

**ORDINANCE # 176**

**CITY OF EYOTA  
EYOTA, MINNESOTA**

**AN ORDINANCE REGULATING THE SEWER AND WATER RATES AND CHARGES  
ADDING TO THE PROVISIONS OF THE EYOTA CITY CODE, TITLE 5, CHAPTER 53**

THE CITY COUNCIL OF THE CITY OF EYOTA, MINNESOTA DOES ORDAIN:

Section 1. The provisions of the Eyota City Code, Title 5 will add Chapter 53, to read as:

**CHAPTER 53: RATES AND CHARGES**

Section

- 53.01 Generally
- 53.02 Collection of charges
- 53.03 Disconnection for late payment
- 53.04 Cold weather rule
- 53.05 Delinquent charges
  
- 53.99 Penalty

**§ 53.01 GENERALLY.**

(A) The monthly charge for water and sewer services for residences and businesses within the corporate limits of the city shall be as established by ordinance, as that ordinance may be amended from time to time.

(B) *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.

(C) *Billing.* For the purposes as provided in § 51.01, there is hereby levied and assessed against each lot, parcel of land, building, or premises having a connection with the municipal water system of said city, whether directly or indirectly, a water service charge or rental payable as hereinafter provided, and in an amount fixed and determined as follows.

- (1) The volume rate to be charged shall be per 1,000 gallons used and set by ordinance.
- (2) A flat charge shall be made against each business occupying a structure or portion thereof, and against each family occupying a multiple-dwelling unit.
- (3) A 10% late fee will be charged on outstanding balances after the twentieth day of the month if payment has not been made.

(4) No more than one building, one housing unit or office unit with separate plumbing facilities shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter.

(5) In all cases in which multiple business or multiple-family units occupy a building, the owner shall be sent a bill of the water rental charges, and a copy thereof shall be sent to the individual business or the individual family units of said premises upon request. Should notices be sent in any other manner than herein provided, a request therefor shall be delivered to the City Council in writing, and said writing placed on file.

(6) In all cases where a tenant fails to pay the water service charge, the landowner shall be responsible for the payment thereof.

(D) Future rates. Future rate changes and additions to the water supply system shall be established by the City Council, and users shall be notified, via their utility bill, as to these changes at least 60 days in advance of same.

(Ord. 17-3, passed 4-2-1969; Ord. 66, passed 4-17-1991)

### **§ 53.02 COLLECTION OF CHARGES.**

(A) The charges fixed herein for water and sewer services shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in § 54.03.

(B) The rental rates or charges set forth herein shall be payable on the twentieth of the month. If such rental charge as herein set forth is not paid for which said charge is due and payable, the City Clerk-Treasurer may certify the same to the County Auditor who shall collect the same, and the collection thereof enforced in the same manner in all respects as county and state taxes, and said water rental charge shall be added to said taxes, subject to like penalty, cost, and interest, just as said state and county taxes. The County Treasurer shall, when said water rental charges are collected by him or her, forthwith pay them to the City Clerk-Treasurer.

### **§ 53.03 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.

(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 official in

charge of utility billing. This official 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 will not be entertained; only questions of proper and correct billing will be considered. 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 reconnection charge as set by Council.

(Ord. 17-3, passed 4-2-1969)

#### **§ 53.04 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 at or below 50% of the state median household income 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.

#### **§ 53.05 DELINQUENT CHARGES.**

As provided for by M.S. § 444.075, Subd. 3e, as it may be amended from time to time, the City Clerk, annually or more frequently as directed by Council, shall prepare a list of delinquent charges to be certified for payment as taxes. 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.

#### **§ 53.99 PENALTY.**

Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

This ordinance shall be effective from and after its publication.

Passed and adopted by the Eyota City Council this \_\_\_\_ day of October, 2020.

\_\_\_\_\_  
Tony Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Marlis Knowlton, Clerk/Treasurer

DRAFT as of 10-21-2020 FINAL