

ORDINANCE NO. 2007-02

AN ORDINANCE SETTING POLICY AND PROCEDURES FOR BILLING AND COLLECTION OF CITY UTILITY SERVICE BILLS

THE CITY COUNCIL OF THE CITY OF GREEN ISLE MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

Section 1: The City of Green Isle provides water and septic sewer services to residents of the city, including both private home, apartment and commercial users. The City also acts as the billing agency for the private contractor garbage pickup services provided to users within city limits. The purpose of this ordinance is to set billing procedures and collection procedures for payment of city charges for such water, septic sewer and garbage pickup services, all of which services are hereafter referred to as "utility services".

Section 2: The City shall bill only the owners of the property served by utility services. In the case of rental property, the owner/landlord shall be the party billed for the utility services. The owner/landlord is hereafter referred to as "user". Because of significant payment problems with tenants of rental property in the city, the City has determined that it must adopt this policy of holding the owner/landlord of all rental property within the city as the party responsible for payment of city utility services.

Section 3: All users will be given 30 days after mailing of their utility services bills to pay said bills without interest. Interest shall start to accrue beginning with the 31st day after the initial billing mailing on any unpaid accounts. Accrued interest shall be set by the Council by Resolution from time to time, in keeping with the legal interest rates allowed by state law.

Section 4: Any user who does not pay their bill within 60 days after the initial billing shall be mailed a second billing notice from the City Clerk, informing the user that the bill is now 60 days overdue, and that unless the bill is paid within 10 days of mailing of this second billing notice, the City may in its discretion terminate the utility services to that user without further notice. In addition to the mailed second billing notice, the city staff shall affix a red warning tag onto the front door of the structure serviced, said red tag also notifying the user that the services are subject to shutoff within 10 days. If the user cannot be contacted by mail, then the red tag notice shall be considered sufficient in itself to provide the shutoff warning to the user.

Section 5: If the user fails to pay the overdue bill within 10 days after mailing of the 60 day second billing notice and red tag notice described above, the City shall proceed to terminate the utility services to that user. These services shall remain terminated until such time as the user pays the back bill, plus accrued interest, plus a service charge for the shutoff and the turn on of the utility services, said shutoff-turn on charge to be set by the City Council by Resolution from time to time.

Section 6: As an alternative collection method, the City may, in its discretion, assess any overdue utility services bills against the real estate on which the utility services were received and request that the county add said assessment to the real estate tax bill for that property for the next real estate tax billing year.

Section 7: Any utility services user who has a delinquent utility bill and is financially unable to pay any such bill when due, may make a payment plan offer to the City. The City, in its discretion may accept or reject such payment plan offer. If the City chooses to accept the payment plan offer, it will be with the understanding that the utility services user must pay all future bills on time, and must meet the payment plan obligations in all respects and in a timely manner. If the City accepts a payment plan, and the utility services user defaults in any of the terms of said plan, then the City shall have the right to pick up the collection procedure where it left off. For example, if the payment plan was accepted when the user was within the 10 day shutoff notice term, the City shall have the discretion to continue the collection procedure at that stage.

Section 8: Any user who feels that any portion of this policy has been unfairly applied to that user, shall have the right to appeal any action taken under this policy to the City Council. Said appeal shall be initiated by the user requesting that the City Clerk place the matter on the agenda for the next regular council meeting. During the time any such appeal is pending, the utility services shall not be terminated. The user shall have the right to appear at the designated council meeting to present the user's position and the user may call any witnesses or present any evidence the user feels is relevant to the matter. The City Council shall then decide, based on the evidence presented, whether the City's action was fair or unfair, and whether termination of service should or should not be done. If the user fails to appear at the designated council meeting to present the user's position, the council shall have the right to consider that the user has withdrawn the appeal, and the City shall then proceed with whatever action it deems appropriate.

This ordinance shall become effective immediately upon publication.

For City of Green Isle
By Randal S. Bruegger Its Mayor

By Paula D. Geisler
Its City Clerk-Treasurer

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