

## ORDINANCE #2011-2

### WATER AND SEWER BILLING ORDINANCE WITHIN THE CITY OF BROWNSDALE, MINNESOTA

#### SECTION 1. 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 Brownsdale, County of Mower, 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.

**Utility rate schedule.** A schedule of all utility rates and charges set by resolution of the City.

**Waterworks system.** Water and sewer transmission pipes, lines, fixtures 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.

#### SECTION 2. ACCOUNTS

All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

#### SECTION 3. BILLING

Water and sewer charges shall be billed on one bill as applicable to each account. All charges for water and sewer shall be due upon receipt and considered delinquent after the fifteenth day of the current month. All bills shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the fifth day of each month and specify the water and the sewer charges in accordance with the current fee schedule set by resolution of the City Council.

#### SECTION 4. UTILITY RATE SCHEDULE

The utility rate schedule shall be adopted annually by resolution of the City Council.

The City Council's resolution setting out the utility rate schedule shall also establish the number of certification cycles per year. At least one certification cycle will be timed each year to coincide with Mower County's requirements for certification to the following

year's taxes. Additional certification cycles may be set in the annual rate schedule resolution. Each year, the council shall establish one or more certification cut-off dates. All city utility accounts, unless exempt for other legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cut-off date shall have the balance on the account included in a preliminary certification list.

## **SECTION 5. DELINQUENT ACCOUNTS**

**Penalties.** A late payment penalty as per Fee Schedule shall be assessed on all accounts with a past due balance as of the sixteenth of the current month.

**Shut-off for nonpayment.** Water shall not be shut-off until notice as been mailed per the following requirements.

If any bill is not paid after two billing cycles the next billing cycle will include a shut off notice which will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the third bill, water service to the premises will be shut off for nonpayment.

The third bill and shut-off notice shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

The notice shall also state that the any occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the city official in charge of utility billing. This official shall be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.

If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice.

**Certification for collection with taxes.** Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed.

A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges

to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

For each certification sustained, the property owner shall have the following options after the hearing,

To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date.

To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on eleventh day following the hearing date through the date of payment.

To pay the certified charges as billed to them by Mower County on their property tax statement with a collection term of one year.

Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Mower County

#### SECTION 6. EFFECTIVE DATE

This ordinance, as written, shall supersede all previous City Ordinances concerning billing for water and sewer regulations in the City of Brownsdale.

This ordinance shall be effective upon its passage and publication according to the law.

Passed by a vote of Yeas and Nays by the City Council of Brownsdale the 4<sup>th</sup> day of April, 2011

APPROVED:

ATTESTED:

  
\_\_\_\_\_  
Mayor, David K. Pike

  
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City Clerk/Treasurer, Theresa Booms

Publication date in Grand Meadow News on the 13<sup>th</sup> day of April, 2011.