

**City of Spicer, Minnesota
Water and Sewer Policy/Procedure**

The purpose of the policy is to establish a uniform process for water and sewer utility billings. To provide staff and consumers a guide for the enforcement of the Spicer City Ordinance Chapter 51 – Sewer Regulations and Ordinance Chapter 52 – Water Regulations.

SECTION 1: APPLICATION IS THE OWNER-CUSTOMER RESPONSIBILITY

(A) Application for service. Application for a water/sewer service installation and for water/sewer service shall be made to the City Clerks office on forms prescribed by the City Council and furnished by the city. By his/her signature, the applicant shall agree to conform to this ordinance and to rules and regulations that may be established by the city as conditions for the use of the water/sewer services.

(B) Account in name of owner. All accounts shall be carried in the name of the owner who personally or by owners authorized agent, shall apply for such service. The owner shall be liable for water/sewer service supplied to the property, whether property is owner occupied or not and any charges unpaid shall be a lien upon the property.

(C) Service connection. No person shall allow or cause more than one dwelling to be supplied per connection. A dwelling is described as a house, trailer, and garage or out building.

(D) All connections shall be metered. Except for any connection that is physically not able to connect a meter if permission is requested in writing and granted by the city.

(E) Rental Units. Effective January 1, 2013, the City will no longer bill rental utility billings to the renter. All utility billings will be billed to the property owner. If one of the following events occurs before January 1, 2013, the utility billing for that property will be billed directly to the owner:

Subd. 1. Current renter moves before January 1, 2013

Subd. 2. The utility billing has been delinquent more than six (6) times during the past twelve (12) months.

Subd. 3. Water service has been disconnected for non-payment during the past twelve (12) months.

Subd. 4. The City has certified the rental utility billing to the County Auditors for non-payment as provided for in Ordinance Chapter 54.

Utility billings will continue in renters name until the renter moves or at such time one of the above occur. At that time the utility billing will be transferred to the property owner.

(F) 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 water service application. Any change or error in address shall be promptly reported to the City Clerk. It shall be the responsibility of the consumer to notify the City to request a final reading at the time of the customer's billing change.

SECTION 2: UTILITY STATEMENTS

(A) Utility Statements. Effective January 1st, 2022, water meters will be read the last day of each month. Utility statements will be processed and mailed by the fifth (5th) day of each month. Statement for total water/sewer charges for the preceding monthly period shall be mailed to each customer on or before the fifth (5th) day of each month.

(B) Payment. Effective January 1st, 2022, the total amount due on the statement shall be payable on or before the twenty-fifth (25th) day of the month following the monthly period covered by such statement.

(C) Prepayments and overpayment. Any prepayment or overpayment of charges may be retained by the City and applied on subsequent monthly charges.

(D) Penalties. Effective January 1st, 2022, payments received after the 25th of each month will be subject to a 10% penalty.

SECTION 3: DISCONNECTION FOR NON-PAYMENT FOR ALL CUSTOMERS NOT AFFECTED BY PRIMARY HEAT SOURCE

(A) Disconnection for non-payment.

Subd. 1. The City will disconnect service to any residential and/or business customer whenever:

- 1) A customer's account is not paid in full as stated on the water/sewer billing statement.
- 2) A customer has been notified by phone two (2) days prior of disconnect.
- 3) A notice of intent to disconnect (door hanger) has been hand delivered to the address of service and/or address of party responsible for payment.

SECTION 4: DISCONNECTION FOR NON-PAYMENT AFFECTED BY PRIMARY HEAT SOURCE

(A) Disconnection for non-payment when primary heat source is affected.

Subd 1. The City 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:

- 1) The disconnection would occur during the period between October 15 and April 15;
- 2) The customer has declared inability to pay using forms provided by the City;
- 3) The household income of the customer is less than 185 percent of the federal poverty level, as documented by the customer to the City; and
- 4) 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.

Subd. 2. Notification. The City shall notify all customers of the provisions of Subdivision 1 annually.

SECTION 5: PROVISION FOR COLLECTION WITH TAXES

(A) In the event a user fails to pay his or her water/sewer user fee within a reasonable time following discontinuance of service (a time period not to exceed 60 days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection as provided for in Chapter 54.

SECTION 6: POWER AND AUTHORITY OF CITY AND CITY EMPLOYEE(S).

(A) The Utilities Superintendent and other duly authorized employees of the City, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspection, observation and testing in accordance with the provisions of this chapter.

(B) All water meters and remote readers shall be and remain the property of the City.

(C) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspection.

SECTION 7: PROHIBITED ACTS

(A) No person, except an authorized City employee, shall turn on or off any water at the curb stop valve.

(B) No person(s) shall permit water from the city water supply system to be used for any purpose except upon their own premises. No person shall make or allow to be made an unauthorized connection from or to; or to bypass any connection by any means, including but not limited to attaching, connecting or otherwise affixing a wire, cord, socket, pipe, and hose, motor or other instrument or device to without passing through a meter authorized by the utility.

(C) No person(s) shall tamper, alter, damage, adjust or obstruct the operation of a meter provided by the City for measuring or registering the amount of water passing through a meter.

(D) No person(s) shall allow an unauthorized connection or reconnection of the utility service without the authorization or consent of the City.

(E) No person(s) shall allow or may remove, install, connect, reconnect or disconnect a meter for service by any person other than an authorized employee or agent of the City.

SECTION 8: CIVIL ACTIONS

(A) The City may bring a civil action for damages against a person who:

Subd. 1. Deliberately commits, authorizes, attempts, solicits, aids or abets bypassing, tampering, unauthorized connection or unauthorized metering that results in damages to the utility; or

Subd. 2. Knowingly receives service provided as a result of bypassing, tampering,

unauthorized connection, or unauthorized metering. The City may recover double the costs of the service provided; the costs and expenses for investigation, disconnection, reconnection, service calls, equipment, and employees; and the trial costs and witness fees. (§325E.026)

SECTION 9: DISCONTINUATION OF SERVICE

(A) The City may, upon written request of the property owner, discontinue service for any connection if certain criteria are met.

Subd. 1. Both the water and sewer service must be permanently capped by a licensed plumber. A letter by said plumber stating that the service is capped must be sent to the City Clerks office.

Subd. 2. The City removes the meter reader (MXU) device.

Subd. 3. All fees must be paid in full, before the City will deem the connection disabled.

Subd. 4. An authorized agent of the City must be allowed to enter the premises to verify that the service is permanently disabled.

Subd. 5. The City will notify the property owner by mail accepting or denying the discontinuation of service. The property owner will have 10 days from the date of the inspection to comply if the service disconnection is denied. The accessibility fees will continue until discontinuation is accepted.

SECTION 10: RATES, FEES AND CHARGES

(A) The City Council shall establish a schedule of all water/sewer rates, fees and charges for services in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time.

SECTION 11: EFFECTIVE DATE

Adopted by the City Council of the City of Spicer, Kandiyohi County, Minnesota, this 21st day of September, 2021.

Dennis Baker, Mayor

Attest:

Chris Johnson, Interim City Administrator