

City of Cuyuna, Minnesota

ORDINANCE NO. 402A

Sections 21 - 28

Water

September 11, 2000

ORDINANCE 402A, Sections 21-
AN ORDINANCE AMENDING ORDINANCE 402A, Sections 1-12 and 13-20
CITY WATER SUPPLY

The Council of the City of Cuyuna, Minnesota, ordains:

Section 21. Owner Responsible. By the consent of the user, every owner of property for which the activation is made and every person or entity requesting the activation of municipal water service, shall be deemed by such activation to be jointly and severally responsible for payment of all fees and charges.

Section 22. Consent to Regulations. By the assent of the user, every owner of property for which the activation is made and every person or entity requesting the activation of municipal water service, shall be deemed by such activation to consent to all ordinances, rules, and regulations of the city relating to the municipal water system.

Section 23. Disconnect and Reconnect. Water services to any premises may be discontinued for an unpaid account pursuant to Cuyuna Ordinance 402A Section 7 (Water Bills–Default), unless a water utility disconnection affects the primary heat source for the residential unit, in which case water services may be disconnected in accordance with Minnesota Statutes §216B.097.

Section 24. Disconnect Procedures of State Law Adopted (Heat source). The provisions of Minnesota Statutes § 216B.097 ("The cold weather rule") are incorporated herein by reference as if set out in full. If a water utility disconnection affects the primary heat source for the residential unit, the Water department of the City of Cuyuna may not disconnect the water utility service of a residential customer, unless said disconnection meets the provisions of §216B.097: Conditions, Notification, Notice to Residential Customers Facing Disconnection, and Restrictions.

Section 25. Disconnect Procedure (Non-heat source). Water shall be shut off under Cuyuna Ordinance 402A Section 7 (Water Bills–Default) after notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be sent first class mail to the account holder, and, in the event the occupant is not the account holder, sent first class mail to the occupant or posted on the door of the occupant, and shall state that if payment is not made before a date stated in the notice, the water supply to the premises will be shut off.

The notice shall also state that the occupant may before such date demand a hearing on whether the amount is truly unpaid and owing, in which case the supply will not be shut off until after the hearing. If, before the date specified, the customer or occupant requests a hearing, the City Council shall appoint a panel of three impartial residents of the city who shall hold a hearing on the matter at least one week after the date of the appointment of the last of the three members of the panel. The panel shall have the authority to review the facts and files, to correct any errors in the billing and to arrange for credit terms.

If a hearing has been held, and as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.

Section 26. Reconnect Fee (Non-payment). After being disconnected for nonpayment, service shall not be restored except upon the payment of all delinquent amounts due plus the fee for reconnection. However, if the water utility disconnection affects the primary heat source for the residential unit and the utility remains disconnected as of October 15 through April, water services may be reconnected in accordance with Minnesota Statutes §216B.097 (reconnection plan or payment schedule if the customer's monthly household income is less than 185 percent of the federal poverty level).

Section 27. Certifying Assessments (Non-payment). In the event of non-payment of said monthly utility charges or fees, the City shall, as of September 1st of each year assess an amount equal to the non-payment costs against the property. Such assessment shall be certified to the Auditor of Crow Wing County and shall be collected and remitted to the City in the same manner as assessments for local improvements.

Section 28. Amendment. Ordinance 402A is hereby amended.

401.2a. Effective Date. This ordinance becomes effective upon its passage and publication according to law.

Passed by the council this ____ day of _____, 19__.

Ruth Imberi, Mayor

ATTEST:

William Bedard, Clerk

Published in the Crosby-Cuyuna Courier on _____, 19__.