

CITY OF PIPESTONE

ORDINANCE NO. 166, FOURTH SERIES

AN ORDINANCE AMENDING CHAPTERS 50 AND 91 OF THE CITY CODE REGARDING THE REGULATION OF UTILITY SERVICE LINES IN THE CITY

The City Council of the City of Pipestone ordains:

Article I. Legislative Findings. The City of Pipestone (“City”) finds and determines that certain provisions of the City Code with regard to the maintenance of water and sewer service lines have created confusion with regard to the responsibility for maintaining the service lines, and the City desires to provide clarity and ensure that the City’s property owners are not responsible for the maintenance of service lines and other facility that may interfere with City right-of-way and street surfaces. The provisions of this Ordinance are appropriate in the public interest.

Article II. Regulation of Water Services. Section 50.10(B) of the City Code is hereby amended by deleting the following ~~stricken~~ language and adding the following double-underlined language:

(B) *Maintenance of Service Pipes*~~*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. The City shall maintain the curb stop and the service pipe from the curb stop to the water main. Although the City is responsible for the maintenance of the service pipe from the curb stop to the water main, the consumer or owner is responsible for any damage or necessary repairs in the service pipe from the curb stop to the water main resulting from any backup or blockage in the service pipe created by roots or other obstructions. The consumer or owner will not be responsible for damages or necessary repairs arising out of the City’s maintenance of the service pipe from the curb stop to the water main. In the case of failure upon the part of any consumer or owner to repair any leaks 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. If the owner or occupant cannot be located within 24 hours after a reasonable effort has been made to contact the owner or occupant, notice shall be deemed to be complete by posting same in some conspicuous place on the premises served. In any event, when, in sole opinion of the city, the waste of water is great or when damage is likely to result from the leak, the water may be turned off immediately and without notice. If the leak is such that it cannot be stopped by closing the curb stop or if the curb stop will not properly function, the city may proceed with making such repairs as are necessary to stop the leak or make the curb stop functional. In all cases, excluding repairs to the curb stop or the service pipe from the curb stop to the water main arising out of the City’s maintenance of the service pipe from the curb stop to the water main, the costs incurred by the city shall be billed to the owner and shall become additional charges due and owing for said utility service. For the purpose of this section, the owner is deemed to have appointed the occupant his or her agent with respect to receipt of any required notice.

Article III. Regulation of Sewer Services. Section 50.25 of the City Code is hereby amended by adding the following double-underlined language, after the definition of “Sewer Service Charge System” and before the definition of “Shall”:

SEWER SERVICE LATERAL. All sewer service pipes that extend from the municipal sewer main to the structure that it serves.

Article IV. Regulation of Sewer Services. Section 50.31 of the City Code is hereby amended by adding the following double-underlined language:

(C) Unless otherwise provided in the City Code, it is the responsibility of the property owner to maintain the sewer service lateral from the property line to the house or other building on the property. The City shall maintain the sewer service lateral from the property line to the sewer main. Although the City is responsible for the maintenance of the sewer service lateral from the property line to the sewer main, the property owner is responsible for any damage or necessary repairs in the sewer service lateral from the property line to the sewer main resulting from any backup or blockage in the sewer service lateral created by tree roots or other obstructions. The property owner will not be responsible for damages or necessary repairs arising out of the City’s maintenance of the sewer service lateral from the property line to the sewer main. If the property owner fails to maintain the sewer service lateral as set forth in the City Code, an official 30-day notice shall be served instructing the property owner to make corrections or repairs as set forth in the notice.

(D) In the event an owner shall fail to connect to a public sewer, or fail to maintain the sewer service lateral as required by the City Code, in compliance with a notice given under § 50.31 (B) and (C), the city may undertake to have said connection or repairs made and shall assess the cost thereof against the benefitted property. Such assessment when levied, shall bear interest at the rate determined by the Council and shall be certified to the County Auditor and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this section.

Article V. Service Lateral Installation. Section 91.08 of the City Code is hereby amended by deleting the following ~~stricken~~ language and adding the following double-underlined language:

(A) *Requirement of sewer and water laterals.* No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb from the service main to the structure on the property, if the area along such street will be served by such utilities installed in the street.

Article VI. Severability. Should any section or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article VII. Effective Date. This Ordinance shall become effective the day after its legal publication.

Adopted this ____ day of _____, 2025.

Dan Delaney, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____