

ORDINANCE NO. 2013-28

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**AN ORDINANCE AMENDING HUNTINGBURG  
MUNICIPAL CODE SECTION 50.23 REGARDING  
DISCONNECTION OF UTILITY SERVICES FOR  
DELINQUENT UTILITY ACCOUNTS**

WHEREAS, the Common Council of the City of Huntingburg has heretofore adopted Section 50.23 of Chapter 50 of the City of Huntingburg Code of Ordinance regarding the requirements for payment of customer utility accounts and disconnection of services for failure to pay a delinquent account; and

WHEREAS, the Common Council of the City of Huntingburg now determines it necessary to amend and restate Sections 50.23, in the interest of fairness and the efficient administration of the City's municipally owned utilities.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Huntingburg, Indiana, as follows:

Section 1. Chapter 50, Section 50.23, Bill Payment; Date; Delinquency is hereby amended and restated as follows:

**§50.23 BILL PAYMENT; DATE; DELINQUENCY; DISCONNECTION.**

(A) All bills for respective utility services shall be due and payable on the fourteenth day after the date of mailing of the billing. Immediately thereafter, a notice of delinquency shall be mailed to each delinquent customer as of the sixteenth day after the date of mailing of the billing, notifying the customer that unless the delinquent bill, plus penalty is satisfied in full within fourteen (14) days, the respective services for which the delinquency is applicable shall be disconnected, and shall not be reconnected until the delinquent bill, plus penalty, reconnection fee as provided under § 50.25, and meter deposit for each utility has been paid in full.

(B) Prior to the disconnection of any utility for nonpayment of a utility bill, the affected customer shall have fourteen (14) days within which to dispute the correctness of the billing by presenting his or her complaint or contention in person, by representative, in writing, or by telephone to the Clerk-Treasurer, his or her designee, who shall investigate the billing to determine its correctness. The affected customer's utilities shall not be disconnected if it is determined that the utility billing overstate the amount due. In the event the customer's dispute is not resolved to the satisfaction of the customer, the customer shall pay all undisputed amounts and may request a hearing before the

Utility Board regarding the disputed amounts within three (3) business days of notification of the decision by the Clerk-Treasurer or his/her designee. Such request shall be made to the Clerk-Treasurer's office in person, in writing or by telephone. The utilities for which the customer disputes the billing shall not be disconnected pending the hearing by the Utility Board, if requested by the customer. Notice of the right to dispute the correctness of the billing shall appear on the notice of disconnection.

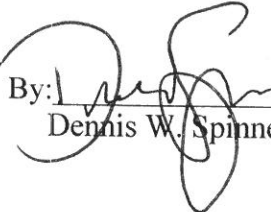
(C) In the event nonpayment of a utility bill is due to a financial or other hardship, the customer may be eligible to avoid disconnection of utilities by entering into a written agreement for the payment of the delinquent amounts in installments over a period not to exceed three (3) months, and agreeing to pay all undisputed future bills for utility service as they come due, provided that the customer has not breached a similar agreement with the City within the past twelve (12) months. Application for a Delinquent Utility Account Installment Agreement must be made within fourteen (14) days after the date of the delinquency and disconnection notice.

**Section 2.** This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and publication as required by law.

PASSED BY THE COMMON COUNCIL OF THE CITY OF HUNTINGBURG, INDIANA, THIS 25 DAY OF July, 2013, BY THE FOLLOWING VOTE:

	Nay	Aye		Abstain	Absent
	—	<u>✓</u>	Glen E. Kissling	—	—
	—	<u>✓</u>	Alexander D. Blackgrove	—	—
	—	<u>✓</u>	Stephen C. McPherron	—	—
	—	<u>✓</u>	Linda S. Summers	—	—
	—	<u>✓</u>	Amy D. Lehr	—	—
TOTAL:	<u>0</u>	<u>5</u>			

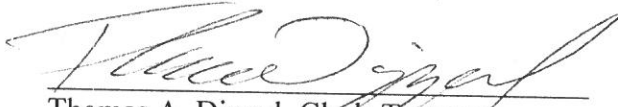
COMMON COUNCIL OF THE  
CITY OF HUNTINGBURG, INDIANA

By:   
Dennis W. Spinner, Presiding Officer

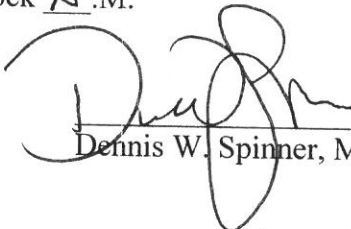
ATTEST:

  
Thomas A. Dippel, Clerk-Treasurer

Presented by me, the undersigned Clerk-Treasurer of the City of Huntingburg,  
to the Mayor of said City for his approval on the 26 day of July,  
2013.

  
Thomas A. Dippel, Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the 26th day of  
July, 2013, at 11:20 o'clock A.M.

  
Dennis W. Spinner, Mayor

## **NOTICE OF UTILITY DISCONNECTION**

Your utility service(s) at the above address will be disconnected on the **Disconnect Date** shown above, for non-payment of the **Amount Past Due** shown above. To avoid disconnection of utilities, you must:

1. Pay the entire **Amount Past Due** within 14 days of the date of this **NOTICE**;

OR,

2. If you dispute the correctness of the **Amount Past Due**, you must present your reasons in person or by a representative, in writing or by telephone, to the **Clerk-Treasurer's Office, 508 E. Fourth Street, Huntingburg, IN 47542, Tel. (812) 683-2211**, during the hours of 8:00 AM through 4:30 PM, Monday through Friday, within 14 days of the date of this **NOTICE**.
3. If your dispute is not satisfactorily resolved by the Clerk-Treasurer's office, you may avoid utility disconnection by requesting a hearing before the Utility Board of the City of Huntingburg **and** paying all undisputed amounts to the Clerk-Treasurer's Office within 3 business days of the date of notification of decision by the Clerk-Treasurer's office.
4. If your failure to pay the **Amount Past Due** is due to a financial or other hardship, you may be eligible to enter into an agreement to pay the **Past Due Amount** in installments over a period of 3 months to avoid disconnection, provided you have not breached a similar agreement within the past 12 months. You must present proof of such hardship and request a written installment agreement at the Clerk-Treasurer's Office within 14 days of the date of this **NOTICE**.
5. In the event your utility service(s) is/are disconnected for non-payment, the total **Amount Past Due**, penalty, reconnection charge and cash meter deposit for each utility, must be paid at the City of Huntingburg Utility Office prior to reconnection. A responsible person must be at the service address at the time of reconnection. Gas service reconnection requires that you call for an appointment to schedule the presence of a gas service person at the time of reconnection.

**Reconnection Charges (per utility):**

Next Business Day, normal business hours	\$28.00
After hours, weekends, holidays	\$76.00