

ORDINANCE NO. 132
(AMENDED)

AN ORDINANCE ESTABLISHING THE WATER SERVICE CHARGE OF THE WATER SYSTEM OPERATED BY THE CITY OF MICHIGAN CITY, NORTH DAKOTA, AND PROVISIONS PERTAINING THERETO.

BE IT ORDAINED BY THE CITY OF MICHIGAN CITY

SECTION 1. PURPOSE

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete water system of the City.

SECTIONS 2. DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MANTENANCE

The City of Michigan City, or its engineer, shall determine the total annual costs of operation and maintenance of the water system which is necessary to maintain the capacity and performance for which the system is designed. The total annual cost shall include any provisions for reserve funds, or the accumulation thereof, provided by resolution by the City Council.

SECTION 3. ESTABLISHMENT OF RATE SCHEDULE

All users are considered to be separated into two classes, residential and commercial, each having a base monthly charge plus a charge per 1,000 gallons of usage, the rates for which shall be established by policy of the City Council.

It is hereby expressly provided that the City Council reserves the right to review and revise water fees, hook-up fees, sewer fees and utility deposits from time to time to assure equity in the water service charge system, to assure that sufficient funds are obtained to adequately operate and maintain the water system and pay the obligation against said system when it comes due, and at all times make such other restrictions, rules and regulations as in the judgment of the City Council may be necessary.

In addition each user shall fill out the water application and pay the sum of \$150 water connection fee. This fee will be refunded at the end of service.

SECTION 4. PAYMENT OF USER'S WATER SERVICE CHARGE AND PENALTIES.

The City of Michigan shall submit to each user a monthly statement of its water service charge. The City shall add a penalty if the payment is not received within 30 days from the date of the billing, after which time has elapsed, 60 days, the City may stop water service to the property. If the water service has been stopped because of nonpayment, the

City will collect a \$150 deposit in addition to the entire balance owed before turning the water service back on. No “Snowbird” or “Vacation” rates are available in the City of Michigan.

Due to the fact that the City of Michigan has encountered a problem collecting unpaid water, sewer and garbage bills from persons leasing or renting property, and as it is difficult to collect such delinquent accounts from tenants after they have moved:
IT IS THEREFORE ORDAINED that all owners of real estate in the City of Michigan who lease out their property shall be personally liable for any unpaid water service bills. Mortgagees and holders of a Vendor’s interest in a contract for deed shall not be deemed to be owners of real estate unless the property has been repossessed by them.

SECTION 5. PROPER DESIGN AND CONSTRUCTION OF WATER CONNECTIONS.

All water connections shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Michigan City and that of the State of North Dakota.

SECTION 6. REVIEW OF USER’S WATER SERVICE CHARGE.

The City shall review the total annual cost of operation and maintenance not less than every two years, and will revise the charge as necessary to assure equity in the service charge system and to assure that sufficient funds are obtained to adequately operate and maintain the water system and to pay the obligation against said system as it comes due.

SECTION 7. PENALTY

Any person who violates or fails to comply with any provision of this ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.

SECTION 8. VALIDITY

All ordinances or part of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 9. ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

ATTEST:

Lauri Rysavy, Mayor

Robbyn Maresh, Auditor

Introduction and First Reading 8-20-14

Second Reading and Final Passage 9-8-14