



CITY OF LE SUEUR
REQUEST FOR COUNCIL ACTION

TO: Mayor and City Council

FROM: Foster Transburg, Public Services Director
Lindsey Dhaene, City Clerk

SUBJECT: First Reading, Ordinance 618: Amendments to City of Le Sueur City Code

DATE: For the City Council Meeting of Monday, January 12th, 2026

PURPOSE

Consider conducting the First Reading of Ordinance 618, amending Chapters 52 and 112 of City Code.

SUMMARY

Chapters 52 and 112 of the City Code address the City's Water Utility (Chapter 52) and Plumbing and Plumbers (Chapter 112). In a multi-year effort to bring the Code up to modern standards in keeping with utility best practices, staff have worked with the City Attorney to amend these chapters. The most significant changes address backflow and cross-connection; codifying these amendments will allow the utility to better, and more proactively, manage risk posed by intrusion into the water system.

A draft ordinance was prepared in consultation from the City Attorney and is presented here in the form of Ordinance 618. Should City Council conduct or waive the First Reading, the Ordinance would be brought back to City Council for a Public Hearing followed by Second & Final Reading.

ACTION REQUESTED

City staff recommend City Council conduct the First Reading of Ordinance 618 as presented.

Alternate Actions:

- No action / Denial: First Reading of ordinance as presented will not be conducted unless otherwise directed by City Council.
- Modification of Recommendation: This is always an option for City Council.

ORDINANCE NO. 618
CITY OF LE SUEUR, LE SUEUR COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 52 AND 112 TO ESTABLISH
CROSS-CONNECTION CONTROL, PREVENT BACKFLOW, AND PROTECT
WATER QUALITY IN THE CITY OF LE SUEUR**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LE SUEUR:

Section 1. Code Amended. That Chapter 52 of the City of Le Sueur City Code is amended to read as follows:

CHAPTER 52: WATER

Section

Water Service

- 52.01 Application for connection of premises to city water system
- 52.02 Connection permit required; connection to comply with rules and regulations governing
- 52.03 Deficiency of water and shutting off water
- 52.04 Connection to city water system for fire purposes only
- 52.05 Persons authorized to make connections
- 52.06 Plumber to report connections made by them
- 52.07 Expenses and costs of making connections
- 52.08 Turning on of water to premises prohibited until service contract signed by customer and any required deposit has been made
- 52.09 Customers not to supply water to others except by city permission
- 52.10 Responsibility of customers for proper maintenance and use of service pipes and the like
- 52.11 Water meter reading
- 52.12 Rates
- 52.13 Violations of chapter by plumbers may cause revocation of license
- 52.14 Shut off for public interest, misuse, waste, or violation.
- 52.15 Notice and turn-off fee prior to discontinuance of service
- 52.16 Tampering with water service line and/or water service shutoff valve.
- 52.17 Effect of street construction

Water Shortages

- 52.25 Purpose
- 52.26 Determination
- 52.27 Notification

Cross-Connections & Backflow Prevention

- 52.30 Background and purpose
- 52.31 Responsibility
- 52.32 Definitions
- 52.33 State code adopted
- 52.34 Policy requirements

- 52.35 Water system requirements
- 52.36 Private water supplies
- 52.37 Special backflow assembly requirements
- 52.38 Customer responsibilities
- 52.39 Right of Entry
- 52.40 Testing and maintenance
- 52.41 Requirements: City approval of backflow prevention assembly testers
- 52.42 Commercial fire protection system requirements
- 52.43 Residential fire protection system requirements
- 52.44 In-ground irrigation systems
- 52.45 Violations
- 52.99 Penalty

WATER SERVICE

§ 52.01 APPLICATION FOR CONNECTION OF PREMISES TO CITY WATER SYSTEM.

The owner or occupant of any premises may apply to the Water/ Wastewater Manager or designated agent or representative to have the premises connected to the city water supply system, upon an application form to be provided by the city, which discloses the name and address of the applicant, the location of the premises to be connected to the city water supply system and the point at which the connection is proposed to be made, the intended use of city water to be supplied by the connections, and any other information as the city may require.

(1973 Code, § 16-13) (Ord. 167, passed 8-27-1896)

§ 52.02 CONNECTION PERMIT REQUIRED; CONNECTION TO COMPLY WITH RULES AND REGULATIONS GOVERNING.

No premises shall be connected to the city water supply system until a water connection permit has been obtained by the plumber who is to make the connection, and until the connection fee therefor, if any, has been paid to the city. All connections shall comply with the rules and regulations of the City Council governing the connections; and the city may require that not more than one building or customer be supplied by one connection, except as may be authorized by the permit.

(1973 Code, § 16-14) (Ord. 167, passed 8-27-1896; Ord. 559, passed 11-28-2016) Penalty, see § 52.99

§ 52.03 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.

§ 52.04 CONNECTION TO CITY WATER SYSTEM FOR FIRE PURPOSES ONLY.

Proprietors of lumber yards, manufactories, halls, stores, elevators, warehouses, hotels or public buildings who are regular customers for city water, who desire to lay large pipes with hydrants and hose couplings to be used only in case of fire, may be permitted to connect with the street main at

their own expense, upon application to the Water/ Wastewater Manager or designated agent or representative and under city direction, and may be allowed the use of water for fire purposes only, free of charge.

(1973 Code, § 16-15) (Ord. 167, passed 8-27-1896)

§ 52.05 PERSONS AUTHORIZED TO MAKE CONNECTIONS.

No person, except plumbers licensed by the State of Minnesota as provided in § 112.01 or persons in their service and approved by them, shall be permitted to connect the distributing pipe or insert stop cocks or faucets therein; and the kind and size of the connections with the mains shall be that specified in the connection permit.

(1973 Code, § 16-16) (Ord. 167, passed 8-27-1896; Ord. 559, passed 11-28-2016) Penalty, see § 52.99

Cross-reference:

City license being required to do plumbing work in connection with city water supply system, see § 112.02

State license being required to engage in the business of master or journeyman plumber, see § 112.01

§ 52.06 PLUMBER TO REPORT CONNECTIONS MADE BY THEM.

After completing any attachment or connection, under this chapter, the plumber doing the work shall make contact with the Water/ Wastewater Manager or designated agent or representative to schedule an inspection of the connection. The connection must follow the "Water Connection Standard Specification" adopted by City Council. Only after the connection inspection may the site be restored to prior conditions. After restoration of the site is completed, the plumber doing the work shall make contact with the Water/ Wastewater Manager or designated agent or representative to schedule a final inspection for final acceptance of the water connection. The water shall not be turned on to any premises until final acceptance by the city.

(1973 Code, § 16-17) (Ord. 167, passed 8-27-1896; Ord. 559, passed 11-28-2016)

§ 52.07 EXPENSES AND COSTS OF MAKING CONNECTIONS.

Applicants for water connection permits shall pay the inspection expenses and costs incurred by making connection of premises to the city water supply system and, unless otherwise provided by the city. In any case, the expenses and costs shall be computed from the location of the existing water main for all service pipe, trenches, drilling, tapping and furnishing all appropriate fittings and pipe. The connection permit fee will be adopted by City Council with all other utility fees on an annual basis.

(1973 Code, § 16-18) (Ord. 167, passed 8-27-1896; Ord. 559, passed 11-28-2016)

§ 52.08 TURNING ON OF WATER TO PREMISES PROHIBITED UNTIL SERVICE CONTRACT SIGNED BY CUSTOMER AND ANY REQUIRED DEPOSIT HAS BEEN MADE.

No water from the city water supply system shall be permitted to be turned on or provided to any premises until the owner or occupant thereof has signed an agreement with the city, as represented by its City Administrator or designee, to pay the rates therefor and to comply with the provisions of this chapter and the rules and regulations promulgated pursuant to authority of this chapter pertaining to the city water supply system, nor until the owner or occupant has made the cash

deposit as may be required by the city. The city does not own, operate, or control curb stops or private service lines or curb stops. However, nothing in this section shall be construed to limit the city's regulatory authority to authorize, order, require, or enforce the discontinuance, termination, or restoration of water service pursuant to this chapter, including through shutoff, termination, or physical disconnection as provided elsewhere herein. Water service shall be initiated by the property owner or occupant, or by a licensed plumber acting on their behalf, after authorization has been granted by the city. Plumbers are hereby prohibited from turning the water into any service pipe except upon the order or permission of the city, but this prohibition shall not be construed to prevent any plumber admitting water to test pipes.

(1973 Code, § 16-19) (Ord. 167, passed 8-27-1896; Ord. 559, passed 11-28-2016) Penalty, see § 52.99

§ 52.09 CUSTOMERS NOT TO SUPPLY WATER TO OTHERS EXCEPT BY CITY PERMISSION.

No customer shall supply city water to other persons nor suffer them to take the water off the premises of the customer, nor after water is introduced into any building or upon any premises shall any person make or employ any plumber or other person to make any tap or connection with the pipes upon the premises for alteration, extension or attachment, without permission from the Water/Wastewater Manager.

(1973 Code, § 16-20) (Ord. 167, passed 8-27-1896) Penalty, see § 52.99

§ 52.10 RESPONSIBILITY OF CUSTOMERS FOR PROPER MAINTENANCE AND USE OF SERVICE PIPES AND THE LIKE; REPAIR OF LEAKS.

(A) Each customer of the city water supply system shall be responsible for the proper maintenance and use of pipes which connect premises owned or occupied by them to the city water mains, including the service pipe from the curb stop into the house or other building, the entire service lateral from the building to the main up to, but not including, the city-owned water main, and for the proper maintenance and use of all appliances and installations connected to or served by the service pipes; and shall be liable to the city for any damages caused to its mains by reason of any improper maintenance or use.

(B) Non-municipal Water Lateral Repairs: If a leak occurs on a water lateral that is not owned by the city and the property owner fails to repair the leak within twenty-four [24] hours after being notified in writing or orally of the leak, unless the leak constitutes an emergency, the city may require the water service to be shut off and shall not allow the service to be turned on until the repair has been completed and any applicable reconnection charge has been paid. If the leak constitutes an emergency by causing or reasonably threatening property damage, street or utility damage, excessive water loss, or other unsafe conditions, or if the property owner cannot be reached after reasonable efforts, the city may immediately repair the lateral or cause the repair to be made without further notice. All costs incurred by the city in repairing the lateral shall be invoiced to the property owner and shall be due and payable as a utility charge.

(C) If metering equipment is found to be damaged, altered, or tampered with due to the actions or negligence of the property owner, occupant, or tenant, the city shall repair or replace the damaged equipment. All costs associated with such repair or replacement, including labor, materials, and administrative expenses, shall be billed to the account holder in accordance with the city's fee schedule. Failure to pay such charges is a violation of this chapter, subject to § 52.99.

(1973 Code, § 16-21) (Ord. 167, passed 8-27-1896)

§ 52.11 WATER METER READING.

(A) Water meter reading requirements. The Public Services Department shall attempt to read all water meters used for determining charges at least monthly. The customer must allow access to the water meter when the meter is in alarm, not transmitting, has no readings or is otherwise not providing valid readings, when there is a change in customer, or when a reading or water meter service is requested by the customer.

(B) Estimated bills. When a water meter cannot be read, an estimated bill shall be rendered. This estimate shall be subsequently adjusted to reflect actual water used when an actual meter reading is obtained, provided the water meter is operating properly. Estimated bills shall be based on the property's consumption history.

(C) All water meters and associated metering equipment installed by the city remain the property of the city, regardless of location, and the city retains authority to repair, replace, inspect, and enforce access to such equipment as provided in this chapter.

§ 52.12 RATES.

Patrons and users of the water furnished by the municipal utilities shall pay for the water at rates established from time to time by resolution or ordinance of the City Council.

(1973 Code, § 16-22) (Ord. 231, passed 8-2-1948; Ord. 257, passed 5-19-1959; Ord. 273, passed 7-6-1965; Ord. 325, passed 12-26-1973; Ord. 364, passed 9-13-1982)

Charter reference:

Authority of Council to fix rates for municipal utilities and prescribe the time and manner in which payments shall be made, see Charter § 11.02

Statutory reference:

Authority of city to impose just and equitable charges for the use of city water, see M.S. § 444.075, Subdivision 3 and § 454.04

§ 52.13 VIOLATIONS OF CHAPTER BY PLUMBERS MAY CAUSE REVOCATION OF LICENSE.

Any plumber or pipe fitter who shall be guilty of any violation of this chapter or any rule or regulation adopted by the City Council pursuant thereto shall be prohibited to perform work in the city.

(1973 Code, § 16-24) (Ord. 167, passed 8-27-1896; Ord. 364, passed 9-13-1982; Ord. 559, passed 11-28-2016)

§ 52.14 SHUT OFF FOR PUBLIC INTEREST, MISUSE, WASTE, OR VIOLATION.

Violation of this chapter may cause water to be shut off. Water may also be required to be shut off if the Water/ Wastewater Manager determines the use, misuse, or waste of water adversely affects the health, safety, or welfare of the public. No one shall turn water on or shut it off without authority from the Water/ Wastewater Manager. Whenever water is found to be on without authority, it shall be immediately shut off without further notice. In circumstances involving imminent threats to public health, safety, property, or the integrity of the municipal water system, the Water/Wastewater Manager may order immediate shutoff without prior notice.

§ 52.15 NOTICE AND TURN-OFF FEE PRIOR TO DISCONTINUANCE OF SERVICE.

Water customers desiring to discontinue city water services shall apply via a Water Meter Removal Permit Application to the Water/ Wastewater Manager at least ten (10) days in advance of the desired cut-off date, complete the permit requirements before the desired cut-off date; and no abatement for water charges shall be allowed by reason of removal from premises, disuse or diminished use of water or vacancy of premises unless the notice be given accompanied by payment of a sum established from time to time by resolution of the City Council for turning off the water. This section does not apply to emergency shutoffs authorized under § 52.14 (1973 Code, § 16-25) (Ord. 167, passed 8-27-1896; Ord. 364, passed 9-13-1982)

§ 52.16 TAMPERING WITH WATER SERVICE LINE AND/OR WATER SERVICE SHUTOFF VALVE.

Whenever the city shall have caused the water to be shut off and it appears there has been tampering with the water service line and/or water service shutoff valve, the Water/ Wastewater Manager may cause the water service line to be severed from the water main at the cost of the property owner and the property owner shall be subject to other fines and penalties consistent with this chapter.

§ 52.17 EFFECT OF STREET CONSTRUCTION.

(A) Prior to or during street construction or reconstruction within the city, the Public Services Department, with the assistance of the Water Division, shall determine where new water services are required or where existing water services within the street right-of-way are in need of replacement, in accordance with this article. The Public Services Division shall notify any affected property owner that a water service must be replaced. Water services must be replaced within the street right-of-way, unless good cause is shown as determined by the Water/ Wastewater Manager, in the following instances:

- (1) If the water service from the main to the premises is made of lead or galvanized iron pipe.
- (2) If the water service from the main to the premises is less than three-fourths-inch in diameter.
- (3) If a single water service serves more than one property.
- (4) If the service is damaged or deteriorated, regardless of piping material or size.
- (5) If the replacement of a sanitary service or other utility necessitates removal of the water service.
- (6) If the service is found to be outside of the property or crossing another property.

(B) Unless otherwise provided by city ordinance or policy, any expenses incurred in connection with replacement of an existing water service shall be paid by the property owner, and any expenses which are not paid shall constitute a lien against the property. Replacement or repair of water services within the public right-of-way shall not be construed as city ownership of private service lines but shall be deemed an exercise of the city's powers to protect public infrastructure and health.

(Ord. 563, passed 4-10-2017)

WATER SHORTAGES

§ 52.25 PURPOSE.

In order to protect the health, safety and general welfare of residents of the city and to ensure a sufficient supply of potable water for persons, commercial business and industry, the regulations in this subchapter shall apply during periods of municipal water shortage.

(Ord. 410, passed 6-11-1990)

§ 52.26 DETERMINATION.

(A) The City Council shall in its sole discretion determine from time to time by resolution when there is a water shortage within the city's municipal water system. The City Council may also by resolution implement any regulations it deems appropriate to ration the use of water, require the recycling of commercial or industrial wastewater, or otherwise reduce the amount of water taken from the municipal water system. In the event of an emergency, the City Administrator may determine the existence of a water shortage and institute restrictions and regulations without a Council resolution, provided that a determination and restrictions and regulations shall only be effective until the City Administrator determines that the emergency has ended or the next Council meeting, whichever occurs first.

(B) Depending upon the cause and severity of the water shortage, the restrictions and regulations effecting residential customers may limit the use of water from the city's water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning, the filling or refilling of swimming pools, or otherwise limit the number of gallons of water to be used at the residence in a given day.

(C) Regulations and restrictions affecting commercial and industrial customers may limit the number of gallons to be used on a daily basis, may require the recycling of wastewater or the capturing of water evaporated in the commercial or industrial process.

(Ord. 410, passed 6-11-1990)

§ 52.27 NOTIFICATION.

Whenever a water shortage exists as determined by the City Council or in the case of an emergency, the City Administrator shall notify users of the municipal water system that restrictions and regulations are being implemented. The notice shall be posted on the city's website, social media, and may be published in the official newspaper of the city. The notice shall include the following information:

- (A) Uses of the municipal water system that will be restricted;
- (B) Times during which the restrictions will apply;
- (C) When the restrictions will be implemented and when they will terminate; and
- (D) Penalties for noncompliance.

(Ord. 410, passed 6-11-1990)

CROSS-CONNECTION CONTROL & BACKFLOW PREVENTION

§52.30 BACKGROUND AND PURPOSE

(a) The United States Congress enacted the Safe Drinking Water act (PL 93532) into law on December 16, 1974. Minnesota achieved primacy for the Safe Drinking Water Act in 1976. Minnesota State Statutes place responsibility for compliance with the Safe Drinking Water Act on

the water purveyor through the Department of Health. The Safe Drinking Water Act and its regulations cover all potable water systems and states that "minimum protection should include programs that result in the prevention of health hazards, such as cross connections."

(B) The purpose of this specification is:

(1) To carry out the requirements of the Safe Drinking Water Act (PL 93532) and the Minnesota Department of Health chapters 4720 and 4714.

(2) To protect the municipal potable water supply of the city, Minnesota from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the city.

(3) To promote the elimination or control of existing cross connections, actual or potential, between the customers' potable water system(s) and another environment containing substance(s).

(4) To provide for the maintenance of a continuing Program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water system(s) under the direct authority of the city.

§ 52.31 RESPONSIBILITY

The city shall be responsible for the protection of the potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants. If, in the judgment of city, an approved means of backflow prevention is required (in the customer's water service; or within the customer's private water system) for the safety of the water system, the city shall give notice in writing to said customer to install an approved means of backflow prevention at a specific location(s) on the customer's premises. The customer shall immediately install an approved means of backflow prevention at the customer's own expense; failure, refusal or inability on the part of the customer to install, have tested, maintain or repair such, shall constitute a violation of this chapter and grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

§ 52.32 DEFINITIONS

APPROVED. As used in reference to a water supply, "approved" shall mean a water supply that has been approved by the Minnesota Department of Health. The term "approved" as used in reference to an air gap, pressure vacuum breaker assembly, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies, devices or methods shall mean any such assembly, device or method approved by the State of Minnesota Plumbing Code, Department of Health and the city.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the water supply of city will be considered as an auxiliary water supply. These auxiliary waters may include water from another city's water utility or public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used water of industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the city does not have sanitary control.

BACKFLOW. The undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source(s).

BACKPRESSURE. Any elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

BACKSIPHONAGE. A form of backflow due to a reduction in system pressure, which causes a sub atmospheric pressure to exist at a site in the water system.

BACKFLOW PREVENTER. A means designed to prevent backflow are prescribed by Minnesota Plumbing Code Rules Chapter 4714 as described by the hazard, pressure, design, and use characteristic. Approved methods to achieve backflow prevention are as follows:

- (A) Air Gap
- (B) Reduced Pressure Principle Backflow Prevention Assembly (RPP or RPZ)
- (C) Double Check Valve Backflow Prevention Assembly (DC)
- (D) Pressure Vacuum Breaker (PVB)
- (E) Backsiphonage Backflow Vacuum Breaker (SVB)
- (F) Atmospheric Vacuum Breaker (AVB)
- (G) Hose Connection Vacuum Breaker (Hose VB)

CONTAMINATION. The term "contamination" shall mean an impairment of the quality of the water creating an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or toxic solutions.

CROSS CONNECTION ("DIRECT" and/or "INDIRECT"). Any unprotected actual or potential connection or structural arrangement between a municipal or a consumer's private potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gases, solids or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections. The term "direct cross connection" shall mean a cross connection which is subject to both backsiphonage and backpressure. The term "indirect cross connection" shall mean a cross connection which is subject to backsiphonage only.

CONTROLLED CROSS CONNECTIONS. A connection between a potable water system and a non-potable water system with an approved means of backflow prevention properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

CONTAINMENT - POTABLE WATER SERVICE PROTECTION. The appropriate type or method of backflow protection in the water service commensurate with the degree of hazard of the customer's water system. (See also Isolation.)

CUSTOMER. The owner (i.e., building or property owner) of the water system(s) supplied by the city.

DEGREE OF HAZARD. Either a pollution (non-health) or contamination (health) hazard and is derived from the elevation of conditions within a system. (See Attachment #1)

HEALTH HAZARD. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system of the customer's potable water system that would be a danger to health (i.e., contamination).

PLUMBING HAZARD. An internal or plumbing type cross connection in a customer's potable water system that may be either a pollution or a contamination type hazard. This includes, but is not limited to, cross connections in toilets, sinks, lavatories, wash trays, private wells and lawn irrigation systems. Plumbing type cross connections can be located in many types of structures including homes, apartment houses, hotels, property out buildings, commercial and industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate means of backflow prevention.

NON-HEALTH HAZARD. An actual or potential threat to the physical properties of the water system or the portability of the public or the customer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance, be aesthetically objectionable or could cause minor damage to the system or its appurtenances (added parts).

SYSTEM HAZARD. Any actual or potential threat of severe damage to the physical properties of the water system (public or customer's potable water system) or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL FLUIDS. Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, non-health or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters, all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality, chemicals in fluid form, plating acids and alkalis, circulating cooling treated or stabilized with toxic substances, contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc., oils, gas, glycerin, paraffin, caustic and acid solutions or other liquid and gaseous fluids used industrially for other purposes including firefighting purposes.

ISOLATION or POINT OF USE. The appropriate type or method of backflow protection at all potable water outlets commensurate with the degree of hazard to the customer's potable water system.

NON-POTABLE WATER. Water not safe for drinking, personal or culinary use.

POLLUTION. An impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably effect the aesthetic qualities of such waters for human use or consumption.

POTABLE WATER. Water that is: safe for human consumption, personal or culinary use, and free from impurities in amounts sufficient to cause disease or harmful physiological effects.

REBUILD. When used in reference to a Reduced Pressure Principle (RPP or RPZ) backflow prevention assembly shall consist of replacing all of the spring and rubber parts within the device. Both spring and rubber repair kits are required.

SYSTEM DRAIN. A hose bib or boiler cock that is used exclusively to blow out or drain water system for frost conditions or maintenance.

SYSTEM HAZARD. An actual or potential threat of severe damage to the physical properties of the water system (public or customer's potable water system) or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the water system.

WATER USER. The person(s) that will be consuming or using the water at the point of use (i.e., consumer).

§ 52.33 STATE CODE ADOPTED

State of Minnesota, Department of Health (Minnesota Plumbing Code), Chapters 4714 and 326B.46 shall apply to all aspects of this ordinance.

§ 52.34 POLICY REQUIREMENTS

(A) Water service provided by the City shall be protected against backsiphonage as required by the State of Minnesota Department of Health, Chapters 4720 and 4714, State Statutes and Regulations.

(B) Subject to the right-of-entry limitations set forth in § 52.39, the customer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether unprotected cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the city or its designated agent or representative shall immediately notify the customer of the violation, ensure that corrective action is taken in a punctual manner or shall deny or immediately discontinue water service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with Minnesota Law and this specification.

(C) It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly as required by these Specifications and all other referenced materials. An accredited tester approved by the city. Le Sueur shall perform these tests.

§ 52.35 WATER SYSTEM REQUIREMENTS

The water system shall be considered as made up of two (2) parts: The city and the customer's water system. The city water system shall consist of the source of the water, the facilities and distribution system, and shall also include all those facilities of the water system under the control of the city. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The distribution system shall include the network of conduits used from the source to the customer's system. The customer's system shall include those parts of the facilities beyond the termination of the city distribution system, which are utilized in conveying potable water to points of use.

§ 52.36 PRIVATE WATER SUPPLIES.

(A) No water pipes 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.

(B) 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.

(C) When a building is connected to city water, any private or auxiliary water supply shall be permanently disconnected from all plumbing systems connected to city water and may be used only if physically isolated in a manner approved by the city and the Minnesota Department of Health.

§ 52.37 SPECIAL BACKFLOW ASSEMBLY REQUIREMENTS

(A) Any installation of backflow prevention equipment must be approved by the city Water Division. Failure to meet city requirements is a violation of this chapter § 55.45. A city-approved means of backflow prevention shall be installed on each service line to a customer's water system immediately inside the building being served, but in all cases before the first branch line leading off the service line whenever the following conditions exist:

(1) In the case of premises having an auxiliary water supply including, but not limited to, a private well which is not, or may not be, of safe bacteriological or chemical quality and which is not acceptable as an additional source by the State of Minnesota Department of Health, no connection to the city water system shall be permitted or maintained unless the auxiliary water supply is permanently disconnected and, if required by the City or the Minnesota Department of Health, properly sealed or abandoned in accordance with applicable state and local requirements. The installation of backflow prevention shall not be permitted as a substitute for disconnection of the auxiliary water supply. No auxiliary water supply may remain interconnected with plumbing served by city water, regardless of backflow prevention.

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the city's water system. The city's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the city's distribution system which have been subject to deterioration in quality.

(3) In the case of premises having either internal cross connections that cannot be corrected and protected, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes thereby making it impractical or impossible to ascertain whether dangerous cross connections exist, the city's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line.

(B) The type of protective backflow prevention assembly required shall depend upon the degree of hazard which exists as defined in the Minnesota State Plumbing Code Section 6.

(1) In the case of any premise where there is an auxiliary water supply not subject to the following rules, the city's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(2) In the case of any premise where there is water or substance that would be objectionable, but not hazardous to health if introduced into the city's water system, an approved double check valve backflow prevention assembly shall protect the city's water system.

(3) In the case of any premise where there is any material dangerous to health, which is handled in such a fashion as to create an actual or potential hazard to the city's water system, the city's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include, but are not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, health care facilities (i.e., clinics, medical centers, health centers, nursing homes, etc.) mortuaries, plating plants, agricultural facilities (i.e., farms), chemical or fertilizer plants, etc.

(4) In the case of any premise having multiple violations where there has been unprotected cross connections, either actual or potential, and/or where there are a number of plumbing or piping changes occurring, the city's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow assembly at the service connection directly off of the main ahead of all customer connections.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete on-premises cross connection survey, either an approved air gap or an approved reduced pressure principle backflow assembly on each service to the premises shall protect the city's water system.

(6) Means of backflow prevention application will be determined by the degree of hazard in the following chart, but not limited to: State of Minnesota Department of Health Chapter 4714.0603: See Section § 52.32 for definitions relating to "Hazards."

DEGREE OF HAZARD CHART

Method Assemblies Or Devices	Pollution (Low Hazard)		Contamination (High Hazard)		Installation
	Backsiphonage	Back Pressure	Backsiphonage	Back Pressure	
Air Gap (Method)	X		X		ANSI (A112.1.2)
Atmospheric Vacuum Breaker (Device) (ASSE 1001)	X		X		Upright position. No valves downstream. Minimum of 6 inches or listed downstream piping and flood level rim of receptor. See special requirements in Minnesota Plumbing Code. Maximum of 8 hrs. continuous line pressure permitted.
Double Check Valve Backflow Preventer Assembly (ASSE 1048)	X	X			Requires clearance for testing, repair and maintenance. Readily accessible.
Double Check Valve with Intermediate Atmospheric Vent (Device) (ASSE 1020)	X	X	See special Requirements in Minnesota Plumbing Code	See special Requirements in Minnesota Plumbing Code	Readily accessible (See special requirements in MN Plumbing Code)
Pressure Vacuum Breaker (Assembly) (ASSE 1020)	X		X		Upright position. May have valves downstream. Minimum of 12 inches above all downstream piping and flood level rim of receptor continuous line pressure permitted.
Reduced Pressure Principle Backflow Prevention Assembly (ASSE 1013)	X	X	X	X	Horizontal unless otherwise listed. Readily accessible. Requires clearance for test, repair & maintenance.
SVB Backsiphonage Backflow Assembly (ASSE 1056)	X		X		Same as Pressure Vacuum Breaker
Vacuum Breaker Wall Hydrant (ASSE 1019) Hose VB (ASSE 1052)	X				Hose VB shall be installed on wall hydrants and threaded spigots/faucets that do not have integral backflow protection and to which a hose can be connected.

Note: Refer to 2009 Minnesota Plumbing Code, Chapter 4715-2110 for regulations on "Types of Devices Required Where An Air Gap Cannot Be Provided".

(7) Any means of backflow prevention required herein shall mean an assembly that has been manufactured in full conformance with the standards established by American Water Works Association (AWWA) and by American Society of Sanitary Engineering (ASSE) and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Specifications of Backflow Prevention Assemblies - Section 10 of the most current Edition of the Manual of Cross Connection Control.

§ 52.38 CUSTOMER RESPONSIBILITIES

It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a field test performed by an accredited backflow prevention assembly tester upon

installation and at the required annual intervals thereafter. The city may require field tests at more frequent intervals as individual circumstances may indicate. It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly. An accredited tester approved by the city shall perform these tests.

§ 52.39 RIGHT OF ENTRY

(A) General Right of Entry. Pursuant to § 50.03, customers of municipal utility services shall admit the city's employees or their designated agents or representatives, upon proper identification and between the hours of 8:00 a.m. and 5:00 p.m. of any day, to premises served by the municipal utilities for the purpose of inspecting, installing, reading, maintaining, repairing, or removing water meters and appurtenances, and for inspecting the manner of and purposes for which utility service is being used.

(B) Limitations on Entry. Except as provided in subsection (D), the city shall not enter a customer's dwelling or enclosed structure if the customer or property owner has not consented or the city has not obtained a court order authorizing entry.

(C) Meter Reading Access.

(1) Exterior meters. For purposes of routine exterior manual or automated water meter reading, consent to enter unenclosed areas of private property is implied by the customer's acceptance of municipal utility services.

(2) Interior meters. Entry into a building or dwelling to read, inspect, or service an interior water meter requires the consent of the property owner or occupant, or a court order authorizing entry. If the Water/Wastewater Manager or the Manager's designated employee or representative requests access for these purposes and the property owner or occupant refuses or fails to allow entry within ten (10) days after oral or written notice, or within another reasonable time agreed to by the parties, water service may be required to be shut off and shall not be restored until access is provided and the inspection or corrective action is completed.

(D) Emergency Entry. The city may enter a customer's premises without consent or a court order when an emergency reasonably appears to exist involving imminent danger to life, property, or the integrity of the municipal utility system, including but not limited to conditions implicating public health, safety, or welfare as described in § 50.04.

(E) Law Enforcement Notification.

When entering a customer's premises without consent pursuant to subsection (D), the city shall notify the jurisdictional law enforcement agency unless, under the facts and circumstances, such notification would be unreasonable or impracticable.

§ 52.40 TESTING AND MAINTENANCE

(A) All testable backflow assemblies must be tested upon installation, at the required annual intervals thereafter per State of Minnesota Plumbing Code and/or the manufacturer's minimum recommended interval. The city may require field tests at more frequent intervals as individual circumstances may indicate (i.e., high hazards, high incidence of field test failures, frequent internal plumbing changes, etc.).

(B) The Owner is required to have all testable backflow prevention assemblies' tests at intervals not to exceed twelve (12) months from the date of the previous test date and shall be submitted to the city no more than 30 days after the test date.

(C) The owner is required to have any Reduced Pressure Principle (RPP or RPZ) backflow prevention assemblies rebuilt. If an RPP or RPZ does not pass an annual test, it must be repaired/rebuilt to a passing test before it can be put back into service to isolate a cross-connection. The rebuild must be completed by a licensed plumber per State of Minnesota Plumbing Code. See Section § 52.32 for the definition of a rebuild.

(D) The city will notify each water customer that is delinquent in submitting their annual backflow prevention assembly tests in writing. This written notice shall give the water customer a maximum of 30 calendar days to have the assembly tested and submitted.

(E) A "Second Notice" shall be sent to each water customer who does not have the backflow prevention assembly tested as prescribed in the first written notice within the 30 calendar day period allowed. The "Second Notice" will give the water customer a period of 15 calendar days to have the assembly tested and the completed report submitted. A fee as prescribed in § 52.40 (H) shall apply to all instances where a "Second Notice" is sent. If the water customer takes no action within the fifteen (15)-calendar day grace period, the city may terminate the water supply to the water customer until the said assembly is tested. The water customer will be subject to fees pursuant to the city fee schedule if it is necessary to terminate the water service and reinstate the service. All tests must be performed by an accredited backflow tester and reports completed and submitted on the proper form to the city.

(F) The city, its Water/Wastewater Manager, or designated employees or representatives shall have the right to operate private curb stops, valve boxes, and related appurtenances on customer property as necessary to shut off, restore, or otherwise control water service for compliance with this chapter.

(G) The city, the company or tester doing the testing and the water customer shall keep records of tests, repairs and maintenance. The city and the water customer shall maintain these records for a minimum of seven (7) years and make them available upon request.

(H) Fees: If the customer fails to comply with § 52.40 in year 1 (i.e., first offense) the "Second Notice" fee established in the city's fee schedule shall be applied. If in year 2, or any subsequent year after being issued the applicable fee for non-compliance with §52.40 as set forth in the city's fee schedule, then the increased repeat-offense fee set forth in the city's fee schedule shall apply and remain in effect for all future occurrences.

§ 52.41 REQUIREMENTS: CITY OF LE SUEUR APPROVAL OF BACKFLOW PREVENTION ASSEMBLY TESTERS

All testers and rebuilders must be certified by the State of MN Department of Labor and Industry and approved by the city in all phases of backflow prevention assembly testing must be demonstrated by means of education and experience. Prior to completing any work within the city limits of the city, potential testers must be certified by the MN Department of Labor & Industry (DOLI) and accredited by the city and must submit the following minimum requirements. After approval, the tester shall be added to the official list of backflow prevention assembly testers. Any installation of backflow prevention assemblies must be approved by the city Water Division. Failure to meet city requirements is a violation of this chapter pursuant to § 52.45. The following are minimum requirements:

(A) Testers of backflow prevention assemblies shall furnish evidence that they have available the necessary tools and equipment to properly test such assemblies and shall be responsible for the accuracy and calibration (annual requirement) of the test equipment, including the competency

and accuracy of all tests and reports prepared by them. Test equipment shall be calibrated by an accredited laboratory in accordance with the recognized International Standard ISO/MC 17025.

(B) Maintenance and repair on backflow prevention devices must be performed by a licensed master plumber (MN Statute 326.40) in addition to being an accredited backflow prevention assembly tester.

(C) Exception. An accredited backflow preventer assembly tester approved by the State of Minnesota Department of Labor and Industry and accredited by the city may test, maintain, repair and replace Pressure Vacuum Breakers (PVB) assemblies on irrigation systems ONLY.

§ 52.42 COMMERCIAL FIRE PROTECTION SYSTEM REQUIREMENTS

(A) The following applies to commercial fire protection systems and the requirements of NFPA 13, NFPA 13R and the Minnesota Plumbing Code, Minnesota Rules, Chapter 4714.

(1) All new installations shall require double check valves. All systems with a single check valve that are being replaced shall be upgraded to a double check valve.

(2) Existing single check valves that are in place may remain in place as long as no work is being completed to the device or the immediate area adjacent to the device.

(3) If an additional riser is added to the header or if a riser, previously installed for future use is utilized, it will be construed as work being done to the area adjacent to the device.

(4) Before installing or testing a backflow prevention assembly on a fire sprinkler system, it is required that the city's Water Division be consulted for additional criteria they may require. Additionally, the hydraulic calculations for the fire sprinkler system may be required to be recalculated adding the additional pressure loss of the new back flow device proposed to be installed. The hydraulic calculations shall be submitted to the Water/ Wastewater Manager for approval before the backflow prevention device is installed.

(5) Before testing or performing maintenance on a backflow prevention device for a fire sprinkler system, all proper notifications shall be made including providing notice to the city. Each system may have different requirements, contact the Water/ Wastewater Manager with questions.

(6) Exceptions may be made in cases where the replacement of a single check valve with a double check backflow device on existing systems reduces the flow to a point that the system no longer complies with applicable codes, standards or insurance requirements and the addition of a booster pump or fire pump is not structurally practical

(B) All new commercial or industrial premises with a fire suppression system served directly from the public water distribution system shall install a city-approved, fire-rated water meter on the supply line dedicated to the fire suppression system prior to receiving water service activation. Existing commercial or industrial fire suppression services shall be required to install a city-approved, fire-rated water meter when the system is substantially modified, expanded, or when major components including but not limited to backflow prevention assemblies, control valves, or service mains are replaced.

§ 52.43 RESIDENTIAL FIRE PROTECTION SYSTEM REQUIREMENTS

(A) The following applies to residential fire systems that are constructed of approved potable materials and are designed to flow water so it does not become stagnant. The conditions found in the NFPA 13d must be met.

(1) If a residential sprinkler system installed in a single family dwelling is constructed with a potable water pipe and there are no chemicals in the system, or as long as there is no booster pump installed, a backflow device is not required.

(2) If the system is constructed with non-potable materials and there are no chemicals in the system, a double check valve is required. Annual testing is required.

(3) If the system is constructed with any chemicals contained within it, an (RPP or RPZ) is required. Annual testing and rebuilds are required if (RPP or RPZ) fails.

(B) The following applies to a multi-purpose residential fire system in a single family dwelling. This system has dead end runs that permit water to become stagnant.

(1) If the system is constructed with potable water pipe and there are no chemicals in the system, a double check valve is required. Annual testing is not required.

(2) If the system is constructed with any chemicals contained and there are no chemicals in the system, a double check valve is required. Annual testing is required.

(3) If the system is constructed with any chemicals contained within it, an (RPP or RPZ) is required. Annual testing and rebuilds are required if (RPP or RPZ) fails.

(C) Residential fire sprinkler systems shall be installed on the customer side of the water meter.

(D) Residential fire sprinkler systems that have non-potable materials shall be labeled with stickers that read "non-potable water" a minimum of every 5 feet and oriented to be in conspicuous locations.

(E) It is the fire sprinkler system designer's responsibility to provide the Water/ Wastewater Division with the water flow requirements of the meter to meet their system needs. The City will supply all water meter(s).

(F) All fire sprinkler systems must be reviewed and approved by the city.

§ 52.44 IN-GROUND IRRIGATION SYSTEMS

The State of Minnesota requires backflow protection on all in-ground irrigation systems. The testing of all irrigation system protection devices must be completed each year at the time of system start-up. This is due to the nature of the system being taking in/out of service to protect it from our local climate.

§ 52.45 VIOLATIONS

(A) A financial penalty shall be charged as outlined in Section § 52.40 for any failures to perform the requirements of this section or any violations thereof. The penalty shall be billed directly to the customer on a monthly invoice.

(B) The City may diminish or suspend the water supply to the water customer for any failures to perform the requirements of these Specifications, consistent with this chapter. The water customer will be subject to any fees to re-establish water service to the customer. Any suspension or termination of service under this subsection shall comply with §§ 52.14, 39, and 40.

(C) Any violation of this section shall also be subject to the penalties and enforcement provisions of § 52.99 and § 10.99, as applicable.

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to § 10.99, and the procedures of Chapter 50 shall apply, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) (1) Any person, firm or corporation violating any provision of §§ 52.25 through 52.27 or the regulations passed by resolution as authorized by this §§ 52.25 through 52.27 shall be fined the applicable violation fee set forth in the city's fee schedule for residential customers or

nonresidential customers, as applicable, for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(2) Failure to comply with §§ 52.25 through 52.27 or regulations passed by resolution so authorized by §§ 52.25 through 52.27 after two warnings shall be cause for the discontinuance of water service to the premises pursuant to the provisions of Chapter 50. Water service shall not be restored until the property owner has corrected all violations, allowed inspection by the city or its designated agent or representative to verify compliance, paid all inspection, reinspection, and administrative fees associated with compliance verification as set forth in the city's fee schedule, installed or repaired all required plumbing or backflow prevention devices, paid all other applicable fees and charges as set forth in the city's fee schedule, and provided any certifications or documentation required by the city. Failure to meet these conditions shall be grounds for continued discontinuance of service.
(Ord. 410, passed 6-11-1990)

Section 2. Code Amended. That Chapter 112 of the City of Le Sueur City Code is amended to read as follows:

CHAPTER 112: PLUMBING AND PLUMBERS

§ 112.02 CITY LICENSE REQUIRED TO DO PLUMBING WORK IN CONNECTION WITH CITY WATER SUPPLY SYSTEM.

(A) Any person desiring to do plumbing work in connection with the city water supply system shall, before doing any act in furtherance thereof, file in the office of the City Clerk a petition in writing giving their name and the name of each member of their firm, if any, and place of business, asking to become a licensed plumber of the city. Before receiving a license, the applicant shall file in the office of the City Clerk a bond with corporate surety, to be approved by the City Council, in the sum of \$10,000, conditioned that they will indemnify and keep harmless the city from all liability for any accident for damages arising from any violation of this code or any negligence or unskillfulness in doing their work or in protecting their work done in pursuance of their license, and that they will restore the street, sidewalk and pavement over any pipe they may lay and fill in excavations made by them so as to leave the street, sidewalk and pavement in as good state and condition as they found them, and keep and maintain the same in good order to the satisfaction of the city, for the period of one month thereafter, and that they will pay all fines imposed upon them in violation of any rule or regulation adopted by the city during the term of their license, which license shall expire on September 1 in each year.

(B) No city license shall be issued under this section to a person who is not the holder of a currently valid state plumbers license as provided in § 112.01.

(C) All plumbing work that involves laying water service pipes to within one foot of a building or other structure must be performed by a pipe layer who is certified under a program recognized by the city. The city shall verify the certification of all contractors performing such work prior to issuance of a city plumbing license, and the license shall be contingent upon continued compliance with this requirement.

(1973 Code, § 19-2) (Ord. 167, passed 8-27-1896) Penalty, see § 10.99

Section 3. Effective Date. This ordinance becomes effective from and after its passage and publication.

ADOPTED by the City Council of the City of Le Sueur, Minnesota this 9th day of February 2026.

ATTEST:

Shawn Kirby, Mayor

Lindsey Dhaene, City Clerk