

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

ORDINANCE NO. 204

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 1 OF THE ELKO
NEW MARKET CITY CODE CONCERNING WATER USE AND
SERVICE REGULATIONS RELATED TO FIRE HYDRANTS**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET, MINNESOTA
ORDAINS:

SECTION 1. Title 9, Chapter 1, Section 15 is hereby amended to read as follows:

9-1-15: FIRE HYDRANTS:

All publicly owned hydrants shall remain visible and accessible from the roadway for maintenance and emergency use. All sides, including top, shall have a minimum three foot clear zone. No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system.

SECTION 2. Title 9, Chapter 1, Section 16 is hereby added as follows:

9-1-16: PRIVATELY OWNED FIRE HYDRANTS:

- A. Section 508 of the Minnesota State Fire Code requires inspection, testing and maintenance of fire protection water supplies which include water lines and fire hydrant systems. Fire hydrant systems shall be subject to periodic tests, maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. Section 101 of the Minnesota State Fire Code authorizes the city to adopt rules to implement the fire code. The City considers the private hydrants part of the municipal waterworks system. It is in the public interest that private hydrants be inspected and tested by qualified personnel and repaired and maintained in good working order to protect life and property.
- B. Fire Protection Inspections shall be conducted annually by the City on all private hydrants directly or indirectly connected to the municipal water system. This inspection shall include testing of the operation and flow of the hydrants.
- C. A hydrant inspection fee shall be charged for each hydrant inspected by the City or City's agent and the fee shall be billed once annually to the owner of the private hydrant as part of the water bill. The city council must establish the rates to be charged for a hydrant inspection to the customer annually within the fee schedule.
- D. In the event the inspection indicates that repairs are required, the City shall notify the

owner of the hydrant or water line, with a copy to the fire department, setting forth the repairs required. If repairs are not made within the time period set forth by the Public Works Department in the notification, the necessary repairs shall be made by the city and the cost billed to the owner.

- E. The property owner may sign a waiver and petition the city for the repairs. The city will contract for the repairs and assess the property in accordance with the city's assessment policy.
- F. Action to Collect Charges: Any amount due for the above charges in excess of 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who requested the inspection services, whether it was the owner, tenant or other person. All applications for inspection services shall contain an explanation in clear language that unpaid bills will be collected in real estate taxes in the following year. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges.

SECTION 3. Title 9, Chapter 1, Section 17 is hereby added as follows:

9-1-17: MISDEMEANOR VIOLATION:

Any person violating a provision of this chapter shall be guilty of a misdemeanor. Each day shall be a separate offense. (New Market 2004 Code § 6-3-15)

SECTION 4. This ordinance shall take effect immediately upon its passage and publication.

ADOPTED this 26th day of September, 2019 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, City Administrator