

AN ORDINANCE

ESTABLISHING AND ENACTING UNIFORM TERMS OF PAYMENT FOR UTILITIES INCLUDING TERMS OF COLLECTION, DISCONNECTION FOR NON-PAYMENT, DISPUTED BILL, AND PAYMENT ARRANGEMENT POLICIES.

WHEREAS, the City Council of the City of Hubbard, Ohio wishes to use enact new terms of payment and related policies for the collection of utility remittance and administration of the City utility billing office; and

WHEREAS, City of Hubbard utility customers shall realize an increased uniformity of utility billing procedures through the systematic application of such new policy and procedure; and

WHEREAS, the City Council of the City of Hubbard, Ohio wishes to provide clear, concise, and uniform payment terms policy for its utility customers.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hubbard, Trumbull County, Ohio:

SECTION 1: UNIFORM TERMS OF PAYMENT AND COLLECTION FOR ELECTRIC, WATER, AND SEWER UTILITY SERVICE CHARGES:

- a. The utility shall obtain consumption amounts by reading utility service meters monthly. Due to conditions rendering the utility unable to read said meters, the utility reserves the right to estimate consumption based on the customer's past usage history in order to generate a utility bill. When estimated consumption is used, the utility shall adjust and amend charges regarding actual versus estimated consumption on the next utility bill reflecting actual meter readings.
- b. The utility shall provide each customer a monthly bill detailing utility charges and consumption for the given billing period.
- c. Said utility bills shall be provided to customers at or near the end of each month, the terms of payment for all utility bills are: due and payable in full within approximately twenty-five days of the billing date (in the event the twenty-fifth calendar day is a legal holiday, Saturday, or Sunday, the final payment date for current bills shall be the next regular business day immediately following the holiday or weekend day).
- d. Utility bills are due and payable upon receipt.
- e. Customers shall have the first ten (10) days of the month to receive the electric discount only as provided in the electric rate schedule ordinance #52-89. The period of the billing date through the tenth day of the month shall be known as the *discount period*.
- f. If the tenth day of the month is a legal holiday, Saturday, or Sunday, the *discount period* shall be extended to the next regular business day immediately following the holiday or weekend day. (i.e. November 10, 2002, is a Saturday, as a result, the *discount period* will not conclude until: 1) the end of the billing office shift on Monday, November 12, 2002; and/or 2) payments placed in the City Hall Drop Box will be granted the discount until the drop box is emptied on the next regular business morning following the end of the *discount period*; and/or 3) remittance made by mail will receive the discount provided that the envelope postmark is on or before the final date of the *discount period*—in this example, envelope postmarks would have to be on or before November 12th in order to receive the discount).
- g. Customers who do not pay within the *discount period*, shall have the period of the tenth (10th) through the twenty-fifth (25th) of the current billing month to pay their utility bill in full in order to avoid delinquency status.

- h. Utility bills not paid in full by the twenty-fifth calendar day (25th) of the current billing period are deemed delinquent and will be subjected to the Delinquency Policy as defined in Section 2 below (in the event the twenty-fifth calendar day is a legal holiday, Saturday, or Sunday, the final payment date for current bills shall be the next regular business day immediately following the holiday or weekend day).
- i. The due date on a utility bill applies to current charges only and does not extend or otherwise alter any previous due date, notice, or agreement regarding past due charges for delinquent utility service.

SECTION 2: DELIQUENCY OF UTILITY BILLS POLICY:

- a. All utility bills and current utility service charges not paid in full by the twenty-fifth calendar day of the month are deemed delinquent (in the event the twenty-fifth calendar day is a legal holiday, Saturday, or Sunday, the final payment date for current bills shall be the next regular business day immediately following the holiday or weekend day).
- b. All information concerning final notice and service termination (i.e. termination for non-payment or shut-off) will be provided on the initial utility bill.
- c. Final notices and shut-off notices will not be provided under a separate mailing.
- d. Terms of payment including delinquency, disconnection for non-payment, service termination, and payment arrangement policies will be provided on the utility service application form.
- e. All utility bills not paid in full by the final day of the current billing period (i.e. 25th calendar day) will be subjected to the service termination/shut-off policy.

SECTION 3: DISCONNECTION FOR NON-PAYMENT, SERVICE TERMINATION AND SHUT-OFF POLICY

- a. All utility service accounts that have not been paid-in-full rendering same in delinquency status and have failed to establish written payment arrangements will be unanimously subjected to service termination/shut off proceedings without option for appeal.
- b. Shut off/service termination shall occur on the twenty-sixth calendar day of the billing month. If the twenty-sixth day is a legal holiday or weekend day, the shut-off day shall occur on the next regular work day immediately following the final date for accepting delinquency payments.
- c. All services that are delinquent by the shut-off date will be terminated unless written payment arrangements have been made in accordance with the Payment Arrangement Policy section of this Ordinance.
- d. Shut off/service disconnection shall result in a fifty-dollar (\$50.00) on/off service charge levied on all accounts to which this applies. This penalty cannot be appealed or abated under any circumstances.
- e. The fifty-dollar (\$50.00) on/off charge only accounts for the initial service disconnection costs associated with the utility shut-off and service reconnection during regular business hours.
- f. Any request for service reconnection after the close of regular business hours of the utility service crew, will be assessed the fifty dollar (\$50.00) on/off fee and an additional after-hours reconnection surcharge amounting to the total overtime cost of the employee(s) called out to reestablish utility service. After-hours reconnection is not guaranteed and is further subject to the availability of appropriate utility personnel.
- g. All amounts that are delinquent as well as all on/off and reconnection surcharge fees must be paid in full by cash, money order, or certified check only, before utility service will be reconnected.

- h. Failure to pay amounts due by tenants will not be levied against property owners unless the property owner provides written acceptance of the liability for said utility service charges.
- i. The City reserves the right to refuse to provide or reestablish utility service for individuals who exhibit a history of chronic delinquency with the City. Chronic delinquency is having had service terminated more than two times in a calendar year; and/or placement of account on delinquency status for three or more consecutive months; and/or having written two or more non-sufficient fund checks for delinquent utility services in the past twelve months.
- j. The City reserves the right to terminate utility service, when, in the City's opinion, there is reasonable cause to believe that the customer is receiving utility service without paying therefore, or the meter(s), wires, or other connecting apparatus have in any manner been tampered with, damaged, or suspected of damage, in such ways as to prevent the meter(s) from recording the amount of utility service consumed by the customer.
- k. The City reserves the right to terminate utility service, when, in the City's opinion, the condition of the customer's wiring, plumbing, equipment, appliance, or other appurtenance is either unsafe or unsuitable for receiving utility service, or when the customer's use of a utility service or equipment interferes with or may be detrimental to the supply of utility service by the City to any of its other customers.
- l. The City reserves the right to terminate utility service, when, in the City's opinion, utility service is being provided over a line which is not owned by the City or leased by the City and such line is either not in a safe and suitable condition or is inadequate to receive said utility service.
- m. The City reserves the right to terminate utility service, when, in the City's opinion, a customer has denied a City representative access to the City's water or electric meter and all associated wiring and other apparatus associated thereto installed on the customer's property.
- n. The City reserves the right to terminate utility service, when, in the City's opinion, it is necessary in order to prevent theft and/or fraud upon the City.
- o. The City cannot be held liable for any and all damages resulting from the disconnection of utility service.

SECTION 4: DISPUTED UTILITY BILL POLICY

- a. When disputing a utility bill, the following terms of payment apply:
 - 1. All utility service charges must be paid in accordance with the Terms of Payment section of this Ordinance in order to avoid service disconnection for nonpayment.
 - 2. All charges for utilities must continue to be paid until the disputed bill process is complete.
 - 3. Upon completion of the disputed bill procedure, the resident will receive either a credit (refund of charges collected by the City) or debit (charge for charges not yet collected by the City) to their respective utility account based on the terms of the resolution of the disputed bill.
- b. If a resident disputes a utility bill, one of the following options must be pursued in order to remedy the dispute:
 - 1. Request a meeting with the respective utility department superintendent and the Service Director and/or Mayor in order to discuss the reason(s) for disputing the bill and to determine the appropriate course of corrective action.

2. Request that the meter be tested.
 - a. If the meter is tested and found to be inaccurately registering utility consumption, the utility department shall replace the meter, adjust the utility bill amount due by calculating consumption for the billing period in question based on average usage for the twelve months preceding the disputed period; all of these services will be provided at no cost to the customer. Said retroactive billing adjustments shall not be for more than ninety days prior to the originating date of the dispute.
 - b. If the meter is tested and found to register within the tolerance limits as defined by the relevant industry standard meter specifications, the customer is charged sixty dollars \$60.00 for each meter tested. Based upon the meter test reports neither the Utility Billing Office, Service Director, nor Mayor can further recommend adjustment of the given disputed bill. If other sufficient evidence of mitigating effects on the metering or billing process is provided, a hearing concerning the disputed bill shall be set before the Utility Review Board.
 3. If the disputed bill contains consumption/usage that is more than one hundred fifty-percent (150%) of the average usage during the immediately preceding twelve months, a hearing before the Utility Review Board as established and governed by the appropriate City Ordinance, may be requested by the customer.
 - a. For example: a customer account's average bills indicate water consumption of 10 ft³/month, the disputed bill in question indicates usage of 18 ft³. As a result of 18 ft³ exceeding the 150% of the 10 ft³ average, the customer may request a hearing.
 - b. In the event a twelve-month history is not available, the usage must exceed the respective industry standard average by 50% or more.
 - c. All requests for hearings must occur within thirty-days (30) of receipt of the bill.
 - d. Special Circumstance Hearings may be heard before the Utility Review Board for situations and accounts not meeting the minimum qualifying standards as established above. Such Special Circumstance Hearings will be determined on a case-by-case basis as deemed necessary by the Service Director and/or Mayor.
 - e. Customers will be limited to no more than one (1) Special Circumstance Hearing in any given calendar year.
- c. All resolutions resulting from the above processes shall be final and binding.
 - d. All fees and charges resulting from disputed bill procedures cannot be waived under any circumstances.

SECTION 5: PAYMENT ARRANGEMENT POLICY

- a. All current utility service charges must be paid in full by the twenty-fifth calendar day of the current billing month as defined in Section 1 of this Ordinance.
- b. Customers who are unable to meet their financial obligation for utility service resulting from *temporary* circumstances; such as unemployment, death in family, extended illness, or abnormally high medical expenses; are encouraged to seek appropriate financial institution or social service agency assistance in order to meet the requirements of their utility charges for the current period in order to avoid the delinquency deadline and service termination/shut-off proceedings.
- c. Individuals must provide written evidence and the City must verify by the twenty-fifth day of the current billing month that arrangements have been made between the customer and a bonafide social service agency or financial institution to meet the complete financial obligation of the current and any delinquent utility charges.
- d. Upon receipt of the written evidence and verification of payment assistance by the Utility Billing Office, the City shall extend the shut-off date for the given individual by an additional twenty calendar days. Individuals may seek no more than two payment assistance payment extensions in a calendar year.
- e. No extensions will be granted based on personal credit or promises to pay by individual utility customers unless said arrangements are paid in full in cash by the final collection date of the current billing period (i.e. the twenty-fifth calendar day of the current billing month).
- f. All payment assistance payment extensions must be placed in writing; signed by both the customer and City Service Director and filed with the Utility Billing Office.
- g. Failure of the social service agency or financial institution to remit payment within twenty calendar days will subject the customer to proceedings under the Disconnection for Non-Payment/Shut-Off section of this Ordinance.
- h. If the social service agency or financial institution cannot guarantee payment in full within the twenty-day time limit, written notice from the institution must accompany the application for payment assistance payment extension and explicitly state when payment will be remitted to the City.
- i. The City shall maintain and provide upon request by the customer a list of social service agencies and financial institutions for customers to contact if payment assistance is needed.
- j. Utility services that have already been disconnected for non-payment are not eligible for payment extensions. All charges associated with said accounts must be paid in full in cash prior to service reestablishment.
- k. Payment arrangements are limited only to those circumstances which are temporary and therefore are limited to two requests per calendar year.
- l. Continuing requests for payment arrangements will not be accepted. Once payment arrangement options as established above are exhausted, service termination for non-payment/shut off procedures shall result.

SECTION 6: All prior Ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 7: All formal actions of the City Council of Hubbard, Ohio relating to the adoption of this Ordinance, and all deliberations of the City Council of Hubbard, Ohio and any of its committees leading to such action, were in meeting open to the public as required by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2003.

ATTEST:

CLERK OF COUNCIL

APPROVED:

MAYOR

APPROVAL DATE: _____

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

I hereby certify that the foregoing Ordinance was published in the Youngstown Vindicator on the dates hereinbelow set forth and was posted at the Hubbard City Municipal Building, the Hubbard Police Department, the Hubbard Public Library, and Patton's Hubbard IGA Market, on the day hereinbelow set forth.

DATES OF PUBLICATION:

POSTED:

_____ day of _____, 2003

_____ day of _____, 2003

_____ day of _____, 2003

_____ day of _____, 2003