

ORDINANCE NO. 52-C REVISION

ORDINANCE RELATING TO MUNICIPAL WATER SERVICE IN REGULATING USE AND CONNECTIONS THERETO

AN ORDINANCE REVISING UTILITY FEES

The Council of the City of Freeborn, Minnesota, ordains as follows:

Section 1. Service Connections, Fees, etc.

1.1 *Application for Service Connections:* Any owner of property or occupant thereof desiring to connect with the water system shall submit to the City Council a written application for such connection stating the description of the premises to be served, the uses, both general and special, to which the water is to be put and the estimated amount of water to be used per month.

1.2 *Connection Charges:* Each application shall be accompanied by a cash deposit in the sum of \$150.00 if a premise to be connected is a residence; or \$300.00 if a premise to be connected is a business plus \$2.00 per foot of frontage of a lot or parcel of land to be served. Provided, however, that such connection charge shall be reduced by the amount of any special assessment made against said premises at the time water mains were constructed for such premises.

1.3 *Inspection Fee:* ~~Each applicant for a water service connection shall pay to the City an additional connection and inspection fee of \$25.00~~ (Revision 52-B 3. Sect.3 January 10, 2000; Repeal March 19, 2014)

1.4 *Refund of Connection Charges:* The above connection charges shall be made payable to the City Treasurer and shall be refunded to the applicant if his application for connection is not granted.

1.5 *Delinquent Assessments:* No application for water service from the City water system shall be granted unless special assessments heretofore made against the premises to be served for special benefit derived from the system have been paid or have been certified to the County Auditor for collection in installments with the taxes and are not delinquent.

Section 2. Separate Connection for Each Premise. Unless special permission is granted by the City, each premise shall have a separate and distinct service connection, and where permission is granted for branch service systems, each branch system shall be separately billed for the regular water service charge.

Section 3. Cost of Installation Borne by Property owner. The cost of installation of all plumbing between the curb cock and any service devices of the property owner, all extensions thereto and all repairs shall be borne entirely by the property owner. However, such plumbing

shall be at all reasonable times subject to inspection by authorized representatives of the City. Any repairs found necessary shall be promptly made or the City may discontinue service.

Section 4. Water Meters

4.1 *Meters Required.* All premises using the municipal water supply must be equipped with adequate water meters, the expense, except as otherwise provided in this chapter, being borne by the City; provided, that such water service may be supplied by the municipality at a flat rate of charge until such meter may be installed. Before any premises are occupied a water meter shall be installed therein as herein required or application made for such water service at the flat rate of charge until a meter can be installed or no water shall be furnished to such premises.

4.2 It shall be unlawful for any person having control of any premises to permit the taking of water from the water works system of the City without authority or without passing such water through an accurate water meter installed in the service line of such premises. No person but an authorized representative of the City shall open and repair any water meter of the City. It is hereby made the duty of the owner, occupant and lessee of any premises of the City to notify the proper City authority of any water meter failing to properly measure the water consumed on such premises.

4.3 *Installation of Meters.* Meters and their outside registers may be installed on any premises at the discretion of the City, the expense, except as otherwise provided in this chapter, being borne by the City. A property owner shall permit installation of a water meter at a suitable place designated by the City. It shall be the duty of every occupant of every metered premises to keep the meter area uninstructed and accessible for the purpose of reading, inspection, repair and replacement.

4.4 All water meters shall be purchased, installed and maintained by the City at no expense to the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All water meters shall be sufficient size to serve the property and its facilities as required by City and State regulations.

4.5 A property owner may be required by the City, at the owner's expense, to have a licensed plumber install or replace a service pipe from the City main when it has been determined that the service pipe is not operable or is leaking. The City may also require the owner to have other pipes repaired or replaced so that the City may properly install or replace a water meter.

4.6 *Meter Reading.* The superintendent of the water department or such other official designated by the City Council shall read or cause to be read every water meter used within the corporate limits of the City at such times as are necessary to permit billings to be rendered at the proper time. Each owner or occupant at premises served with municipal water shall permit

access by City employees to such premises and meters located thereon for purposes of readings; or shall properly complete and return any meter reading card furnished by the City for purposes of recording meter reading within in five days of receipt thereof.

4.7 Penalty for failure to furnish access to the City employees for purposes of reading meter located on the interior of a building premise, or to return a meter reading card within the prescribed period, shall result in the imposition of the \$25.00 penalty which shall be added to the water bill of the premises to which said failure relates. Provided, however, the City shall waive such penalty if the property owner agrees to and does, pay for and install a water meter on the exterior of the building premise.

4.8 *Testing Meters.* Any municipal water meter shall be taken out and tested upon complaint of the property owner upon payment of the fees in an amount duly established by the Council from time to time. If upon testing the meter is not within 3% of being accurate, it shall be repaired or replaced and the fee returned to the property owner.

Section 5. Defective Service. All claims for defective service shall be made in writing and filed with the City Clerk on or before the tenth day of the month succeeding such defective service or be deemed waived by the claimant. Upon the filing of such claim, an authorized representative of the City shall investigate the facts alleged and determine the amount, if any, which the claimant should be refunded by reason of defective service and report such determination to the City Council, and, if approved by that body, such amount shall be allowed as a credit on the following water bill or ass a regular claim. No injury to the property or person of any property owner or any other person under the provisions hereof.

Section 6. Consent to Regulations. Every applicant for water service and every owner of property for which application is made is deemed by such application to consent to all the rules, regulations and rates established by City Ordinances and to all modifications thereof and to all new rules, regulations or rates duly adopted.

Section 7. Discontinuance of Service. *(Revision 52-B 3. Sect.7. January 10, 2000; Revision 52-B 4. Sect. 5. October 9, 2012) (Revision April 16, 2014)*

(A) Bills for water service shall be rendered to the owner, lessee or occupant of each premises connected with the systems on the fifth day of each month for water and sewer service furnished during the preceding months. Bills for water service shall be due and payable in the office of the City Clerk-Treasurer on or before the fifth day of the month. To each bill not paid upon or before the date, there shall be added a **late fee** of \$25.00 to the respective bills. *(Revision March 19, 2014).*

(B) (1) It is the policy of the city to discontinue utility service to property owners by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills.

(a) That all bills are due and payable on or before the date set forth on the bill; and

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any property owner disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the property owner's service not be discontinued and shall have the authority to make a final determination of the property owner's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a property owner for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as determined by the City Council.

(C) A property owner may notify the City Clerk in writing of any long-term or temporary vacancies that may arise (60 days or more). If such vacancy is expected, the property owner may notify the city clerk in writing, of such dates vacancy shall occur and request to have the water shut off for that period of time. The property owner will be charged a monthly water service rate of \$10.00 and a \$10.00 monthly sewer service rate charge, on each bi-monthly billing cycle. Once the property is no long vacant, the property owner may reconnect to the municipal water service system after the reconnect fee of \$100.00 is collected by the city. (*Revision April 16, 2014*)

Section 8. Water Connections. In installing water services, all taps shall be drilled, street excavations made, corporation cocks inserted, pipes installed from main to curb and curb cocks installed in iron boxes to which the service is to be connected, by the City's employees only or plumbers duly licensed under the laws of the State of Minnesota, or the ordinances of the City of Freeborn.

Section 9. Water service pipes. All service pipes connected with the water system hereafter shall be of approved materials and shall be laid seven feet below the established grades, or as low as the street mains.

Section 10. Curb, stop cocks. In every service line attaché to the water mains there shall be curb cock placed as near as possible to the street side of the sidewalk, if on a street, or within one foot of the alley line, if the main is located in the alley. Curb cocks shall be supplied with strong and suitable "T" handles and shall be enclosed in a substantial iron case covered with a tight fitting iron lid with the letter "W" cast upon it. There shall be an additional shut off valve installed in the service line in each premises at the nearest entry of the service line to the building.

Section 11. Water System Check Valves. Check valves are hereby required on all water connections to steam boilers or any other connections deemed to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connections with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.

Section 12. Use of Water During Fire. It is hereby declared to be unlawful for any person in the City or any person owning or occupying premises connected to the City water system to use or to allow to be used during a fire any water from said system except for the purpose of extinguishing said fire. Upon the sounding of a fire alarm, it shall be the duty of all persons to see that all water services in their control are tightly closed and that no water is used until the fire is extinguished.

Section 13. Water Rates. The rates and charges for water and water services supplied by the City shall be established by ordinances adopted from time to time by the City Council.

Water Service Rates: Effective January 1, 2011, a bi-monthly water service charge shall be collected from each user of the municipal water system as follows: (*Revision 52-A Sect.2 February 9, 1987; Revision 52-B 2. Sect.2; November 10, 1997; Revision 52-B 4. Sect.2. October 9, 2012*)

\$46.00 Bi-monthly (No Minimum)

\$2.80 per 1,000 gallons beginning at 0 (zero) gallons

Section 14. Billing, Payment and Delinquency. All municipal utilities shall be billed quarterly and a utility statement or statements shall be mailed to each property owner each quarter. With the exception of churches, school and government agencies on board approved expenditures, all utility charges shall be delinquent if they are unpaid at the close of business on the 5st day of the month following such billing provided, if that 5th day of the month shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A late charge of \$25.00 of the current

monthly bill shall be added to and become part of the delinquent account. If service is suspended due to delinquency, it shall not be restored at that location until a reconnection charge of \$50.00 has been paid for each utility and reconnected in addition to amounts owed for service and penalties. A person who writes a "dishonored check" (also known as a "bounced check" or "bad check") which the bank will not pay because there is no such checking account, or there are insufficient funds in the account to pay the check, will be charged a \$30.00 fee to their account. The person responsible will be notified in writing, and the City of Freeborn will only accept payment on that outstanding balance by cashier's check, money order, electronic funds transfer, or cash. (*Revision 52-B -3 Sect.14. January 10, 2000*) (*Revision 52-B -4 Sect.4. October 9, 2012*) (*Revision March 19, 2014*)

Section 15. Water revenue fund. There is hereby created a special City fund to be known as the Water Revenue Fund, to be kept and maintained by the City Treasurer. Into said fund shall be paid all collections of service connection charges as provided in Sections 1 and 7, and water charges as provided for in other ordinances adopted from time to time and such other money as may from time to time be appropriated by the City Council. Out of such fund shall be paid all costs of operation and maintenance of the water system and such other liabilities or obligations may be ordered from time to time by ordinances and resolutions of the City Council.

Section 16. Penalty. Any person violating any police regulation of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 and costs or, in default thereof, by imprisonment for not more than 90 days.

Section 17. Repeals. Ordinance 7 relating to municipal water service, Ordinance 8 and Ordinance 22 are hereby repealed.

Section 18. Effective Date. This ordinance becomes effective from and after its passage, publication and filing.

Section 19. Sewer Service Rates: Effective January 1, 2011, a bi-monthly sewer service charge shall be collected from each user of the municipal sewer system as follows: (*Revision 52-B 2. Sect.5 November 10, 1997; Revision 52-B 4. Sect.3. October 9, 2012*)

\$46.00 Bi-monthly (No Minimum)

\$3.00 per 1,000 gallons beginning at 0 (zero) gallons

Section 20. Thompson Sanitation was hired to haul garbage for the coming year of 2010. The new Garbage rates for 2012 are as follows: *(Revision 52-B 2. Sect.6. November 10, 1997; Revision 52-B 4. Sect.6. December 20, 2011) (Revision 52-B 4. Sect.6. October 9, 2012)*

\$24.50 bi-monthly per household + 2.39 garbage tax, for a total bill of \$26.89 bi-monthly per household.

There will also be a \$1.00 City Service charge added to each property owner bill. This service charge is to cover the expense of postage, office supplies, and to maintain a reasonable balance in the Garbage Operating Fund. *(52-B Revision 2. Sect. 6; November 10, 1997)*

Passed and adopted this 16th of April, 2014.

By: _____

Mayor: Theo Beckmann

Attested by: _____

City Clerk: Nicole LaFrance

