

## ORDINANCE NO.117

### MUNICIPAL UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

#### SEC. 1.01. DEFINITIONS.

As used in this Chapter, the following words and terms shall have the meanings stated:

1. **"Utility"** means all utility services, whether the same be public City-owned facilities or furnished by public utility companies.
2. **"Municipal Utility"** means any City-owned utility system, including, but not by way of limitation, water, sewerage and gas service.
3. **"Consumer"** and **"Customer"** mean any user of a utility.
5. **"Service"** means providing a particular utility to a customer or consumer.
6. **"Quarter"** shall mean a three-month period of service commencing on January 1, April 1, July 1, or October 1 of each year.

#### SEC. 1.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.

**Subd. 1.** All users connected to and using municipal utility services from the City of New York Mills shall pay the rate set forth by the respective category of use specified in Exhibit A for each month such service is used at each location served.

**Subd. 2.** The rate set forth opposite each category of use hereinafter specified shall be charged to and paid by the user of sanitary sewer service within each respective category for each quarter of use. When two or more business categories are operated at one location, the highest applicable rate will apply to that location.

**Subd. 3.** All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and availability fees, trunk charges, meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

#### SEC. 1.03. FIXING RATES AND CHARGES FOR PUBLIC UTILITIES.

All rates and charges shall be fixed and determined by the Council and adopted by resolution. Such resolutions shall be listed and referred to in the City Ordinance book.

## SEC. 1.04. CONTRACTUAL CONTENTS.

Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

## SEC. 1.05. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

**Subd. 1. Billing, Payment and Delinquency.** All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid by the twenty fifth (25th) day of the month. Payments received by mail postmarked on or before the twenty fifth day shall be deemed paid within said period. A penalty shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

**Subd. 2. Application, Connection and Sale of Service.** Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

**Subd. 3. Discontinuance of Service.** All municipal utilities may be shut off or discontinued whenever it is found that:

- A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or,
- B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or,
- C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

**Subd. 4. Ownership of Municipal Utilities.** Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

**Subd. 5. Right of Entry.** By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his/her employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

**Subd. 6. Meter Test.** Whenever a consumer shall request the City to test any utility meter in use by him/her, such a request shall be in writing. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter.

**Subd. 7. Unlawful Acts.**

- A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.
- B. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.
- C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.
- D. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume un-metered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

**Subd. 8. Municipal Utility Services and Charges a Lien.**

- A. **Fee Owner Responsible.** Payment for all municipal utility (as that term is defined Section 1.01) service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to such owner unless otherwise contracted for and consented to by the City of New York Mills, Minnesota.
  - 1) If the utility service and charges are for a single metered multi-unit rental residential building, the owner of said building shall be the customer of record and this responsibility shall not be waived by contract or otherwise.
  - 2) The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this subdivision.
- B. **Charges a lien.** Each such account unless contracted for by another who is not the owner is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk of the City of New York Mills, Minnesota, to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

## **SEC. 1.06. CONNECTION OR TAPPING PROHIBITED - DELINQUENT ASSESSMENTS OR CHARGES.**

No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

## **SEC. 1.07. RULES AND REGULATIONS RELATING TO WATER, SEWER AND/OR GAS SERVICE.**

**Subd. 1. Deficiency of Water and Shutting Off Water.** The City is not liable for any deficiency or failure in the supply of service to customers whether occasioned by shutting the service off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, service may be shut off at any time and kept off so long as may be necessary.

**Subd. 2. Repair & Maintenance.** It is the responsibility of the consumer to maintain and repair the service pipe from the main into the house or other building. In case of failure upon the part of any owner to repair any leak occurring in his service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the utility may be shut off and will not be turned on until a reconnection charge has been paid and the utility service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. Installation of any service laterals, done under a private contract, shall only be performed after an approved utility installation/repair permit has been obtained from the City. Installation of the service line(s) shall be in accordance with the requirements and/or stipulations of said utility installation permit. The consumer or owner shall be responsible for providing the City with an accurate location/record drawing of any service line installed by a private contractor. This drawing shall contain all information, including depths, elevations, distances, and other, necessary for future location of the service line.

**Subd. 3. Abandoned Services Penalties.** All service installations connected to the utility system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the curb stop. The owner of the premises, served by this service, shall pay the cost of the excavation. The City shall perform the actual disconnection. When new buildings are erected on the site of old ones, and it is desired to increase the old utility service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of service, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

**Subd. 4. Service Pipes.** Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the main and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or

seventy feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the service mains for water and sanitary sewer service shall be 1" and 4" in diameter, respectively. All materials used for service pipes shall be approved by the City Utility Superintendent. All sanitary sewer services installed after August 1, 2006 shall be equipped with a 4" cleanout located at the edge of the public Right-of-Way.

**Subd. 5. Private Service Supplies.** No service pipe of the City utility system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of service supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City service shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply maybe used only for such purposes as the City may allow.

**Subd. 6. Prohibited Uses or Restricted Hours.** Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

**Subd. 7. Private Fire Hose Connections.** Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.

**Subd. 8. Opening Hydrants.** It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

**Subd. 9. Unmetered Service.** Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount taken, unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the amount used. In so estimating the City shall consider the use to which the service is put and the length of time of unmetered service.

**Subd. 10. Meters.** All meters shall be purchased and maintained by the City. All repairs of meters not resulting from normal usage shall be the responsibility of the property owner. The City may replace meters with the remote type on the basis of schedule or other arrangement. All meters shall be installed and controlled by the City. Any remote type meter in need of replacement by reason of normal usage shall be furnished by the City and the City shall thereafter own such meter.

**Subd. 11. Code Requirement.** All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of service to any consumer.

**SEC.1.08. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITY SERVICE.**

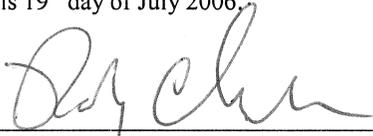
(CODIFIER'S NOTE: This Ordinance is intended to replace Ordinance No. 48, adopted September 13, 1965, entitled " AN ORDINANCE ESTABLISHING RATES FOR SANITARY SEWER SERVICE FURNISHED BY THE VILLAGE OF NEW YORK MILLS and ORDINANCE NO. 54, adopted \_\_\_\_\_, entitled "AN ORDINANCE ESTABLISHING RATES FOR SANITARY SEWER AND WATER SERVICE TO MOBILE HOMES AND ESTABLISHING EASEMENTS FOR SEWER, WATER AND GAS SERVICE TO MOBILE HOMES" and listed in Chapter \_\_\_ of the City Code. A copy of said ordinance is on file in the office of the City Clerk and open to inspection and use by the public.)

**SEC 1.09. VIOLATION A MISDEMEANOR.**

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of New York Mills this 19<sup>th</sup> day of July 2006.

  
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Randy Clarksean, Mayor

ATTEST:

  
\_\_\_\_\_  
Jodi Ericksrud, City Clerk

## EXHIBIT A

### EFFECTIVE UTILITY RATE EFFECTIVE DATE: 07/19/2006

**WATER RATES:** water maintenance fee = \$2.00, minimum rate = \$ 4.58, 1,000-10,000 gallons = 3.21 per 1,000 gallons, over 10,000 gallons = \$2.88 per 1,000 gallons. Fixed rate on mobile homes with no meter is \$12.84. Those homes outside the city limits will be charged 1.5 times the above rates.

**SEWER RATES:** base rate = \$25.00, \$3.13 per thousand gallons of water up to \$15,000 gallons. \$2.63 per thousand gallons of water 16,000 gallons and over. Fixed rate on mobile homes with no meter is \$37.52. Those homes outside the city limits will be charged 1.5 times the above rates.

**GAS RATES:** gas maintenance fee = \$3.00, minimum rate = \$10.00, \$13.00 per thousand mcf up to 3,000 mcf, \$12.20 per thousand mcf for 3,001-100,000 mcf, \$ 12.00 per thousand mcf over 100,000 mcf, \$12.00 per thousand mcf for public buildings.

Deposit fees \$75.00 utility deposit

Reconnection fees including penalties for non-payment= \$50.00

ORDINANCE NO. 48

AN ORDINANCE ESTABLISHING RATES FOR SANITARY SEWER SERVICE  
FURNISHED BY THE VILLAGE OF NEW YORK MILLS

The Village Council of the Village of New York Mills, Minnesota do ordain as follows:

SECTION 1. DEFINITIONS: For the purpose of this ordinance, the terms described in this section shall have the meaning ascribed to them:

SUBDIVISION (1). The term "laundry" shall mean commercial laundries of every kind, including commercial establishments wherein coin-operated washing machines are installed and used by the public.

SUBDIVISION (2). The term "school" shall mean educational institutions, whether the same are publicly or privately owned and operated.

SUBDIVISION (3). The term "locker plant and creamery" shall mean any business establishment where livestock is slaughtered or meat or dairy products are processed, prepared and stored.

SUBDIVISION (4). The term "rest home" shall mean any rest home, nursing home, boarding house, elders home or home for invalids at which there are in excess of ten (10) persons who are paying residents therein.

SUBDIVISION (5). The term "cafe" shall mean any commercial establishment wherein food or beverages are prepared or served to the public.

SUBDIVISION (6). The term "service station and garage" shall mean any commercial establishment wherein motor vehicles are serviced or repaired.

SUBDIVISION (7). The term "residence" shall mean a single family dwelling.

SUBDIVISION (8). The term "public bath" shall mean a commercial establishment with two or more sauna bath rooms for public use.

SUBDIVISION (9). The term "commercial user" shall mean all other users of sanitary sewer service not specifically or otherwise defined in this section.

SUBDIVISION (10). The term "quarter" shall mean a three-month period of service commencing on January 1, April 1, July 1, or October 1 of each year.

SECTION 2. CHARGES FOR SEWER SERVICE.

SUBDIVISION (1). All users connected to and using sanitary sewer services from the Village of New York Mills shall pay the rate set forth the respective category of use specified in Subdivision (2) of this section for each quarter such service is used at each location served.

SUBDIVISION (2). The rate set forth opposite each category of use hereinafter specified shall be charged to and paid by the user of sanitary sewer service within each respective category for each quarter of use. When two or more business categories are operated at one location, the highest applicable rate will apply to that location.

<u>Category</u>	<u>Rate</u>
Laundry	\$ 30.00
School	120.00
Locker Plant and Creamery	115.00
Rest Home	120.00
Cafe	30.00

Service Station and Garage	20.00
Residence	9.00
Commercial Users	12.00
Public Baths	40.00

SECTION 3. The rates established by this Ordinance shall be effective for sewer service furnished by the Village of New York Mills on and after October 1, 1965.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after the date of its publication.

Passed September 13, 1965.

Edward I. Riippa (s)

Mayor

ATTEST: Ernest W. Bernu (s)

Village Clerk

## ORDINANCE NO. 54

AN ORDINANCE ESTABLISHING RATES FOR SANITARY SEWER AND WATER SERVICE TO MOBILE HOMES AND ESTABLISHING EASEMENTS FOR SEWER, WATER AND GAS SERVICE TO MOBILE HOMES.

The Village Council of the Village of New York Mills, Minnesota, do hereby ordain as follows:

### SECTION 1. DEFINITIONS.

SUBDIVISION (1). The term "mobile home" means any trailer, semi-trailer or self-propelled vehicle designed and used for human living quarters.

SUBDIVISION (2). The term "trailer park" means any site, lot, field, or tract of land upon which one or more occupied mobile homes are situated or harbored, either free of charge or for revenue purposes.

SUBDIVISION (3). The term "application" shall mean every request, written or oral, by an occupant of a mobile home or an operator of a trailer park to the Village of New York Mills, its agents, officers or employees to furnish sewer, water or gas service to such mobile home or trailer park.

### SECTION 2. CHARGES FOR SEWER AND WATER SERVICE.

SUBDIVISION (1). All users occupying a mobile home that is connected to any using sanitary sewer and water services, or either of such services, from the Village of New York Mills shall pay the sum of \$5.00 per month, or fraction thereof, for each mobile home so connected.

SUBDIVISION (2). Said charges shall be billed and paid for quarterly.

SUBDIVISION (3). All revenue received from occupants of mobile homes under this Ordinance shall be distributed in equal shares to the sewer revenue fund and the water revenue fund.

### SECTION 3. EASEMENT.

SUBDIVISION (1). Whenever application is made to the Village of New York Mills for sewer, water or gas service to a mobile home or trailer park, such application shall constitute a grant of an easement to, over, under and upon the tract of land comprising such trailer park, to the Village of New York Mills, its agents, officers and employees, for the purpose of constructing, repairing and maintaining the necessary and convenient facilities for sewer, water and gas service to such mobile home or trailer park, and the right of ingress and egress thereto.

SUBDIVISION (2). Every owner of land in the Village of New York Mills by permitting a mobile home to be occupied on such land or a trailer park to be operated upon such land shall be deemed to have appointed the mobile home occupant or trailer park operator as the landowner's agent for the purpose of making the application and granting of the easement referred to in Subdivision (1) of this Section.

SUBDIVISION (3). The period of the easement shall be as long as a mobile home shall remain upon said land or a trailer park shall be operated on said land and shall continue thereafter for a period of twelve (12) months from and after written notice by the landowner to the Village of New York Mills to terminate sewer, water or gas service to such premises.

### SECTION 4. REPEAL.

SUBDIVISION (1). The provisions of Ordinance No. 48 of the Village of New York Mills are repealed only to the extent that the sewer rates established by said Ordinance shall not be deemed to apply to mobile homes.