

**ORDINANCE NO. 806**

**AN ORDINANCE AMENDING ORDINANCE NO. 779 ADOPTED ON DECEMBER 6, 2022 AND  
ORDINANCE NO. 763 ADOPTED ON JULY 20, 2021 AND ORDINANCE NO. 717 ADOPTED  
ON JANUARY 7, 2022 THE CODE FOR THE CITY OF ISANTI ADDING  
CHAPTER 262, SEWER AND WATER SERVICE CHARGES**

**THE CITY COUNCIL OF THE CITY OF ISANTI DOES ORDAIN:**

**Section 1 -Amendment.** Ordinance 779, Ordinance 763 and Ordinance 717, codified in Chapter 262 of the City Code, is hereby amended as follows:

**Chapter 262**

**SEWER AND WATER SERVICE CHARGES**

**Article I**

**Sanitary Sewer and Water Rates and Regulations**

§ 262-5 Accounts and billing for services

§ 262-6 Right to discontinue service

§ 262-7 Refusal to allow access~~Miscellaneous provisions~~

**Article I Sanitary Sewer and Water Rates and Regulations**

§ 262-5 Accounts and billing for services.

- A. Accounts. All accounts shall be carried in the name of the owner who personally, or by their tenant as authorized agent, are designated the account holder and shall apply for sanitary sewer service and/or water service. If the building or premises is rented, the tenant, if so authorized by the owner, may carry the account in their name. The owner shall, at all times, be personally liable for sanitary sewer and water services used in the building or premises, whether they are occupying the same or not. Any unpaid charges shall become a lien on the property, as per Section 262-5 (G)~~7(B)~~ of this Chapter.
- B. Deposit. The City reserves the right to request a deposit for sanitary sewer and water services. The deposit shall be in accordance with the City Fee Schedule. The deposit shall be held as a guarantee to hold the City free from any loss occasioned by failure of payment on the account as per this Chapter. If the deposit is used for payment of delinquent sanitary sewer service and/or water service charges, penalties and interest due, and the deposit is depleted; the sanitary sewer service and/or water service shall be discontinued. The account will be suspended until all delinquent charges and a new deposit are paid to the City.
- C. Billing cycle. Sanitary sewer and water service base fees, user charges, fees by special agreement shall be billed on a monthly basis. Bills on accounts for the past month's service are mailed on or about the last business day of the month. Bills are due by the 20<sup>th</sup> of the following month. If that day is on a holiday or weekend, the charges are due by the end of the next business day. Bills on accounts shall be paid within 5 calendar days of the due date for the account to remain current.
- D. Penalty charge and interest on unpaid bills. The monthly charges in this section shall be subject to penalties after the final due date. Unpaid accounts shall be subject to a penalty charge of interest at the rate of 1.5% per month, with a minimum penalty charge of \$5.00 per month for unpaid balances of \$10.00 or greater.



~~E. Disconnection. All delinquent and unpaid accounts are subject to disconnection as per Section 260-6 of this Chapter, except as otherwise provided by law. At any time, accounts paid by a check without sufficient funds (non-sufficient funds check), upon discovery by the City, are considered delinquent. These accounts are subject to immediate disconnection unless precluded by state statute. No further notifications or posting will be given. All delinquent amounts, connection and disconnection fees, must be paid prior to sanitary sewer service and/or water service being restored. These accounts shall be required to pay with cash or credit card for delinquent and future account payments.~~

~~F. Payment plan for delinquent accounts. The account holder may request a payment plan for the unpaid balance of a delinquent sanitary sewer and/or water utility account owed the City. All delinquent amounts, penalties and charges will be included in the payment plan. The term of repayment shall not exceed 90 days. During the time of the repayment plan, the account shall be kept current. If at any time during the time of repayment the account becomes delinquent by non-payment of charges, the City shall proceed to discontinue services as per Section 262-6 of this Chapter. If disconnected, charges per Section 262-6 will apply and no further payment arrangements will be extended to the account. The owner is responsible for all delinquent charges on the account, and if unpaid the charges shall be a lien on the property pursuant to § 262-7B. Account holders may utilize a payment plan once annually, and in no case more than 3 times in a 10-year time period.~~

~~G.E. Utility rate overcharge. In the event it has been determined by the City that an account has been overcharged, the City will pay a credit to the account of the monthly overcharge for a period of up to 12 months, provided that the account is current. In the event that the account is delinquent, any credit shall be applied to the unpaid balance, any penalties or interest due the City. In the case where the overcharge in total exceeds \$1,000.00, a longer time period of credit shall be determined by the City Council.~~

~~H.F. Utility rate undercharge. In the event an account has been undercharged through no fault of their own, the City will seek recovery for up to 12 months of undercharged use. At the request of the account holder, the City will provide a payment plan for the undercharged usage equivalent to the number of months being charged at no interest to the account holder, provided that payments by the account holder prior to discovery of the undercharge were current. If not current, undercharged usage charges are due upon discovery and notification of the account holder. If the undercharge in total exceeds \$1,000.00, a longer time period shall be determined by the City Council. The City reserves the right to collect these charges as per § 262-5 (G)7B of this chapter.~~

~~G. Certification of unpaid account balances with taxes. Unpaid sanitary sewer and/or water service charges, interest and penalties on accounts shall be certified to the county auditor once annually, and may be done more often if deemed necessary, as permitted by MN Statute 444.075 subd. 3e, as may be amended from time to time. Prior to certification, a notice shall be sent by U.S. mail to the account holder and state the date that payment needs to be made prior to certification. The notice shall also inform the account holder of their right to a hearing before the City Council to dispute the amount owned. If approved by the City Council, all delinquent amounts, penalties and charges, including administrative fees, shall be certified to the County Auditor for collection with property taxes.~~

**§ 262-6 Right to discontinue service.**



- ~~A. Notification. The City shall notify the owner or tenant; the account holder whose name the account has been placed in when a sanitary sewer service and/or water service account is 30 days past the due date. This notification shall be by U.S. Mail. This notification shall include:~~
- ~~B. The amount owed the City, including any interest or other appropriate charges.~~
- ~~C. The date by which the account must be paid.~~
- ~~D. Who the account holder may contact regarding this matter. This includes the right of the account holder to discuss the delinquent charge(s) and/or set up a payment plan if applicable as per Section 260-4(F).~~
- ~~E.~~
- ~~F. \_\_\_\_\_ If the account is not paid by the date that was in the first notification, the City shall \_\_\_\_\_ hand deliver a notice to the dwelling or premises by posting on the front entry door.~~
- ~~G. \_\_\_\_\_ A delinquent posting notice fee, as per the City Fee Schedule, shall be charged to the \_\_\_\_\_ delinquent party's account to cover administrative costs associated with the \_\_\_\_\_ preparation and delivery of this notice. This second notice shall state that the \_\_\_\_\_ delinquent account balance and door-posting fee shall be paid by the specified time \_\_\_\_\_ and date. It shall also state who the account holder may contact to appeal the shutoff. \_\_\_\_\_ Any appeal must be made prior to the close of the last business day before the day the \_\_\_\_\_ utility is shutoff. The appeal shall be made to the City Administrator or their \_\_\_\_\_ designee. The notice shall also include all applicable charges to disconnect and to \_\_\_\_\_ reconnect the service as per this Chapter and that these fees shall be applied to \_\_\_\_\_ the account balance.~~
- ~~H.~~
- ~~I. Shutoff. Services will be discontinued to the accounts which have not made payment or arrangements with the City regarding the delinquent account. In the event of a sanitary sewer service in a building or premises served by a private well, if practical a removable plug be placed in the building drain or service connection. If not practical, sewage usage shall be continued to be billed against the account. Shutoff of services shall not be done in the following situations:~~
- ~~J. The account holder's household has a member of the armed forces that has issued orders for active duty, for deployment, or for a permanent change in duty in accordance with Minn. Statutes 325E.028.~~
- ~~K. In cases where the National Weather Service has issued an excessive heat watch, heat advisory or heat warning, and those warnings and watches are in effect.~~
- ~~L.~~
- ~~M. Charges. The City shall charge a fee to disconnect services and a fee to reconnect services to a delinquent sanitary sewer service and/or water service account. These charges are due at the time the delinquent account balance is paid to the City.~~

~~N.A.~~ Shutoff by City only. No person, party or firm shall turn on or off the water supply at the valve box, gate valve or restrict a sanitary sewer or water service without permission of the City. In emergency situations, water may be shut off or turned on, with the City notified as soon as practical.

~~O.B.~~ Taking water without authority. Taking water without authority, restricting access to or tampering with valve boxes, water meters, public water systems, or installation of meter bypasses is strictly prohibited, and if determined by the City Administrator or their designee that probable cause exists to believe that any such violation is occurring or has occurred, shall subject the owner or tenant to immediate disconnection of service and an estimated bill will be issued for unmetered water use. Charges for disconnection and reconnection shall apply to any reinstatement of a water account. Repair and replacement of damaged meter equipment shall be charged. All fees, repair and replacement costs, personnel time and unmetered water use shall be paid in full prior to reinstatement of a water account and reconnection of water service.



~~P.C. Shutoffs in multiunit buildings. In a situation where the water supply has been shut off to one or more units in a multiunit building by the City, water will not be turned on and/or a meter reinstalled if the account holder has delinquent accounts in other units in the same building.~~

~~Q. Delinquent account in shared connection. In the event that an account holder has an unpaid delinquent account in a building or premises that receives water service through a common waterline where the shutoff and/or water meter serve other account holders whose accounts are in good standing, the City shall not shutoff utility services. The delinquent account holder is responsible for disconnection and reconnection fees if the account is not paid prior to the disconnection date that the account would have been disconnected. If a monthly recurrence, disconnection and reconnection fees shall be charged every three months that the account is delinquent. The owner of the building or premises is responsible for all delinquent charges on the account, and if unpaid shall be made a lien on the property pursuant to § 262-7B of this chapter.~~

~~R.D. Request for disconnection. The account holder, owner or authorized agent, may request that their sanitary sewer and/or water service be discontinued. The City will then shut off the water and if necessary, remove the water meter. A disconnection fee will be charged and if reconnected, a reconnection fee will also be charged. When the sanitary sewer service and/or water service is discontinued, a monthly fee equivalent to 50% of the sewer base and water base fee will be charged. The owner is responsible for the base fee charges, and if unpaid shall be an assessment on the property. lien on the property pursuant to § 262-7B of this chapter.~~

~~S.E. Disconnection due to other utility disconnection and vacancy. If the account has the electric and/or gas utilities shut off during the time period between October 15 and April 15, and the City determines in good faith that the premises has been vacated by the former account holder and no transfer of the account has been made, the City reserves the right to discontinue sanitary sewer service and/or water service to the premises. The account shall be deemed delinquent and Any unpaid account balances are subject to provisions within this chapter. charges to reinstate the account as per this Chapter shall apply.~~

#### § 262-7 Refusal to allow access~~Miscellaneous provisions.~~

- A. Refusal to allow access. If an owner or tenant refuses to give consent to the City to enter the building or premises served to inspect a meter and/or obtain a reading, the City will pursue an administrative search warrant to gain access.
- B. ~~Certification of unpaid account balances with taxes. Unpaid sanitary sewer and/or water service charges, interest and penalties on accounts shall be certified to the county auditor at least once annually, and may be done more often if deemed necessary. Prior to certification, a notice shall be sent by U.S. mail to the account holder and state the date that payment needs to be made prior to certification. The notice shall also inform the account holder of their right to a hearing before the City Council to dispute the amount owed. If approved by the City Council, all delinquent amounts, penalties and charges, including administrative fees, shall be certified to the County Auditor for collection with property taxes.~~

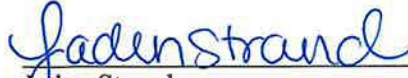
#### **Section 2- Effective Date.**

This Ordinance takes effect upon its passage and publication in the official newspaper of the City of Isanti.

Adopted by the City Council this 6<sup>th</sup> day of March 2024.

  
\_\_\_\_\_  
Mayor James Gordon

Attest:

  
\_\_\_\_\_  
Jaden Strand  
City Clerk

Posting Date: 2-21-2024  
Reading Date: 3-6-2024  
Publication Date: 3-14-2024  
Effective Date: 3-14-2024