

CHAPTER 8 PUBLIC UTILITIES

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ORDINANCE 815 CHARGES FOR CITY UTILITIES

Section 815.01: City to Bill for Utilities.

The City Clerk shall send monthly statements to users and consumers of City utilities, including City water, sewer, and garbage.

Subd. 1. Billing.

Utility charges shall be mailed by the City Clerk monthly. All utility bills shall be due and payable by the due date indicated on the billing.

Subd. 2. Liability for Utility Bills.

The owner of the premises, the occupant thereof, and the user of the service, shall all be jointly and severally liable to pay for the utility service provided to such premises. Utility services shall be furnished to the premises only upon the condition that the owner of the premises, the occupant thereof, and the user of the services shall be jointly and severally liable to the City for payment of the bill.

Subd. 3. Late Fee.

A fee for late payment shall be added to all utility bills not paid by the due date. The amount of the fee shall be determined by the Council and shall be as set forth in the Schedule of Fees, Section 215.

Section 815.02: Discontinuation of Utility Service.

Utility services may be discontinued by the City at the request of the owner of record of the property, at the direction of the Council for non-payment, or for offenses described below.

If a utility customer is unable to pay the bill in full when due, and unable to make arrangements to the City's satisfaction to pay the bill, the City may discontinue utility service to the delinquent customer, in addition to other remedies. Water service may be discontinued by shutting off water at the stop box.

Subd. 1. Procedure for Discontinuation of Services.

Utility services shall not be terminated under this Section until notice and an opportunity for a hearing have first been given to the owner and occupant of the premises involved. Notice of the City's intention to terminate utility services shall be mailed to the owner of record at the last known address on file with the City Clerk. In addition to mailed notice to the owner of record, the City shall make a reasonable attempt to personally serve notice upon the occupant of the property, or upon a responsible person residing on the premises. The notices shall be mailed and served not fewer than 5 days before the hearing.

Subd. 2. Contents of Notice.

The notices shall state that the owner and occupant may appear at a hearing before the City Council to decide whether or not utility services shall be terminated. If, as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the service of the delinquent customer should not be discontinued in accordance with this Section, the City may order the service discontinued.

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Subd. 3. Minnesota's Cold Weather Rule.

The City's discontinuation procedure shall at all times comply with Minnesota's Cold Weather Rule in Minnesota Statute § 216B.097, as may be amended.

Section 815.03: Reinstatement Following Discontinuation.

Utility service shall not be reinstated until all pending and delinquent utility bills, interest, penalties and delinquent real estate taxes have been paid in full. The Council shall establish a fee for reinstating discontinued services, whether done at the owner's request or due to non-payment of utility bills, which shall be set forth in the Schedule of Fees, Section 215 of this Code.

Section 815.04: Collection with Taxes.

Water and sewer service accounts which are delinquent on September 1 of each year shall become a special assessment against the real estate equal to the unpaid charges as of that date plus interest at the rate of six percent (6%) from that date and a penalty not to exceed ten percent (10%) and shall be certified to the County Auditor to be collected along with real estate taxes in the manner provided by law. Such action shall be optional and may be undertaken in addition to other legal action to collect delinquent accounts.

Section 815.05: Lawn and Shrub Water and Sewer Bill Adjustment.

No user shall be allowed any adjustment on account of lawn or shrub watering in the water charges billed to his or her property.

Subd. 1. Lawn Irrigation.

The following regulations are hereby enacted to establish water conservation measures while maintaining the City's ability to continue to provide water during times of peak demand. The City's first priority is to provide drinking water for its residents and adequate fire protection, additional restrictions may be placed on watering due to climate changes or changes in water supply.

- a) Odd-even irrigation restrictions based upon a property's street address are hereby in effect from May 1st to October 1st of each year. Property owners with odd numbered addresses may water on odd calendar days, and property owners with even numbered addresses may water on even calendar days.
- b) Homeowners' associations and apartment complexes that provide a common irrigation system shall irrigate only every other day.
- c) City water shall not be used for the purpose of irrigating or watering lawns, sod or seeded areas between 7:00 am and 7:00 pm daily. These restrictions shall not apply to the following activities:
 - Limited hand watering of plants using a hose or handheld watering container
 - Irrigation of new landscaping, sod or seed within the first thirty (30) days of installation
 - A contractor or property owner shall make application on a form provided by the City and receive approval from the Public Works Department at least forty-eight (48) hours prior to commencement of the scheduled watering.
 - Watering of vegetable and flower gardens
- d) All property owners shall be required to follow Minnesota State Statute 103G.298 which states the following:
 - All automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjustable either by the end user or the professional practitioner of landscape irrigation services.

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Subd. 2. Dual Water Meters.

The City has determined that it is in the best interest of customer fairness and public policy to establish a dual water meter requirement. This will help to ensure that both water and sewer usage are more accurately reflected within the City's records.

- a) All new construction as of the date of adoption of this amendment shall require the installation of two water meters on the premises. The second water meter shall be for the purpose of metering water usage that does not enter the City sanitary sewer system. Both meters shall be installed and are subject to all costs, conditions, and inspections as required by City Ordinance 110 – Incorporation of State Law and Ordinance 215 – Schedule of Fees as amended from time to time, and such other reasonable requirements for installation, usage and inspection as determined by the City to be necessary and appropriate to effectively implement the purpose of a dual water meter system. All water lines providing for the use of external water shall be “split-off” where it enters the building. This will allow for the outside water usage to be metered separately and therefore not included in the inside water usage.
- b) All newly constructed buildings (where applicable) shall be charged for one meter at the time of application for a building permit. This meter is to be used for outside water purposes, such as irrigation.
- c) Owners of existing structures may purchase an additional water meter from the City for the purposes of irrigation. The additional water meter shall be installed in the same manner as all newly constructed buildings (when at all possible).
- d) The additional water meter shall be read and reported to the City Clerk in the same manner as the main water meter. The water usage on the additional meter shall not be subject to sewer charges.

Subd. 3. Non-Residentially Utilized Property Exceptions.

An owner of non-residentially utilized property within the City that consists of a minimum of one (1) acre of land containing harvestable crops and/or an area of such size to be used as green space, may be exempt from these requirements as stated in City Ordinance Section 800.15.

Section 815.06: Offenses.

Any person who intentionally obtains water or water service from the City water system without proper authority shall be guilty of "Unauthorized Use of City Services." Any person who obtains water or water services without payment, or who wrongfully uses an additional meter to reduce the bill for ordinary water usage, shall be guilty of "Theft of Municipal Services."

These offenses shall be misdemeanors. Each day of violation shall be a separate offense. In addition to criminal penalties, the City may enforce the provisions of this Section by civil action, including an application for a temporary or permanent injunction, which may also include a requirement that the violator pay all the costs, disbursements, and reasonable attorney's fees incurred in enforcing this Section.

The above offenses shall constitute proper cause for the City to terminate utility services in accordance with the provisions of this Section.