

Ordinance No. 2013-4

**ORDINANCE AMENDING TITLE V SECTION
50.04, 50.06, 50.07, 51.03, 51.08, 51.15, 51.16, and 51.99**

BE IT ORDAINED by the Town Council of the Town of Hamilton as follows:

1. That Title V Section 50.04 shall be amended to read as follows:

Section 50.04 Disposal Limits and Requirements

Every residential dwelling shall be subject to a maximum of one 96-gallon trash toter. The toter will be supplied by the contractor. Garbage and rubbish to be disposed of that exceeds the limit must display a special tag. The tags will be specifically designated and will be made available by the Town for purchase and the price may vary from time to time.

2. That Title V Section 50.07 shall be amended to read as follows:

Section 50.07 Garbage Pickup Services Provided to Landlord's Tenant.

- (A) When any property owner, renter or contract purchaser of real estate makes application for water and/or garbage and rubbish pickup from the office of the Clerk-Treasurer, a deposit of \$50 (water only), \$30 (trash only) or \$80 (water and trash) shall be made to the Town for such services made available to the property in which the owner, renter or contract purchaser is located. In the event the person(s) occupying the property are not the property owner, the property owner will be notified in writing of the following information:
- (1) Date the Town Hall was contacted
 - (2) By whom the Town Hall was contacted
 - (3) The address the new tenant will be living in
 - (4) The effective date for switching over utilities to the tenant
 - (5) The date of the property owner's final bill
 - (6) Any and all water/trash charges left unpaid by the tenant will be the responsibility of the land owner. The letter will be signed by the property owner and returned to the Town Hall within 10 days of receipt or the billing will remain in the property owner's name until such time the letter is signed and returned.
- (B) If the owner, renter or contract purchaser of the real estate shall pay all service charges for water and garbage for the next 12 consecutive months, all payments on time with no bills becoming past due, then, in that event, the deposit shall be refunded to the owner, renter or contract purchaser who originally made the deposit within 60 days, without interest thereon.
- (C) If the owner, renter or contract purchaser fails to pay charges for water service and garbage pickup service on time for each of the next 12 consecutive months, then the deposit shall be retained by the Town until such time as all service charges for water and garbage have been paid on time, with no bill becoming past due for the next 12 consecutive months.
- (D) In the event an owner, renter or contract purchaser becomes delinquent in the payment of charges for water and/or in the payment of charges for garbage and rubbish pickup, and the service is discontinued because of the late payment, the owner, renter or contract purchaser must bring the account current and pay all fees due for all services provided prior to services being restored. If, at the time of disconnection, the Town is not holding a deposit for services for the customer (owner, renter or contract purchaser), the customer will be required to pay all fees and all applicable deposits prior to reconnection. The customer will then become subject to the rules listed above (section A and B) for satisfying the deposit requirements.

3. That Title V Section 51.03 shall be amended to read as follows:
Section 51.03 Installation of Water Meter Pits and Valves.
 - (B) The lid shall be exposed and it shall be unlawful to uncover the lid in any manner. Anyone, except authorized personnel, who tampers with utility property including but not limited to fire hydrants, main line valves, curb box / stop, meter pit, facilities, etc. shall be subject to fines established in Section 51.99.

4. That there shall be a new Title V Section 51.08 which shall read as follows:
Section 51.08 Disconnection of Service.
 - (A) Service shall be disconnected by the Town when the customer has become two consecutive billing months delinquent and shall not be restored until the customer has paid his or her bill, all service fees and deposit if required in accordance with the ordinance.
 - (B) Once a customer has been on the disconnect list twice in a rolling 12-month period a notice will be sent to the customer notifying the customer that if they are on the disconnect list a third time, within the rolling 12-month period, the following requirement will be imposed:
 - (1) Customer will be required to bring account current.
 - (2) Customer will be required to pay, in full, on time, every month for a consecutive 12-month period.
 - (3) If the requirement of Section 2 (51.08(2)) is not met, trash service will be disconnected without notice and service will not be restored until the account is brought current and all service fees have been paid. Also, the 12-month period starts over.
 - (C) A notice will be mailed at the beginning of the month notifying a customer of their status on the disconnect list. This notice will outline the amount required to be paid and by when. Payment is due before disconnection, which is the 24th day of the month or the Monday following, (in case the 24th is on a Friday through Sunday). On the 23rd day of the month, or the Friday before, (in the event the 23rd falls on a Saturday or Sunday) the street department will post a notice on the doors of all customers who have failed to pay their outstanding bill. Anyone who receives this notice will be charged a \$5.00 notice fee. The notice will require the customer to pay or contact the Clerk's office with payment arrangements (signed acknowledgment by a owner if the customer requesting payment arrangements is a renter or contract purchaser) prior to 8:00 a.m. on disconnect day. For a customer who has not followed these instructions and is on the shut-off list a \$30 non-compliant fee shall be charged and services will be discontinued/disconnected. Service(s) will not resume until the account is brought current and all fees/deposits have been paid.

5. That Title V Section 51.15 (B) shall be amended to read as follows:
Section 51.15 (B) Collections and Deferred Payment Charges.
 - (B) Collections and deferred payment charges.
 - (1) All bills shall be due and payable monthly. Bills unpaid more than 22 days following the date of billing shall include a collection charge of 10% on the first \$3 of unpaid billing and 3% on the balance of unpaid billing in excess of \$3. In addition, should it become necessary to employ the services of an attorney to collect any unpaid fees and charges, the customer shall pay, in addition to those fees and charges, reasonable attorney's fees and court costs.
 - (2) Service shall be disconnected by the Town when the customer has become two consecutive billing months delinquent and shall not be restored until the customer has paid his or her bill, all service fees and any required deposit.

- (3) Once a customer has been on the disconnect list twice in a rolling 12-month period a notice will be sent to the customer notifying the customer that if they are on the disconnect list a third time, within the rolling 12-month period, the following requirement will be imposed:
 - (a) Customer will be required to bring account current.
 - (b) Customer will be required to pay, in full, on time, every month for a consecutive 12-month period.
 - (c) If the requirement of Section 2 (51.08(2)) is not met, service will be disconnected without notice and service will not be restored until the account is brought current and all service fees have been paid. Also, the 12-month period starts over.
 - (4) A notice will be mailed at the beginning of the month notifying a customer of their status on the disconnect list. This notice will outline the amount required to be paid and by when. Payment is due before disconnection, which is the 24th day of the month or the Monday following, (in case the 24th is on a Friday through Sunday). On the 23rd day of the month, or the Friday before, (in the event the 23rd falls on a Saturday or Sunday) the street department will post a notice on the doors of all customers who have failed to pay their outstanding bill. Anyone who receives this notice will be charged a \$5.00 notice fee. The notice will require the customer to pay or contact the Clerk's office with payment arrangements (signed acknowledgment by a owner if the customer requesting payment arrangements is a renter or contract purchaser) prior to 8:00 a.m. on disconnect day. For a customer who has not followed these instructions and is on the shut-off list a \$30 non-compliant fee shall be charged and services will be discontinued/disconnected. Service(s) will not resume until the account is brought current and all fees/deposits have been paid.
6. That there shall be a new Title V Section 51.15 (E) which shall read as follows:
Section 51.15 (E) Fees.
 - (1) There will be no fee to the customer to reconnect service for service that was disconnected/discontinued for non-payment of bills.
 - (2) There will be no fee to the customer for scheduled shut offs for repair or similar service during business hours (M-F / 9-3) with 24 advance hours notice to the Town. In the event that notice is not properly given by the customer to the Town, the customer will be charged and will pay a \$25.00 trip fee for each trip made by the Town.
 - (3) There will be no fee to the customer for scheduled shut offs in connection with new construction, remodeling or renovation of an existing structure or a damaged structure during business hours (M-F / 9-3) with 24 advance hours notice to the Town. In the event that notice is not properly given by the customer to the Town, the customer will be charged and will pay a \$25.00 trip fee for each trip made by the Town.
 - (4) There will be a \$25.00 trip charge for each trip made by the Town for all disconnects/reconnects outside of business hours(M-F / 9-3).
 - (5) A \$25.00 reconnect charge for all seasonal reconnects.
7. That Title V Section 51.16 shall be amended to read as follows:
Section 51.16 Disconnection for Late Payment.
 - (A) It is the policy of the Town to discontinue utility service to customers by reason of

nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The Town's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (1) That all bills are due and payable on or before the date set forth on the bill;
 - (2) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the Town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
- (B) Requests for waiver of payment will not be entertained; payment arrangements may be requested with the Clerk's Office on a case by case basis prior to the due date; questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, not until the charges have been due and unpaid for at least 30 days.
- (C) When it becomes necessary for the Town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with all service fees and deposits as established by the Town Council.
8. That Title V Section 51.99 shall be amended to read as follows:
Section 51.99 Penalty.
- (A) Any person, firm or corporation who violates any provision of this chapter for which another penalty is not specifically provided, shall, upon conviction, be subject to the provisions of § 10.99.
 - (B) Failure to comply with the provisions set forth in § 51.03 and § 51.07 constitutes an ordinance violation, and each day each violation continues is to be considered an additional violation, and shall be subject to a fine of not less than \$50 per day.
9. That there shall be a new Title V Section 50.06(C) which shall read as follows:
Section 50.06 (C)
The Town shall charge and collect the sum of \$30.00 for each check not honored by the customer's financial institution and returned to the Town regardless of the reason.
10. That there shall be a new Title V Section 51.15(B)(1) shall be amended to read as follows:
Section 51.15 (B)(1) Collections and Deferred Payment.
- (1) (a) All bills shall be due and payable monthly. Bills unpaid more than 22 days following the date of billing shall include a collection charge of 10% on the first \$3 of unpaid billing and 3% on the balance of unpaid billing in excess of \$3. In addition, should it become necessary to employ the services of an attorney to collect any unpaid fees and charges, the water user shall pay, in addition to those fees and charges, reasonable attorney's fees and court costs.
 - (b) The Town shall charge and collect the sum of \$30.00 for each check not honored by the customer's financial institution and returned to the Town regardless of the reason.
11. This ordinance shall be in full force and effect from and after its passage and publication as required

PASSED AND ADOPTED by the Town Council of the Town of Hamilton, Steuben County, Indiana, at their regular meeting on the 1st day of April, 2013.

TOWN COUNCIL OF THE TOWN OF HAMILTON, INDIANA

Mary Vail
Mary Vail, Town Council President

Jenni Heisler
Jenni Heisler, Council Member

Robert Howard
Robert Howard, Council Member

Tina Bosse
Tina Bosse, Council Member

Larry Grantham
Larry Grantham, Council Member

ATTEST:

Hester Stouder
Hester Stouder, Clerk-Treasurer



Presented to the President of the Town Council of the Town of Hamilton this 1st day of April, 2013, at 7:20 o'clock A.M. (P.M.)

Hester Stouder
Hester Stouder, Clerk-Treasurer

Approved by me this 1st day of April, 2013, at 7:20 o'clock A.M. (P.M.)

President of Town Council, Hamilton, IN

By: _____
Mary Vail