

Resolution 2014-4

A Resolution of the Town Council of the Town of Sweetser Regarding Municipal Utility Billing Procedures

WHEREAS, it has come to the attention of the Town Council that a policy for standardizing the municipal utility billing procedures is necessary;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Sweetser, meeting in regular session, hereby adopts the following:

SWEETSER MUNICIPAL UTILITY BILLING PROCEDURE

Section 1. Definitions.

For purposes of this internal policy, the following words and phrases shall have the meaning as defined by this section.

- a. Bill means the statement of account for municipal utility services rendered by the Town to a customer and due and payable to the Town by the customer.
- b. Town means the municipal corporation known as the Town of Sweetser, and any municipal subdivision or department of the Town or any designated agent authorized to act on behalf of the Town.
- c. Customer means the deeded owner of the property receiving sanitary sewer service.
- d. Delinquent customer means any person, firm, corporation or entity who fails to pay any current charges or portion thereof for any municipal utility by the due date of the bill.
- e. Municipal utility means the sewer departments or system of the Town of Sweetser.
- f. Past due amount means any current charges or portion thereof for any municipal utility which remain unpaid past the due date of the bill on which such current charges first appear.
- g. Disconnect means the sewer services shall not be made available to any person, firm, corporation or entity due to non-payment.
- h. Promissory agreement means a contract between customer and the Town allowing the customer to make payments to the Town to pay any current or

past due charges or portion thereof for any municipal utility by a determined date.

Section 2. Utility billing policies and procedures.

The following policies and procedure shall govern the provision of municipal utilities of the Town of Sweetser.

Section 3. Utility billing.

There is hereby created a utility billing section within such department as may be designated by the Town Council. The billing section shall be responsible for the calculation and rendering of all municipal utility bills. The utility billing section shall maintain account records for each customer that includes the customer's name, billing address, service address, current charges and account history including past due charges, penalties and fees.

Section 4. Rate ordinances.

The Town shall establish, maintain and periodically revise a Sewer Rate Ordinance. Said ordinance shall contain all the various fees, rates and charges that the Municipal Utility will charge to its customers. All municipal utility charges shall be calculated in accordance with the current Sewer Rate Ordinance applicable to the municipal utility or service rendered to a customer.

Section 5. Monthly utility bill.

The utility billing section of the Town shall provide each municipal utility customer with a monthly sewer bill which shall include the charge incurred by the customer for each monthly sewer services charge. The customer is responsible for paying each monthly bill in a timely manner. Bills for municipal utility services shall be rendered and paid monthly.

Section 5a. The monthly utility billing rate is determined by the customer's use characteristics.

The Town's Sewer Rate Ordinance contains the provision for both monthly flat rates and monthly metered rates.

All residential use customers will be billed a monthly flat rate for sanitary sewer service in accordance with the Sewer Rate Ordinance.

The majority of non-residential customers will be billed a flat monthly rate for sanitary sewer service in accordance with the Town's Sewer Rate Ordinance. These flat rate charges will be determined by the sewer use characteristics of the non-residential customer.

At the end of each year the Town will send out a Sewer Characteristics of Use form. This form is due back to the Town before the 15th of January. This form will ask the customer the type of business or commercial activity the customer is engaged in and may require other pertinent information to assist the Town in determining the customer's sewer use characteristics for billing purposes. The Town will use this information to assign a rate classification to the customer for billing purposes. This rate classification will continue for the year unless either, 1. the rate classification is appealed to the Council or 2. the customer's use characteristics change.

If the customer's use characteristics change during the year, it is the customer's obligation and responsibility to inform the Town of such change. The preferred method of notification is by submitting a revised Sewer Characteristics of Use form to the Town Clerk Treasurer's office. The change of use will be verified by the Town or its agents. If the change of use is substantiated – a new billing rate will be used for that customer for the next full usage month following the receipt of the customer's notification of change in use.

The Town and its agents have the power, right and ability to investigate the sewer use characteristics of any customer at any time and modify the customer's billing rate based on that investigation.

Certain large or special use customer's of the Town's sewer system may be charged a monthly sewer bill based on metered usage. These customers will be informed of their billing methodology prior to the first day of the first month of their metered usage period.

Section 6. Extra service bills.

Billings for any extra services, installation charges, penalties, collection fees or other special charges shall be rendered in accordance with the applicable utility or service rate resolution and shall be sent as a separate bill.

Section 7. Billing cycle.

- a. *Usage Period.* The usage period is the month or any part of the month during which sanitary sewer service is provided or is available to be provided to a customer of the utility or the month or part of the month that a customer's property is physically connected to the Town's sanitary sewer system.

- b. Bill date. The Bill Date shall be the first day of the month following the month that service is provided or available to be provided.
- c. Billing period. The Billing Period is the time between the Bill Date and the Delinquent Date. Billings will be distributed by the Town to each customer of the Town on a monthly basis through the issuance of a monthly bill. Each monthly bill will state the date the bill is due and the date after which the bill is considered dilenquent and delinquent fees will be added. The total bill shall be due and payable by the close of business no later than the twenty-fifth (25th) day of the month after the billing date. The twenty-fifth day (25th) of the month following the billing date shall be known as the due date. If the due date falls on a holiday, Saturday or Sunday the due date shall be on the first business day following the holiday or weekend.
- d. Delinquent date. If a bill is not paid on or before the close of business of the due date, a late charge equal to ten percent (10%) of the current sewer bill amount shall be added to the charges. The first (1st) business day following the due date shall be known as the delinquent date. If the delinquent date falls on a holiday, Saturday or Sunday the bill shall then become delinquent at 8:00 a.m. on the first business day following the holiday or weekend.
- e. Lien notification date. If a bill is not paid on or before the close of business on the sixtith (60th) business day following the due date, the Town will send an "Intention to File Lien" letter to the property address. If an owner of a non-owner occupied property has provided its name and address to the Town with a request to be notified of billing delinquencies, a copy of the "Intention to File Lien" letter will also be sent to this address. If the lien notification date falls on a holiday, Saturday or Sunday the "Intention to File Lien" letter shall then be distributed on the first business day following the holiday or weekend.
- f. Lien File Date. If a bill is not paid on or before ten (10) business days following the Lien Notification Date, the Town or the Town's attorney shall file a lien on the property at its earlist convenience. The date ten (10) business days following the Lien Notification Date shall be known as the Lien File Date. If the Lien File Date falls on a holiday, Saturday or Sunday then first date that liens will be filed shall then occur on the first business day following the holiday or weekend.

Section 8. Delinquent customers.

Any customer whose bill remains unpaid at 5:00 p.m. on the twenty-fifth (25th) day of the month after the billing date shall be considered delinquent. Any customer who is delinquent may be contacted by the Town in an attempt to collect payment for the delinquent bill. The Town may also refer delinquent customers to a collection agency or

attorney for collection on a case-by-case basis. Delinquent accounts are also subject to the filing of liens in accordance with the Town's billing procedure.

Delinquent accounts that have been filed as liens can no longer be paid in the normal manner but must be paid to the County in the manner proscribed by the County for lien payments. Lien filings will include reasonable collection and attorney fees.

Section 9. Municipal utility service application.

Any person, firm or corporation desiring to establish any municipal utility service or combination thereof shall make application for said service. The application shall be on such form(s) as may now or hereinafter be prescribed by the Town. The application shall include the applicant's name, spouse name, service address, mailing address, landlord's name, telephone number and personal identification number (e.g., social security number, drivers license number and date of birth) or federal identification number (businesses) and signature of the party responsible for payment. Persons applying on behalf of others or acting as an agent for others may provide the required information provided such agent agrees to assume responsibility for the person, firm or corporation upon whose behalf they are applying. Each service location shall be considered a separate account. The Town may request to make a copy of the Applicant's drivers license or other government issued identification in order to confirm identity.

Section 10. Disputed utility bills.

A customer may request a face-to-face conference regarding any dispute over a disputed utility bill or other service matter before the Town Council, or its designee, to hear such matters.

Only the Town Council has the ability to modify, change or mitigate a utility bill.

Section 11. Promissory Agreement.

Any customer may request a face-to-face conference before the Town Council, to consider entering into a payment plan or promissory agreement that identifies certain terms and conditions of a payment plan that would cause a utility account to be made current. If a customer fails to make good on any term and/or condition contained within the promissory agreement, other collection procedures may be implemented immediately.

Section 12. Service charges.

The following additional fees shall be charged for services provided by the municipal utility:

- a. Returned check fees:
 - i. \$25.00 for all checks that are returned
 - ii. Returned checks, the customer shall pay, by cash or money order, the amount of the returned check(s) plus the corresponding returned check fee.
 - iii. After two returned checks in any 12-month period, the customer shall pay all current and future payments by cash or money order.
 - iv. In its pursuit of collection for return checks the Town will follow Indiana Code (IC 26-2-7 and/or IC 34-24-3) which in certain cases allow the collection of trebal damages.

Section 13. Effective date.

This utility billing policy and procedure shall be in full force and effect from and after its adoption by the Sweetser Town Council.

PASSED AND ADOPTED this 27 day of FEBRUARY 2014 by the Town Council of Sweetser, Indiana

ATTEST:

Eileen D. LeMaster

Eileen D. LeMaster,
Clerk-Treasurer
Town of Sweetser

THE TOWN COUNCIL OF
THE TOWN OF SWEETSER,
STATE OF INDIANA

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