

**TOWN OF FAYAL**  
**St. Louis County, Minnesota**

**ORDINANCE NO. 99-1**

**AN ORDINANCE RELATING TO THE COMMERCIAL PROVISION OF WATER WITHIN THE TOWN OF FAYAL; SETTING FORTH CONDITIONS FOR REGULATION OF COMMERCIAL WATER SYSTEMS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.**

**RECITALS**

1. The Town of Fayal is an urban Town operating under the powers granted to it by Minn. Stat. Chapter 368. The Town Board has the authority, under Minn. Stat. 368.01 subd 6, to regulate the supply of domestic water within the Town. Under Minn. Stat. 444.075 the Town Board has the authority to levy just and equitable charges for the use and availability of water facilities. Under Minn. Stat. Chapter 459.20, the Town Board has the authority to improve and regulate the use of all lakes in the Town.
2. The Town of Fayal owns and operates a commercial water system within the Town of Fayal, receiving bulk water by contract and distributing same to residents and businesses within the Town.
3. The City of Eveleth provides water commercially to residents and businesses and to three governmental entities all located wholly within the Town of Fayal.
4. There may also exist areas within Fayal that receive commercial water service by way of private lines.
5. Domestic water supplied by the City of Eveleth comes from Saint Mary's Lake, a natural lake, located wholly within the Town of Fayal. Domestic Water supplied by the City of Gilbert to the Fayal Water Company comes from underground wells located in the City of Gilbert.
6. The Fayal Public Utilities Commission adopted the "Ten States Standard" on November 1, 1993.
7. Some commercial water lines in the Town are old and not designed to current standards. Water pressure to hydrants on such mains may not be adequate to protect the health and safety of the residents and structures served by such water lines. Some residents of the Town have complained for years concerning the quality of their water service. Likewise, the Town Board has for many years received requests from several neighborhoods for expansion of water service.
8. The water system in Fayal is likely to expand in future years. Revenues need to be

generated to pay for maintenance, improvements, depreciation, replacements, and extensions of water facilities in Fayal.

**THE TOWN OF FAYAL HEREBY ORDAINS AS FOLLOWS:**

**1. Definitions.**

**Commercial provider** includes the Fayal Water Company, the City of Eveleth and any individual, group or entity which provides potable water to an end user for a fee, charge or other legal consideration.

**Water main** - a water line providing domestic water from a source of bulk water to one or more water customers.

- 2. The Town of Fayal declares that the entire Township shall be the service territory of the Town of Fayal for the provision of municipal water**
- 3. Any commercial provider of water operating in the Town shall pay an annual user fee to the Town in a sum set by the Fayal Public Utilities Commission (PUC) and approved by the Town Board. The fee may be based on the number of customers served, the amount of water provided to the customers in the Town, the ownership of the main line, or on any other equitable basis including, without limitation, a combination of those listed above.**
- 4. Any commercial provider who wishes to improve its water line within the Town shall pay an application fee and inspection fee to the Town for such work. The fees shall be in a sum set by the Fayal PUC and approved by the Town Board.**
- 5. No person, party, or entity may replace an existing commercial water main in the Town nor build or install a new commercial water main or hydrant in the Town except upon written consent provided by the Town of Fayal after review of detailed engineering plans and approval by the Fayal PUC. The application and inspection fees shall be in a sum set by the Fayal PUC and approved by the Town Board.**
- 6. Any commercial provider of water in the Town agrees, as condition to operating in the Town, that it will indemnify the Town against all damage arising from the fault or negligence of the provider or the failure of said provider to perform any of the requirements of this ordinance or the rules of the Fayal PUC .**
- 7. The Town of Fayal hereby affirms the adoption of the Ten State Standards for domestic water. All commercial providers of water shall operate their water system in conformance with the Ten State Standards. All commercial water mains shall, within 5 years of the date hereof, be at least six inches in diameter.**
- 8. The Fayal PUC may, as part of the annual permit fee or independently thereof, adopt and enforce a water main rental fee or rate which will be charged any commercial provider which uses any water mains owned or built by the Town of Fayal.**

9. All fees herein shall be based on uniform criteria developed by the PUC. The fees shall be payable and dedicated to the Fayal Water Company maintenance and expansion fund. All fees can be modified from time to time by the Fayal PUC with approval by the Town Board.

10. Enforcement. A violation of this ordinance is punishable as a misdemeanor. Additionally, a civil penalty of \$100.00 per day per violation is also imposed.

In the event a commercial provider fails to comply with the terms of this ordinance, their service, or any part thereof, may be terminated after 15 calendar days written notice of the violation and opportunity to correct or conform. Termination may include physically disconnecting the provider's system or any part thereof from customers. In that event, if the main line is owned by the Town of Fayal, including any line paid for by the Town of Fayal, the Town may supply the water to customers served by such line.

11. Any commercial provider which continues to operate a water system or any part thereof in Fayal after adoption of this ordinance consents to the terms and conditions of this ordinance.

Adoption of the foregoing Ordinance was moved by Kniefel seconded by Turner and it was adopted this 6 day of July 1999 on the following vote:

AYES: Kniefel, Turner, Tamaro, Ojanpa

NAYS: none

ABSENT: Bratt

Steven J. Kniefel  
Steven J. Kniefel, Chairman  
TOWN OF FAYAL, MINNESOTA

Judy M. Sersha  
Judy M. Sersha, Clerk  
TOWN OF FAYAL, MINNESOTA

Ordinance 99-1 was published according to law on July 15, 1999

Judy M. Sersha  
Judy M. Sersha, Clerk, Town of Fayal

STATE OF MINNESOTA)  
)ss  
COUNTY OF ST. LOUIS)

Eileen Rioux, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Ordinance No 99-1

which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Thursday the 15th day of July, 19 99; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

\* abcdefghijklmnopqrstuvwxyz

BY: Eileen Rioux

Victoria L. Juntunen

Subscribed and sworn to before me on this 15th day of July, 1999.  
Notary Public

\* ALPHABET SHOULD BE IN THE SAME S

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(1) Lowest classified rate paid by commercial users for comparable space

\$ 11.55  
(Line, word, or inch rate)

(2) Maximum rate allowed by law for the above matter

\$ 11.55  
(Line, word, or inch rate)

(3) Rate actually charged for the above matter

\$ 9.90  
(Line, word, or inch rate)