

Town of Georgetown, IN

Ordinance # G-05- 31

AN ORDINANCE AMENDING §52.18 OF THE GEORGETOWN CODE OF ORDINANCES, TO STANDARDIZE WATER CUSTOMER DEPOSITS IN THE TOWN OF GEORGETOWN

BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF GEORGETOWN,
INDIANA THAT:

WHEREAS, the Town Council of Georgetown has reviewed Ordinance Number G-96-07 and its codification as §52.18 of the new Code of Ordinances; and,

WHEREAS, the Town Council of Georgetown has identified that the parameters set forth by G-96-07 are not the procedures followed by the Town, and the Council believes the ordinances must reflect the Town's procedures, just as our procedures must follow the ordinances.

NOW THEREFORE, BE IT ORDAINED:

SECTION 1. Section 52.18 of the Code of Ordinances is hereby amended to read:

~~§ 52.18 CREDITWORTHINESS OF CUSTOMER; DEPOSIT AND REFUND.~~

~~(A) General requirements.—The Water Department shall determine the creditworthiness of an applicant or customer pursuant to division (B) below, in an equitable and nondiscriminatory method without regard to the economic character of the area (or any part thereof) wherein the applicant or customer resides or does business; and shall determine the creditworthiness solely upon the credit risk of the individual without regard to the collective credit reputation of the area in which the applicant or customer lives or does business.~~

~~(B) New applicants:~~

~~(1) Each new applicant for water service shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving service if the applicant satisfies the following criteria:~~

~~(a) Applicant has been a customer of any utility within the last 2 years;~~

~~(b) Applicant owes no outstanding bills for service rendered by any utility;~~

~~(c) Applicant did not have, during the last 12 consecutive months that the service was provided, more than 2 bills which were delinquent to any utility or, if service has been rendered~~

for a period of less than 12 months, has not had more than 1 delinquent bill in that period; and

~~(d) Applicant within the last 2 years did not have a service disconnected by a utility for nonpayment of a bill for services rendered by that utility.~~

~~(2) An applicant who has not been a customer of a utility during the previous 2 years shall be deemed creditworthy if the applicant meets any 2 of the following 3 criteria:~~

~~(a) Applicant either has been employed by his or her present employer for 2 years; has been employed by this present employer for less than 2 years but the applicant has been employed by only 1 other employer during the past 2 years; or has been employed by the present employer for less than 2 years and has no previous employment due to having recently graduated from a school, university, vocational program or has recently been discharged from military service;~~

~~(b) Applicant either owns or is buying his or her home, or is renting a home or an apartment and has occupied the premises for more than 2 years; or~~

~~(c) Applicant has credit cards, charge accounts, or has been extended credit by a bank or commercial concern, unless a credit check shows that the applicant has been in default on any account more than twice within the last 12 months.~~

~~(3) If the applicant fails to establish that the applicant is creditworthy pursuant to the above criteria, the applicant may be required to make a reasonable cash deposit. This deposit shall not exceed 1/6 of the estimated annual cost of service to be rendered to the applicant. If a deposit is greater than \$70, the Water Department shall advise the applicant or customer that the applicant or customer may pay the deposit in equal installment payments over a period of no less than 8 weeks; service shall be connected upon receipt by the Water Department of the first payment.~~

~~(4) If the Water Department denies service or requires a cash deposit as a condition of providing service, then it must immediately notify the applicant in writing stating the precise facts upon which the Water Department based its decision and provide the applicant with an opportunity to rebut those facts and show other facts demonstrating the applicant's creditworthiness as provided under divisions (B)(1) and (2) above.~~

~~(C) Present customer.~~

(1) The Water Department may shall require a present customer to make a reasonable cash deposit when the customer has been mailed disconnect notices for 2 consecutive months or any 3 months within the preceding 12 month period, or when the service has been disconnected pursuant to the rules for nonpayment. applies for the Town's water service.

(2) The amount of the deposit shall be \$100. may not exceed an amount equal to 1/6 of the expected annual billings for the customer at the address at which the service is rendered.

~~(3) — In the event the required deposit is in excess of \$70, the utility shall advise the customer that the customer may pay the deposit in equal installment payments over a period of up to 8 weeks, except where the deposit is required as a result of a disconnection for nonpayment, in which case full payment of the deposit may be required prior to reconnection.~~

~~(D) — Interest upon deposits.~~

~~(1) — Deposits held more than 12 months shall earn interest from the date of deposit at a rate of 6% per annum or at another rate of interest as the Town Council may prescribe following a public hearing.~~

~~(2) — The deposit shall not earn interest after the date it is mailed or personally delivered to the customer, or otherwise lawfully disposed as provided in division (E)(5) below.~~

~~(E) (B) Refunds.~~

~~(1) Any deposit or accrued interest thereon shall be refunded promptly along with a statement accounting for each transaction involving the deposit following customer-requested termination of service; and interest, without request by the customer, upon satisfactory payment by the customer for a period of either 9 successive months or 10 out of any 12 consecutive months, or upon the customer demonstrating the customer's creditworthiness as provided by divisions (B)(1) and (2) of this section.~~

~~(2) Following customer-requested termination of service:~~

~~(a) The Water Department shall apply the deposit plus accrued interest to the final bill; or~~

~~(b) Upon specific request from the customer, the Water Department shall refund the deposit plus accrued interest within 15 days after payment of the final bill.~~

~~(3) (2) The Water Department shall maintain a record of each applicant or customer making a deposit which shows:~~

~~(a) The name of the customer;~~

~~(b) The current address of the customer so long as the customer maintains an active account with the Water Department in the customer's name;~~

~~(c) The amount of the deposit;~~

~~(d) The date the deposit was made; and~~

~~(e) A record of each transaction affecting the deposit.~~

~~(4) Each customer shall be provided a written receipt from the Water Department at the time the customer's deposit is paid in full or when the customer makes a cash partial payment. The Water Department shall provide a reasonable method by which a customer who is unable to locate his or her receipt may establish that the customer is entitled to a refund of the deposit and payment of interest thereon.~~

~~(5) Any deposit made by the applicant, customer or any other person to the Water Department (less any lawful~~

deductions), or any sum which the Water Department is ordered to refund for utility service, which has remained unclaimed for 7 years after the Water Department has made diligent efforts to locate the person who made the deposit or the heirs of those persons, shall be presumed abandoned and treated in accordance with the laws of the state, which currently are I.C. 32-34-1-1 et seq. and successor statutes that may be enacted.

(6) A deposit may be used by the Water Department to cover any unpaid balance following disconnection of service pursuant to §§ 52.19 through 52.23; provided, however, that any surplus be returned to the customer as provided above.

SECTION 2. The remainder of Section 52 of the Code of Ordinances is confirmed and reiterated.

NOW, THEREFORE, BE IT FURTHER ORDAINED that all Ordinances of the Town of Georgetown, Indiana which are in conflict with this Ordinance are hereby repealed to the extent of such conflict, and any Ordinance not in conflict with this Ordinance shall remain in full force and effect.

Adopted by the Town Council of the Town of Georgetown, Indiana, this 20 day of Oct, 2005.

Gary L. Smith
Gary Smith, President

Jeff McCaffrey
Jeff McCaffrey, Vice President

Jay Davis
Jay Davis, Member

Dean Hammersmith
Dean Hammersmith, Member

Chris Carter, Member

ATTEST:

Doug Cook
Doug Cook, Georgetown Clerk/Treasurer