

Chapter 6

AN ORDINANCE ESTABLISHING CITY WATER AND SEWER ACCOUNTS, RATES AND PROVIDING FOR COLLECTION OF DELINQUENT CHARGES

The City Council of Lucan, Minnesota ordains:

SECTION 6.101. DEFINITIONS

For the purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

- 1.1 **Account.** A record of utility services used by each property and the periodic costs for those utility services.
- 1.2 **City.** The City of Lucan, County of Redwood, State of Minnesota.
- 1.3 **City Utility System.** Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer and water service.
- 1.4 **Utility Rate Schedule.** A schedule of all utility rates and charges set by ordinance of the City.
- 1.5 **Waterworks System.** Water and sewer transmission pipes, lines, fixtures, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sewer services for public or private use.
- 1.6 **Base fee.** A minimum monthly charge for water and sewer service.

SECTION 6.102. ACCOUNTS.

- 2.1 All accounts shall be carried in the name of the dweller who personally, or by his or her authorized agent, applied for such service.
- 2.2 The application shall also contain the name, contact and signature of the owner. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.
- 2.3 All applications for service installation and for water service shall be made at the Lucan City Office.
- 2.4 Signature of the applicant, or his agent, agreeing to conform to the rules and regulations that may be established by the City as condition for the use for water.

SECTION 6.103. BILLING.

- 3.1 Water, sewer, and garbage charges shall be billed on one bill as applicable to each account. All charges for water, sewer, and garbage shall be due upon receipt and considered delinquent if not received in the City Office by the fifteenth (15) day of the following month during scheduled business hours. All bills shall contain the title, address and telephone number

of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the fifth day of each month, of each year and specify the water consumed and the sewer, and garbage charges in accordance with the current fee schedule set by ordinance of the City council.

3.1.1 If the fifteenth (15) of the month falls on a weekend, the bill shall be due the following Monday, regardless of City Office hours.

3.2 A sewer and water base fee is authorized for all accounts, and shall be set by resolution of the City Council.

3.3 When a consumer makes a complaint that the bill for any past service has been excessive, the city shall, upon request have that meter re-read. The Clerk shall be authorized to make adjustments in water charges when, in the Clerks opinion, the amount billed is erroneous due to a meter deficiency or other mistake.

3.4 Any "Snowbird" account holder who vacates the property for the winter months must provide notice to the City. The City will, in accordance with the dates provided in the notice, direct the bill to a secondary address. They may also request the City to turn off water to the property at the curb, in such case, the City shall, by resolution, set the charge for this service.

SECTION 6.104. UTILITY RATE SCHEDULE.

4.1 The utility rate schedule shall be adopted periodically by resolution of the City Council.

4.2 The City Council ordinance setting out the utility rate schedule shall also establish the number of certification cycles per year. At least one certification cycle will be timed each year to coincide with Redwood County's requirements for certification to the following year's taxes. Additional certification cycles may be set in the annual rate schedule ordinance. Each year, the council shall establish one or more certification cut-off dates. All city utility accounts, unless exempt for other legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cut-off date shall have the balance on the account included in a preliminary certification list.

SECTION 6.105. DELINQUENT ACCOUNTS.

5.1 Penalties. A late payment penalty of \$10.00 shall be assessed on all accounts with a past due balance.

5.2 Shut-off for nonpayment. Water shall not be shut-off until notice and an opportunity for a hearing before the city council or an employee designated by the city council have been provided to the occupant and owner of the premises involved.

5.2.1 If any bill is not paid by the fifteenth (15), a letter will be mailed and shall state that payment was not made by the due date, an additional ten dollars (\$10) has been assessed to the account, and that if payment is not made within ten (10) days of the mailing, disconnection will occur.

5.2.1.1 As a courtesy, a door hanger may be placed on the residence to establish fast and effective notice of delinquency. Failure to provide a door hanger shall not be considered a waiver of the City's rights described in this section.

5.2.2 The shut-off notice shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

5.2.3 The notice shall also state that any occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her request for a hearing to the City Clerk.

5.2.3.1 If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.

5.2.4 If hearing is requested it shall be in front of a panel of 3 neutral residents selected by the City, hereby referred to as the Hearing Officers. The Hearing Officers then will either: agree to continuation of the customer's service as is, enter into a mutually agreeable payment plan or shut-off service.

5.2.4.1 Failure to appear, after request has been submitted for a hearing, dissolves the Hearing Officers obligation to continue service.

5.2.4.2 The City will set, by resolution, standards at which delinquency requires shut-off.

5.2.5 If a customer fails to pay, or fails to request a hearing under this part, service will be terminated as scheduled in the notice.

5.2.6 Service reinstatement. The City of Lucan will charge each account that has been shut-off under this part a disconnect fee. The fee will be no less than the minimum monthly charge and in accordance with the current fee schedule set by ordinance of the City council.

5.2.6.1 Reconnection will occur after accounts are paid in full, including the disconnection fee, and only by council appointed personnel. Personnel are only available for such duties during normal working hours.

5.3 Certification for collection with taxes. Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before indicated date, schedule a hearing on the matter to object to certification of unpaid utility charges.

5.3.1 In addition to any penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to procure payment.

5.3.2 Optional payment before certification. The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed.

5.3.3 Hearing required. If a hearing request is received, it shall be held by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

5.3.4 Hearing options. For each certification sustained, the property owner shall have the following options after the hearing,

5.3.4.1 To pay the certified delinquent amount after the hearing date, but before the county certification deadline.

5.3.4.2 To pay the certified charges as billed to them by Redwood County on their property tax statement with a collection term of one year.

5.3.5 Delivery to County. Fifteen days after the hearing, not later than November 30th, the certified roll, minus any payments, shall be delivered to Redwood County.

SECTION 6.106. OTHER REMEDIES

In addition to any procedures or penalties provided for this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the council or any city official designated by it may institute appropriate proceedings at law or at equity to procure payment and or enforce the provisions of this ordinance.

SECTION 6.107. MAINTENANCE OF SERVICE PIPE

7.1 It shall be the responsibility of the account holder or owner to maintain the service pipe from the property line into the house of building. In the case of failure on the part of any consumer or owner to repair any leak occurring in his pipe within twenty-four (24) hours after written or verbal notice thereof, the water will be shut off and will not be turned on until the leak has been repaired and the reconnect fee has been paid.

7.1.1 When the waste of water is great, water may be turned off immediately by the City pending repairs. In such an event, the City shall attempt to contact the account holder or owner at the earliest possible occasion to provide notice of the shut-off.

7.2 In the event of a leak, the account holder shall be charged the regular rate for the amount of water flowing to the property. In the event that the leak occurs prior to the metering of the water on the property, a minimum assessment of 50,000 gallons, at the regular rate, will be charged. Upon assessment by the City that more than 50,000 gallons flowed from the leak the City shall have discretion to increase the assessment.

7.3 The City shall, by resolution, set service, and repair charges periodically.

SECTION 6.108. LIABILITY

The City shall not be liable for any deficiency of failure in the supply of water to consumers, whether occasioned by shutting off water for the purpose of making repairs or connections or from any other case whatsoever. In the case of fire, or alarm of fire, water may be shut off to insure a supply for firefighting, or in making repairs or construction of new works, water may be shut off at any time and kept shut off as long as necessary.

SECTION 6.109. ACCESS TO WATERWORKS SYSTEM

9.1 No person except an authorized city employee shall turn on or off any water supply without permission from the City. Only authorized employees shall tap any distribution pipe or main of the water system or insert cooperation clocks or ferrules therein. No person, firm or corporation shall make, construct or install any water service which is connected to the water system except in the manner provided in this Ordinance or by approval by the City Council.

9.2 In order to access the City Waterworks System a water meter is required. No more than one house unit or building shall be supplied from one service connection except by special permission of the city. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building or part of the building must have a separate shut off valve and a separate meter. A charge for water meters shall be paid to the City by customers in advance before delivery of the water meter for installation. Said charge shall be determined by resolution of the City Council. All water meters shall be and remain the property of the City whenever deemed necessary. Authorized City employees shall have free access at reasonable hours of the day to all parts of every building and premises connected to the water system for reading of meters and inspection.

9.3 The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. However, where any replacement or repair or adjustment of any meter is necessary because of damage from hot water backup, damage from freezing water, or damage from any act, carelessness or negligence of the owner or occupant of any premises, any expense incurred by the City to repair said damage shall be charged against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged collected.

9.4 Except for extinguishing of fire, no person except authorized city employees shall use water from the water supply system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. Only person authorized by the city shall connect, disconnect, take apart or in any manner change or cause to be changed, or interfere with any such meter or the action thereof.

9.5 No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit from the City to do so.

SECTION 6.110. RESTRICTIONS CAUSED BY WATER SHORTAGE

10.1 Whenever the Council shall determine that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which water may be used from the water system for lawn and gardening sprinkling, irrigations, car washing and other uses specified therein.

10.2 Notice of such limitation described in paragraph 10.1 shall thereupon be mailed to each water consumer. Two days after the mailing of such notice, any water consumer who shall cause or permit water to be used in violations of said notice, shall be charged \$10.00 for each day of such violation, which charge shall be added to his next water bill. Continued violation is hereby prohibited and shall be cause for immediate discontinuation of water service.

SECTION 6.111. EFFECTIVE DATE

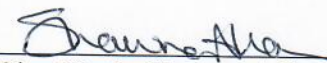
With the passage of this ordinance by the City Council and its publication, Lucan Code of Ordinances, dated 1990, Chapter 6, titled "Utilities" sections 6.101-6.108 and 6.201-6.209, shall be replaced.

Passed by the City Council of Lucan, Minnesota this 3rd day of December, 2018.



Mayor, Rindy Filzen

Attested:



City Clerk, Shawna Allan