

ORDINANCE NO. 136

AN ORDINANCE OF THE CITY OF HOKAH REGULATING MUNICIPAL WATER AND SANITARY SEWER SERVICES, PROVIDING REMEDIES AND PENALTIES FOR VIOLATIONS.

The City Council of the City of Hokah, Houston County, Minnesota hereby ordains:

**SECTION I. Mandated Connections.**

**Subd. 1. Within 225 Feet of Available Services.**

In all instances, properties located within the corporate limits of the City of Hokah, which are no greater distance than 225 feet from existing municipal water and sanitary sewer services shall within 6 months of the availability of such services connect their private service lines thereto and become liable for charges payable by all residents recipients of such services in accordance with the duly enacted fee and service schedules therefore of the City of Hokah.

All properties within the City of Hokah which are mandated to be connected to municipal water and/or sanitary sewer services, if not connected within 30 days of written notice demanding connection(s), shall nevertheless be billed at the same times other recipients of sewer and/or water services are billed and the billings rendered to the owners of said properties shall be for the City's minimum charge made for such sanitary sewer and/or municipal water services in accordance with the Minimum Charges therefore as established by resolution of the city Council and as currently in effect. Until modified by resolution of the City Council said minimum charges shall be those in effect on the day of the date of this enactment. Failure to pay minimum charges imposed shall obligate property owners and/or the occupants of such properties with the same obligation to pay as obtains with respect to charges for regular hookups and shall afford the city the same remedies to enforce payments and the collection thereof.

**Subd. 2. Elements of Systems Within Public Right of Way are Public Property.**

Those parts of the connections located within public rights of way shall upon the completion of the construction and installation thereof, which shall be made in accordance with City of Hokah prior approved specifications and shall likewise conform to all other applicable codes including State of Minnesota Plumbing Codes, shall thereupon be and become part of the City Municipal Systems Infrastructure. The maintenance of all municipal water and sanitary sewer systems shall be at the expense of the City except as to such maintenance and repairs including replacements where necessary which are caused by an abutting property owner or owners, acts or omissions, who under such circumstances shall be responsible for the expense thereof which shall be payable with the next routine billing for services rendered and collected in the event of non-payment and is in the case of delinquent water and/or sewer charges. All maintenance expense of all connections not located within the public right of way beginning with the initial construction and installation thereof are payable in their entirety by the owner of properties served thereby.

**Subd. 3. Private Systems Must conform With All Applicable Regulation.**

Private septic systems where municipal services are not available shall be of a design consistent with City Specifications, the State Plumbing Code, and all other applicable regulation. Any private septic system except for those of a design consistent with City specifications and other applicable regulation are expressly prohibited and the construction and maintenance of any such unapproved private septic system is hereby declared a nuisance and subject to penalties as in the case of nuisances and subject to removal legally by equitable actions such as for Abatement and Injunction.

**SECTION II. Applications for Water and Sanitary Sewer Service.**

**Subd. 1. Procedure.**

From and after the due passage and enactment of this ordinance, applications for water service and sewer service installation shall be made to the City Clerk on forms prescribed and approved by the City Council. By applicant's signature to an application, the applicant agrees to conform to all provisions of this Ordinance and to rules and regulations that may be established by the City, from time to time, which modify these regulations for the use of municipal water and sanitary services.

All recipients of municipal water and sewer service from the City of Hokah and the owner(s) of the underlying fee title of the locations whereat such municipal water and sewer services are rendered and received, shall be deemed by their receiving such services and the consideration which such constitutes, to have consented to all of the regulation herein prescribed

**Subd. 2. Accounts in the Name of the Owner.**

All accounts shall be carried in the name of the owner who personally or by his/her duly authorized agent, shall have apply for such service. The owner shall be liable for water supplied and sewer service rendered to the property whether he/she occupies the property or not. Charges for municipal water and sewer service may likewise be charged and collected from the occupant of any property receiving such service even though the property owner, especially in the event of non-payment, is ultimately liable. Any charges unpaid, whether incurred prior or subsequent to the enactment of this ordinance, shall be a lien upon the real property whereat such services are received. The City with proper documentation, may file for recording in the Office of the county Recorder notice of lien but prior to doing so the City shall have given prior written notice at least 14 days prior to causing any such notice of lien to be recorded.

**SECTION III. Provision for Deposits**

**Subd. 1. Security Deposit With Application Filing**

At the time of filing an application for water service and/or sewer service any applicant who has not established good credit during the applicant's previous periods of water and/or sewer service from the City, if that is the case, shall deposit such sum as the City Council may prescribe by resolution duly enacted, as a security deposit. An applicant, who within the last twelve months has not had service disconnected for

nonpayment of a bill and has not been liable for disconnect for the nonpayment of a bill which is not disputed, shall be deemed to have established good credit. The deposit shall be refunded (including the interest accrued thereon) after 18 consecutive months of prompt payment or upon prior termination of service with all bills paid. The deposit shall bear interest at the rate paid by the bank nearest City Hall payable on ordinary deposits from the date of deposit to the date of refund. If the customer is delinquent in the water an/or sewer account the customer's deposit shall be applied to the delinquent account and an additional deposit shall be required to bring the deposit up to the amount originally required.

**Subd. 2. Establishment and Modification of Deposit Amounts by Resolution.**

With and in addition to the deposit referred to in Subd. 1 of this section, if any, applicants for water and sewer services shall pay to the city with their application to secure such services the hookup fee as established by City Council resolution, duly enacted, the amount of which may, by resolution, be modified by the City Council from time to time.

**SECTION IV. Payment.**

Statements for total water and/or sewer charges for the preceding quarterly (3 months) period shall be mailed to each customer on or before the 10<sup>th</sup> day of next succeeding quarter. The amount listed on the statement shall be due on or before the last day of the month following the quarterly period covered by such statement.

**SECTION V. Unauthorized Acts.**

**Subd. 1. Unauthorized Acts.**

It is a violation of these regulations for any unauthorized person to, in any manner whatsoever, tamper with, or make any modifications to any water meter or any other part of the municipal water system including, but not limited to fire hydrants, and water meters and it is specifically prohibited for anyone other than authorized personnel authorized by the City to install or remove a water meter.

**Subd. 2. Excepted Acts – Authorized Persons.**

Except as to persons specifically authorized by the City such as the utilities superintendent for the City and his duly authorized agents and in regard to fire hydrants except for the duly authorized members of the City fire department and the personnel and supervisors of other departments which may be involved in the suppression of fires, only the City authorized persons such as the utilities supervisor shall be allowed to access or tamper with, in any fashion whatsoever, any fire hydrant in the City.

**Subd. 3. Fire Hydrants – Water Meters.**

Anyone excepting duly authorized City personnel in the discharge of their duties shall access any fire hydrant, shall access any municipal waterline, main or lateral or install or remove a water meter or otherwise do anything which involves any part of the municipal water facilities including the hydrant system without first securing a permit, which shall be applied for on an application from provided by/or approved by the City and the deposit of the fee plus a security deposit to assure the satisfactory completion of

the objective for which the permit is needed, the fee and security deposit shall be in such amounts as the City council, by resolution duly enacted, determines and such fee and security amounts may be modified from time to time as the city council determines by resolution.

## **SECTION VI. Shutoff For Nonpayment.**

### **Subd. 1. Provision for Deposits**

The City Maintenance Supervisor or such other officer designated by the City council shall, where appropriate, shut off water service for nonpayment of charges. Water service shall not be shut off to a residential recipient (customer) if the disconnect affects the primary heat source for the residential unit and:

- 1) The disconnection would occur during the period between October 15 and April 15;
- 2) The customer has declared inability to pay and has document this 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 to the billing period immediately prior to October 15 of the current year or the customer has entered into a payment schedule agreement and is reasonably current with payments under the schedule.

### **Subd. 2. Notification.**

The City Clerk shall notify all residential customers of provisions of Subd. 1.

### **Subd. 3. Notice to Residential Customers Facing Disconnection.**

Before disconnecting service to a residential customer during the period between October 15 and April 15, the City Clerk 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. Restriction 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 provisions of Subd. 1, the disconnection (and this applies in the case of all disconnections) must not occur on a Friday or day before a holiday. Further, the disconnection (regardless of when it occurs during any year) must not occur until at least 20 days after the notice required in Subd. 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 must not 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 (7) 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, which appeal shall be to the city Council, as provided by the department's established appeal procedure, the utility must not be disconnected until the appeal is resolved.

#### **Subd. 5. Disconnect – Non-Winter Period.**

If a customer's account becomes delinquent during the period between April 15 and October 15, and satisfactory arrangements for payments have not been made, the Maintenance Supervisor or such other person authorized by the City Council may after the procedural requirements hereinbefore specified disconnect service of the delinquent customer. When water service to any premises has been disconnected, service shall not be restored except upon payment of all delinquent accounts due plus a reconnect fee as may be established by the City council by a resolution duly enacted.

### **SECTION VII. Provision for Collection of Taxes.**

Delinquent municipal water accounts and sewer service accounts shall be certified by the City Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective property served. The assessment roll shall be delivered to the City Council for adoption on or before November 10 each year. Upon such adoption, the Clerk shall certify the assessment roll to the Houston County Auditor for collection with real property taxes.

### **SECTION VIII. Penalties and Enforcement.**

#### **Subd. 1. Chargeable as Misdemeanors or Petty Misdemeanors.**

The violation of any provision of these regulations including allowing an account be it for water or sewer service to become delinquent, is a misdemeanor and upon conviction thereof punishable in accordance with the laws of the State of Minnesota. The City Clerk or other officer designated by the City Council as the person responsible for the enforcement of these regulations may charge violations of these provisions petty misdemeanors in which case upon conviction shall be punishable in accordance with the laws of the State of Minnesota. Each day a violation exists constitutes a separate offense. The prosecution of violations shall not preclude enforcement by the civil remedies provided for in these regulations, including disconnections and the certification for collection as special assessments of delinquent accounts; nor shall the initiation of civil remedies preclude subsequent prosecutions as criminal offenses for violations of these regulations.

#### **Subd. 2. Severability.**

Should any provision of these regulations be declared unenforceable, all other remaining regulations shall nevertheless remain in full force and effect.

Passed an approved this 6<sup>th</sup> day of December, 2005 by the Hokah City Council.

Mike Walsh, Jr. – Mayor City of Hokah

Attest:

Renee A. Mierau – City Clerk