

TOWN OF BREITUNG & TOWN OF BREITUNG
WATER AND SEWER COMMISSION
RULES AND REGULATIONS, RATES,
CHARGES AND COLLECTIONS

SECTION 1. Definitions.

As used in this Chapter, the following words and terms shall have the meanings stated:

1. "Utility" means township-owned facilities or furnished by the Township of Breitung Water and Sewer Commission.
2. "Township Utility" means any township-owned utility system, including, but not limited to, water, sewer and refuse service.
3. "Company", "Grantee" and "Franchisee" mean any public utility system to which a franchise has been granted by the Township.
4. "Consumer" and "Customer" mean any user of a utility.
5. "Service" means providing a particular utility to a customer or consumer.
6. "Water and Sewer Commission" refers to any specific references herein to the Town of Breitung and shall include the Town of Breitung acting through the Water and Sewer Commission where the language or context clearly indicates such reference.

SECTION 2. Fixing Rates and Charges for Township Utilities.

All rates and charges for Township utilities, not fixed by the Water and Sewer Commission, shall be fixed, determined and amended by the Board of Supervisors and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the Township Clerk and shall be uniformly enforced. For the purposes of fixing such rates and charges, the Board of Supervisors may categorize and classify under the various types of services, provided that such categorization and classification shall be included in the resolution authorized by this Section.

SECTION 3. Contractual Contents.

Provisions of this Chapter relating to Township utilities shall constitute portions of the contract between the

Township and all consumers of the Township utility services, and every such consumer shall be deemed to assent to the same.

SECTION 4. Rules and Regulations Relating to Township Utilities.

Subd. 1. - Application, Connection and Sale of Service

Application for Township utility services shall be made upon forms supplied by the Township, and strictly in accordance therewith. No connection shall be made until consent has been received from the Township to make the same. All Township utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Subd. 2. - Discontinuance of Service

All Township utilities may be shut off or discontinued whenever it is found that:

- a) The owner or occupant of the premises served, or any person working on any connection with the Township utility systems, has violated any requirement of the Township Ordinance relative thereto, or any connection therewith, or,
- b) Any charge for a Township utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or,
- c) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor.

Subd. 3. - Ownership of Township Utilities

Ownership of all Township utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the Township 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 Township ownership.

Subd. 4. - Right of Entry

By applying for, or receiving, a Township utility service, a customer irrevocably consents and agrees that any Township employee acting within the course and scope of his/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 Township utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the Township utility service.

Subd. 5. - Meter Test

Whenever a consumer shall request the Township to test any utility meter in use by him/her, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate, the same shall be replaced with an accurate meter and the deposit thereon refunded.

If the meter shall be found to be accurate in its recordings or calculations, it shall be reinstalled and the deposit shall be retained by the Township to defray the cost of such test.

Subd. 6. - Unlawful Acts

a) 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 Township utility or Township utility system, or commit any act tending to obstruct or impair the use of any Township utility.

b) It is unlawful for any person to make any connection with, opening into, use, or alter in any way any Township utility system without first having applied for and received written permission to do so from the Township.

c) It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the Township for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the Township.

d) It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a township 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.

Subd. 7. - Township Utility Services and Charges a Lien.

a) Payment for all Township utilities (as that term is defined in Township Code, Section 1), service and charges shall be the primary responsibility of the

owner of the premises served and shall be billed to him/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 Township of Breitung, Minnesota. The Township may collect the same in a civil action or, in the alternative and at the option of the Township, as otherwise provided in this Subdivision.

b) Each such account is hereby made a lien upon the premises served. All such accounts which are more than forty-five (45) days past due may, when authorized by resolution of the Board of Supervisors, be certified by the Township Clerk of the Town of Breitung, Minnesota, to the County Auditor, and the Township Clerk 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 such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the Township along with other taxes.

Subd. 8 - Customer's Responsibility

It is the responsibility of the customer to install, service, repair and maintain all lines, pipes and appurtenances from the point of delivery and consumption up to and including (1) the corporation stop on water mains, and (2) the "Y" on sewer mains.

Timothy S. Torsvik
Board Chairman

Margaret Lilyn
Town Clerk

Adopted on the 27th day of JANUARY, 1997, by the following:

Ayes - 3

Nays - 0

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