

ORDINANCE NO. G-96- 07

AN ORDINANCE PROVIDING FOR PROCEDURES FOR BILLING,  
CONNECTION, DISCONNECTION AND RECONNECTION FOR  
GEORGETOWN WATER DEPARTMENT

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

WHEREAS, the Town Council is the entity responsible for establishing rules for the safe, economical and efficient management and protection of the Georgetown Water Department (hereinafter "Water Department") pursuant to I.C. 8-1.5-3-4; and

WHEREAS, after due consideration and discussion it was agreed that the Water Department was in need of procedures for billing, connection, disconnection and reconnection.

NOW THEREFORE BE IT RESOLVED that the new procedure for billing, connection, disconnection and reconnection for the Georgetown Water Department shall be as follows:

I. BILLS.

- A. **Bills for Water Service.** Bill shall be rendered monthly to customers for water service and shall show at least the following information:
1. The dates and meter readings of the meter at the beginning and end of the billing period and the billing date;
  2. The number and kind of units of service supplied;
  3. The billing rate code, if any;
  4. The previous balance, if any;
  5. The amount of the bill;
  6. The sum of the amount of the bill and the late payment charge, if any;
  7. The date on which the bill becomes delinquent and on which a late payment will be added to the bill;

8. If an estimated bill, a clear and conspicuous coding or other indication identifying the bill as an estimated bill;
9. Printed statements and/or factual figures on either side of the bill shall inform the customer of the seventeen (17) day non-penalty period;
10. An explanation, which can be readily understood, of all codes and/or symbols shall be shown on the bill.

**B. Delinquencies.**

1. A utility service bill which has remained unpaid for a period of more than seventeen (17) days following the mailing of the bill shall be a delinquent bill.
2. A utility service bill shall be rendered as a net bill. If the net bill is not paid within seventeen (17) days after the bill is mailed, it shall become a delinquent bill and a late payment charge may be added in the amount ten percent (10%) of the first three (3) dollars and three percent (3%) of the excess of three (3) dollars.

**C. Estimated Billing.** The Water Department may estimate the bill of any customer pursuant to a billing procedure approved by the Town Council or for other good cause, including, but not limited to: request of customer, inclement weather, labor or union disputes, inaccessibility of a customer's meter if the Water Department has made a reasonable attempt to read it, and other circumstances beyond the control of the Water Department, its agents and employees.

**II. CREDITWORTHINESS OF CUSTOMER; DEPOSIT AND REFUND.**

**A. General Requirements.** The Water Department shall determine the creditworthiness of an applicant or customer pursuant to section II(B), below, in an equitable and non-discriminatory 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 two years;
  - b. Applicant owes no outstanding bills for service rendered by any such utility;
  - c. Applicant did not have during the last twelve consecutive months that the service was provided more than two bills which were delinquent to any utility or, if service has been rendered for a period of less than twelve months, has not had more than one delinquent bill in such a period; and
  - d. Applicant, within the last two years did not have a service disconnected by a utility for non-payment of a bill for services rendered by that utility.
2. An applicant who has not been a customer of a utility during the previous two years shall be deemed creditworthy if the applicant meets any two (2) of the following three criteria:
  - a. Applicant either (i) has been employed by his present employer for two years, or (ii) has been employed by this present employer for less than two years but the applicant has been employed by only one other employer during the past two years, or (iii) has been employed by the present employer for less than two 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 (i) owns or is buying his or her home or (ii) is renting a home or an apartment and has occupied the premises for more than two 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 such account more than twice within the last twelve 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. Such 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 \$70.00, the Water Department shall advise the applicant or customer that said applicant or customer may pay such deposit in equal installment payments over a period of no less than eight weeks; service shall be connected upon receipt by the Water Department of the first such 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 such facts and show other facts demonstrating said applicant's creditworthiness as provided under sections II(B)(1) and II(B)(2), above.

**C. Present Customer.**

1. The Water Department may require a present customer to make a reasonable cash deposit when the customer has been mailed disconnect notices for two (2) consecutive months or any three (3) months within the preceding twelve (12) month period, or when the service has been disconnected pursuant to the rules for non-payment.
2. The amount of such deposit 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 \$70.00, the utility shall advise the customer that the customer may pay such deposit in equal installment payments over a period of up to eight (8) weeks, except where such deposit is required as a result of a disconnection for non-payment, in which case full payment of the deposit may be required prior to reconnection.

**D. Interest Upon Deposits.**

1. Deposits held more than twelve (12) months shall earn interest from the date of deposit at a rate of

6 percent per annum or at such other 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 section II(E)(5), below.

**E. Refunds.**

1. Any deposit or accrued interest thereon shall be refunded promptly along with a statement accounting for each transaction involving the deposit and interest, without request by the customer, upon satisfactory payment by the customer for a period of either nine (9) successive months or ten (10) out of any twelve (12) consecutive months, or upon the customer demonstrating the customer's creditworthiness as provided by sections II(B)(1) and II(B)(2).
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 fifteen (15) days after payment of the final bill.
3. The Water Department shall maintain a record of each applicant or customer making a deposit which shows:
  - a. The name of 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 such 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 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 seven years after the Water Department has made diligent efforts to locate the person who made such deposit or the heirs of such persons, shall be presumed abandoned and treated in accordance with the laws of the State of Indiana which currently are I.C. 32-9-1-6.
6. A deposit may be used by the Water Department to cover any unpaid balance following disconnection of service pursuant to section III, below; provided, however, that any surplus be returned to the customer as provided above.

III. DISCONNECTION OF SERVICE; PROHIBITED DISCONNECTION; RECONNECTION

A. **Upon Customer's Request.**

1. The customer shall notify the Water Department at least three (3) days in advance of the day disconnection is desired. The customer shall remain responsible for all service used and the billings therefore until service is disconnected pursuant to such notice.
2. Upon request by a customer to disconnect service, the Water Department shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to such address or location after the expiration of these three (3) days.

B. **Without Customer's Request.**

1. The Water Department may disconnect service without request by the customer and without prior notice only:

- a. if a condition dangerous or hazardous to life, physical safety or property exists;
  - b. upon order by any court, the Indiana Utility Regulatory Commission (hereinafter, "Commission") or other duly authorized public authority;
  - c. if fraudulent or unauthorized use of water is detected and the Water Department has reasonable ground to believe the affected customer is responsible for such use; or
  - d. if the Water Department's regulating or measuring equipment has been tampered with and the Water Department has reasonable grounds to believe that the affected customer is responsible for such tampering.
2. In all other instances the Water Department, upon providing the customer with proper notice pursuant to section III(E), below, may disconnect service subject to the other provisions of this ordinance as well as the laws, rules and regulations of the State of Indiana.

**C. Prohibited Disconnection.**

1. Except as provided in sections 3(A) and (B) of this ordinance, the Water Department shall postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the Water Department with a medical statement from a licensed physician or public health official which states that a disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one additional ten (10) day period upon the provision of an additional such medical statement.
2. The Water Department may not disconnect service to a customer:
  - a. upon the customer's failure to pay for merchandise or appliances purchased from the Water Department;
  - b. upon the customer's failure to pay for the service rendered at a different metering

point, residence or location if such bill has remained unpaid for less than forty-five (45) days;

- c. upon the customer's failure to pay for services to a previous occupant of the premises to be served, unless the utility has good reason to believe the customer is attempting to defraud the utility by using another name;
- d. upon the customer's failure to pay for a different form or class of water service; or
- e. if the customer shows cause for his inability to pay the full amount due (financial hardship shall constitute cause) and said customer:
  - i. pays a reasonable portion (not to exceed \$10.00 or one tenth (1/10) of the bill, whichever is less, unless the customer agrees to a greater portion) of the bill;
  - ii. agrees to pay the remainder of the outstanding bill within three (3) months;
  - iii. agrees to pay all undisputed future bills for service as they become due; and
  - iv. has not breached any similar agreement with the Water Department made pursuant to this ordinance within the past twelve (12) months.

Provided, however, that the Water Department may add to the outstanding bill a late payment charge not to exceed the amount set pursuant to section 1(B) of this ordinance. Provided further, that the above terms of the agreement shall be put in writing by the Water Department and signed by the customer and by a representative of the Water Department. Only one late payment charge may be made to customer under this section.

- f. If a customer is unable to pay a bill which is unusually large due to prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two months, stopped or slow meter, or any human or



mechanical error of the Water Department, and the customer:

- i. pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve (12) bills immediately preceding the bill in question;
- ii. agrees to pay the remainder at a reasonable rate; and
- iii. agrees to pay all undisputed future bill for service as they become due.

Provided, however, that the Water Department may not add to the outstanding bill any late fee. Provided, further, that the above terms of the agreement shall be put in writing by the Water Department and signed by the customer and representative of the Water Department.

3. If a customer proceeds with a review pursuant to section IV(B) of this ordinance, the Water Department may disconnect only as provided in section IV(B).

**D. Time.**

1. The Water Department may not disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local time. Disconnections pursuant sections IV(A) and IV(B) are not subject to this limitation.
2. The Water Department may not disconnect service for non-payment on any day on which the Water Department's office is closed to the public, or after twelve noon (12:00 noon) of the day immediately preceding any day on which the Water Department's office is not open to the public.

**E. Notice Required Prior to Involuntary Disconnection.**

1. Except as otherwise provided herein, service to any customer shall not be disconnected for a violation of any rule or regulation of the Water Department or for non-payment of a bill, except after seven (7) days prior written notice to such customer by either:

- a. Mailing the notice to such customer at the address shown on the records of the Water Department; or
  - b. Personal delivery of the notice to the customer or a responsible member of the customer's household or commercial establishment shown on the records of the Water Department.
  - c. No disconnect notice for non-payment may be rendered prior to the date on which the account becomes delinquent.
2. The notice must be in language which is clear, concise, and easily understandable to a layman and shall state in separately numbered large typed or printed paragraphs
    - a. the date of the proposed disconnection;
    - b. the specific actual basis and reason for the proposed disconnection;
    - c. the telephone number of the Water Department's office at which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning the customer's rights; and
    - d. a reference to the pamphlet or the copy of the rules furnished to the customer pursuant to section V of this ordinance for information as to the customer's rights.

**F. Procedure for Involuntary Disconnection.**

1. Immediately preceding the actual disconnection of service, the employee of the Water Department designated to perform such function shall make a reasonable attempt to identify himself to the customer or any other responsible person then upon the premises and shall announce the purpose of his presence and shall make a record thereof to be maintained for at least thirty (30) days.
2. The employee shall have in his possession information sufficient to enable to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer, and shall request from the customer any available verification that

the outstanding bill has been satisfied or is currently in dispute pursuant to review under section IV(B), below. Upon presentation of such credible evidence, service shall not be disconnected.

3. The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The Water Department shall notify its customers pursuant to section V of its policy with regard to the acceptance or non-acceptance of payment by such employee, and shall uniformly follow such policy without discrimination.
4. When the employee has disconnected the service, he shall give to a responsible person at the customer's premises, or if no one is at said premises, shall leave at a conspicuous place on the premises, a notice stating the address and telephone number of the utility where the customer may arrange to have service reconnected.

**G. Reconnection.**

1. The Water Department shall charge a reasonable reconnection fee, in the amount of \$25.00 which reconnection fee shall be in addition to any current charges then due, including any collection or late payment charges applicable thereto. The Water Department shall inform its customers of such reconnection fee pursuant to section V of this ordinance.
2. If the Water Department disconnects service in violation of this ordinance, the service shall immediately be restored at no charge to the customer.
3. The Water Department must reconnect the service to the customer as soon as reasonably possible but at least within one (1) working day after it is requested to do so; provided however, that the utility shall not be required to reconnect service until
  - a. the conditions, circumstances or practices which caused the disconnection have been corrected;
  - b. payment of all delinquent charges owed the utility by the customer and any deposit

authorized by this ordinance has been made;  
and

- c. a responsible person is present in the premises to see that all water outlets are closed to prevent damage.

#### IV. CUSTOMER COMPLAINTS

##### A. Complaint Procedure.

1. A customer may complain at any time to the Water Department about any bill which is not delinquent at that time, security deposit, disconnection notice, or any other matter related to its service and may request a conference thereon. Such complaints may be made in person, in writing or by completing a form available from the Commission or from the Water Department at its business offices. A complaint shall be considered filed upon receipt by the utility, except mailed complaints shall be considered filed as of the postmark date. In making a complaint and/or request for conference, the customer shall state at a minimum, his name, service address, and the general nature of the customer's complaint.
2. Upon receiving each such complaint or request for conference, the Water Department:
  - a. shall promptly, thoroughly and completely investigate such complaint, confer with the customer when requested and notify, in writing, the customer of the results of its proposed disposition of the complaint after having made a good faith attempt to resolved the complaint.
  - b. Such written notification shall advise the customer that he may, within seven (7) days following the date in which such notification is mailed, request a review of such proposed disposition by the Commission.

##### B. Review.

1. If the customer is dissatisfied with the Water Department's proposed disposition of the complaint as provided in Section 4(A), the customer may request the Commission in writing within seven (7) days following the date on which such notification is mailed, to informally review the disputed issue

and the Water Department's proposed disposition thereof. Such request shall certify that the customer has also sent a copy of his request for review to the Water Department. Upon receiving such request, the Commission shall provide an informal review within twenty-one (21) days. The review shall consist of not less than a prompt and thorough investigation of the dispute and shall result in a written decision to be mailed to the customer and the Water Department within thirty (30) days after its receipt of the customer's request. Upon request by either party or the Commission, the parties shall be required to meet and confer to the extent and such place as the Commission may consider to be appropriate.

2. The records of the Commission relating to such reviews shall be kept in a systematic order.

**C. Continuation of Service Pending Disposition of Complaint.**

1. If the customer is receiving service at the time the complaint and/or request for conference provided for in section IV(A), above, is received by the Water Department, the customer's service shall not be disconnected until ten (10) days have elapsed from the date of mailing of the notification of the Water Department's proposed disposition of the customer's complaint. Provided, however, that if a review by the Commission of the Water Department's proposed disposition of the complaint is requested by customer as provided by section IV(B), above, within seven (7) days after the mailing of such proposed disposition of the complaint, the Water Department shall not disconnect the customer's service until at least three (3) days have elapsed from the date of mailing of the Commission's decision upon and pursuant to such review if the customer who has requested such review has paid and continues to pay all undisputed bills, portions of disputed bills as specified in section IV(C)(2), below, and pays all future undisputed bills prior to their becoming delinquent.
2. In those instances when the customer and Water Department cannot agree as to what portion of a bill is undisputed, it shall be sufficient that the customer pay on the disputed bill an amount equal to the customer's average bill for the twelve (12) months immediately preceding the disputed bill except in those cases where the customer has

received fewer than twelve (12) bills, in which the customer shall pay an amount equal to 1/12 of the estimated annual cost of service to be rendered to the customer.

**D. Record of Complaints.**

1. The Water Department shall keep written record of complaints and requests for conferences pursuant to this section. Such records shall be retained at the offices of the Water Department. Such written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the Commission.
2. The Water Department shall annually submit a report to the Commission which shall state and classify the number of complaints made to the Water Department pursuant to this section, the general nature of the subject matter thereof, how received (in person, by letter, etc.) and whether a Commission review was conducted thereon.

**V. INFORMATIONAL PAMPHLETS; RATE SCHEDULES; NOTICE OF PROPOSED RATE CHANGE.**

- A. **Information Provided by the Water Department to Applicants and Customers.** The Water Department shall publish and distribute, without request, to all applicants for service and to all current customers, a comprehensive pamphlet which, in clear language, easily understandable to a layman, fully describes the rights and responsibilities of the customers.
- B. **Information Regarding New Rate Schedules.** The Water Department shall supply free of charge a copy of the rate schedule applicable to the types of service available to new applicants and existing customers upon request of the applicant or customer.

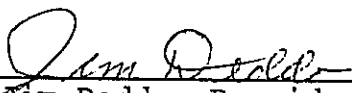
NOW THEREFORE BE IT FURTHER RESOLVED that, in accordance with I.C. 8-1.5-3-8.1, after the introduction of this ordinance, but before the this ordinance is finally adopted, the Town Council shall hold a public hearing at which users of the Georgetown Water Department, owners of property served or to be served by the Georgetown Water Department, and other interested persons may be

heard concerning the proposed rates and charges as set forth herein. Notice of the hearing shall be published in accordance with I.C. 5-3-1 et seq. and mailed in accordance with I.C. 8-1.5-3-8.1. After the hearing, the Town Council shall adopt this ordinance, either as originally introduced or as modified. A copy of the schedule of rates and charges adopted herein shall be kept on file and available for public inspection at the offices of the Town Council and Town Clerk/Treasurer.

This ordinance shall be effective within five (5) days after it is adopted in accordance with I.C. 8-1.5-3-8.1 unless delayed in accordance with I.C. 8-1.5-3-8.2 which allows owners of property connected or to be connected to and served by the Georgetown Water Department to file a written petition objecting to the rates and charges set forth herein so long as (1) the petition contains the names and addresses of the petitioners; (2) the petitioners attended the public hearing provided under I.C. 8-1.5-3-8.1; (3) the written petition is filed with the Town Council within five (5) days after this ordinance is adopted pursuant to I.C. 8-1.5-3-8.1; and (4) the written petition states specifically the ground or grounds of objection.

Adopted by the Town Council for Georgetown, Indiana this \_\_\_ day of \_\_\_\_\_, 199\_\_.

TOWN COUNCIL OF THE TOWN OF  
GEORGETOWN

  
\_\_\_\_\_  
Jim Deddo, President

Frank Loop, Member

Mary Elizabeth Miller, Member

Mike Mills  
Mike Mills, Member

Ed Bailey  
Ed Bailey, Member

ATTEST:

Margaret A. Harris  
Margaret Harris,  
Town Clerk/Treasurer

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