

1.0 file

ORDINANCE NO. 2013- 05

**AN ORDINANCE AMENDING HUNTINGBURG
MUNICIPAL CODE CHAPTER 50 REGARDING
METER DEPOSITS FOR UTILITY SERVICE
BY CITY OF HUNTINGBURG UTILITIES**

WHEREAS, the Common Council of the City of Huntingburg has heretofore adopted various ordinances regarding the requirements for meter deposits as a condition for utility service by the municipally owned utilities, which ordinances have been codified in Chapter 50, Sections 50.15 through 50.24 in the City of Huntingburg Code of Ordinances; and

WHEREAS, the Common Council of the City of Huntingburg now determines it necessary to amend and restate Sections 50.15 through 50.24 of Chapter 50, regarding Utility Meter Deposits in the interest of 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, Sections 50.15 through 50.24, Cash Deposits for Utility Service is hereby amended and restated as follows:

CHAPTER 50: GENERAL UTILITY PROVISIONS

Meter Deposits and Payment of Accounts

Section:

- 50.15 Application for Service**
- 50.16 Customer Deposit Requirements**
- 50.17 Form of Meter Deposits**
- 50.18 Evidence of Credit Worthiness**
- 50.19 Delinquencies in the Payment of Bills**
- 50.20 Refund**
- 50.21 Termination of Service**
- 50.22 Bankruptcies**
- 50.23 Bill Payment; Date; Delinquency**
- 50.24 Thirty-day Notice; Requirement**
- 50.25 Reconnection Fees**
- 50.26 Interest on Customer Deposits**

§50.15 APPLICATION FOR SERVICE.

- (1) New or moving customers applying for utility service shall do so at the Utility Business Office; shall complete an “Application for Utility Service”; and shall comply with the deposit requirements or creditworthy criteria, as specified herein, before any utility service will be rendered.
- (2) When submitting the “Application for Utility Service”, the applicant will be asked for proof of identification (Driver’s License preferred). This is necessary to aid in the collection process, if necessary, and to eliminate possible falsification of who is actually living at the service address. The Business Office will make a copy of the proof document and attach it to the application form.
- (3) After reviewing the application for completeness, the Business Office will determine the Deposit Requirement, if any, and review computer and/or other records to verify that the applicant has no previous history of being past due and for any previous account balances that may still be due.
- (4) Upon payment of any required cash deposit, a Receipt will be issued to the applicant.
- (5) Copies of this Ordinance and the related forms will be available at the Utility Business Office.

§50.16 CUSTOMER METER DEPOSIT REQUIREMENTS.

Unless otherwise excepted as hereinafter provided, every applicant for utility service or sanitary sewerage service shall be required to make a meter deposit as a condition to receiving service in the following amounts, for the type of services applied for:

Customer Type	Electric	Gas	Water	Sewer
Residential - cash deposit	\$100	\$100	\$50	\$75
Non- Residential - cash, certificate of deposit, or surety bond	15% of the charges for the previous active twelve (12) months, including taxes, (rounded to the nearest \$100) at the service address for each service. If the service is new at the address, the twelve (12) month charges will be estimated based upon the type and size of the customer as compared to similar types and sized customers. Deposits are subject to periodic review, after which, the deposit may be adjusted to more accurately reflect the 15% requirement. Minimum deposits shall be equal to the Residential Deposits for the type of service as stated above.			

§50.17 FORM OF METER DEPOSITS

- (A) Residential customers deposits shall be in the form of a cash deposit in the amount required.
- (B) Non-Residential customer deposits (Commercial, Industrial, Institutional, and Government) shall be in the form of a cash deposit, an assigned certificate of deposit (CD), or surety bond in the amount required.

§50.18 EVIDENCE OF CREDIT WORTHINESS.

- (A) An applicant for utility or sanitary sewage service shall be required to make the deposit as provided for herein as a condition of receiving service unless or until such time as the applicant furnishes the city with written evidence of creditworthiness confirmed by the city and satisfying the following criteria.
- (B) An applicant or customer will satisfy the requirements of creditworthiness if the applicant or customer:
 - (1) Has been a continuous customer of any utility during the immediately preceding two (2) years;
 - (2) Owes no outstanding bills for service rendered by the utility;
 - (3) Did not have during the last two (2) consecutive years that the service was provided any delinquent bills to any utility; and
 - (4) Within the last two (2) years did not have a service disconnected by a utility for nonpayment of a bill for services rendered by that utility.
 - (5) If the Applicant has not had services with any utility company within the past two (2) years, he/she must submit a deposit as set forth in the schedule above. After two (2) years, if requested, the deposit may be refunded subject to the conditions set forth in the Refund section below.

§50.19 DELINQUENCIES IN THE PAYMENT OF BILLS.

- (A) An existing customer shall be required to make the applicable meter deposits for utility services as herein above established, when the customer has been delinquent in the payment of bills for utility services for two (2) consecutive months, for three (3) months within a preceding 12-month period or whenever utility service has been disconnected for nonpayment.
- (B) In the event an existing customer fails to make the required cash deposit for the applicable utility service(s) as provided for herein ten (10) days after written

demand therefore, the utility service(s) shall be disconnected, and shall not be reconnected until all delinquent amounts, the applicable deposit(s) and a reconnection fee for each utility to be reconnected as provided for under §50.25, have been paid.

§50.20 REFUND.

Customer meter deposits shall be refunded without interest upon application therefor, after satisfactory payment prior to delinquency of all bills rendered to the customer for utility service for a period of two (2) years or upon the customer demonstrating his or her creditworthiness in accordance with the criteria set out herein above. Refunds shall become payable as soon as practicable.

§50.21 TERMINATION OF SERVICE.

Upon customer requested termination of service or upon disconnection of service for nonpayment, any deposit standing to the credit of the customer shall be applied to any unpaid balance owing by the customer for utility service and the surplus, if any, shall be returned promptly to the customer.

§50.22 BANKRUPTCIES.

- (A) Any active residential account which files bankruptcy shall have its existing Cash Deposit applied to any unpaid charges established prior to the bankruptcy filing date, AND shall be required to submit an additional Cash Deposit sufficient in amount so that the total deposit is equal to the regular deposit requirement in order to continue service beyond said bankruptcy filing date.
- (B) Any active non-residential account which files bankruptcy shall have its Cash Deposit, Certificate of Deposit (CD) and/or its Surety Bond applied to any unpaid charges established prior to the bankruptcy filing date, AND shall be required to submit an additional Cash Deposit, assigned Certificate of Deposit (CD), and/or Surety Bond sufficient in amount so that the total deposit is equal to 15% of the previous twelve (12) months charges, including taxes and penalties, for each service (rounded to the nearest \$100), but in no event less than the residential deposit for the applicable service(s), in order to continue service beyond said bankruptcy filing date.
- (C) If, after the bankruptcy filing date, an account becomes past due, service may be terminated and the deposit used to pay all existing charges. Upon re-establishing the required deposit balance, the payment of reconnect charges, and the payment of any charges not covered by the Cash Deposit, Certificate of Deposit (CD) and/or Security Bond, services will be restored.

§50.23 BILL PAYMENT; DATE; DELINQUENCY.

- (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. Notice of the right to dispute the correctness of the billing shall appear on the notice of disconnection.

§50.24 THIRTY-DAY NOTICE; REQUIREMENT.

In the case of delinquent or nonpayment of sanitary sewer bills or charges, notice of disconnection shall be given thirty (30) days prior to disconnection of water service, as required and provided by law.

§50.25 RECONNECTION FEES.

- (A) In the event of disconnection of utility service for failure to pay utility bills or for failure to make the required cash deposit, as herein above provided, the disconnected customer shall, upon application for reconnection, be considered a new customer and shall pay over the respective utility for which the reconnection is applied, a cash meter deposit in the amount herein above established, or in an amount sufficient to equal the meter deposit herein above required in the event there exists a credit balance in favor of the customer on account of a meter deposit which the customer has previously made.
- (B) In addition thereto, the disconnected customer shall pay all amounts then due and a reconnection charge in accordance with the following schedule for reconnection for each utility service:
 - (1) For reconnection within one (1) business day after payment during normal business hours, 8:00 a.m. to 4:30 p.m. weekdays: \$28.

- (2) For reconnection after hours, on holidays or on weekends: \$76.
- (C) For reconnection of electric, natural gas or water service following a voluntary disconnection at the request of the customer, the customer shall pay a reconnection charge of \$28 for each utility reconnected during normal business hours, 8:00 a.m. through 4:30 p.m., weekdays; and a reconnection charge of \$76 per utility service reconnected, for reconnections made after hours, on holidays or on weekends.

§50.26 INTEREST ON CUSTOMER DEPOSITS.

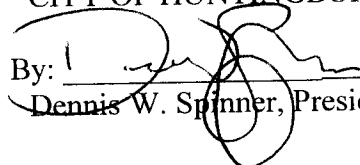
Because deposits for creditworthy customers will be refunded after a timely payment record has been established, no interest will be paid on customer deposits.

Section 3. 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.

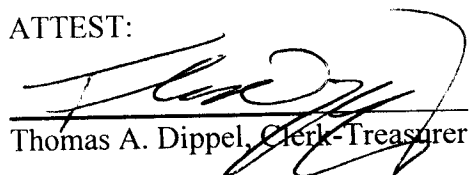
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF HUNTINGBURG, INDIANA, THIS 24th DAY OF January, 2013, BY THE FOLLOWING VOTE:

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

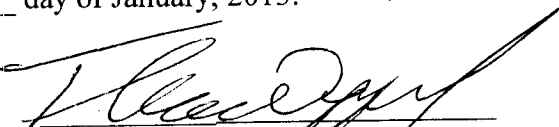
COMMON COUNCIL OF THE
CITY OF HUNTINGBURG, INDIANA

By: 
Dennis W. Spinner, Presiding Officer

ATTEST:

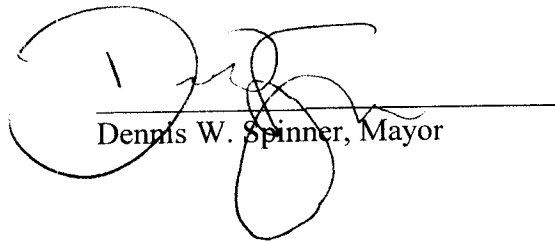

Thomas A. Dippel, Clerk-Treasurer

Presented by me, the undersigned Clerk-Treasurer of the City of Huntingburg, to the Mayor of said City for his approval on the 24th day of January, 2013.



Thomas A. Dippel, Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the 25th day of January, 2013,
at 12:35 o'clock P.M.



Dennis W. Spinner, Mayor