

AMENDMENT TO ORDINANCE NO. 4-13

**AN ORDINANCE REGULATING THE USE OF WATER
AND SEWER FOR THE CITY OF CLINTON**

Findings.

1. There have been several residents within the City of Clinton who have been more than three months behind on their water and sewer bills during the winter months;
2. If a resident's water and sewer bill is three month's delinquent during the winter months it is very difficult for City public works workers to shut off a delinquent resident's water; and
3. The Clinton City Council believes that it is in the best interests of the residents of the City of Clinton to modify its Ordinance in order to mandate that residents have their water and sewer bills paid in full by no later than December's billing date in 2019, and then by no later than November's billing date for each year thereafter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CLINTON ORDAINS AS FOLLOWS:

1. That Clinton City Ordinance No. 4-13, Section 4 is hereby amended to read as follows:

"4. A late penalty of 10% shall be assessed on all accounts with a past due balance. All water and sewer bills must have no delinquencies by the December billing date in 2019, and then by the November billing date for each year thereafter. Failure to have the water and sewer bill paid in full by the deadline will result in a resident's water being shut off. Water shut off shall be as set forth and described in Section II below."

PASSED AND ADOPTED this 7th day of November, 2019.

CLINTON CITY COUNCIL



Greg Basta, Mayor

ATTEST:



Karianna Wiegman, City Clerk

ORDINANCE NO. 4-13
CITY OF CLINTON, MINNESOTA

**AN ORDINANCE REGULATING THE USE OF WATER AND
SEWER FOR THE CITY OF CLINTON, MINNESOTA**

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, MINNESOTA, AS FOLLOWS:

I. GENERAL PROVISIONS FOR SEWER AND WATER

1. Accounts.

All accounts shall be carried in the name of the owner of the premises served by water and sewer utilities. The owner shall notify the City of Clinton of any commencement or discontinuance of service. If there is a transfer of ownership to the premises, the owner shall notify the City of the change of ownership. Failure to notify the City of such change will not excuse the owner of the owner's obligation to pay for ongoing water and sewer charges, delinquency charges, tax certification, and other enforcement that may be allowed under this ordinance or the law.

2. Utility Rate Schedule

A Schedule of utility rates and charges shall be set by Resolution of the City Council of the City of Clinton. Rates and charges shall be effective beginning the month following the resolution adopting such rates and charges, or at other times in the future as may be set by the City Council. In addition to these rates and charges, a base charge shall be set for all real property with the City on which a building or premises is located, whether occupied or not. Utility charges may also be assessed for hook up and discontinuance of service.

3. Billing

Water and sewer charges shall be billed on one bill as applicable to each account. All charges for water and sewer shall be due on receipt and considered overdue after the tenth day of the following month. Bills shall be billed monthly or as such other period of time as may be set by City Council Resolution.

4. Delinquent Accounts.

Penalties: A late penalty of 10% shall be assessed on all accounts with a past due balance.

Shut Off for Non Payment: Water shut off shall be as set forth and described in Section II.

5. Certification

Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing has been provided to the owner of the premises involved. Notice may be sent to the party listed at the county treasurer's office as the party to receive the tax statements and to the tax address listed therein. 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. Notice shall be mailed no less than ten (10) days before the scheduled hearing.

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 the 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 for the county auditor for collection as other taxes are collected.

For each certification sustained, the property owner shall have the following options after the hearing:

- 1) To pay the certified delinquent amount after the hearing date, but before the county certification deadline.
- 2) To pay the certified charges as billed to them by Big Stone County on other property tax statements with a collection term of one year. Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Big Stone County.

II. WATER:

1. GENERAL WATER REGULATIONS

- a. **Discontinuance of Service.** The City of Clinton may discontinue service to any water consumer without notice for necessary repairs, or upon notice for nonpayment of charges, or for violation of rules and regulations affecting utility service as set forth in 1(h). Written notice will be sent prior to discontinuance of service.
- b. **Supply From One Service.** No more than one house or building shall be supplied from one service connection, except by special permission of the

Council. Whenever two or more parties supplied from one pipe connection with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

- c. **Turning on Water, Tapping Mains.** No person except an authorized City employee shall turn on any water supply at the stop box.
- d. **Repair of Leaks.** The consumer or owner shall be responsible for maintaining the service pipe with the curb box into the building served. If he fails to repair any leak in such service pipe within 24 hours after notice by the City, the City may turn the water off. The water shall not then be turned on again until the sum of \$5 has been paid to the City. When the waste of water is great or damage is likely to result from the leak, the City shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.
- e. **Use of Fire Hydrants.** No person other than an authorized City employee shall operate a fire hydrant or interfere in any way with the City water system without first obtaining authority to do so from the City Council.
- f. **Private Water Supply.** No water pipe of the City water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the Utility Department Head shall notify the owner to sever the connection, and if that is not done immediately, the City shall turn off the water supply forthwith. Before any connection to the City system is permitted, the department head shall ascertain that no cross will exist when the new connection is made.
- g. **Restricted Hours.** Whenever the Council determines that a shortage of water supply threatens the City, it may, by Resolution, limit the times and hours during which City water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the Resolution or two days after the mailing of the Resolution to each customer, no person shall use or permit water to be used in violation of the Resolution and any customer who does so shall be charged \$10 for each day of violation, and the charge shall be added to his/her next water bill. If the emergency requires immediate compliance with terms of the Resolution, the Council may provide for the delivery of a copy of the Resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the Resolution, shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service. The effective date of such an Ordinance may be immediate.
- h. **Procedure for Shut Off Services.** Water shall not be shut off until after the

account is sixty (60) days delinquent. After said sixty (60) days, the City shall serve notice by first class mail upon the owner stating that if payment is not made before the date stated in said notice, but not less than ten (10) days after the date on which the notice is given, the water supply to the premises will be shut off. If the occupant of the premises is a tenant or group of tenants, posted notice of intent to shut off water service shall be given as provided by law. Notice shall state that the owner or tenant or other occupants may, before such date, demand a hearing on the matter. If a hearing is requested, the supply will not be cut off until after the hearing is held. If a request for hearing is made before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request is made. If, as a result of the hearing, the City Council finds 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 water supply.

2. **METERS**

- a. **Meters Required.** Except for the extinguishment of fires, no person other than an authorized City employee shall use water from the City water supply system, or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the City. No person not authorized by the Utility Department Head, shall connect, disconnect, take apart, or in any manner, change or interfere with any such meter or its use.
- b. **Cost.** The meters shall be required of all users, effective September 1, 1991. All meters shall be installed by the City at the user's expense (cost of meter and installation, less \$1.00). Such cost of meter and installation shall be paid over a one year period of time in four (4) equal quarterly payments commencing at the time of the next quarterly water billing.
- c. **Maintenance.** The City shall maintain and repair at its expense, any meter that has become unserviceable through ordinary wear and tear shall replace it, if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any City expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.
- d. **Complaints; Meter Testing.** When a consumer complains that the bill for any past service period is excessive, the City shall have the meter reread on request. If the consumer remains dissatisfied, he may, on written request and the deposit of \$50, have the meter tested. If the test shows an error in the City's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed and the bill shall be adjusted accordingly. Such adjustment shall not

exceed back more than one service from the date of the written request.

- e. **Meters Property of City.** Water meters shall be the property of the City and may be removed or replaced as to size and type when deemed necessary.
- f. **Meter Reading and Inspection.** Authorized meter readers shall have free access at reasonable hours of the date to all parts of every building and premises connected with the City water supply system in order to read meters and make inspections.

3. **PLUMBING REGULATIONS.**

- a. **Service Pipes.** The service pipe shall be placed before the surface of the ground so as to prevent rupture by freezing.

4. **WATER RATES**

Water rates shall be established pursuant to Section 1, Clause 2.

III. SANITARY SEWER

- 1. **Use of Sewer System Restricted.** No person shall make or use any sewer service or connect to the City sewer system except pursuant to application and permit as provided in this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter.

2. **Charges for Service Connections.**

- a. **Connection Fees.** All costs and expenses incidental to the installation and connection of the building sewer, or repairs to an existing connection from the building up to the sewer main, shall be borne by the owner of the property, except the replacement of the tar. This includes, but is not limited to the cost of making necessary connections, taps and installation of pipe and appurtenances to provide service to the property and necessary street and sidewalk repair. Curb and gutter must be replaced within one (1) year, or the City will do the repairs and costs will be assessed to the real estate taxes of the property owner.

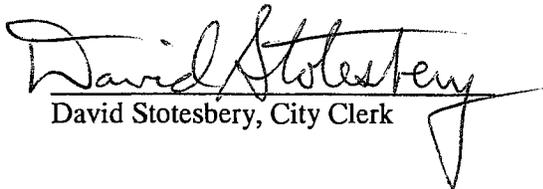
- b. **Certification.** No permit shall be issued to connect any sanitary sewer main unless the cost of the connection has been paid by the owner, or an agreement has been signed by the appropriate parties that the cost will be assessed for the cost of the construction of the main, and any sewer connection and line and other costs referred to in the paragraph Article III, Section 2a or proceedings for levying such assessment have been or will be commenced in due course. Nothing in this section requires the City to assess the cost as an alternative to payment by owner of the cost of the same or a part thereof.

3. **Requirements for Building Sewer and Inspection.** Building sewer connections shall meet the requirements of the Minnesota Plumbing Code. The applicant shall apply for a permit from the City Clerk or Maintenance Supervisor. Connections shall be made under the supervision of an employee of the City. No backfill shall be placed until the work has been inspected and approved.
4. **Sewer System General Regulations.**
 - a. **Discharge of Surface Water, etc.** No person shall discharge or cause to be discharged any storm water, surface water, ground water, cooling water or unpolluted industrial processed water into any sanitary sewer. No rain spout or other form of surface drainage and no foundation drainage shall be connected with any sanitary sewer.
 - b. **Nonacceptable wastes.** No person shall discharge or permit to be discharged into any public sewer any of the following wastes:
 1. Any liquid or vapor having a temperature in excess of 150 degrees Fahrenheit;
 2. Any water or waste having a five-day biological oxygen demand exceeding 1,000 parts per million by weight as averaged during any 12-month period;
 3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
 4. Any garbage that has not been properly shredded;
 5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, grit, brick, cement, onyx, carbide, or other matter that may interfere with the proper operation of the sewers or sewage treatment plant;
 6. Any water or waste having a pH lower than 5 ½ or higher than 9 or having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;
 7. Any water or waste containing a toxic or poisonous substance in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard in the receiving waters of the sewage treatment plant;
 8. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - c. **Interceptors.** Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients; but such interceptors shall not be required for private living quarters or dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

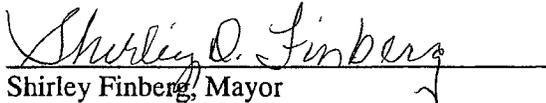
- d. **Control Manhole Required.** The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. The manhole shall be constructed by the owner in accordance with plans approved by the City. The owner shall maintain the manhole so as to be safe and accessible at all times.
- e. **Separate sewers.** A separate and independent sewer shall be provided for every building connected to the sewer system except that the council may waive this requirement where it finds that a separate sewer for a building is impractical.
5. **Hookup to System.** Subsequent to the adoption of this ordinance, all property located within the City shall be required to hook up to the existing sewer system subject to the provisions of this ordinance.
6. **Sewer Rates.** Sewer rates shall be established pursuant to Section 1, Clause 2.
7. **Violations.** Any violation of the provisions of this ordinance shall be deemed a misdemeanor.
8. **Ordinance No. 05-90 and Ordinance No. 8-11 are hereby repealed.**

Adopted by the City Council this 11th day of April, 2013.

ATTEST:


David Stotesbery, City Clerk

CITY OF CLINTON


Shirley Finberg, Mayor