

RESOLUTION NO. 13-03

**A RESOLUTION OF THE TOWN OF GEORGETOWN,
INDIANA ESTABLISHING A DUE PROCESS PROCEDURE
FOR DISCONNECTION OF WATER SERVICE**

WHEREAS, the United States Circuit Court for the Southern District of Indiana has previously issued a judicial opinion in the case of Wayt v. Town of Crothersville, Indiana where the Court held that continued water service is a protected property right subject to due process of law; and

WHEREAS, per the Court, due process of law requires that before a person's water utility service can be disconnected for nonpayment, the person whose water service is to be disconnected is entitled to a hearing on the status of the utility bill that is delinquent; and

WHEREAS, the Town of Georgetown, Indiana and the Georgetown utilities do not presently have an established procedure for a water customer to request a hearing before water service is disconnected for nonpayment of services.

NOW THEREFORE, BE IT RESOLVED AS FOLLOW:

1. That any person who is delinquent on their water utility bill and is subject to disconnection for nonpayment thereof shall be notified of their right to a hearing of before a committee comprised of the Public Works Director, the Water Utility Operator and a Deputy Clerk, to determine the appropriateness of the contemplated disconnection.
2. That if a water utility customer desires to request a hearing contesting the appropriateness of a contemplated disconnection for nonpayment of their water utility bill, the customer shall request such hearing at the Georgetown Clerk's Office within seven (7) business days after the mailing of the disconnection notice.

So resolved by the Town Council of Georgetown, Indiana this 15 day of July, 2013.



Mike Mills, President



Jim Tripure, Member

Kathy Haller
Kathy Haller, Member

Patti Denison
Patti Denison, Member

Jerry Brock
Jerry Brock, Member

ATTEST:

Douglas Cook
Douglas Cook, Clerk/Treasurer