

ST. STEPHEN CITY CODE
CHAPTER 5: GENERAL REGULATIONS

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ORDINANCE 55 UTILITY ORDINANCE

Section 55.01: DEFINITIONS. For the purposes of this Ordinance, the following terms listed in alphabetical order shall have the following meanings:

Subd. 1: Account. A record of utility services used by each property and the periodic costs for those utility services.

Subd 2: City. The City of St. Stephen, County of Stearns, State of Minnesota.

Subd 3: City Utility System. Facilities used for providing public utility service owned or operated by the City or agency thereof, including sewer, storm sewer and water services.

Subd 4: Community Sewer and Wells 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 55.02: ACCOUNTS.

Subd. 1: Name of Owner. 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.

Subd. 2: Lien on Property. All costs accrued pursuant to this Ordinance are a lien upon the property served. All accounts past due may be certified to the County Auditor as a special assessment against the property served even though the costs may have been accrued by a tenant.

Subd. 3: Change in Status. The property owner must notify the City Administrator of any change in the status of any tenant to whom the Community Sewer and Wells System are provided. In all cases, the property owner shall be the final obligee for all costs when the tenant fails to pay.

Section 55.03: BILLING.

Subd. 1: One Bill. Water and sewer charges shall be billed on one bill as applicable to each account. All charges for water and sewer services shall be due upon receipt and considered delinquent after the tenth day of the following month.

Subd. 2: Requirements in Bill. 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

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visible and easily readable. Bills shall be mailed to the customers on or before the fifth day of January, April, July and October of each year and specify the water consumed and the sewer utility service charges in accordance with the current fee schedule set by ordinance of the City Council.

Section 55.04: UTILITY RATE SCHEDULE.

Subd. 1: Adoption. The utility rate schedule shall be adopted annually by ordinance of the City Council.

Subd. 2: Certification Cycles. 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 Stearns County's requirements for certification to the Securing Payments of Utility Charges 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.

Subd. 3: Connection Fee. A connection fee, as authorized by Minnesota Statute Section 414.075, for connecting onto the Community Sewer and Wells System shall be as established and modified by resolution of the City Council. The amount of the fee shall be based upon costs paid by existing residents of the City for the construction of the infrastructure to which connection will be provided. (See Appendix A for the current connection fee).

Section 55.05: DELINQUENT ACCOUNTS.

Subd 1: Penalties. A late payment penalty of ten (10) percent of the total month's bill shall be assessed on all accounts with a past due balance. 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 (10) days of the mailing of the second bill, water service to the premises will be shut off for nonpayment. 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.

Subd. 2: Notice and Right to Hearing. The notice shall also state that any occupant or owner has the right to a hearing before the utility services are 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. If an occupant or owner requests a hearing, the utilities shall not be shut off until the hearing process is complete. 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 thirty (30) days.

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Subd. 3: Shut-off for nonpayment. Utilities 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.

Subd. 4: 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.

Subd. 5: Option of Payment. 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.

Subd. 6: Hearing. 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.

Subd. 7: Options After Hearing. For each certification sustained, the property owner shall have the following options after the hearing.

- a) To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten (10) days of the hearing date.
- b) 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.
- c) To pay the certified charges as billed to them by Stearns County on their property tax statement with a collection term of one (1) year. Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Stearns County.

Section 55.06: EFFECT OF ORDINANCE. This ordinance becomes effective from and after its passage and publication.

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Section 55.07: REVISIONS OF REQUIREMENTS. All requirements stated or implied herein are subject to change at any time without prior notice. All revisions can be obtained from the City Administrator for the City of St. Stephen.

Section 55.08: CONTRACT. All stipulations contained in this Ordinance are a contract with any individual, firm, or corporation as binding as if they were entered into with full consent.

Section 55.09: OTHER REMEDIES. In addition to any procedures or penalties provided for 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.