

## Chapter 15.05

### BILLING AND COLLECTION OF UTILITY CHARGES

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#### **15.05.010 Utilities billings-Definitions.**

- A. "Combined utility billing" means as follows: If the City operates the solid waste collection and disposal utility, the City will render a "combined utility billing" consisting of a bill for water, sewer, solid waste and/or other utility services provided by the City. Capital improvement charges, meter charges, connection charges or other similar charges may be included in the combined utility billing.
- B. "Contractor utility billing" means a bill to a City consumer of solid waste or other contractor-provided City utility services.
- C. "Customer" means a regularly billed consumer of City utility services at the

billing address as shown in the files of the City Finance Department.

- D. "Utility hearing examiner" means a person who may be, but need not be, a City employee, designated by the City Manager to hear and decide billing disputes between customers and the City. (Ord. 1500, 1982; Ord. 1543, 1985; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.020 Delinquent bills--Liens.** All combined utility charges shall be charged against the property for which the service was installed. Combined utility billings and/or contractor utility billings shall be mailed to all customers using the addresses contained in the records of the City Finance Department. In the event that any combined utility billing or contractor utility billing, or a portion thereof, is not paid by the due date indicated upon the billing, they shall be considered delinquent and shall automatically constitute a lien against the property to which the services were rendered. Such lien for accounts provided with water service, for up to four months of service, shall be enforced by termination of service and shall include the delinquent charges and such customer shall be responsible for all costs incurred by the City, including reasonable attorney's fees; and shall encumber the property and shall be the obligation of the owner of the property, his heirs, successors and assigns until same is paid in full. Such lien for combined utility charges for accounts without water service shall include, but are not limited to, the right to stop service, deny service thereafter to any and all owners and/or occupants, and/or recording a lien at the office of the County Auditor against the property for which the service was installed; provided, that the City shall follow the procedures set forth in this chapter with respect to termination of

service. (Ord. 1500, 1982; Ord. 1543, 1985; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.030 Utility billings--Allocation of payments.** All payments on combined utility billings shall be applied first to capital improvement-type charges, second to solid waste, third to sewer, and fourth to water. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.040 Voluntary termination of utility services.** A customer may request voluntary disconnection of utility services during periods where the premises are vacant. Three days advance written notice of such discontinuance shall be given to the City and the customer shall pay the City all charges to the date of the turnoff, and a minimum monthly maintenance charge as set forth by resolution of City Council for turned-off services. Any customer who elects not to disconnect utility services shall also be charged a minimum monthly maintenance fee for billing periods where no water is used. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.050 Involuntary discontinuance of utility services.**

Utility service may be discontinued by the City for any of the following reasons:

1. For delinquent, unpaid charges;
2. For use of water, sewer or solid waste utilities for properties other than the property to which the service is provided or for purposes not allowed by City ordinance;
3. For willful waste of water through improper or imperfect piping, equipment or otherwise;

4. When a customer's piping or equipment does not meet City standards or fails to comply with applicable codes and regulations;
5. For tampering with property of the City utility system;
6. In the event of the abandonment of the premises by the customer;
7. For use of the utility lines in a manner which adversely affects the City service to its other customers;
8. For fraudulent obtaining or use of utility service;
9. In the event the customer turns utility services on or off except in the case of an emergency.

(Ord. 1500, 1982; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.060 Notice of Late Fee and Termination-Service.**

A notice shall be sent to each utility customer whose utility bill is unpaid prior to the fourth week of each month. The notice will state that a late charge of five dollars (\$5) will be added at each billing cycle to each account over thirty-five dollars (\$35) that is unpaid within five working days of the date of the mailing of the notice. The notice will further state the date of termination of water service for unpaid accounts, which shall be fifteen days to thirty days from the date of the mailing of the notice. The notice shall be delivered personally, mailed by "First Class" mail, or posted at the service address as shown in the City's records. Whenever it appears that the termination of utility service to a given service address will affect more than one dwelling unit, the City shall cause reasonable effort to be made to give notice to all affected dwelling units. On approval

by the City, a utility customer may enter into written payment arrangements. Such payment arrangements shall be on a form and procedure provided by the City and shall not exceed fifteen days past the service disconnection date. A customer shall be limited to two payment arrangements per twelve-month period. It shall be the sole discretion of the City as to the approval or denial of a request for payment arrangements. The City, in its sole discretion, may waive the late charge or shut-off penalty. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 1677, 1989; Ord. 2001, 2002)

**15.05.070 Late Fee and Termination Form.** The notice of late charges and termination of water service will contain the following information: The address of City Hall, where payments may be sent, the information necessary to request a hearing for amounts in dispute, late fees and shut off charges and the dates these fees will be charged to that particular account, the service address, the amount owing and the account number. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 1677, 1989; Ord. 2001, 2002)

**15.05.080 Hearing - Procedure.** The utility hearing examiner will notify the party requesting the hearing in writing, at least five calendar days before the date of the hearing, of the time and place of the hearing. Hearings shall be conducted informally with the customer offered the opportunity to be heard, submit exhibits, be represented, and hear and question persons who might present testimony on behalf of the City. The utility hearing examiner shall make a decision, in writing, within three calendar days of the termination of the hearing. The customer shall thereafter have five calendar days to pay the amount, if any, determined to be delinquent by the utility hearing

examiner. In the event of the failure of the customer to pay within said period of time, the utility services may be terminated without further notice. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.090 Termination and reconnection charges.** A property owner may have water service turned on or off by written request to the City. A water utility turn-off or turn-on, whether voluntary or involuntary, will be charged at a rate as set forth by resolution of City Council for each water turn-on and each water turn-off. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.100 Meter removal-Charges.** In the event a service which has been voluntarily or involuntarily terminated is reconnected or turned on by someone other than the City, except in the case of emergency, the City shall have the right to remove the water meter and so much of the service installation as the City deems appropriate under the circumstances. Resumption of service upon removal of the meter and/or other service apparatus shall require advance payment of the City's actual cost of meter and equipment removal and reinstallation. Any damage resulting from an unauthorized reconnection, destruction or removal of City locking mechanism caused to a meter, meter fitting, lock, or other utility apparatus by someone other than the City shall be billed to the property where the service was being provided and shall be paid in full prior to the reestablishment of utility service. Should the City be required to modify the water delivery system to enforce service disconnection due to the unauthorized reconnection by a customer, all costs associated with the modification shall be billed to the property owner via first class mail and post the notice at the effected property. The notice shall provide the property owner with three working days to

pay all outstanding charges prior to the modification work being performed. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.110 Landlord – Tenant - Utility services.**

- A. All accounts for utilities shall be kept in the name of the fee owner or purchaser of the property and not in the name of the tenant. The property fee owner or purchaser shall be held responsible for utility charges. Nothing in this section shall prevent a tenant from paying a utility bill which has been billed to an owner.
- B. Should the identity of the property owner not be known or should the property owner so direct, in writing, the utility bill may be kept in the designation "occupant" and mailed to the subject property, but such accounts shall be the liability of the property owner. (Ord. 1500, 1982; Ord. 1550, 1985; Ord. 1602, 1987; Ord. 2001, 2002)

**15.05.115 New Construction Utility Billing.** Upon installation of the water meter service to the applicant's property, the City shall commence billing water and storm water service according to the rates established by ordinance or resolution. Charges for sanitary sewer service shall commence upon issuance of a final or conditional certificate of occupancy. (Ord. 2138, 2007)

**15.05.120 Miscellaneous provisions.**

- A. The City reserves the right to require payment by cash or certified funds from any customer who has previously tendered a dishonored check.

B. When utility service has been involuntarily terminated, it will not be resumed until all charges due the City, including charges for resuming service, have been paid.

C. Utility turn-ons, except in case of emergency, will be made during regular business hours as soon as practicable after resumption of service is requested and authorized. (Ord. 1500, 1982; Ord. 1602, 1987; Ord. 2001, 2002)

Severability clause: If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance. (Ord. 2138, 2007)