

**CITY OF UNDERWOOD, MINNESOTA**

**ORDINANCE #77**

**AN ORDINANCE REGULATING WATER AND SEWER UTILITIES**

THE CITY OF UNDERWOOD DOES ORDAIN that Ordinance #59 is hereby repealed and replaced by Ordinance #77.

**1. Provisions on application are owner-customer responsibility.**

Sec. A. Applications for service. Application for a water/sewer service installation and for water/sewer service shall be made to the City Clerks office on forms prescribed by the City Council and furnished by the city. By his signature, the applicant shall agree to conform to this ordinance and to rules and regulations that may be established by the city as conditions for the use of the water/sewer services.

Sec. B. Accounts in name of owner. All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, shall apply for such service. The owner shall be liable for water/sewer service supplied to the property, whether he or she is occupying the property or not and any charges unpaid shall be a lien upon the property.

Sec. C. No person shall allow or cause more than one dwelling) to be supplied per connection. A dwelling is described as a house, trailer, and garage or out building.

Sec. D. All connections shall be metered. (Exception for any connection that is physically not able to connect a meter if permission is requested in writing and granted by the city.)

Sec. E. All non-metered units shall have meters installed by a licensed plumber within 45 days of the passage of this Ordinance.

Subd. 1. The City will provide the meters, readers, and reader wire.

Subd. 2. The property owner shall be responsible for the cost of the plumber. If this is not done by the property owner the City can and will assess the cost to the property; or, will add the cost to the monthly utility bill in equal increments until the cost of installation has been paid.

Sec. F. Change of address. All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk. It shall be the responsibility of the consumer to notify the City to request a final reading at the time of the customer's billing change.

Sec. G. Seasonal Usage Outside Hydrants being used for Seasonal Usage shall be subject to the following:

Subd. 1. The owner of the property where above mentioned hydrants are located must complete a separate application for said meter

Subd. 2. Seasonal meters will be provided by the City and will remain property of the City.

Subd. 3. Usage will be allowed from May 1 through October 1, which shall be defined as Seasonal Usage.

Subd. 4. The rate for usage will be the same as listed on the fee schedule for water.

**2. Provision on deposits.**

Sec. A. Deposit. At the time of filing an application for water/sewer service, any applicant who has not established good credit during the applicant's previous period of water/sewer service from the city shall deposit a sum of \$175.00. The deposit shall be refunded after or upon prior termination of service with all bills paid. If the customer is delinquent in the water/sewer account, the customer's deposit shall be applied on the delinquent account and an additional deposit shall be required to bring the deposit up to the amount originally required. The amount of the required deposit shall be included in the fee schedule and may be amended from time to time.

**3. Provisions on discounts or penalties.**

Sec. A. Payment. Statements for total water/sewer charges for the preceding monthly period shall be mailed to each customer on or before the first business day of each month. The amount listed on the statement shall be due on or before the fifteenth (15<sup>th</sup>) day of the month following the monthly period covered by such statement. If payment is not received by the 20<sup>th</sup> day of the billing month, a letter with intent to disconnect will be sent to all delinquent customers, be they residential or commercial.

Sec. B. Prepayments and overpayment. Any prepayment or overpayment of charges may be retained by the City and applied on subsequent monthly charges.

**4. Provision for shut-off for non-payment.**

Sec. A. Shut-off for non-payment when primary heat source is affected.

*Subd 1.* The City shall not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

- 1) The disconnection would occur during the period between October 15 and April 15;
- 2) The customer has declared inability to pay using forms provided by the City;
- 3) The household income of the customer is less than 185 percent of the federal poverty level, as documented by the customer to the City; and
- 4) The customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule agreement and is reasonably current with payments under the schedule.

*Subd. 2. Notification.* The City shall notify all customers of the provisions of Subdivision 1 annually.

*Subd. 3. Notice to Residential Customers Facing Disconnection.* Before disconnecting service to a residential customer when the disconnection affects the primary heat source during the period between October 15 and April 15, the City shall provide the following information to a customer:

- 1) A notice of proposed disconnection;
- 2) A statement explaining the customer's rights and responsibilities;
- 3) A list of local energy assistance providers;
- 4) A form on which to declare inability to pay; and
- 5) A statement explaining available time payment plans and other opportunities to secure continued utility service.

*Subd. 4. Restrictions if Disconnection is Necessary.*

- 1) If the service of a residential customer must be involuntarily disconnected

between October 15 and April 15 for failure to comply with the provision of Subdivision 1, the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least 20 days after the notice required in Subdivision 2 has been mailed to the customer or, in the alternative, 15 days after the notice has been personally delivered to the customer.

- 2) If the customer does not respond to a disconnection notice, the customer may be disconnected until the City investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the City must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the city must give seven days written notice of the proposed disconnection to the local energy assistance provider before disconnecting the service.
- 3) If, prior to disconnection, a customer appeals a notice of involuntary disconnection as provided by the department's established appeal procedure, the City must not disconnect until the appeal is resolved.

*Subd. 5.* If a customer's account becomes delinquent during the period between April 15 and October 15, and satisfactory arrangements for payment have not been made, the City may, after the procedural requirements of Subdivision 6 have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent amounts due plus a fee of \$30.00 for disconnection and for reconnection.

*Subd. 6. Procedure.* Water shall not be shut off under Subdivision 5 until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before a date stated in the notice but not less than 20 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall clearly inform the customer of the available opportunities to present to the city objections to the bill, and shall identify the telephone number, address, and officer or employee who will handle the customer's complaint and who has the authority to review the facts and credit terms. The notice shall also state that the occupant may before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request is made. 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 water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.

*Subd. 7. Reconnection.* The City shall reinstate service, which in any way affects the primary heat source of a residential unit if such service remains disconnected as of October 15 if the residential customer makes application for reinstatement and enters either a reconnection plan or a payment schedule. A residential customer may enter a reconnection plan only if the customer's monthly household income is less than 185 percent of the federal poverty level.

**5. Provision for shut-off for non-payment for all customers not included in Provision 4.**

Sec. A. Shut-off for non-payment.

*Subd. 1.* The City will disconnect service to any residential and/or business customer whenever:

- 1) A customer's account is not paid in full as stated on the water/sewer

- billing statement, and
- 2) A notice of intent to disconnect is sent to the address of service and/or address of party responsible for payment.

**6. Provision for collection with taxes.**

Sec. A. In the event a user fails to pay his or her water/sewer user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection.

Sec. B. Collection with taxes. Delinquent accounts shall be certified to the city clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 1 of each year. Upon such adoption, the clerk shall certify the assessment roll to the county auditor for collection along with taxes.

**7. Power and Authority of City and City Employee(s).**

Sec. A. The Utilities Superintendent and other duly authorized employees of the City, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspection, observation and testing in accordance with the provisions of this chapter.

Sec. B. All water meters and remote readers shall be and remain the property of the City.

Sec. C. Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspection.

**8. Prohibited Acts**

Sec. A. No person, except an authorized City employee, shall turn on or off any water at the curb stop box.

Sec. B. No person(s) shall permit water from the city water supply system to be used for any purpose except upon their own premises. No person shall make or allow to be made an unauthorized connection from or to; or to bypass any connection by any means, including but not limited to attaching, connecting or otherwise affixing a wire, cord, socket, pipe, hose, motor or other instrument or device to without passing through a meter authorized by the utility.

Sec. C. No person(s) shall tamper, alter, damage, adjust or obstruct the operation of a meter provided by the City for measuring or registering the amount of water passing through a meter.

Sec. D. No person(s) shall allow an unauthorized connection or reconnection of the utility service without the authorization or consent of the City.

Sec. E. No person(s) shall allow or may remove, install, connect, reconnect or disconnect a meter for service by any person other than an authorized employee or agent of the City.

**9. Civil Actions**

Sec. A. The City may bring a civil action for damages against a person who:

- (1) deliberately commits, authorizes, attempts, solicits, aids or abets bypassing, tampering, unauthorized connection or unauthorized metering that results in damages to

the utility; or

(2) knowingly receives service provided as a result of bypassing, tampering, unauthorized connection, or unauthorized metering. The City may recover double the costs of the service provided; the costs and expenses for investigation, disconnection, reconnection, service calls, equipment, and employees; and the trial costs and witness fees. (§325E.026)

#### **10. Discontinuation of Service**

Sec. A. The City may, upon written request of the property owner, discontinue service for any connection if certain criteria are met.

*Subd. 1.* Both the water and sewer service must be permanently capped by a licensed plumber. A letter by said plumber stating that the service is capped must be sent to the City Clerks office.

*Subd. 2.* The meter and the meter reader must be returned to the City undamaged.

*Subd. 3.* All fees must be paid in full, before the City will deem the connection disabled.

*Subd. 4.* An authorized agent of the City must be allowed to enter the premises to verify that the service is permanently disabled.

*Subd. 5.* A letter will be sent to the property owner requesting discontinuation of service accepting or denying the state of the connections. The property owner will have 10 days from the date of the inspection to comply if the service disconnection is denied. The accessibility fees will continue until discontinuation is accepted.

#### **11. Rates, Fees and Charges.**

Sec. A. The City Council shall establish a schedule of all water/sewer rates, fees and charges for services by Resolution. Current fees have been established by Resolution #610-3. Resolutions may be amended from time to time.

#### **12. This Ordinance shall take effect after passage and adoption by the City Council, and after a summary publication in the official newspaper.**

Passed and adopted this 7th day of June 2010.

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Cheryl A. Finseth, Mayor

ATTEST:

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Anna Kiser, City Clerk

Amended May 1, 2016 to include Part 1, Section G.