

Chapter 7. Water and Sewer

Part 1. Utility Billing

701.01. **Scope of Ordinance.** Every parcel of real property and occupant and owner of every parcel of real property located within the city limits of the City of Hayfield, Minnesota, which receives water service from the City of Hayfield water system shall be subject to this ordinance, whether such occupant and/or owner is an individual, corporation, partnership, association, firm, or any other legal entity.

701.02. **Billing and Owner's Liability.** All billing accounts for water services shall be carried in the name of the owner of that property receiving water service. The owner shall be liable for water supplied to his property, whether he is occupying the property or not and any charges unpaid shall be the personal responsibility of the owner.

701.03. **Billing and Payment Schedules.** Statements for total water charges for the preceding bi-monthly period shall be mailed by the city clerk to each parcel of property receiving water service on or before the 5th day of the month following the bi-monthly billing period. The amount listed on the statement shall be due not later than the last day of the month following the bi-monthly period covered by such statement. Any statement which has not been paid on or before the last day of the month following the bi-monthly period covered on such statement shall be deemed delinquent.

701.04. **Shut-Off for Non-Payment.** Subdivision 1. **Shut-Off:** The city shall attempt to collect delinquent accounts promptly. In any case where payment has not been received by the City within sixty (60) days from the last day of the preceding bi-monthly period, the city council may, after the procedural requirements of Subdivision 2 have been complied with, discontinue service to the delinquent customer by shutting off the water service to the premises being serviced. When water service to any premises has been discontinued, service shall not be restored except upon payment of all delinquent amounts due plus a reconnection fee of ~~\$10.00, (1994) \$50.00 (amended 4/28/04), - \$75.00 (amended 8/25/08)~~

Subd. 2. **Procedure:** Water shall not be shut off under Subdivision 1 until notice and an opportunity for a hearing have first been given to the owner of the premises involved. The notice shall be mailed to the occupant of the premises and shall state that if payment is not made before a date stated in the notice, but not less than ten (10) days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall be addressed to the occupant of the premises and a copy mailed to the owner of the premises. If the owner of the premises is not the occupant of the premises, such service shall be deemed properly made on the owner and it shall be the responsibility of the absent owner, and not the responsibility of the city to obtain notice of such service from the occupant of the premises.

The notice shall provide that the owner may, before such date that water service would be shut off, demand a hearing on the matter, in which case the water services will not be shut off until after the hearing is held. If the owner requests a hearing before the specified shut off

date, a hearing shall be held on the matter by the city council at least seven (7) days after the date on which the request is made. The request by the owner for a hearing must be submitted in written form, executed by the owner, and filed with the city clerk before such date that water services would be shut off. Within three (3) days of receiving such a request for a hearing, the city clerk shall mail a notice to the owner at the premises receiving water service as to the date, time, and location of said hearing before the city council. A quorum of the city council shall be necessary for the city to hold such a hearing. If as a result of the hearing, the city council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent owner may not be shut off in accordance with this ordinance, the city may shut off the water supply. The city shall comply with Cold Weather Rule, Minnesota Statutes 216B.097.

701.05. Collection of Unpaid Billings by Taxes. Delinquent accounts may be certified to the city clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. Upon such assessment roll being adopted by the city council, the clerk shall certify the assessment roll to the County Auditor for collection along with the taxes.

701.06. Penalties. Any person, or persons, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1000.00 or by imprisonment not to exceed ninety (90) days, or both.

701.07. Severability. Every provision of this ordinance shall be severable from every other part or provision thereof, and if one provision is held invalid, such invalidity shall not affect any other part or provision thereof.

701.08. Effective Date. This ordinance shall be in full force and effect from and after its publication according to law. Any unpaid bills which were delinquent prior to this ordinance and which are due and owing after the effective date of this ordinance shall fall within the terms of this ordinance.