

ORDINANCE NO. 161

THE CITY COUNCIL OF THE CITY OF GOODHUE, MINNESOTA, ORDAINS:

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 Goodhue, State of Minnesota.

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

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

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.

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 service, sewer service, garbage service and recycling service 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, sewer, garbage and recycling, if any charges shall be billed on one bill as applicable to each account. All charges for water, sewer, garbage and recycling shall be due upon receipt and considered delinquent after the tenth day of the following 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.

SECTION 4. UTILITY RATE SCHEDULE

- 4.1 The utility rate schedule shall be adopted by ordinance of the City Council.
- 4.2 The City Council ordinance 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 Goodhue County's requirements for certification to the following year's taxes. Additional certification cycles may be set in the annual rate schedule ordinance. 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.

- 5.1 **Shut-off for nonpayment.** Water shall not be shut-off until notice and an opportunity for a hearing before the city council or an employee designated by the city council have been provided to the occupant and owner of the premises involved.
- 5.1.1 If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the second bill, water service to the premises will be shut off for nonpayment.
- 5.1.2 The second 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.
- 5.1.3 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.
- 5.1.4 If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.
- 5.1.5 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 but not until the charges have been due and unpaid for at least 30 days.
- 5.2 **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.
- 5.3 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. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.
- 5.4 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.

- 5.5 For each certification sustained, the property owner shall have the following options after the hearing,
- 5.5.1 To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date.
 - 5.5.2 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.
 - 5.5.3 To pay the certified charges as billed to them by Goodhue County on their property tax statement with a collection term of one year.
- 5.6 Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Goodhue County

SECTION 6. OTHER REMEDIES

In addition to any procedures or penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any city official designated by it may institute appropriate proceedings at law or at equity to procure payment and or enforce the provisions of this ordinance.

SECTION 7: EFFECTIVE DATE

This ordinance becomes effective from and after its passage and publication.

Adopted by the Council this 14th day of Sept., 20 11.

Mayor Kerry D Been

Attest: _____
Don Agre

Clerk