

UTILITY BILLING ORDINANCE

ORDINANCE NO. 84.

**THE CITY COUNCIL OF THE CITY OF GREENBUSH, ROSEAU, COUNTY, 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 Greenbush, County of Roseau, State of Minnesota.

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

Utility rate schedule. A schedule of all utility rates and charges set by 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. If the said property is a rental unit, the owner must keep the account in their name. 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. The owner is to notify the city of any occupancy changes.

SECTION 3. BILLING.

Water, sewer, and other utility service charges shall be billed on one bill as applicable to each account. All charges for water, sewer and other utility service, shall be due on the twentieth of the month and considered past due after the twentieth day of the month. A 10% late fee will be assessed to the account at that time. Bills shall be mailed to the customers on or around the first of each month, and specify the water, sewer, and other utility services charges in accordance with the current fee schedule set by ordinance of the City Council.

SECTION 4. UTILITY RATE SCHEDULE.

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

4.2 The city will have two (2) certification cycles each year to coincide with Roseau County's requirements for certification to the following year's taxes. These cycles will be June 30th and December 30th each year. 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.** City utility services 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. Water, Garbage or both services can be discontinued due to delinquent accounts.

5.1.1 If any bill is 60 days past due on the monthly due date listed on the bill, a shut-off notice will be hung on premise stating that if payment is not made within ten days of the receiving the shut-off notice, service to the premises will be shut off for nonpayment. Failure to receive a bill or past due notice shall not relieve the responsibility to pay.

5.1.2 The 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 service 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. Once services have been shut off they may not be turned on again until full payment and reconnect fee have been paid.

5.1.6 If for some reason the water cannot be physically shut off the account will be turned over to a collection agency until a time when the account may be certified to taxes.

5.2 **Certification for collection with taxes.** Unpaid charges on utility service 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 Roseau 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 Roseau County Auditor.

5.7 Once the city council has assessed a lien to the County Auditor it may not be satisfied without full monetary payment being made to either the City Clerk or the County Auditor.

SECTION 6. RENTAL PROPERTY

Property owners are responsible for all renter accounts. All rental accounts will be in the owner's name. Apartment buildings will be billed the monthly minimums for each utility service used per the number of occupied unit in the building. It is the owner's responsibility to notify the city clerk of any changes concerning their rental unit.

SECTION 7. TEMPORARY UNOCCUPANCY

Any property owner that leaves for the winter or is out of town for period of time, but still has permanent residency in Greenbush will be billed all minimum monthly rates except for garbage. The monthly minimums are set to cover operating costs of the city utility services. The owner is to let the city office know of times when the owner will be gone.

SECTION 8. PAYMENT OPTIONS

8.1 City utility bills can be paid for by cash, money order, check or ACH payment. Payments can be mailed or dropped off at the city office. A drop off site will be provided for after hours payments at the city office. No two-party or payroll checks will be accepted for payments.

8.1.1 Anyone wishing to set up ACH payments needs to fill out the required form provided by the city clerk. ACH payments will be taken out of authorized accounts on the twentieth of the month.

8.2 Any citizen wishing to pay for their utilities annually will receive one free month of services. If at any time the city should start to meter utility services then the annual credit will only be for monthly minimums, and the resident will need to pay for any metered amounts due. Annual payments need to be made in January.

SECTION 9. NSF CHECKS

9.01 For accounts on which a NSF check is received, the City of Greenbush shall notify the customer immediately by mail that a check has been dishonored by the bank upon which it was drawn. Payment by cash, certified check or money order shall be required within five (5) days of the notice and demand for payment of a dishonored check. A \$30.00 service charge will be added for each NSF check returned.

9.02. If three (3) or more returned checks (NSF) are from the same customer within a twelve-month period, that customer shall be required to make all future payments in "cash or cashier's check only" until such customer has made twelve (12) consecutive "on time" payments.

9.03. If a NSF check is received from a customer who received a delinquent or disconnect notice, utility service will be disconnected immediately without notice. Payment by cash, certified check, or money order shall be required to restore service.

SECTION 10. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 11. This ordinance becomes effective from and after its passage and publication.

Dated this 19 day of May, 2008.

Approved:

Scott Waage, Mayor

Attest:

Anita Locken, Clerk-Treasurer