

ORDINANCE NUMBER 173

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND POLICY FOR THE DETERMINATION OF RATES COVERING THE SUPPLY OF WATER TO THE CITY OF CARLTON AND ITS INHABITANTS AND ESTABLISHING A POLICY FOR THE DETERMINATION OF SEWER RATES.

THE CITY COUNCIL OF THE CITY OF CARLTON DOES ORDAIN AS FOLLOWS:

SECTION I - That water and sewer and all related rates and fees be established by resolution of the City Council and may be amended from time to time by resolution.

SECTION II - Single Family Residential Users: That water, sewer and related rates for single family residences within the city shall be flat rates based on the number of persons in the household until such time as they are metered, at which time they shall be billed according to meter rates as established by the City Council.

SECTION III - Commercial, Church and Multi Family Rental Users: That commercial, church and multi family residential users of water from the City of Carlton shall be metered and billed according to meter rates as established by the City Council.

SECTION IV - Application for Service - Procedure, Water Meters: Application for a water service installation and for water service shall be made to the City Clerk on forms prescribed by the City Council and furnished by the city. By his or her signature, the applicant shall agree to conform to this ordinance and to rules and regulations that may be established by the city as conditions for the use of water and sewer. All property owners shall cooperate with the city to allow installation, service and reading of water meters. The city may refuse further water services to any property owner who fails to cooperate and/or may obtain a district court order to obtain compliance with this paragraph. The property owner shall be liable for all costs incurred by the city, including attorney fees, in obtaining and enforcing such order. For new construction, the fee for the application for water service shall include the cost of an appropriate meter, which will be supplied by the city and installed by the owner to the specifications of the city. The City of Carlton shall continue to own the meter and shall be solely responsible for costs of maintenance and replacement.

SECTION V - Accounts in Name of Owner: All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent shall apply for such service. The owner shall be liable for water and sewer service supplied to the property, whether he or she is occupying the property or not. The owner of rental property agrees, as a condition of receiving service, to be personally liable for water service furnished to tenants, lessees and other occupants of the premises. Unpaid charges that reach termination level may result in termination of service according to the provision of this ordinance, or any unpaid charges may be a lien upon the property, or both at the option of the city.

SECTION VI - Payment: Statements for total water and sewer charges for the preceding month shall be mailed to each customer at the end of each month of service. The amount listed on the statement shall be due on or before the 25th day of the month following the month of service or the next following working day if the 25th falls on a weekend or legal holiday on which city offices are closed. If payment is not made in full by that date, there shall be added to the amount due a late charge, established by City Council resolution, for each month or fraction thereof that the account remains unpaid.

SECTION VII - Termination of Service for Non Payment: At any normal monthly billing date, any premises with unpaid charges over 60 days past due, will be considered delinquent. When this delinquent bill is mailed, a shutoff notice shall accompany it. This notice shall specify a date, not less than 10 days after the date of mailing, on which the water supply to the premises will be shut off, unless payment has been made in full or satisfactory arrangements for payment have been made.

The notice shall clearly inform the customer of the available opportunities to present to the city objections to the bill, and shall identify the telephone number, address, and officer or employee who will handle the customer's complaint and who has the authority to review the facts and files, to correct any errors in the billing and to arrange for credit terms. If as a result of the review, the reviewing officer or employee finds that the amount claimed to be owing is actually due and unpaid and that the water supply of the delinquent customer should be shut off in accordance with this ordinance, the city may shut off the supply.

The city will make reasonable efforts to personally notify the occupant before his water is actually shut off. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent amounts due plus a fee for disconnection and a fee for reconnection, to be determined by City Council Resolution.

The city shall not disconnect the water service of a residential customer if the disconnection affects the primary source of heat for the residential unit when the disconnection would occur during the cold weather period between Oct. 15 and April 15. The disconnection notice shall inform the customer of this city policy, and it shall be the responsibility of the customer to inform the city of the relationship between his water service and primary heat source to keep his or her water service from being terminated. The city shall have the right to enter upon the affected property to verify that termination of the water service will affect the primary heat source, and if said inspection reveals that the termination of water service will not affect the primary heat source, the termination may then proceed as per the provisions of this ordinance as set forth in this section.

SECTION VIII - Reconnection: The city shall reinstate service during normal working hours upon full payment of amounts due or shall reinstate service which in any way affects the primary heating source of a residential unit if such service remains disconnected as of October 15th.

SECTION IX - Collection with Real Estate Taxes: The city may prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 15 of each year. Upon such adoption, the clerk shall certify the assessment roll to the County Auditor for collection along with real estate taxes.

SECTION X - Meter Tampering - Civil Action for Damages Authorized: The city shall be authorized to recover double the costs of the water service provided, plus the costs and expenses of investigation and related service connections or disconnection's by its employees plus attorney fees, trial costs and witness fees, from any person who deliberately commits, authorizes, attempts, solicits, aids or abets meter by passing, tampering, unauthorized connection or unauthorized metering, or from any person who knowingly receives water service as a result of these specific activities.

SECTION XI - Repealer: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

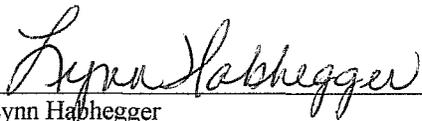
SECTION XII - Effective: This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

CITY OF CARLTON



Dennis Randolph
Its Mayor

Attest:



Lynn Habegger
Its Clerk/Treasurer

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