

ORDINANCE NO. 152
City of Moose Lake, Minnesota

WATER, SEWER AND ELECTRIC ORDINANCE

THE CITY COUNCIL OF THE CITY OF MOOSE LAKE, CARLTON COUNTY, MINNESOTA, HEREBY REPEALS ANY PRIOR VERSIONS OF SAID ORDINANCE AND ADOPTS THIS RE-STATED ORDINANCE NO. 152 AS SET FORTH HEREIN, THUS ORDAINING:

SECTION 1. DEFINITIONS

For the purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

Account. A record of utility services used by each property and the periodic costs for those utility services.

City. The City of Moose Lake, County of Carlton, State of Minnesota.

City Utility System. Facilities used for providing public utility service owned or operated by City or the Moose Lake Water & Light Commission, its agency thereof, including electric, sewer, storm sewer and water service.

Electric and Power System. Lines, transformers, fixtures, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing electricity and power services for public or private use

Tenant. An occupant under a lease, written or oral, or with permission of the owner, of a property served by the city utility system.

Owner. The owner is the fee owner of a property which receives any utility service from the City. Owner includes mortgagees which have foreclosed upon a property.

Utility Rate Schedule. A schedule of all utility rates and charges set by ordinance of the City.

Waterworks System. Water and sewer transmission pipes, lines, fixtures, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sewer services for public or private use.

SECTION 2. ACCOUNTS AND ACCESS.

2.1 All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such 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.

2.2 In the case of electric services, all accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. Except that in the case of commercial tenants, accounts may be carried in the name of the commercial tenant. In the case of residential rental units, if one or more tenants are occupants of a single unit served by a separate meter for that unit, all tenants or occupants over the age of 18 years are required to be on the application and account. In the case where residential rental units in a single building are served by a single electric and or water meter, all accounts shall be in the name of the property owner and any unpaid utility charges shall be a lien upon the property.

2.3 Applications for utility service shall be made on the forms prescribed by the city.

2.4 Deposits on account shall be required for water, sewer and electric service. Deposits shall consist of an averaged two month billing for the property in questions, or \$100.00, whichever is greater, provided further that deposits for electric service shall be based on an averaged two months winter service. At the time of the application for new service, or for re-connection or re-instatement of service, a deposit shall be paid. Deposits shall bear interest at the rate fixed by Minnesota statute. If the customer is delinquent on the account, the deposit may be applied to the delinquent amount and a new deposit required to continue service. After 36 consecutive months of timely and complete payment, the customer may request that the deposit be returned.

2.5 As a condition of receiving initial service, or continuing to receive ongoing service, the owner allows the city and its staff access to the property, on reasonable notice, or without notice in the case of any emergency, for repair and necessary maintenance, including changing or upgrading meters and equipment when necessary.

SECTION 3. BILLING AND DEPOSITS

3.1 Water, sewer, and electric service charges shall be billed on one bill as applicable to each account. All charges for water, sewer and electric service shall be due upon receipt and considered delinquent after the fifteenth day of the following month. All bills shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable. Bills shall be mailed to the account holder on or before the last business day of the month and specify the water consumed and the sewer, and electric service, in accordance with the current fee schedule set by ordinance of the City Council.

SECTION 4. UTILITY RATE SCHEDULE

- 4.1 The utility rate schedule for water and sewer shall be adopted annually by ordinance of the City Council. The rate schedule for electric service shall be set by the city's Water and Light Commission.
- 4.2 The City shall have one certification per year. June 15 is the annual certification date. All city utility accounts, unless exempt for other legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cut off date shall have the balance on the account included in a preliminary certification list.

SECTION 5. DELINQUENT ACCOUNTS

- 5.1 Penalties. A late payment penalty of ten percent of the current balance shall be assessed on all accounts with a past due balance on the sixteenth day of the following month.
- 5.2 Shut off for nonpayment. Electricity, water and sewer shall not be shut off until notice and an opportunity for a hearing before the city council or an employee designated by the city council have been provided to the occupant and owner of the premises involved.
 - 5.2.1 If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the second bill, water and/or electric service to the premises will be shut off for nonpayment.
 - 5.2.2 The second bill and shutoff notice shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.
 - 5.2.3 The notice shall also state that the any occupant or owner has the right to a hearing before the water and/or electric service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the city official in charge of utility billing. This official shall be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.
 - 5.2.4 If an occupant or owner requests a hearing, the electricity and water shall not be shut off until the hearing process is complete.

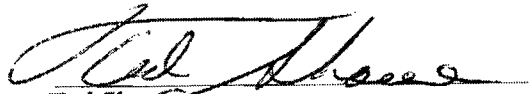
- 5.2.5 If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice but not until the charges have been due and unpaid for at least 30 days.
- 5.3 Certification for collection with taxes. Unpaid charges on electric, sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.
- 5.4 The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.
- 5.5 A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.
- 5.6 For each certification sustained, the property owner shall have the following options after the hearing,
- 5.6.1 To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date.
- 5.6.2 To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on eleventh day following the hearing date through the date of payment.
- 5.6.3 To pay the certified charges as billed to them by Carlton County on their property tax statement with a collection term of one year.
- 5.7 Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to the Carlton County Auditor.

SECTION 6. Effective Date

This ordinance becomes effective from and after its passage and publication.

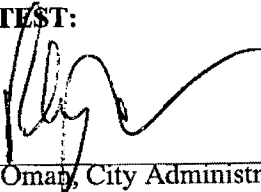
Dated: October 15th, 2014.

CITY OF MOOSE LAKE, MINNESOTA



Ted Shaw
Mayor

ATTEST:



Pat Omap, City Administrator

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