

ORDINANCE NO. 2021-04

**AN ORDINANCE AMENDING CHAPTER 51 OF THE COKATO CITY CODE
REGARDING WATER METERS AND WATER SHUT-OFF PROCEDURES**

The city council of the city of Cokato does ordain as follows:

SECTION I. Section 51.021 of the Cokato City Code is hereby amended by adding the double-underlined language as follows:

§ 51.021 METERS

(A) *Meters required.* No person other than an authorized city employee shall use water from the city water system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. Exceptions may be granted only in extraordinary circumstances by the City Council. No person not authorized by the city shall connect, disconnect, take apart or in any manner change or interfere with any meter or its use.

(B) *Meters property of the city.* Water meters shall be the property of the city and may be removed and replaced as to type and size when deemed necessary. The City Council shall by ordinance establish the fee for an initial meter.

(C) *Maintenance.* The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and use and shall replace it, if necessary, at no cost to the customer.

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 customer.

(D) *Meter access for reading, maintenance, replacement, and inspection.* Authorized city employees and contractors shall have free access at reasonable hours of the day to all parts of every building connected with the city water supply in order to read meters and make inspections. Said employees and contractors shall also have free access at reasonable hours of the day to maintain and replace meters, as deemed necessary in the city's sole discretion. Water meters shall be kept unobstructed and accessible at all such times and a refusal to allow such access shall be considered a violation of this subsection.

If after reasonable efforts the city is unable to gain access to a building to read, maintain, replace, or inspect any water meter, irrespective of the reason, the water customer shall be subject to a monthly water meter inaccessibility surcharge to account for the city's inability to determine usage and properly maintain its water meters and its overall waterworks system. Said surcharge shall be established by the City Council by ordinance and included in the city's fee schedule, as authorized

pursuant to Minnesota Statutes, section 444.075 and § 51.023 of this code.

(E) *Complaints; meter testing.* When a customer complains that a bill for any past service is excessive, the city shall have the meter reread upon request. If the consumer remains dissatisfied, the meter shall be tested upon written request of the customer. If the test shows an error exceeding 5% of the water consumed, an accurate meter shall be installed, and the bill shall be adjusted accordingly. If the test shows the meter is accurate to within 5% of the water consumed, the customer shall be charged the cost of the testing. Such adjustment shall not extend back more than one month from the date of the written request.

SECTION II. Section 51.006 of the Cokato City Code is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

§ 51.006 PROCEDURE FOR TERMINATION OF SERVICE

Water ~~shall not~~may be shut off for delinquency under § 51.005(F) or for any other violation of rules and regulations affecting the city's water utility service ~~until~~after notice and an opportunity for a hearing have ~~first been given~~mailed to the owner ~~and/or occupant~~ of the premises involved. The notice shall be served by United States mail, postage prepaid and shall state that if payment is not made or any other violation is not cured, as the case may be, before a date stated in the notice ~~but~~ not less than 20 days after the date on which the notice is ~~given~~mailed, the water supply to the premises will be terminated. The notice shall also state that the ~~owner~~occupant may, before such date, demand a hearing on the matter in writing, in which case the supply will not be ~~cut~~shut off until after the hearing is held. If ~~the customer requests a hearing~~ is requested in writing before the date specified, a hearing shall be held on the matter by a panel consisting of the City Administrator and any two Council Members ~~at least seven days~~within 30 days after the date on which the written request is made. The panel shall consider all circumstances, including ~~the~~ but not limited to any amount owed, any other ongoing water utility violations, previous efforts to collect amounts owed or otherwise gain compliance, any applicable statutory provisions and the likely effect on the health and safety of the occupants of the building if water service is terminated. If, as a result of the hearing, a majority of the panel finds that the amount claimed to be owing is actually due and unpaid or that any other violations affecting the city's water utility are ongoing and that there is no reason why the water supply of the delinquent customer may not be shut off in accordance with this chapter, the city may terminate said service until the delinquent account is paid in full and all other water utility violations are cured.

Prior to shutting off water at a dwelling that is occupied by one or more "residential tenants," as that term is defined in Minnesota Statutes, section 504B.001, subd. 12, the city shall comply with any requirements contained in Minnesota Statutes, section 504B.215. The city shall also comply with any requirements contained in Minnesota Statutes, section 325E.028, which provides certain utility shut-off rights to households with members that are active military personnel.


SECTION III. The City of Cokato Fee Schedule for 2021 is hereby amended by adding the following surcharge for water meter inaccessibility, as established in subsection 51.021(D) of the Cokato City Code:

Water Meter Inaccessibility Surcharge

\$100 per month

SECTION IV. This ordinance shall take effect after its passage and publication in accordance with law.

Adopted this _____ day of _____, 2021.



Gordy Erickson, Mayor

Attest:



Brad Potter, City Administrator

