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GENERAL PROVISIONS**§ 51.01 WATER DEPARTMENT ESTABLISHED.**

There is hereby established a Water Department, which shall be under the supervision of the City Council. The Department shall be responsible for the management, maintenance, care and operation of the city water system.
(Ord. 10-2003, passed 7-17-2003)

§ 51.02 USE OF WATER SYSTEM RESTRICTED.

(A) No person shall make or use any private water service connected to the city water system, except pursuant to application and permit as provided in this chapter.

(B) No person shall make or use any installation contrary to the regulatory provisions of this chapter.
(Ord. 10-2003, passed 7-17-2003) Penalty, see § 51.99

§ 51.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BACK FLOW DEVICE. A device designed to restrict water flow in the city water system.

CORPORATION. A device designed to connect water service sized two inches or smaller to a water main.

CURB BOX. A device designed to provide access to a curb stop.

CURB STOP. A device designed to control the flow of water within a service line from a water main.

IMPROVEMENT. Any increase or change in value which includes a permanent dwelling at which time a curb stop is required.

METER. A device that records gallons of water used.

WATER MAIN. A pipe, or system of pipes and fittings, designed and used to distribute water to the water service of any customer.
(Ord. 10-2003, passed 7-17-2003; Ord. 2013-04, passed 10-17-2013)

§ 51.04 MANDATORY SERVICE.

(A) *General.* The owner or owners of property within the city shall connect to the city water system, unless herein excepted, and shall pay fees related to the city water system at rates fixed by the City Council. Any rates so established may be amended at any time by duly adopted resolution of the City Council.

(B) *Procedures.* Application for a water service installation and for water service shall be made to the City Clerk-Treasurer on forms prescribed by the City Council, and furnished by the city. By her or his signature, the applicant shall agree to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

(C) *Fees or deposit.* Application for a water service installation and for water service shall be made by the owner of the property to be served or by her or his agent. The applicant shall, at the time of making application, pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter.

(D) *Availability of city water system.* The owners of all houses and buildings used for human occupancy, employment, commercial, recreation or other purposes that require water and are situated within the city and adjacent to a street, alley or right-of-way shall be required, at the owner's expense, to install a suitable service connection, within 90 days of the date the city water system is operational; provided that, the city water system is located within 400 feet of the residence/building requiring water. If the city water system is not currently, but is later located within 400 feet of the house or building, the owner shall then be required to connect to the system in accordance with the provisions of this chapter. The City Clerk-Treasurer shall give notice to any owner not in compliance with this chapter who shall then have 30 days to comply.

(E) *City action.* Whenever any owner fails to comply with the written notice, the Council shall by resolution direct that a waterline connection and meter be installed and connection made with the city water system and the cost of the installation and all fees required by this chapter shall be paid by the owner.

(F) *Payment.* After the installation and connection have been completed pursuant to Council resolution, the Clerk-Treasurer shall serve written notice of the fees and installation amount upon the owner requesting payment of the amount to the Treasurer within ten days after the service of the notice. If the amount is not paid within ten days, the Clerk-Treasurer shall certify to the County Auditor the amount owed by the owner, a description of the owner's premises and the name of the owner. The amount certified shall be extended by the County Auditor on the tax rolls against the premises in the same manner as are the taxes and collected by the County Treasurer and paid to the city along with other taxes.

(G) *Non-users—residential property.* As an alternative to connecting to the city water system, owners of existing residential dwellings who have private wells in operation as of the date of enactment of this chapter and who are otherwise required to connect to the city water system, may petition the city for an

exception to the connection requirement by installing a curb stop and agreeing to pay the basic residential user fee as established by the City Council, without water service. If the owner thereafter desires to connect to the city water system, the owner shall apply to the city and pay all fees required by this chapter for connection and to use of the city water system.

(H) *Non-users—vacant property.* Owners of unimproved vacant property adjoining the city water system in existence as of the date of enactment of this chapter who have chosen, as of the date of enactment of this chapter, to connect the property to the city water system shall pay a water availability fee as established by the City Council, without water service. If the owner thereafter desires water service, the owner shall pay the fees set by this chapter for connection to the city water system and water use for the property. The owners who have not connected the property to the city water system and are not paying the water availability fee, as set forth above, or if the owner of the property fails to pay the monthly water availability fee when due, at that time as the owner desires to improve the property, the owner must connect to the city water system and the owner shall pay the water hookup fee (which shall include the city's inspection fee) as established by the City Council and shall pay all fees set by this chapter for connection to the city water system and water use for the property. The water hookup fee shall not include the costs incurred to connect to the city water system. (Ord. 10-2003, passed 7-17-2003)

§ 51.05 CHARGES FOR SERVICE CONNECTIONS.

(A) *Permit and fee.* No connection shall be made to the city water system without a permit from the City Clerk-Treasurer. The fee for each water main connection permit and inspection shall be set by resolution of the City Council. This fee shall be in addition to any basic user fees and the water availability fees previously paid and to any other fees required under this chapter.

(B) *Inspection fees.* A city employee, its agent or engineer shall inspect the connections, taps and installation of pipe and appurtenances.

(C) *Certification.* No permit shall be issued to connect with any water main unless the City Treasurer certifies that the property owner has paid all fees and deposits required under this chapter, including any basic user fee, water availability fee and water hookup fee. (Ord. 10-2003, passed 7-17-2003)

§ 51.06 PRIVATE WATER WELLS.

(A) No private water wells may be connected, in any manner, to the city water system nor may they be connected to a private water system which is connected to the city water system. No private commercial wells shall be permitted within the city, except for geothermal systems which are not connected, in any manner, to the city water system or to a private water system which is connected, in any manner, to the city water system. Private residential water wells may continue to be used provided

they are not connected to the city water system or to a private water system which is connected to the city water system and further provided that the owner complies with the provisions hereof and pays all fees required thereby.

(B) The city water supply shall not be connected with any pump, well or tank that is connected with any other source of water supply. When any connection is found, the city shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, the city shall ascertain that no cross-connection will exist when the new connection is made.

(C) It shall be unlawful for any person to install a new private well or community well and/or water system in the city limits without the written authorization of the City Council.
(Ord. 10-2003, passed 7-17-2003) Penalty, see § 51.99

§ 51.07 WATER SERVICE OUTSIDE CITY LIMITS.

The City Council is hereby authorized to furnish water service to properties located outside of the city limits; provided that, the property owners specifically agree to all of the terms of this chapter, including, but not limited to, rules, regulations and rates adopted hereunder and the right to certify delinquent fees and all connection charges, bills and penalties to the County Auditor for extension on the tax rolls against the owner's property; and provided that, the owner pays the water hookup and connection fees as are established by the City Council, by resolution, for property not located within the city limits; and further provided that, the property owners agree to annex the property into the city within the period of time as is determined by the City Council. Notwithstanding the foregoing, the rates established by the City Council for water hookup, connection fees and water service to properties outside of the city limits shall not be less than those fees and charges for city residents.
(Ord. 10-2003, passed 7-17-2003)

§ 51.08 EXTENSIONS OF WATER SERVICE WITHIN CITY LIMITS.

If the City Council determines that it is reasonable and prudent to extend the city water system to property within the city limits which is not currently served by the system, all (100%) of the costs of the extension including water lines, connections, curb stops, meters and the like will be assessed to the property to be served by the system. All owners which can be served by the extension shall be required to connect to the system, without exception, but shall not be required to pay the water hookup fee established by the City Council. The owners of residential property shall pay the basic residential user fee as established by the City Council for the owners, together with the fees for additional water. The owners of commercial property shall pay the basic commercial user fee as established by the City Council for the owners, together with the fees for additional water.
(Ord. 10-2003, passed 7-17-2003)

§ 51.09 WATER SERVICE TO PRIVATE DEVELOPMENTS WITHIN CITY LIMITS.

The City Council is hereby authorized to furnish water to private developments within the city limits, which water shall then be distributed by the private developer to the residents within the development through a water distribution system owned, installed and maintained by the private developer and connected to the city water system in a manner specified by and in accordance with the regulations established by the City Council and its engineers, but shall not be required to pay the water hookup fee established by the City Council. The City Council will never be required or obligated to take over or assume ownership, control, maintenance or repair of the systems. The private developments shall install water meters of a type approved by the City Council to all residential and commercial water users within the private development and to provide monthly water usage readings to, and as required by, the City Council. The owners of residential property within the private development shall pay the basic residential user fee as established by the City Council for the owners, together with the fees for additional water. The owners of commercial property within the private development shall pay the basic commercial user fee as established by the City Council for the owners, together with the fees for additional water.
(Ord. 10-2003, passed 7-17-2003)

§ 51.10 ACCOUNTING AND BILLING.

(A) *Accounts in name of owner.* All accounts shall be carried in the name of the owner of the property. The owner shall be liable for water supplied to her or his property, whether or not he or she is occupying the property or renting/leasing the property.

(B) *Bills for service.* Water bills shall be mailed to the owner on a monthly or quarterly basis and shall specify the water consumed and the water charges in accordance with the rates established by the City Council.

(C) *Delinquent accounts.* All charges for water service shall be due on the date specified by the city on the water bill and shall be delinquent if not paid in full by the due date. The city shall notify the delinquent owner of the delinquent bill and a late fee as established by the City Council shall be added to the bill until the bill is paid in full. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the city may, after the notice requirements of this chapter have been complied with, discontinue service to the delinquent owner's property by shutting off the water at the curb stop. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a service fee as established by the City Council.

(D) *Procedure for shutoff of service.* Water shall not be shut off under this chapter until notice and an opportunity for a hearing have first been given to the owner of the premises involved. The notice shall be personally served or mailed by certified mail to the last known address of the owner and shall state that if payment is not made before a day stated in the notice, but not less than seven days after the date

on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the owner may, before that date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the owner requests a hearing, it 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 chapter, the city may shut off the water supply.

(E) *Basic user fee continues.* An owner whose water is shut off shall continue to be obligated to pay the applicable basic residential or commercial user fee during any period in which water is shut off.

(F) *Cold weather rule.* The City Council shall comply with the provisions of M.S. § 216B.097, as it may be amended from time to time, if applicable, prior to disconnection of the water supply.

(G) *Notice of termination.*

(1) First notice of termination: after 30 days past due telling of termination after 60 days.

(2) Second notice of termination: after 60 days past due, gives date of termination, shut off/restoration fee and right to hearing by Council.
(Ord. 10-2003, passed 7-17-2003; Ord. passed 3-10-2011)

§ 51.11 LIENS, COLLECTION.

(A) All fees and charges specified in this chapter, including all charges under this chapter, including basic user fees, water availability fees, water hookup fees and additional water fees, shall be a lien on the real estate benefitted thereby, and shall be of equal rank with the liens or taxes levied under the general laws of the state, and shall become due and payable as fixed by the resolution or ordinance establishing the charges. The charges or delinquent installments of the charges may also, at the option of the city, be enforced against the owner of the property benefitted by the connection service, or availability of service in a civil action without the waiver of other remedies. The charges, or delinquent installments of the charges, may also, at the option of the city, be enforced by the shutoff of service in accordance with the procedure provided for in this chapter, without waiver of other remedies.

(B) The City Council may, by its resolution, provide that all fees and charges including any delinquent water service charges shall be certified by the Clerk-Treasurer to the County Auditor specifying the amount owned by the owner, a description of the owner's premises and the name of the owner. The amount certified shall be extended by the County Auditor on the tax rolls against the premises in the same manner as are the taxes and collected by the County Treasurer and paid to the city along with other taxes.
(Ord. 10-2003, passed 7-17-2003)

§ 51.12 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

(A) *Water shutoff.* The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections of from any other cause whatsoever. In case of emergency, fire or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary.

(B) *Restricted hours.* Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning or other specified uses. After enactment of the resolution, no person shall use, or permit water to be used, in violation of the resolution, and any person who does so shall be charged a fee set by resolution of the Council for each day of violation and the charge shall be added to his or her next water bill. If the emergency requires immediate compliance with terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of the owners as is deemed necessary, and any owner who has received the notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.
(Ord. 10-2003, passed 7-17-2003)

§ 51.13 ENTRY OF PREMISES.

The City Council or other designated official or employee of the city may, at all reasonable hours, enter any private premises for the purpose of inspecting city water system connections, meters, plumbing and appurtenances to assure compliance with this or other applicable laws, regulations and ordinances.
(Ord. 10-2003, passed 7-17-2003)

§ 51.14 FEES.

See § 11.01 for water-related rates and charges.
(Ord. 10-2003, passed 7-17-2003; Res. 2006-06, passed 2-16-2006; Res. 2009-08, passed 4-2-2009)

SYSTEM REGULATIONS**§ 51.25 GENERAL WATER REGULATIONS.**

(A) *Discontinuance of service.* The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in this chapter for non-payment of charges, or for violation of rules and regulations affecting water service.

(B) *Supply from one service.* No more than one house or building shall be supplied from one service connection, except by special permission of the Council. Whenever two, or two or more, parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

(C) *Turning on water, tapping mains.* No person, except an authorized city employee or agent shall turn on any water supply at the stop box, or tap any distributing main or pipe of the water supply system or insert a stop cock or other appurtenance therein without a city permit.

(D) *Repair of leaks.* The owner shall be responsible for maintaining the service pipe from the curb box into the building served, if the owner fails to repair any leak in the service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until a sum has been paid to the city pursuant to resolution. When the waste of water is great, or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

(E) *Use of fire hydrants.* No person other than an authorized city employee or agent shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the City Council.

(F) *Permitting use by others.* No person shall permit city water to be used for any purpose, except upon his or her own premises, except in an emergency and then only if written permission is first obtained from the City Council. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Council for the services.
(Ord. 10-2003, passed 7-17-2003)

§ 51.26 METERS.

(A) *Plumbing.* Owners shall be responsible for all plumbing to install a water meter on their property. All water meters shall be installed in accordance with the State Plumbing Code and any standards established by resolution of the City Council.

(B) *Meters required.* Except for the extinguishment of fire, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the City Council shall connect, disconnect, take apart or in any manner change or interfere with any meter or its use. City employees or agents will install the water meter and remote reader, including transmitting wire. If the dwelling has a finished basement or the unit requires transmitting wire to be concealed, it will be the owner's responsibility to install the wire.

(C) *Deposit.* Meters shall be provided by the city at its expense, but each owner of property which is not connected to the city water system as of the date of enactment of this chapter shall pay a non-refundable deposit for each water meter in an amount fixed by the Council by resolution.

(D) *Maintenance.* The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary as a result of freezing or by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the owner. Water service may be discontinued until the cause is corrected and the amount charged is paid.

(E) *Complaints, meter testing.* When an owner complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If the owner remains dissatisfied, he or she may, on written request and payment of deposit set by resolution of the City Council, have the meter tested. If the test confirms that the meter shows use higher than actual by 5% or more of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. The adjustment shall not extend back more than one service period from the date of the written request. If the test confirms that the meter is correct or shows use less than actual, the city shall retain the deposit and may install a new meter.

(F) *Meters property of city.* Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

(G) *Meter reading and inspection.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.
(Ord. 10-2003, passed 7-17-2003)

§ 51.27 PLUMBING REGULATIONS.

(A) *Service pipes.* Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in a manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven and one-half feet below the surface and be so arranged as to prevent rupture by freezing. A shutoff or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Type K copper tubing or high density polyethylene (HDPE) with a standard diameter ratio (SDR) of nine or thicker shall be used for all services of two inches or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be C900 PVD DR18. Connections with the mains for domestic supply shall be at least one inch.

(B) *Water meter setting.* Every water meter shall be installed in accordance with the following provisions.

(1) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be between eight and 14 inches above the floor.

(2) The bottom of the meter shall be between six and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the City Council. A suitable bracket shall be provided to support the meter in a proper vertical position and to prevent noise from vibration.

(3) Each meter installation shall have a stop and waste valve on the street side of the meter, in no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter.

(4) The water pipe connecting with the main shall not exceed two feet in length under the basement floor from the inside of the basement wall to the water meter connection.

(5) Meter setting devices for five-eighths inch, three-fourths inch and one-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop and waste valve on the building side. For one-inch service lines, minimum meter size is five-eighths inch. For one and one-half inch service lines, minimum meter size is three-fourths inch. For two-inch service lines, minimum meter size is one inch.

(C) *Location of curb stops.* Curb stops shall be installed on the public right-of-way generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the curb if on a street or within one foot of the alley line if the main is located in the alley. They shall be installed so that the top of the curb stop is level with the established grade and shall be left in an accurate vertical position when back-filling is completed.

(D) *Repairs.* All repairs or replacements of service pipes between the curb stop and the building plumbing shall be made at the expense of the owner. Any repairs or replacements between the main and the curb stop, including the curb stop, shall be made at the expense of the city.

(E) *Freezing.* A stop and waste cock will be required on every water service extension within the premises below the frost line in a location as to permit the pipe to be emptied to prevent freezing. All service pipes which become frozen between the curb stop and the premises served shall be thawed at the expense of the owner. Any frozen pipes from the water main to the curb stop shall be thawed at the expense of the city.

(Ord. 10-2003, passed 7-17-2003)

EXPANSION OF WATER SYSTEM; PRIVATE DEVELOPMENTS

§ 51.40 GENERALLY.

Expansions and improvements to the city water system shall be installed in accordance with the engineering policy, standards and specifications adopted by the city. They are contained within the

specifications and design standards used for the 2002 Water System Improvement Project. Construction of water systems, located on public rights-of-way or easements to be dedicated to the city within a subdivision shall be completed by either the city or, at its option, the applicant/developer. (Ord. 10-2003, passed 7-17-2003)

§ 51.41 CITY-INSTALLED IMPROVEMENTS.

The developer may request the city to install the improvements. The developer shall submit a petition in the form prescribed by the city to the City Engineer requesting the installations. The Council may accept the petition and install the improvements and assess the cost in accordance with city policy and M.S. Ch. 429, as it may be amended from time to time. This petition request shall include a suggested method of assessment (per lot, front footage, percentage ratios and the like) which shall not be binding upon the city. The applicant shall waive his or her rights to any and all public hearings required and agree to the acceptance of all costs associated with city installed improvements, provided that all benefitted properties are assessed. The city installation of required improvements shall not provide for any overall site grading but, rather, shall be limited to required grading within dedicated easements and rights-of-way necessary to perform the installation of future public dedicated services as requested by the applicant. (Ord. 10-2003, passed 7-17-2003)

§ 51.42 DEVELOPER-INSTALLED IMPROVEMENTS.

If the developer/applicant requests to install future city improvements for future turnover to the city for future maintenance, and the city permits the installation, the following items shall be adhered to prior to acceptance for perpetual maintenance by the city of the water system within the proposed subdivision:

(A) Detailed plans and specifications prepared by a registered engineer licensed in the state shall be prepared in accordance with present city standards, reviewed and approved by the City Engineer;

(B) Prior to providing the plans, analysis of the soil to the depth of the water system proposed should be made by a reputable firm and provided with the report when required by the city;

(C) Detailed as-built drawings must be provided in accordance with city standards no later than 90 days upon completion and acceptance of the water system by the city unless otherwise approved in writing by the city;

(D) The developer shall allow access by the city personnel to perform inspections during the construction of the water system. The developer shall notify the city in writing, coordinate and hold a pre-construction conference with all affected parties at least 72 hours prior to starting construction of the system;

(E) The developer shall be financially responsible for all costs incurred by the city in performing inspections to insure compliance with the approved plans and specifications;

(F) If the developer fails to give proper notification or does not allow the city to perform the inspection of the water system, the city reserves the option to require any concealed conditions to be exposed for proper inspections, or the right to deny acceptance for perpetual maintenance by the city; and

(G) Upon completion, inspection and final acceptance of the water system by the city for future maintenance, the developer shall submit a one-year warranty maintenance bond to cover defects in materials and workmanship to be in effect one full year from the date of final written acceptance by the city. The developer shall also submit a hold harmless, lien waiver or other agreement as required by the city. If the city was not properly noticed or given the opportunity to perform the proper inspections to ensure compliance with the approved plans and specification, the city, at its option, may elect to require the submission of up to one-year warranty maintenance bond or cash escrow for any portion of the system where inspection was not able to be performed.
(Ord. 10-2003, passed 7-17-2003)

§ 51.43 PAYMENT FOR DEVELOPER-INSTALLED IMPROVEMENTS.

Before a developer installed water system will be authorized by the Council, the applicant shall submit an agreement and performance bond, irrevocable letter of credit or cash escrow agreement in a reasonable amount as determined by the Council to assure the following:

(A) Guaranteed completion of the required improvements undertaken by the applicant as approved by the city within a specified time after commencement of any construction in the subdivision, or a portion thereof less than the entire subdivision, to be developed at any one time as approved by the Council; provided that the Council, for good cause, may extend the period of time in which they must be installed;

(B) If the required improvements to be installed by the applicant are not completed and paid for within the specified period of time or a period approved by the Council as herein above provided, all amounts held under the escrow agreement, performance bond or irrevocable letter of credit shall be turned over and delivered to the city and applied to the cost of the required improvement. Any balance after the improvements have been made and paid for shall be returned to the applicant; and

(C) The performance bond, irrevocable letter of credit or cash escrow agreement herein required shall be equal to 60% of the estimated cost of the improvements to be installed either by the developer/applicant or by the city. The bond shall be reduced periodically upon submission of proof of compliance by the applicant. In no event shall the financial guarantee for the improvements to be performed privately by the developer/applicant be reduced to less than 20% of the original amount until total completion and acceptance by the city. At that time, the bond can be released in its entirety.
(Ord. 10-2003, passed 7-17-2003)

§ 51.99 PENALTY.

A violation of this chapter shall be subject to an administrative penalty as provided in § 10.98 and/or charged as a misdemeanor offense for each violation including penalties and/or incarceration up to the limits allowable by state statute together with payment of all costs of prosecution payable to the City Clerk-Treasurer for deposit into the city's general fund.
(Ord. 10-2003, passed 7-17-2003)

CHAPTER 52: RESERVED

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CHAPTER 53: RESERVED

Section

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CHAPTER 54: RATES AND CHARGES

§ 54.01 GENERALLY.

(A) The monthly charge for water and sewer permits within the corporate limits of the city shall be as established by § 11.01, as that section may be amended from time to time.

(B) *Accounts.* All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for the service. 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.

§ 54.02 COLLECTION OF CHARGES.

The charges fixed herein for water utility and related charges shall be entered on the utility bill. The city may discontinue all utility services, including water, sewer and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in § 54.03.

§ 54.03 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of non-payment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (1) All bills are due and payable on or before the date set forth on the bill;

Ottertail - Public Works

(2) 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 non-payment; and

(3) Any customer 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 or her 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 customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) 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.

(C) When it becomes necessary for the city to discontinue utility service to a customer for non-payment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by § 11.01, as that section may be amended from time to time.

§ 54.04 COLD WEATHER RULE.

Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is at or below 50% of the state median household income as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk-Treasurer shall, between August 15 and October 15, of each year, notify all residential customers of these provisions.

Penalty, see § 10.98

§ 54.05 DELINQUENT CHARGES.

As provided for by M.S. § 444.075, Subd. 3, as it may be amended from time to time, the City Clerk-Treasurer, annually or more frequently as directed by Council, shall prepare a list of delinquent charges to be certified for payment as taxes. The list of delinquent charges shall be delivered to the City Council for adoption. All persons who have delinquent charges included in the list shall be notified and given a chance to appear before the Council before the list is adopted. In the event the delinquency involves rental property, notice shall be given to the record owner of the property in addition to the tenant or other parties in possession and he or she given a chance to appear before the Council. Upon

adoption, the Clerk-Treasurer shall certify the unpaid charges to the County Auditor for collection as other taxes are collected. This action may be optional or subsequent to taking other legal action to collect delinquent charges, and shall not preclude the city or its agents from recovery of the delinquent charges and interest under any other available remedy, and shall not preclude the disconnection for late payment provided for in this chapter.

