

**ORDINANCE NO. 2008-33**

**AN ORDINANCE AMENDING CITY CODE §1200.030  
REGARDING COLLECTION OF UTILITY FEES**

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The City of Minnetonka Ordains:

Section 1. City code section 1200.030 is amended as follows

1200.030. Rates and Charges.

1. Rates and charges for the collection and treatment of sewage and for water from the water system will be established by the council. The rates may not exceed an amount reasonably calculated to cover the cost of the proper maintenance and operation of the systems, including the cost of amortization of any indebtedness and a reserve for capital replacement.
2. The owner of a property is responsible for all bills accruing through the use of water and sewer facilities on that property, whether the property is occupied by the owner or by someone else. Unpaid charges constitute a lien against the benefiting premises on and after the date they were incurred and may be certified to the county auditor for collection with taxes in accordance with subdivision 6 below.
3. Premises that are not connected to municipal water and sanitary sewer will be billed a minimum charge for sewer and water service. This minimum billing will in no way restrict or prevent other civil and criminal sanctions applicable for failure to comply with ordinance provisions.
4. Statements for water and sewer charges for the preceding quarterly period will be mailed to each customer within 10 days after the first day of each quarter. They will also include any amounts due for repairs on meters, fines, penalties, or other indebtedness. These statements are deemed sufficient notice of the charges to the consumer and to the property owner. The statements will be due and payable before the end of the month in which they are billed.
5. At the end of 30 days after the date of the statements, all bills not paid become delinquent. It is the duty of the city manager to promptly collect delinquent accounts. The city will notify each delinquent consumer or, in case he/she cannot be found, then the property owner or other person in charge of the premises, of the amount due. If the amount due is not paid or satisfactory payment arrangements are not made within 10 days after this notice, the city may notify the delinquent consumer or person in charge of the premises that the water service will be shut off. If satisfactory payment arrangements are not made within 72 hours after the shut-off notice, the city may shut

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The ~~stricken~~ language is deleted; the underlined language is inserted.

off service at the stop box.

6. If the efforts to obtain voluntary payment fail, any amounts due for municipal water or sewer charges plus penalty and interest may be collected in an action brought for that purpose in the name of the city, or may be certified as an assessment against the property that was served. The council will establish the appropriate penalty and rate of interest, taking into consideration such market conditions as the prime rate of interest generally charged by the major twin cities banks. Before certification against the property, notice of the impending certification and an opportunity to be heard by the council must be given to the taxpayer of record. Failure of the taxpayer to receive the notice does not invalidate the certification, however. After approval of the city council, the clerk may certify to the county auditor the amount due together with the legal description of the premises served. The county auditor will enter the amount with the tax levy on those premises, collectible with the taxes for the following year. These remedies are in addition to the right to shut off water for the non-payment of a water bill.

7. When there is a change of property ownership or other change in responsibility for paying the charges, the consumer must notify the city. The meter will be read at that time to determine the final bill. A consumer may request that the city suspend service for a period of time, but during that time the consumer must still pay the minimum billing amount.

8. In all cases where water has been turned off for the non-payment of bills or for violation of any regulations of the city, the water will not be turned on again until all delinquent charges and bills, plus penalty and interest, have been paid and a charge for turning the water on has been paid. The additional fees and charges are specified in section 710.

Section 2. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on October 27, 2008.

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Janis A. Callison, Mayor

ATTEST:

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David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: October 13, 2008

Date of adoption: October 27, 2008

Motion for adoption: Allendorf

Seconded by: Wagner

Voted in favor of: Allendorf, Callison, Ellingson, Hiller, Schneider, Wagner, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on October 27, 2008.

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David E. Maeda, City Clerk