



ORDINANCE 20-03

AN ORDINANCE AMENDING CITY OF BYRON CITY CODE CHAPTER 50 SEWER AND WATER SERVICE

The City Council of the City of Byron ordains:

Section 1. Chapter 50: Sewer and Water Service, amended to read as follows:

50.01 DEFINITIONS For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

50.01 CONTINUOUS DELINQUENCY. An account is not paid in full for two or more months in a row.

50.01 DELINQUENT. An account is considered delinquent if payment is not received by the 20th day of each month.

50.02 (A) *Applications for service*; Application for water service and installation shall be made at City Hall. Every person on city water services shall comply with all ordinances, rules, and regulations of the city relating to the municipal water system.

50.02 (B) Rental property.

50.02 (B) (1) The tenant is allowed to receive the monthly bill along with the property owners. It is the property owner that is ultimately responsible for water supplied to the property and any water and sewer charges unpaid by the rental customer.

50.02 (B) (2) If the property has individual meters but only one shut-off to the entire property, (meaning the shut-off controls more than one unit) the property owner(s)/landlord will be responsible for the water and sewer charges.

50.02 (C) *Private Wells*. No well may be drilled in any location that the municipal water system is reasonably and readily accessible, except by special permit from the City Council. The special permit will be brought forward based upon a recommendation of the City Engineer and the City Administrator.

50.03 GENERAL BILLING PROCEDURE AND PAYMENT FOR WATER AND SEWER SERVICES

"To provide valued public service and guide the City with innovative thinking toward smart growth."

50.03 (A) Bills for water and sewer service shall be invoiced no later than the 5th day of the month for water and sewer services consumed in the previous billing cycle. Bills for water and sewer service shall be due and payable in the office of City Hall on or before the 20th day of each month. To each bill not paid on or before the due date, there shall be added a penalty of 10% of the amount of the overdue bill.

50.03 (B) It is the policy of the city to discontinue utility 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 bill shall contain, in addition to address and phone number of the official in charge of billing; clearly visible and readable provisions to the effect:

50.03 (B) (1) That all bills are due and payable on or before the 20th;

50.03 (B) (2) That if any bill is not paid by or before that date; a notice will be mailed containing a shutoff date.

50.03 (B) (3) That any customer disputing the correctness of their bill shall have the right to a hearing at which time they may present orally or in writing of their complaint and contentions to the City Council. The City Council has final authority to adjust bills and/or finalize utility shut off.

50.03 (B) (4) Customers can enter into a reasonable payment agreement at any time prior to the hearing at City Council and a shut off direction from the Council. Payment agreements that are not honored will be subject to disconnection without notice.

50.03 (B) (5) When an account has a returned check, the account will be charged an NSF fee which is set by the City Council on the annual fee resolution. If any account becomes delinquent due to a returned check, only cash or credit card payment will be accepted for the outstanding balance.

50.03 (B) (6) Any delinquent bills as of 4:00pm the day prior to shut off will be charged the reconnection fee as set by the City Council annual fee resolution.

50.03 (B) (7) When it becomes necessary for the City to disconnect utility services for nonpayment of bills, service will be reinstated only after all bills and reconnection fees have been paid.

50.04 SHUT-OFF FOR NON-PAYMENT.

50.04 (A) Restrictions if disconnection is necessary.

50.04 (A) (1) If the service of a residential customer must be involuntarily disconnected, the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least ten (10) days after the required notice has been mailed to the customer.

50.04 (A) (2) If, prior to disconnection, a customer appeals the notice of involuntary disconnection, as provided by the City's established appeal procedure in 50.04 E, the City Staff must not disconnect until the appeal is resolved.

50.04 (B) *Shut-off for non-payment from April 15 and October 15.* If a customer's account becomes continually delinquent during the period between April 15 and October 15, and satisfactory arrangements for payment have not been made, the City may, after the procedural requirements of Section (E) have been complied with, discontinue service to the delinquent customer by shutting off the water at the curb stop. Service shall not be restored until payment of all delinquent amounts and the reconnection fee has been made.

50.04 (C) *Shut-off for non-payment from October 15 and April 15.* City staff shall not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit as stated in MN Statute 216B.097.

50.04 (D) *Notification.* City shall notify all residential customers of the provisions of Section 50.04. Additionally, all affected property owners shall be notified if shut-off for non-payment is contemplated.

50.04 (E) *Procedure.* Water shall not be shut off under division (A) until notice and an opportunity for a hearing has been given to the occupant of the premises involved. The notice shall be mailed no less than ten (10) days before the public hearing, and shall state that if payment is not made before the date stated on the notice, the water supply to the premises will be shut off. The notice shall clearly inform the customer of the available opportunities to present to the City their objections to the bill, and shall identify the telephone number, address, and contact information for city hall. The notice shall also state that the occupant may appear at the next City Council meeting to dispute their charges. In which case, the water supply will not be shut off until after the meeting. If 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 continuously delinquent customer may not be shut off in accordance with this chapter, the City may shut off the supply.

50.04 (F) *Reconnection.* Reconnection may be scheduled once all applicable fees and charges are brought current. At the time of reconnection by the City, a designated representative of the unit must be present.

50.04 (G) *Costs.* Any and all costs incurred by digging to locate any curb stop shall be borne by the property owner. All curb stops shall be kept readily accessible for service by city staff. In the event that concrete or bituminous surface must be removed to gain access to the shut-off valve, all accesses and replacement costs shall be borne by the property owner.

50.05 (A) All continuously delinquent accounts or disconnected for 10 days will be notified of a public hearing to be held at a City Council meeting to discuss assessing qualified past due accounts. Following the public hearing, the property owner has 30 days to pay the account in full. All continuously delinquent accounts after this time will be certified to the County Auditor for collection with taxes for the following year.

50.05 (B) To be removed

50.05 (C) To be removed

50.06. USER RATE SCHEDULE.

50.06 (A) Operating, maintenance and replacement charges for the operation of the water service will be set by a City Council fee resolution.

50.06 (B) The consumer will be invoiced for all gallons that are pumped through the water meter with no cap for water.

50.20 SECOND WATER METER FOR IRRIGATION

50.20 (A) Owners may request the city for installation of a second meter to meter non-sanitary sewer water usage pursuant to regulations established by the city; however, a second meter will not be issued for an existing irrigation system until a second meter permit is issued.

50.20 (B) The second meter shall be for metering water usage that is used for non-essential services; ie; watering the lawn, washing the car. Both meters shall be installed by a professional plumber and are subject to all costs, conditions, and inspections.

50.20 (B) (1) In the event of a critical water deficiency, refer to the cities critical water deficiency plan defined in City Ordinance Chapter 53.

50.20 (B) (2) Homeowners are responsible for all costs associated with sprinkler head maintenance repair and relocation. The City will not pay or reimburse costs related to damaged sprinkler heads located in a right-of-way or easement.

50.20 (C) The city shall read both meters for billing purposes. Until the inspection of the second meter is complete, the rates will include sewer.

50.20 (D) To be removed

50.20 (E) To be removed

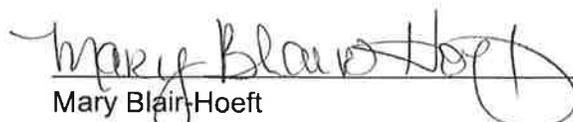
50.21 SECOND METER USER RATE SCHEDULE. Operating, maintenance charges for the operation of the water service will be set by the City Council annual fee resolution.

Section 2. Byron City Code shall be amended to include the noted wording above.

ADOPTED by the Byron City Council this 14th day of July, 2020.



Daryl Glassmaker
Mayor



Mary Blair-Hoelt
City Administrator