

ORDINANCE NUMBER 102

AN ORDINANCE ENFORCING PAYMENT OF WATER AND SEWER BILLS

The City Council of the city of New Auburn, Sibley County, Minnesota, hereby ordains:

SECTION 1. All Water & Sewer Bills show a "GROSS AMOUNT DUE". If the "GROSS AMOUNT DUE" is not paid in full by the due date, then the Water and Sewer bill is past due and shall be declared delinquent.

SECTION 2. If a Water and Sewer Bill remains delinquent for five (5) consecutive calendar days and the balance is more than \$10.00, a shut-off notice shall be sent containing the following items not necessarily in the following order:

- A. Name, Address, and Location of customer incurring the Water and Sewer Bill.
  - B. Date, Time, and Place of hearing for customer to attend to be heard.
  - C. A past due charge of \$1.00 per month or one and one half percent (1.5) per month of the water and sewer bill past due balance, whichever is greater, shall be added to the water and sewer bills that are declared delinquent according to Section 1 of this ordinance.
  - D. The shut-off notice must be sent "Certified Return Receipt Mail".
  - E. A Shut-Off Notice fee of \$10.00 shall be add to the delinquent bill.
  - F. Due Date shall be shown.
  - G. The Total Amount Due by the Due Date shall be shown.
- Statement stating that if Total Amount Due is not paid by due date, water service will be discontinued the first business day after the due date of Shut-Off Notice.

SECTION 3. The refusal to accept or the failure to claim the Shut-Off Notice sent by Certified Return Receipt Mail does not relieve said customer of the ordinance.

SECTION 4. The Customer has the right to be heard by the City Council before water service is discontinued due to a delinquent water and sewer bill. If the customer and the City Council come to an agreement regarding payment of the

Total Amount Due, the agreement must be followed explicitly or the water service will be discontinued the first business day after agreement violation without an additional chance to be heard.

SECTION 5. Partial payment of Total Amount Due, less the Shut-Off Notice fee, shown on Shut-Off Notice does not prevent water service from being discontinued. If there is no agreement between the customer and the City Council, the Total Amount Due must be paid by the Shut-Off Notice due date.

SECTION 6. All accounts shall be in the name of the owner of the property being serviced by water and sewer and the owner shall be liable for Water and Sewer service to the owner's property whether the owner is occupying the property or not. If the property being serviced by Water and Sewer is not occupied by the owner, the owner may request to have the City of New Auburn send the Water and Sewer Bill to the occupant(s) occupying the property but this does not relieve the property owner of the liability of the Water and Sewer Bill incurred by the occupants.

- A. PROPERTY OWNERS - The Total Amount Due shown on the Shut-Off Notice must be paid even though the Water service has been discontinued. If the Total Amount Due shown on the Shut-Off Notice is not paid in full in ten consecutive calendar days after Shut-Off Notice due date, Then the account shall be put on the "Collection as Taxes List".
- B. OCCUPANTS OTHER THAN PROPERTY OWNERS - The Total Amount Due shown on the Shut-Off Notice must be paid even though the Water service has been discontinued. If the Total Amount Due shown on the Shut-Off Notice is not paid in full in ten consecutive calendar days after Shut-Off Notice due date or if the occupant vacates the premises of the property owner, the City Clerk of the City of New Auburn shall send a Certified Return Receipt letter, (referred to as letter hereafter), to the property owner stating that the property owner is responsible for the occupants Total Amount Due. Along with the letter, the property owner shall also be sent a copy of everything sent to the occupant. The property owner must pay the Total Amount Due in twenty (20) consecutive calendar days of the letter date, then

the account shall be put on the "Collection as Taxes List".

- C. COLLECTION AS TAXES LIST - If an account is paid in full before this list is certified to the county auditor, then that account shall be removed from the "Collection as Taxes List". All accounts shall be removed from the "Collection as Taxes List" once the list is certified to the county auditor.
- D. CERTIFY TO COUNTY AUDITOR - The City Clerk of the City of New Auburn shall on or before December 20 of each year certify the "collection as Taxes List" to the Sibley County Auditor and shall thereupon become and be alien upon the property on which said Total Amount Due was incurred and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or any part thereof and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

SECTION 7. Having the Water Service discontinued, voluntarily or involuntarily, does not relieve Water and Sewer Customers of sewer service charges. If the Water Service is discontinued and Sewer is connected to the City of New Auburn Sanitary Sewer, a sewer service charge of one hundred twenty five percent (125%) of the previous month's average residential sewer charge of all residential sewer charges in New Auburn, shall be billed monthly except where the City Council of the City of New Auburn feels that the sewage volume is excessive then the City Council of the City of New Auburn shall establish a certain rate at that time. This section does not apply to unoccupied property or to property used solely for storage use.

SECTION 8. A restoration charge of \$25.00 must be paid before water service is restored if the water service was discontinued due to Shut-Off Notice enforcement.

SECTION 9. All restoration charges and Shut-Off Notice charges shall be placed in the Water & Sewer Operating & Maintenance Fund upon receipt.

SECTION 10. All fees and charges imposed by this ordinance may be changed from time to time by resolution of the city council.

SECTION 11. Ordinance Number 92, an ordinance enforcing payment of water and sewer bills is hereby repealed.

This ordinance is in effect upon adoption and publication as required by law.

Adopted this 21<sup>st</sup> day of March, 2006

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Roger H. Becker, Mayor

Attest:

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Wendy L Becker, Deputy City Clerk

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