

Ordinance No. 79

AN ORDINANCE REPEALING ORDINANCE NO.'S 36, 36A AND 39 AND ANY OTHER ORDINANCES WHICH ESTABLISH RATES AND REGULATIONS FOR WATER AND SEWAGE SERVICES, PROVIDING FOR THE COLLECTION THEREOF, AND PENALTY FOR THE VIOLATION THEREOF

The City Council of the City of New Germany ordains as follows:

Section 1. Rents/Payment Schedule.

The water system of New Germany was installed and in operation effective June 1, 1961 and the sewer system of New Germany was installed and in operation effective January 1, 1968. Rent for the use of the city water and sewer systems shall be payable on a monthly basis on or before the 20th day of each month.

Section 2. Rates & Charges.

The rate to be charged for water and sewer usage will be based on a base fee and gallons used which shall be set each year by the city council per the city fee schedule which is adopted by resolution each year in January at it's first council meeting. Each single-family dwelling shall be considered one ERU (Equivalent Residential Unit) and each school; church or other public building shall be considered one ERU, apartment buildings will be figured one ERU per apartment unit, each single business establishment, professional or commercial shall be considered one ERU unless water usage is to such an excess that the council deems it necessary to consider evaluating the ERU per the "Service Availability Charge Procedure Manual" which is a document from the Metropolitan Council Environmental Services. This document will be a tool for the city to determine what an ERU (an ERU per this manual is considered a (SAC or Sewer Availability Charge) users of water and sewer within city limits. This method will determine a more fair and accurate way to be sure that all users of the New Germany water and sewer services are being charged on an equal basis.

Section 3. Accounts in Names of Property Owners.

Application for the use of the city water and sewer service shall be made upon forms provided for that purpose by the clerk's office of the City of New Germany. All accounts shall be carried in the name of the fee owner of the premises who personally or by his authorized agent shall apply for such service. Said owner shall at all times be liable for payment of said rent whether he is occupying the same or not.

Section 4. Separate Connections & Meters.

Unless special permission is granted in writing by the city council, every premise served by the city water system shall have a separate and distinct service connection including a separate water meter. All service connections shall be made and installed according to regulations established therefore, each meter should be set in a suitable place where the meter can be installed and maintained by the city. The city has the right to change design or method of meters if it deems necessary. The city may also install an outside meter reader to make accessibility to meter readings more available.

Section 5. Meter Reading and Inspection.

City employees assigned for the purpose of meter reading shall have free access at reasonable hours of the day to all parts of every building and premises connected with city water systems for reading meters and inspections. The city may, at its option, use other methods of meter reading such as mailing requests to users for self-reading and returning such readings to the city for billing. A fee may be charged to users for not returning a meter reading upon request.

Section 6. Non-Metered Water – Estimated Amount.

If it is not possible to meter water used in certain circumstances such as, but not limited to, temporary disconnected or defective meters or use of water from city hydrants with permission of the city, the city clerk may estimate the amount used during that period using any reasonable method for determining such amount. But in no event shall the charge be less than the minimum amount as established by resolution of the city council.

Section 7. Turning on Water after Service has been disconnected.

A service charge, which is established by resolution of the city council per the city fee schedule, shall be made for turning on and turning off water where service has been either turned off for non-payment of water charge due to failure to repair a leak, or discontinuance for any other cause.

Section 8. Restricted Hours of Use of Water Supply; Violation.

- a. Whenever the city council shall determine a shortage of water threatens the city, it may, by resolution, limit the times and hours during which water may be used from the city water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning, or other uses specified therein. Such resolution shall state the date upon which it shall become effective, and shall be made public through whatever means of communication the city council deems appropriate and reasonable.
- b. Twenty-four hours after the resolution becomes effective, any water customer who shall cause or permit water to be used in violation of the provisions of such resolution shall be deemed in violation of this sections and such resolution and will be guilty of a misdemeanor. Each day the violation continues it shall be considered a separate and immediate discontinuance of water service without a hearing.

Section 9. Repairs of Leaks.

- a. It shall be the responsibility of the consumer or owner of the property to maintain the water and sewer service line that commences from the connection at the curb of the street to the connection at the house or building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his service line within 24 hours of written notice which has been given to the consumer or owner of the premises, the water will be shut off and will not be turned on until repairs are made and the sum as established by resolution of the city council has been paid.

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- b. When the waste of water is great or when damage is likely to result in a leak, the water will be turned off if the repair is not commenced immediately upon the giving of such notice.

Section 10. Consent and Regulations.

Every person applying for water and sewer service and every owner of property which application is made shall be deemed by such application to consent to all rules, regulations and rates contained in the ordinances of the City of New Germany and to all modifications thereof and all new rates, regulations, or rates duly adopted.

Section 11. Taking Water Without Authority.

It is hereby declared a misdemeanor for any person, firm or corporation to take any service described herein without proper authority therefore. The city may charge for water per the city fee schedule.

Section 12. Deficiency in Supply of Water and Shutting Off Water for Emergency or Repair.

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

Section 13. Dates Payable and Penalties & Certification to County Auditor.

- a. Bills are due when rendered and may be paid without penalty up to and including the 20th day of the month in which they are due.
- b. The amount of penalty for non-payment of water and sewer bills within the time limits shall be 10% of the amount of such bill.
- c. By November 1 of each year, the clerk shall make a complete list of all water and sewer bills remaining delinquent, and shall notify each delinquent customer. This list will be presented to the council for adoption as part of an assessment roll of delinquent account status, which will be certified, to the County Auditor for collection with real estate taxes against the property served.
- d. The clerk shall prepare and present to the city council on or before December 1 of each year an assessment roll of all delinquent accounts providing for assessment of delinquent accounts against the respective properties serviced. Upon adoption by the city council, the clerk shall certify the assessment roll to the County Auditor to be extended on the property tax lists of the county for collection in the same manner as provided by law for municipal taxes.

Section 14. Discontinuance of Service.

The City of New Germany reserves the right to discontinue water services without notice when the same is necessary to the repair of either the water or sewer system or any part thereof, or for the non-payment of the bills. The city also reserves the right to place unpaid water and sewer charges on the tax rolls as provided by Minnesota State

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Statutes. In addition to all other methods of collection delinquent accounts including legal action, the city shall have the right to shut off the water service to any delinquent customer when satisfactory arrangements for payment have not been made. Such action shall be taken only after following the procedure set forth in Section 15. Whenever water service to any premises has been disconnected, service shall not be restored except upon the payment of all delinquent amounts due plus any penalties, interest and reconnection charges.

Section 15. Same-Notice and Hearing.

- a. The water shall not be shut off until notice and opportunity for a hearing have first been given the occupant of the premises involved. Such notice shall be personally served when possible, or notice shall be served by certified mail. The notice shall state the amount delinquent and any penalty and interest due and that if payment is not made before the date stated in the notice, but not less than 10 days after the date on which the notice is given, the water supply to the premises will be shut off.
- b. The notice shall also state that the occupant may, before such date, demand a hearing in writing delivered to the city clerk on the matter. If a hearing is requested, the water supply will not be shut off until after the hearing is held. If the owner or customer requests a hearing before the date specified, the hearing shall be held on the matter by the city council within at least 10 days 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 owe is actually due and unpaid, and that there is not legal reason why the water supply of the delinquent owner or customer may not be shut off in accordance with this article, the city may then shut off the water supply.

Section 16. Funds and Allocation.

Funds received from the collection of the rates and charges herein before provided shall be deposited as received with the City Treasurer, who shall keep the same in a separate fund designed "Water Revenue Funds" and "Sewer Revenue Funds". Moneys in said funds shall be used for the payment of the cost and expense of operation, maintenance repair and management of the water and sewer systems. Any surplus in said funds over and above the requirements hereinbefore mentioned may be used for enlargements of and replacements to said system and parts thereof or transferred to the City General Fund.

Adopted and passed this 15TH day of JANUARY 15, 2003.

This ordinance shall become effective upon publication in the official newspaper.

ATTEST:

Shelly Quaas, City Clerk

Franklin Schoenke, Mayor

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