

CHAPTER 50: GENERAL PROVISIONS

Section

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50.01 UTILITY BASE CHARGES.

Monthly base charges will be charged as follows:

(A) Unoccupied rental property shall be subject to the base charge unless the services are disconnected.

(B) When services are disconnected at the customer's request, there shall be no monthly base charges applied to the account for the services disconnected.

50.02 ADJUSTMENT TO UTILITY CHARGES.

(A) *Reasons for adjustment.* The City Administrator is given authority to consider adjustments in customer utility charges for the following reasons:

- (1) *Electrical charges.*
 - (a) Meter malfunction.
 - (b) Meter over read or under read.
- (2) *Water and sewer charges.*
 - (a) Meter malfunction.
 - (b) Meter over read or under read.
- (3) *Late penalty adjustment.*
 - (a) Failure to receive billing at the fault of the city.
 - (b) Inability to make payment because of illness or death in family.
 - (c) Error in billing on part of the city.

(B) *Method of adjustment.*

(1) *Electrical charges.*

(a) An estimate will be made by the city staff to determine estimated actual usage. This estimate will be based on previous usage by the customer.

(b) The City Administrator will determine if the estimate is accurate, if he or she questions the estimate, he or she may order a test reading to be taken.

(2) *Water/sewer charges.* If the City Administrator determines a test reading is necessary, a 15-day test reading will be made by the city staff to determine the approximate amount used in a full month. The City Administrator will determine if the test reading is accurate. If he or she questions the test reading he or she may extend the test an additional 15 days.

(3) *Refuse charge.* The City Administrator will determine if the adjustment is justified based on the change in family size or in the case of a business whether the amount of refuse disposed of has changed substantially.

(C) *Meter tests.* The City Administrator at any time may order a meter tested if he or she feels by current or past reading the meter has malfunctioned. If he or she feels based on previous readings that the meter is not malfunctioning but the customer insists on having the meter tested, the customer will be required to pay a deposit fee in an amount set by the City Council from time to time, and the city will have the meter tested. If the meter tests out properly the deposit will not be refunded. If it tests out faulty, the deposit will be refunded. (See Appendix A).

(D) *Effective date of change.* The City Administrator will determine the effective date of a utility rate adjustment, however, he or she does not have authority to adjust the rate retroactive for more than 1 previous billing and he or she does not have authority to adjust a sewer rate for more than 9 months. If he or she decides that the request must go to City Council for further action he or she will establish a reasonable temporary change until final action is taken by the Council.

(E) *Appeal of Administrator's decision.*

(1) If a customer is unsatisfied with the adjustment made by the City Administrator he or she may appeal the decision to the City Council within 30 days after receiving the City Administrator's decision. The rate will remain as adjusted by the Administrator until a final decision is made by the Council.

(2) The Council may readjust the rate and also make the adjustment retroactive to a previous time period.

(F) *Other utility charge adjustment requests.* If a request is made to the Administrator which does not meet the criteria outlined in division (A), the request will be referred to the City Council for action. (Res. 88-15, passed 5-16-1988)

50.03 DISCONNECTION AND/OR DISCONTINUANCE OF UTILITY SERVICE.

(A) *Electrical/water and sanitary sewage service.*

(1) *Electrical disconnect/water shutoff.* Electrical service disconnects and water shutoffs will be made at the request of the owner or by the city if payment is not made properly. There will be no fee if the disconnect/water shutoff is made during normal working hours. If the request is for a time period beyond normal working hours, a disconnect/water shutoff fee, in an amount set by the City Council from time to time, will be charged for each service. (See Appendix A).

(2) *Electrical reconnect/water turn-on.* A reconnect/water turn-on charge, in an amount set by the City Council from time to time, will be made to re-establish electrical and water service if service was disconnected as a result of delinquent account status. This charge will normally be billed separately to the customer, however, in the case where a customer had failed to make proper utility payments the electrical reconnect fee and/or water turn-on fee must be made prior to re-establishing service. If the reconnect/water turn-on request is made for a time beyond normal working hours the electrical reconnect fee and/or water turn-on fee, in an amount set by the City Council from time to time, shall be charged for each service. (See Appendix A).

(3) *Basic service charge/assessment charges.*

(a) Once the electrical utility is disconnected no more electrical service charges will be made. Once the water service is shut off no more water assessment or sanitary sewer service charges will be made. If the water service is turned on again the water treatment plant assessment and sewer service charges will be resumed at the appropriate rate.

(b) If the electrical service is not disconnected or the water service not shutoff the following charges will continue even if the property is vacant:

1. *Electrical service.* The basic service charge will continue.

2. *Water service.* The water treatment plant assessment and sanitary sewer charge will continue.

(4) *Exception.* An exception to this policy will be applied to businesses or residences which are vacant and the owner is attempting to sell or the owner has passed away or has moved to a nursing home. In these situations, the water treatment and sanitary sewer assessment will be discontinued even though water service is not shutoff. The electrical basic service will remain, however, unless the meter is disconnected.

(5) *Vacant rental units, final readings.* Only an owner can request an electrical disconnect or water shutoff for a rental unit, however, a renter shall notify the city when he or she is leaving a rental unit. If a disagreement arises between the owner and renter concerning the final reading date the owner

shall be responsible for the disputed time period.

(6) *Continuance of charge.* If the owner does not request an electrical disconnect or water shutoff, or if because of the type of hookup the city is unable to accomplish the disconnect or shutoff, the charges will be continued as stated in divisions (A)(3) and (A)(4).

(B) *Refuse service.*

(1) *Discontinuing service and billing.* Refuse service and the accompanying charge will be continued to customers unless:

(a) *Commercial/industrial customers.* The business is discontinued permanently or the business owner or operator is absent from the business for a minimum of 30 days and absolutely no business will be transacted at this building for a minimum of 30 days. The refuse charge will be prorated as describe in division (B)(2), and also the responsibility of the business owner to notify the city will be the same as described in division (B)(2).

(Am. Res. 89-4, passed 1-3-1989)

(b) *Residential customers.* The customer moves out of the city limits or on a temporary basis as described in division (B)(2).

(c) *Exception.* An exception to this policy will exist the same as other utilities as stated in division (A)(4). Refuse charges will be discontinued under those circumstances.

(2) *Temporary absence.*

(a) A residential customer may request a temporary discontinuance of refuse service if they are going to be absent from their place of residence for a minimum of 30 days. The refuse service charge will be discontinued for the period the customer is gone prorated to the nearest 30-day billing cycle (examples: 44-day absence billing, discontinued for 30 days; 46-days' absence, billing discontinued for 60 days.) A customer must notify the city office in advance when they will be absent and also the date of return. If they return prior to the expected date, they are responsible for notifying the city office.

(b) If they fail to notify the city office of their early arrival, the city reserves the right to charge them penalty fee. (See Appendix A).

(Res. 87-24, passed 7-20-1987)

50.04 DELINQUENT ACCOUNTS, COLLECTION PROCEDURE AND DEPOSIT FEES.

(A) *Definition.* An account shall be declared delinquent if not paid the twentieth of each month. (Res. 2004-52, passed 10-7-2004)

(B) *Process of collection.*

(1) (a) All past due customers will receive notice that their account is delinquent and arrears must be paid within 10 days of notice. If the customer is a renter, the owner and/or manager will also be sent a copy of the notice if the renter has provided written release authorization for the City.

(b) During the cold weather rule period of October 15 through April 15, if a residential account is delinquent, the cold weather disconnect policy will then be followed.

(2) If the arrears are not paid by the date as stated in the notice, the customer may receive a police delivered notice or a notice hung on their door stating their utilities will be discontinued on the following business day unless the arrears are paid in full. If the service(s) is terminated, the owner and/or manager will be notified.

(3) If service(s) has been terminated, the customer must make payment of the total balance due on the account prior to the utility service being re-established. However, a reconnect fee will also need to be paid per service before re-establishing service. (Res. 2004-52, passed 10-7-2004)

(C) *Residential utility deposit fee.*

(1) *Deposits for new residential utility customers.* All new residential utility customers establishing an account will be required to pay a utility deposit in full at the time of completing the application of utility services. (See Appendix A).

(2) *Delinquent account deposits.* If any account should receive 2 consecutive delinquent notices, the city will at that time request a deposit to be made within 10 days of the delinquent notice deadline, if there is no deposit on file.

(3) *Renter deposit.* If the utility deposit is not made at the time of completing the application of utility services, the account will remain in the owner's name until the deposit is paid in full.

(4) *Owner deposit.* A notice of deposit will be sent to the new customer, if the necessary deposit had not been paid at the time of completing the application of services. If the deposit is not paid in full, the customer will receive a notice stating that their utilities may be discontinued.

(5) *Refund.* Utility deposits will be refunded after the customer has had 12 consecutive on time payments. These refunds will be applied directly to the account with interest. If a customer moves out of town before 1 year, the deposit will be applied to the final bill. (Res. 2004-53, passed 10-7-2004)

(D) *Non-residential utility deposit fee.*

(1) *Deposits for new utility non-residential customers.* All new utility non-residential customers establishing an account will be required to pay a non-residential utility deposit at the time of completing the application of utility services. (See Appendix A).

(2) *Delinquent account deposits.* If any account should receive 2 consecutive delinquent notices, the city will at that time request a deposit, which will be based on 2 times an average month's bill, to be paid in full within 10 days of the delinquent notice payment deadline, if there is no deposit on file.

(3) *Renter deposit.* If the deposit is not made at the time of completing the application for services, the account will remain in the owner's name until the deposit is paid in full.

(4) *Owner deposit.* A notice of deposit will be sent to the new customer, if the deposit had not been paid at the time of completing the application for services. If the deposit is not paid in full, the customer will receive a notice stating that their utilities may be discontinued.

(5) *Refund.* Utility deposits will be refunded after the customer has 12 consecutive on time payments. These refunds will be applied directly to the account with interest. If a customer moves out of town before 1 year, the deposit will be applied to the final bill. (Res. 2004-53, passed 10-7-2004)
(Res. 98-08, passed 2-17-1998)