

## **CHAPTER 50: UTILITY BILLING**

### Section

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**§50.01 RATES AND CHARGES.**

(A) *Generally.* The monthly charge for garbage and trash collection and sewer, water and electric service from residences and businesses within the corporate limits of the city shall be established by the Ordinance Establishing Fees and Charges adopted pursuant to §30.11 of this code, as that ordinance may be amended from time to time.

(B) *Collection of charges.* The charges fixed pursuant to §30.11 of this code shall be entered in their respective amounts on the utility bill.

**§50.02 BILLING POLICIES.**

A combined bill for all utility service charges shall be mailed on a monthly basis succeeding the period for which the services were rendered and shall be due fifteen (15) days after the date of mailing. The base service cost shall not be prorated if a customer discontinues service before the payment period is completed. Any prepayment or overpayment of charges may be retained by the city and applied to subsequent monthly charges. The city may discontinue utility services for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in §50.06 of this section.

**§50.03 SERVICE BILLING; CHANGE OF ADDRESS.**

All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the utility service applications. Any change or error in address shall be promptly reported to the City Administrator/Clerk-Treasurer.

**§50.04 PAYMENT OF CHARGES.**

Any bill not paid in full by the due date will be considered delinquent. If the outstanding balance is not paid when due, then a penalty of 1.5% or \$1.50 per month, whichever is greater, shall be added to the outstanding balance.

**§50.05 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the city to discontinue water and/or electric 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 be heard 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 15 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 City Council resolution.

(D) *Cold weather rule.* Pursuant to M.S. §216B.097, the city adheres to the Cold Weather Rule, as it may be amended from time to time.

#### **§50.06 ASSESSMENT AGAINST PROPERTY.**

In the event that a user fails to pay his or her utility service bill following discontinuance of service, the delinquent amount, plus administrative costs, shall be certified by the City Council and assessed against the property on which the charges have incurred, and may be subject to the following procedures:

(1) Each and every unpaid utility service charge is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in Chapters 51-54 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due utility service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the utilities shall be liable for interest upon all unpaid balances at the rate of 8% per annum.  
Penalty, See §10.99