

RESOLUTION NO. 16PUC-002


**RESOLUTION OF THE DULUTH PUBLIC UTILITIES
COMMISSION RECOMMENDING THAT THE CITY OF DULUTH
AMEND SECTION 48-27 OF THE CITY CODE AUTHORIZING
AUGMENTED CHARGES FOR UNAUTHORIZED TURNING ON
OF WATER OR GAS SERVICE.**

RESOLVED, that the Duluth Public Utilities Commission hereby recommends that the City of Duluth adopt the attached section 48-27 to the City code authorizing augmenting utility charges to be imposed for using water and gas by unauthorized turning on of water or gas service to a property.

Approved by the DPUC: Feb. 16, 2016
(date)

Submitted to City Council: Feb. 17, 2016
(where appropriate) (date)

ATTEST:



Director
Public Works and Utilities
City of Duluth

STATEMENT OF PURPOSE

The purpose of this resolution is to authorize the city to charge for use of water or gas where persons other than authorized city personnel turn on service to a property and the product is consumed without the City's consent.

Section 48-27 currently prohibits non-city personnel from turning on service after the department has turned it off but, if a property owner does so, there is no specific authorization for charging the customer on an estimated basis or for charging the customer at a rate which reflects the department's costs of enforcement and which would also encourage the customer to come into compliance with the code and department policies and so be entitled to apply for and receive service.

This ordinance amendment would allow the city to charge for the product taken at a rate equal to the normal rate and to estimate the volume taken if the exact amount cannot be determined. In addition, the department can impose a penalty for each illegal reconnect.

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..Title

AN ORDINANCE AUTHORIZING A PENALTY FOR UNAUTHORIZED TURNING ON OF WATER OR GAS SERVICE AMENDING SECTION 48-27 OF THE DULUTH CITY CODE, 1959, AS AMENDED..

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That section 48-27 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 48-27. Turning on gas meter stop or water curb stop after same shut off by department.

(a) No person whatsoever, other than an authorized employee of the city, shall turn on the supply of gas or water after such gas or water has been shut off by the department.

(b) In the event that someone other than an authorized employee of the city shall turn on the supply of gas or water to any property, the department may impose a charge equal to volume of gas or water supplied to such property times a rate equal to the rate normally charged for such commodity during the term of its consumption. In the event that the volume of gas or water consumed cannot be determined by objective measurement, the department may estimate the volume of gas or water so consumed based on the best available evidence and charge the applicant based on the foregoing rate. An applicant disputing the volume of gas or water as determined by the department shall have the burden of proving the volume of gas or water actually consumed.

(c) In addition to the volume charges authorized pursuant to subsection (b) above, the department may impose a penalty for each unauthorized turning on of water or gas service to any property in an amount established by commission by resolution, which amount may increase over the amount charged for a prior violation on the subject property for each subsequent violation.

(d) The charges arising under this section shall be payable in the same manner and time as normal charges for consumption of gas or water on the served property.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

..Statement of Purpose

STATEMENT OF PURPOSE: The purpose of this ordinance is authorize the department to impose a surcharge on water and gas when the department has turned

off a service and someone other than the city has turned the service back on and is taking product without authority.

It would authorize the city to charge the served property at a rate equal to the normal rate for the product and, if the volume of product cannot be determined by an objective such as the product meter, to estimate volume based on best available evidence and charge on that basis. A party charged would have the ability to contest the estimate of volume but would have the burden of going forward.

In addition the department can impose a penalty for each illegal re-connect.