

CHAPTER 3 UTILITIES

SECTION 1

301.001. **DEFINITIONS**

For the purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

Account. A record of utility services used by each property and the periodic costs for those utility services.

City. The City of Winsted, County of McLeod, State of Minnesota.

City Utility System. Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer and water service.

County. The County of McLeod, State of Minnesota

County Auditor. The Auditor for the County of McLeod, State of Minnesota.

State. The State of Minnesota.

Utility Rate Schedule. A schedule of all utility rates and charges set by ordinance by the City Council.

Waterworks System. Water and sewer transmission pipes, lines, fixtures, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sewer services for public or private use.

301.002. **OWNERSHIP OF MUNICIPAL UTILITIES**

Ownership of all municipal utilities, plants, mains, extensions and appurtenances thereto, shall be and remain in the City 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 municipal ownership. Private property owners are responsible for the maintenance of sanitary sewer components from their property up to the main sewer line and including the wye connection to the public system. Private property owners are responsible for the maintenance of water components from their property up to the shut-off to the public system.

301.003. **CONTRACTUAL CONTENTS**

Provisions of this title relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every consumer shall be deemed to assent to the same.

301.004. **ADMINISTRATION AND ENFORCEMENT**

A. **Right of Entry.** The City Council or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this chapter. This includes inspection of buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer systems. The City may allow for certification of compliance by a licensed plumber that has received the authority to do so by the City. The City may periodically reinspect any building or premise to determine compliance with the requirements of this chapter.

- B. **Safety.** While performing the necessary work on private premises referred to in division A. above, the duly authorized City employees shall observe all safety rules applicable to the premises established by the owner or the occupant.
- C. **Identification; Right to Enter Easements.** The City Council or duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the utilities lying within the easement, all subject to the terms, if any, of that easement.
- D. If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Administrator, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

301.005

PUBLIC NUISANCES; ABATEMENT; EMERGENCY ABATEMENT

- A. **Public Nuisance.** The violation of any provision of this code, shall constitute a public nuisance as that term is defined in this code of ordinances.
- B. **Abatement of Nuisance; No Immediate Danger.** If it is determined that a public nuisance has been created, or is being maintained, by violation of this chapter (as set forth herein above), but that the nature of the nuisance is not so as to threaten great and immediate danger to the public health, safety, peace, morals or decency, written notice shall be served on the person causing or maintaining the nuisance to remove or correct the same (identifying the nature of the violation) within a specified reasonable time. The offender shall, within the period of time stated in the notice, abate the nuisance and permanently cease all violations.
- C. **Abatement of Nuisance; Immediate Danger.** If it is determined that a public nuisance caused by the violation of this chapter exists, and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor, City Administrator, City Engineer or Chief of Police may cause the same to immediately be abated, and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. If notice to abate the nuisance has been given to the owner, the cost shall be assessed against the real estate as a special assessment by resolution of the City Council.

301.006

RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES

- A. **Trespassing Upon Utility Equipment.**
 - 1. All persons are hereby forbidden to climb water towers of the utility system of the City of Winsted, or upon the roof of any treatment plant or wells of said utility system, except they shall be authorized to do so by duly authorized personnel of said City of Winsted, having said utilities system in charge.
 - 2. No person shall place in, near or around any drinking fountain, any dirt, filth or any impurity whatever, or any substance or fluid by which the water in such fountain shall be rendered impure or unpalatable.

B. Damaging Facilities. No person shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the utility facilities. Any person violating this section shall be subject to immediate arrest and punished as prescribed in this code.

C. Unlawful Acts.

1. 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 municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.
2. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.
3. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.
4. It is unlawful for any person to “jumper” or by any means or device fully or partially circumvent a municipal 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.

D. Taking Services Without Authority; Violations. It is hereby declared a violation of this chapter for any person to take any service described in this chapter without proper authority therefore or for any violation of this chapter and upon conviction thereof in addition to other penalties provided herein, shall be punishable as provided in section E.

E. Violation. Any persons who violate any of the provisions of this code when performing an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as a misdemeanor except as otherwise stated in specific provisions hereof.