

CHAPTER 50: GENERAL PROVISIONS

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§ 50.01 DEFINITIONS.

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

COMPANY, GRANTEE and FRANCHISEE. Any public utility system to which a franchise has been granted by the city.

CONSUMER and CUSTOMER. Any user of a utility.

MUNICIPAL UTILITY. Any city-owned utility system, including, but not by way of limitation, sewerage service.

SERVICE. Providing a particular utility to a customer or consumer.

UTILITY. All utility services, whether the same be public city-owned facilities or furnished by public utility companies.

(Prior Code, § 3.01)

§ 50.02 FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.

All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, re-connection fees, including penalties for non-payment, if any, shall be fixed, determined and amended by the Council and adopted by resolution. The resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk-Treasurer and shall be uniformly enforced. For the purpose of fixing the rates and charges, the Council may categorize and classify under the various

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types of service, provided, that the categorization and classification shall be included in the resolution authorized by this chapter.

(Prior Code, § 3.02) (Ord. passed 4-6-1992)

§ 50.03 CONTRACTUAL CONTENTS.

(A) 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 consumer shall be deemed to assist to the same.

(B) Sewer assessments can be paid following the assessment hearing or the unit owner can elect to pay the sewer assessment over a specified number of years, as determined by the City Administrator and/or City Council. Assessments shall be certified to the County Auditor and shall be added to the county real estate tax rolls to run for the length of assessment at a rate of interest set by Council action. Sewer assessments, once certified to the County, can be paid in full at any time.

(C) Assessments resulting from but not limited to utility and road improvements certified onto tax forfeit parcels or parcels which since the certification went forfeit shall be due payable at the time of sale or acquisition, removing the parcel from tax forfeit status. The owner of the real property does have the option to elect spreading the outstanding assessment over the remaining number of years associated with the improvement project for which the assessment(s) occurred.

(Prior Code, § 3.03) (Ord. 12-1-06, passed 12-4-2006, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 50.04 RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

(A) *Billing, payment and delinquency.* All municipal utilities shall be billed monthly or quarterly, and a utilities statement or statements shall be mailed to each consumer each month (or quarterly). All utilities charges shall be delinquent if they are unpaid within thirty (30) days after the date of the bill. Payments received by mail postmarked on or before the 30 day period shall be deemed paid within said period. A penalty of ten (10%) percent of the unpaid balance of charges per billing period shall be added to and become part of all delinquent utility bills. An administrative fee will be added to the utility bill when the account remains delinquent for 2 consecutive billing periods at the end of their first 30 day notice for non-payment, if unpaid. If service is suspended due to delinquency, it shall not be restored at that location until a re-connection charge has been paid for each utility reconnected in addition to amounts owed for service and

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penalties.

If a sewer consumer has agreed to a payment plan to address their delinquent account and failed to fulfill their obligations under the plan, a payment plan will not subsequently be available and all delinquent amounts must be paid in full to maintain sewer service.

(B) *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 the utilities taken as metered or ascertained in connection with the rates.

(C) *Discontinuance of service.* All municipal utilities may be shut off or discontinued whenever it is found that:

(1) 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;

(2) 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;

(3) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore; and

(4) When municipal utilities are to be shut off or discontinued because of non-payment of municipal utility charges, or any other financial obligation imposed on the owner or occupant, if known, of the premises served, as described in § 50.02:

(a) A document conspicuously entitled *Notice of Intent to Disconnect Municipal Utilities* shall be sent to the owner and to the occupant, if known, of the premises served. The notice shall contain the following:

1. The circumstances causing delivery of the notice;

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2. A statement that the recipient of the notice has 30 days within which to remedy the circumstances causing the delivery of the notice before the municipal utility will be disconnected;

3. A statement alerting the recipient of the notice of the recipient's opportunity to address billing problems with appropriate municipal utility personnel; and

4. An explanation of costs and procedures for disconnection and re-connection of the municipal utility.

(b) A document conspicuously entitled *Final Notice of Intent to Disconnect* shall be sent, by certified mail, to the owner and to the occupant, if known, of the premises served. The final notice shall contain the following:

1. The circumstances causing delivery of the final notice;

2. A statement that the recipient has 30 days within which to remedy the circumstances causing the delivery of the final notice before the municipal utility will be disconnected;

3. A statement alerting the recipient of the final notice of the recipient's opportunity to address billing problems with appropriate municipal utility personnel; and

4. An explanation of costs and procedures for disconnection and re-connection of the municipal utility.

5. Following the second 30 day notice the recipient will receive a 48 hour posted notice that the sewer service will be discontinued if payment for sewer isn't remedied.

(c) If the recipient of the notices does not remedy the circumstances causing the receipt of the notices within the time periods specified, then the municipal utility may be disconnected from servicing the affected property.

(d) When municipal utility service is disconnected, the City Health Officer shall immediately be so notified.

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(e) Municipal utility service shall be disconnected and/or reconnected at the "clean out" point, or at that point with the easiest access and/or entry, solely as determined by the City Sewer Department.

(f) If all municipal utility charges and other financial obligations imposed on the owners or occupants of the premises served are paid in full, including disconnection and re-connection charges, then municipal utility service shall be reconnected and notice thereof shall be given to the City Health Officer.

(D) *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.

(E) *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 or 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.

(F) *Unlawful acts.*

(1) 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.

(2) 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.

(3) 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.

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(4) 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 unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

(G) Municipal utility services and charges a lien.

(1) Payment for all municipal utility (as that term is defined in § 50.01) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him or her unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner and consented to by the City of Breezy Point, Minnesota. 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 division.

(2) Each account is hereby made a lien upon the premises served. All accounts which are more than 30 days past due may, when authorized by resolution of the Council, be certified by the City Clerk-Treasurer of the City of Breezy Point, Minnesota, to the County Auditor and the City Clerk-Treasurer 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 the premises in the same manner as other taxes, collected by the County Treasurer and paid to the city along with other taxes.

(Prior Code, § 3.04) (Ord. passed 4-6-1992, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

Penalty, see § 50.99

§ 50.99 PENALTY.

Any person violating any provision of this chapter shall be subject to § 10.99.