

City of Ashby, County of Grant, State of Minnesota
An Amendment to Ordinance 54
An Ordinance Establishing Utility Rates and Charges

This Ordinance shall replace Ordinance 13 “An Ordinance Providing for the Payment of City Water, City Sewer, and Garbage Collection Expenses, and providing for the Levying of Such Expenses with Penalty with Real Estate Taxes.” It shall replace Ordinance 17A “An Ordinance Providing for Shut Off of Water for Nonpayment of Water Bills” and it shall also replace 17B “An Ordinance Amending Prior Ordinance #17A and Providing for Discontinuance of City Services for Nonpayment of Utility Bills”

Section

- 54.01 Generally
- 54.02 Collection of charges
- 54.03 Disconnection for late payment
- 54.04 Cold weather rule
- 54.05 Delinquent charges

54.01 GENERALLY.

The monthly charge for water, sewer, services and for collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city shall be as established by the Ordinance Establishing Fees and Charges as that ordinance may be amended from time to time. The utility bill of rental properties is the responsibility of the property owner. All properties with a structure and water service to the building will be charged the base fee each month. The same will be charged for all properties with a structure and sewer service to the building will be charged the base fee each month, This fee will be charged even if services have been disconnected to the property; either by the choice of the property owner or for nonpayment.

54.02 COLLECTION OF CHARGES.

The charges fixed herein for water, sewer services and for collection, removal and disposal of all garbage and trash shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in Section 54.03.

54.03 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill and a 10% penalty will be assessed to accounts that are paid past the due date;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city council. This council shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment may be entertained and questions of proper and correct billing will be considered on an individual basis. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as

established by the Ordinance Establishing Fees and Charges as that ordinance may be amended from time to time.

54.04 COLD WEATHER RULE.

Pursuant to M.S. 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk shall, between August 15 and October 15, of each year, notify all residential customers of these provisions. Penalty, see Section 10.99

54.05 DELINQUENT CHARGES.

As provided for by M.S. 444.075, Subd. 3, as it may be amended from time to time, delinquent sanitary sewer, water and storm sewer charges and as provided by M.S. 443.015 as it may be amended from time to time, delinquent charge for disposal of garbage shall be certified by the City Clerk, who shall prepare a list of delinquent charges *when necessary* each year. The list of delinquent charges shall be delivered to the City Council for adoption. All persons who have delinquent charges included in the list shall be notified and given a chance to appear before the Council before the list is adopted. In the event the delinquency involves rental property, notice shall be given to the record owner of the property in addition to the tenant or other parties in possession and he or she given a chance to appear before the Council. Upon adoption, the Clerk shall certify the unpaid charges to the County Auditor for collection as other taxes are collected. This action may be optional or subsequent to taking other legal action to collect delinquent charges, and shall not preclude the City or its agents from recovery of the delinquent charges and interest under any other available remedy, and shall not preclude the disconnection for late payment provided for in this chapter.

Passed by the Ashby City Council on this date February 1, 2005.

Amended on November 6, 2007.

Amended on March 14, 2013

Amended on January 8, 2015

Mayor

Clerk