

PUBLIC SAFETY COMMITTEE

12-0422R

RESOLUTION REQUESTING THAT THE PUBLIC UTILITY COMMISSION
ABATE FIXED WATER, GAS AND SANITARY SEWER CHARGES ON
FLOOD-DAMAGED HOMES DURING PERIOD OF NON-HABITABILITY.

BY COUNCILOR FOSLE:

WHEREAS, on June 20 and 21, 2012, the city of Duluth experienced a catastrophic rainfall event, causing great damage to and destruction of public and private property, which event resulted in a public disaster declaration (DR-4069) by the president of the United States, hereinafter referred to as the "Disaster Declaration"; and

WHEREAS, by virtue of the Disaster Declaration, the city and other affected jurisdictions will receive assistance from the federal emergency management agency, hereinafter referred to as "FEMA", to fund the cost of restoration of the public infrastructure so damaged; and

WHEREAS, even though many private properties in the city were badly damaged by the event to the point of being uninhabitable, the owners of such properties will not be eligible for assistance from FEMA to assist in the rebuilding of their homes; and

WHEREAS, even while such properties are uninhabitable and will therefore not be using any water service, gas service or sanitary sewer service, standard city utility rates practice will require them to continue to pay monthly fixed charges for water, gas and sanitary sewer; and

WHEREAS, the city council deems it to be fair, right and equitable that the owners of such damaged properties not be required to pay fixed monthly fees for utility services they cannot enjoy due to flood damage, during the time that their properties are uninhabitable.

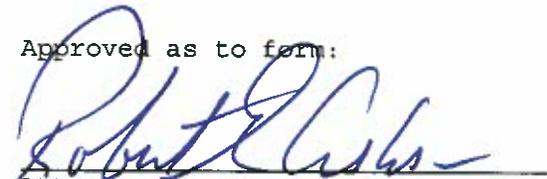
RESOLVED, that the city council of the city of Duluth hereby requests that, pursuant to the provisions of Section 2-186 (b) of the Duluth City Code, 1959, as amended, the Duluth public utility commission temporarily modify the rates charged to customers of the city's water, gas and sanitary sewer systems, abating fixed charges for water, gas and sanitary sewer service for properties damaged

or destroyed by the rainfall event that gave rise to the Disaster Declaration, subject to the following conditions:

- (a) the property served by the services were damaged or destroyed by the rainfall event which gave rise to the Disaster Declaration.
- (b) because of the damage or destruction referred to in paragraph (a) above, the property has been formally placarded with a red, orange or yellow placard by the city's division of construction services and inspections in accordance with the procedures and practices provided for in the Minnesota Building Official Disaster Preparedness Manual-Fourth Edition-Revised 2011.
- (c) no water service, gas service or sanitary sewer service is used on the property during the abatement period.
- (d) the customer requests that the city abate said fixed charges.
- (e) the abatement granted pursuant to this resolution would cease to be effective as of the date of the resumption of use of water service, gas

service or sewer service on the property or upon the authorization to remove the placard by the above division on the property being lifted.

Approved as to form:



Robert E. Ash
Attorney

CCREQ/ATTY REA:dma 08/08/2012

STATEMENT OF PURPOSE: The purpose of this resolution is to request that the Public Utility Commission temporarily modify the utility rate structure to abate fixed water, gas and sanitary sewer charges during the time when a property is uninhabitable and uninhabited and not using any of those utilities.