenance of water meters within the municipal boundaries of the City of Hewitt.

SECTION 2: In all cases, where residential, commercial or non-profit premises obtain water from the City's water supply, the owner, lessee or occupant of any such premises shall obtain and indoor meter connected to an outdoor reading sensor from the City of Hewitt and shall be responsible for the proper installation thereof. Any premises not presently meeting this requirement is in violation of this City Ordinance.

SECTION 3: This Municipality shall exclusively own and control the water meters to be used in this water system. The Municipality shall only supply one meter per account. A second meter may be obtained from the City as a price to be determined by the Council. A maximum of two meters per account will be allowed.

SECTION 4:

- 4.01: Upon receiving the meter from the Municipality, the owner, lessee or occupant of the premises must have the meter and sensor properly installed and subsequently inspected by the City Employee responsible for the water system of the Municipality.
- 4.02: The location of the outside sensor must be free from obstructions and readily accessible, at all times, to the City Employee or representative who is charged with the duty of reading the meters. The connection between the meter and the sensor must be maintained by the property owner. The City may order any recipient of water services to relocate the outside sensor if its current location impedes the efficient and safe monitoring of the meter.
- 4.03: A violation of this section will result in a violation letter being sent to the property owner describing the violation, the actions that the property owner must take to correct the violation and the time allowed to completed the correction. If violation is not corrected by the next monthly meter reading, a service fee will be charged to that monthly billing and subsequent monthly billings until the violation is corrected. If the violation is not corrected within ninety (90) days from the date of the violation letter, water service to that connection will be disconnected. Two or more violations of this section in a twelve (12) month period will be subject to the penalty for non-compliance as described in Section 14.

SECTION 5:

- 5.01: The owner, lessee or occupant of all such premises as are covered by this Ordinance shall permit the City Employee, or representative who is charged with the duty of inspecting the installation of all water meters, to enter upon and into all such structures as needed for the proper inspection of all water meters. These inspections shall be conducted during regular business hours or by special arrangement.
- 5.02: The owner, lessee or occupant of all such premises as are covered by this Ordinance shall permit the City Employee, or representative charged with the duty of reading water meters, to enter upon his or her private property for the purpose of the monthly reading of the water meters. This reading shall be conducted on the fifteenth (15<sup>th</sup>) of each

month during regular business hours. If the fifteenth (15<sup>th</sup>) should fall on a Saturday, Sunday or legal holiday, the reading shall be conducted on the next available business day.

SECTION 6: In the event that a meter becomes damaged either by carelessness or neglect of the owner, lessee or occupant of the premises or by any agent thereof, all repair or replacement costs are to the sole responsibility of the owner of the property. The cost of ordinary maintenance and repairs of all meters owned by this Municipality shall be the responsibility of the Municipality.

SECTION 7: It shall be unlawful for anyone to tamper with any meter or outside sensor.

SECTION 8: It shall be unlawful for anyone to bypass a meter or otherwise use the water of this Municipality without making just compensation therefor.

SECTION 9: At the written request of any owner, lessee or occupant, the City shall test or cause to be tested the meter supplying the premises of said owner, lessee or occupant. A deposit, as determined by the Council, shall be made by the applicant to cover the costs of such tests. If the meter in question is found to be registering incorrectly in excess of five percent, the deposit shall be returned to the applicant and the charges assessed to said applicant for the previous month and shall be adjusted in a fair and equitable manner. In such cases, a replacement meter shall be installed. If the meter in question is found to be registering correctly, within the five percent threshold, the City shall retain the deposit made by the applicant to cover the costs of such tests.

SECTION 10: The property owner shall be ultimately responsible for compliance with this Ordinance. The owner, lessee or occupant shall be responsible for the maintenance and protection of all service pipes leading up to and away from the meter.

SECTION 11: This Municipality shall not be liable for any damages resulting from the stoppage of the supply or flow of water as the results of breaks in any mains, service, pipes or fixtures, or by reason of the breaking of machinery or stoppage for necessary repair, or any other interruption of service.

SECTION 12: The water service rates and all such other charges for water service as are deemed necessary shall be assessed on a monthly basis. These rates shall be fixed by the Council of this Municipality as adopted in the Annual Fee Schedule. Such Schedule shall be kept on file at the City Office by the City Clerk for public inspection.

SECTION 13: The sewer service rates and all such other charges for sewer service as are deemed necessary shall be assessed on a monthly basis. These rates shall be fixed by the Council of this Municipality as adopted in the Annual Fee Schedule. Such Schedule shall be kept on file at the City Office by the City Clerk for public inspection.

SECTION 14: Unless otherwise states in the preceding Sections, the penalty for non-compliance shall be as follows:  
Compliance with this Ordinance shall be the sole responsibility of the property owner. Any person or persons violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to penalty as set for in Ordinance #100-004.

Passed and adopted by a majority vote of the City Council of the City of Hewitt this \_\_\_ day of May, 2009.

By Juanita Mitchell, Mayor

Attest: Miriam A. Collom, City Clerk/Treasurer