

**CITY OF MANTORVILLE
DODGE COUNTY, MINNESOTA**

ORDINANCE NO. 2023-02

**AN ORDINANCE AMENDING SECTION 50.03 OF THE CODE
OF ORDINANCES OF THE CITY OF MANTORVILLE
REGARDING DELINQUENT UTILITY ACCOUNTS**

THE CITY COUNCIL OF THE CITY OF MANTORVILLE, MINNESOTA, HEREBY ORDAINS:

Section 1. Chapter 50, Section 50.03(F) of the Mantorville City Code is hereby amended by adding the double-underlined material and deleting the ~~stricken~~ material as follows:

(F) *Shut off for nonpayment.*

(1) — ~~*Shut off for nonpayment between October 15 and April 15.*~~ The city Maintenance Department shall not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

- (a) — ~~The disconnection would occur during the period between October 15 and April 15;~~
- (b) — ~~The customer has declared inability to pay using forms provided by the city;~~
- (c) — ~~The household income of the customer is less than 185% of the federal poverty level, as documented by the customer; and~~
- (d) — ~~The customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule agreement and is reasonably current with payments under the schedule.~~

(2) — ~~*Notification.*~~ The city shall annually notify all residential customers and property owners of the provisions of division (1) above. Additionally, all affected property owners shall be notified if shut off for non payment is contemplated.

(3) — ~~*Notice to residential customers facing disconnection.*~~ Before disconnecting service to a residential customer during the period between October 15 and April 15, the city's administration office shall provide the following information to the customer:

- (a) — ~~A notice of proposed disconnection and date of the same;~~
- (b) — ~~A statement explaining the customer's rights and responsibilities;~~
- (c) — ~~A list of local energy assistance providers;~~

~~(d) — A form on which to declare inability to pay; and~~

~~(e) — A statement explaining available time payment plans and other opportunities to secure continued utility service.~~

~~(4) — Restrictions if disconnection is necessary.~~

~~(a) — If the service of a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with the provisions of division (1), the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least 20 days after the notice required in division (2) has been mailed to the customer or, in the alternative, 15 days after the notice has been personally delivered to the customer.~~

~~(b) — If prior to disconnection a customer appeals a notice of involuntary disconnection, the city maintenance department must not disconnect until the appeal is resolved.~~

~~(5)(1) Shut off for nonpayment between April 16 and October 14. If an account becomes delinquent during the period between April 16 and October 14 any utility account has been delinquent for more than 90 days or any delinquent amount exceeds \$300, and satisfactory arrangements for payment have not been made, the city maintenance department may, after the procedural requirements of division (6) (2) below have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, a reconnection fee of \$50 will be added to the account balance. Service shall not be restored except upon the payment of all delinquent amounts and the reconnection fee. When an account becomes delinquent due to a returned check, the account will be charged a NSF fee of \$30. If that account becomes disconnected, cash only will be accepted for payment of the outstanding balance and reconnect fee.~~

~~(6)(2) For any utility bill not paid by the due date given If any utility account has been delinquent for more than 90 days or any delinquent amount exceeds \$300, a second bill will be mailed containing a cut off notice may be mailed to the account holder indicating that a failure to pay past due amounts will result in disconnection of the account holder's water service. The cut off notice shall include the following information:~~

~~(a) notice that the account is significantly delinquent (more than 90 days or in excess of \$300);~~

~~(b) the total delinquent amount due on the account and instructions for how to make payment;~~

~~(c) the right to dispute the amount due or disconnection at a hearing before the City Council, which can be requested by contacting the City Clerk no later than 10 days from the date of mailing; and~~

- (d) if the delinquent balance is not paid in full within 10 days or otherwise successfully disputed, the water service to the property will be disconnected.

If the ~~bill~~ past due amount is not paid within 10 days of the mailing date and the customer does not otherwise successfully dispute the matter before the City Council, service will be discontinued for nonpayment. Water service will not be discontinued between October 15 and April 15. 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. In the event that the City Council finds that the amount owed is correct and no changes will be applied to the account, all amounts outstanding will be due and payable.

~~(7)~~(3) *Costs.* Any and all costs incurred by digging to locate any shut off valve shall be borne by the property owner. All shut off valves shall be kept readily accessible for service by maintenance personnel. In the event that any concrete or bituminous surface must be removed in order to gain access to any shut off valve, all replacement costs shall be borne by the individual property owner.

~~(8)~~(4) *Violations.* Any person who intentionally violates any of the provisions of this section shall be guilty of a misdemeanor as noted in § 10.99 herein.

Section 2. Chapter 50, Section 50.03 of the Mantorville City Code is hereby amended by adding a new subsection (G), which is double-underlined as follows:

(G) Certification of Delinquent Amounts.

(1) Certification authorized. In addition to any other method available to the City for the collection of unpaid accounts, the City may certify water and sewer charges that are considered delinquent as of October 1, plus any duly imposed late fees and penalties, to the county auditor for collection with taxes during the following year. The process for certification is outlined in this subsection (G).

(2) Notice required. Before certifying delinquent amounts, the City shall mail the account holder written notice of its intent to certify the unpaid charges to their property taxes, and such notice shall include the following information:

- (a) notice that the account is delinquent;
- (b) the total delinquent amount due on the account and instructions for how to make payment;
- (c) the right to dispute the amount due or its certification at a hearing before the City Council, which can be requested by contacting the City Clerk no later than 10 days from the date of mailing; and

(d) if the delinquent balance is not paid in full or otherwise successfully disputed, the amount due, including late fees, penalties, and any certification fee, will be certified to the county auditor for collection with the following year's property taxes.

(3) *Certification.* Prior to November 15 of each year, the city council may then adopt a resolution certifying delinquent amounts, including any previously imposed late fees, penalties and any established certification fee, to the county auditor for collection with the following year's property taxes. The resolution will thereafter be transmitted to the county auditor on or before November 30.

Section 3. This ordinance shall be in full force and effect upon its passage and publication.

Passed by the City Council of the City of Mantorville, Minnesota, this 9th day of January 2023.

ATTEST:

Chuck Bradford
Mayor

Shirley R Buecksler
City Clerk-Treasurer

DRAFT