

ORDINANCE No. 1258

Exhibit F

**Chapter 13.60
UTILITY BILLING CODE**

Sections:

13.60.010 Definitions.

13.60.020 Utility service billing.

13.60.030 Application for utility service.

13.60.040 Customer and owner responsibilities for bills.

13.60.050 Deposits.

13.60.060 Refund of deposits.

13.60.070 Discontinuance of utility service.

13.60.080 Abandonment of utility service.

13.60.090 Notice and termination of service for delinquent bills.

13.60.100 Reinstatement of service.

13.60.110 Refusal of service.

13.60.120 Adjustment of water bills.

13.60.130 Hearings on disputed bills.

13.60.140 Rental properties.

13.60.150 Utility charges considered a debt.

13.60.160 Utility payment schedule agreement.

13.60.170 Penalties.

13.60.010 Definitions.

Definitions for the terms utilized in this Chapter are set forth within JCMC Chapter 13.01, Public Utilities and Services Definitions.

13.60.020 Utility service billing.

Billings for city utility services shall be combined into one bill and shall be made monthly on the basis of the amount of service used during the previous monthly period. If, for any reason, it is impossible or impractical to read a water meter, water consumption may be estimated, based on the previous history of use on that property, until the meter can be read. Bills are due and payable on demand and will become delinquent if not paid within 7 days after they become due and payable. The city will apply amounts received from customers first to garbage charges, then to sewer charges, then to late charges, if any, and then to water charges.

13.60.030 Application for utility service.

A. A written application for utility service must be made where:

- (1) Service is requested to be supplied to a property; or
- (2) Service has been involuntarily discontinued in accordance with this article, and the applicant subsequently seeks to have service restored.

B. An application is a request for utility service. An application for service shall not be accepted until the applicant:

- (1) Pays a deposit as established in JCMC Section 13.60.050.A; and
- (2) Supplies the following information on a form supplied by the city:

- a. The date of the application;
 - b. Name and address of applicant applying for service;
 - c. The location of the property to be served;
 - d. The date on which the applicant will be ready for service;
 - e. Address to which utility bills shall be mailed;
 - f. The name, address and signature of the owner of the property;
 - g. Owner and occupant's agreement to abide by this Code and any written rules or regulations adopted for the utility system; and
 - h. Such other information as the Public Works Director may require.
- C. Two or more parties who join to make application for service shall be jointly and individually liable for charges incurred, and shall be sent a single billing.
 - D. Contracts, other than applications, may be required prior to service where, in the opinion of the city, special circumstances exist.
 - E. If a premises is connected to the city utility system without application, the premises will be disconnected. Before a new connection is made, the applicant shall pay a tampering fee in an amount set by Council resolution, plus amounts for all service used.
 - F. In no case shall a utility service be turned on until the terms of this section have been complied with, and until all appropriate fees and charges established from time to time by resolution of the City Council have been paid.

13.60.040 Customer and owner responsibilities for bills.

Payment of utility bills shall be the responsibility of the utility customer.

- A. The customer shall be responsible for utility charges incurred until service is voluntarily discontinued in accordance with the provisions of JCMC section 13.60.070.B.
- B. In cases where the customer is not the same as the owner and customer is delinquent on customer's account, the customer is solely liable for all past due amounts and charges.
- C. If utility bills are paid and kept current, utility service will not be discontinued upon the order of any other person other than the customer.

13.60.050 Deposits.

- A. With the exception of customers whose utility bills have been continuously paid and kept current during the prior twelve (12) month period, all applicants shall be required to pay a deposit in an amount set by Council resolution, as a guarantee of the applicant's performance of the agreement for service. Payment of a deposit is required upon application for new service and service reinstatement for any reason.
- B. Co-obligors shall be mailed copies of all service disconnection notices delivered to the applicant.
- C. Co-obligors shall be responsible for all delinquent amounts accrued by their co-obligee.

13.60.060 Refund of deposits.

Upon discontinuance of service, the city will refund the balance of the customer's deposit after application of the deposit to any unpaid bills for utility service furnished by the city. No interest will accrue on customer deposits.

13.60.070 Discontinuance of utility service.

A. Utility service shall be discontinued:

- (1) Where a customer requests the city to discontinue service or to close an account;
- (2) Where dangerous or emergency conditions exist at the premises to which service is provided;
- (3) For failure to pay for utility service within the time frames established in JCMC Section 13.60.090. Failure to pay for one utility shall be caused for discontinuance of any or all city utilities;
- (4) For failure to abide by the terms of a payment agreement, if authorized in writing in advance by the Public Works Director or designee, as established in JCMC Section 13.60.160;
- (5) Where service is being obtained fraudulently;
- (6) For unlawfully providing service to another property;
- (7) For failure to abide by any of the conditions or agreements contained in the signed application for service.

B. Voluntary discontinuance. Every customer who is about to vacate any premises supplied with utility service by the City, or who for any reason wishes to have such service discontinued, shall give five days' notice in advance of specified date of discontinuance of service to the utility. Until the city has received such notice, the customer shall be held responsible for all service rendered to the premises.

C. Service shall be discontinued for nonpayment of bills as provided in JCMC Section 13.60.090. Service may also be discontinued for violation of any other provision of this Title 13 no less than five days after the date City provided written notice to the customer that the violation must cease, by first class mail to the customer's last known address; provided, however, that where fraudulent use of services is detected, or where a dangerous condition is found to exist on the customer's premises, service may be discontinued without advance notice.

D. Once service has been discontinued, no person other than an authorized city employee may reconnect the service. The customer of any property where service has been unlawfully reconnected shall be assessed a tampering fee in an amount set by Council resolution. The customer shall also be charged for any actual damage done to the property of the city.

13.60.080 Abandonment of utility service.

A. Voluntary abandonment. Upon city's receipt of a property owner's written request to have property owner's water meter removed, city will cease charging owner monthly water service charges.

- B. Abandonment by non-payment. After 12 months of non-payment, the city will provide a 30-day notice that the water meter will be removed, unless all utility fees are paid in full by the notice date.
- C. City shall remove a water meter in the case of either voluntary abandonment or abandonment by non-payment as set forth in subsections A and B of this section.
- D. Reinstatement of service either voluntarily abandoned or abandoned by non-payment, as set forth in subsections A and B of this section, is a service connection requiring payment of a service disconnect/reconnect charge in an amount set by Council resolution. This service connection charge shall be paid in addition to the reinstatement of service fees set forth in JCMC Section 13.60.100.

13.60.090 Notice and termination of service for delinquent bills.

- A. Utility charges not paid within 7 days after they become due and payable shall be deemed to be delinquent. When a utility account is delinquent, the customer, owner and/or other designated person will be notified by first class mail of such delinquency and customer will be provided seven calendar days from the date of the notice in which to make payment or request a hearing as provided in JCMC Section 13.60.130 and charged a delinquency notice fee per JCMC Section 13.60.090.F.
- B. If payment is not received or hearing requested by the due date shown on the delinquency notice, the customer and/or occupant will be: (1) notified in writing by personal delivery or by posting a notice on the premises that service to the premises shall be discontinued if payment is not received within 24 hours; and (2) charged a posting fee per JCMC Section 13.60.090.G. The posted notice will state that, if disconnected, service may be restored only by payment of all amounts owed to the city as set forth in JCMC Section 13.60.100.
- C. Utility services shall not be turned off after 2:00 p.m. in the afternoon nor shall utility services be turned off on Fridays, weekends, or the day before a regular holiday.
- D. If the full payment of the delinquent amount is not submitted to the city by the date designated on the posted notice, the utility may be immediately turned off.
- E. Prior to the restoration of service by the city, the fees and charges enumerated in JCMC Section 13.60.100 shall be paid.
- F. Delinquency notice fee. A delinquency notice fee in an amount set by Council resolution shall be added to any delinquent account that remains unpaid at the time that the delinquency notice is mailed to the premises in accordance with JCMC Section 13.60.090.A.
- G. Posted notice fee. A posting fee in an amount set by Council resolution shall be added to any account that remains unpaid at the time pre-termination notice is posted on the premises in accordance with JCMC Section 13.60.090.B.
- H. Delinquent utility accounts totaling less than \$25.00 shall not be turned off unless circumstances indicate that the service has been abandoned.

13.60.100 Reinstatement of service.

- A. Where a utility service is disconnected for violation of laws, rules, or regulations for fraudulent use of service, or for nonpayment, reinstatement of service will not be made until all five of the following conditions are met:

- (1) All past-due amounts, including all outstanding fees and charges have been paid in full;
 - (2) A deposit as required by JCMC Section 13.60.050 has been established or restored; The Public Works Director may accept the deposit in payments with a written agreement.
 - (3) A reinstatement fee as established in subsection B of this section has been paid; and
 - (4) A tampering fee, if applicable, as established in JCMC Section 13.60.070.D, has been paid.
- B. A reinstatement fee in an amount set by Council resolution shall be charged and collected from the customer prior to reinstatement of service.

13.60.110 Refusal of service.

Service may be denied to any person:

- A. Who is responsible for unpaid bills for utility service provided to any premises within the city utility service area, until such bill and all related charges are paid in full;
- B. Until restitution has been made for any damage or loss of revenue to the city resulting from the person's tampering with or bypassing water meters or locking devices; or
- C. Applying for service under a different name when the original applicant or customer still resides at premises for which services are requested and services to the premises have been disconnected for nonpayment of bills.

13.60.120 Adjustment of water bills.

Billings which the city has made erroneously may be corrected retroactively for a period not to exceed one year upon acknowledgement by the city of the error.

13.60.130 Hearings on disputed bills.

- A. Any customer wishing to dispute their utility bill charges may submit to the City Administrator a written request for a hearing on the disputed bill. The request must be filed within seven calendar days from the date of the utility bill. Upon filing of a request for hearing, all proceedings relative to collection of the disputed bill shall be stayed until the final decision is made.
- B. The City Administrator or designee shall schedule a hearing on the disputed charges and shall notify the complaining party in writing of the time, place and date of such hearing. Upon conclusion of the hearing, the City Administrator or designee shall make a final determination as to the amount due and owing on the disputed bill and shall notify the customer in writing of the decision.
- C. If the decision is that there are charges due and owing, the customer shall have seven calendar days from the date of service of the notice to make full payment. Failure to make the payment within seven days shall result in the city posting a 24-hour pre-termination notice per JCMC Section 13.60.090.B.

13.60.140 Rental properties.

With the exception of customers whose utility have been continuously paid and kept current for the prior twelve (12) month period, owners of rental properties shall pay a deposit in an amount set by Council resolution to cover one or more rental property. The tenant of occupied rental property is the customer and responsible for the associated City Utility service account at established Utility rate. The Owner of unoccupied rental property is the customer and responsible for the associated City Utility service account at established Utility rates. The deposit will be refunded when the ownership changes and service is discontinued. No interest will be paid on the deposit.

13.60.150 Utility charges considered a debt.

Utility service charges levied in accordance with this chapter shall be a debt due to the city, which, if not paid within 7 days after it shall be due and payable, shall be deemed delinquent and may be recovered by civil action, in addition to other lawful remedies, in the name of the city against the applicant, co-applicant, or both. Discontinuance of service shall be a remedy in addition to the remedies provided herein for nonpayment of delinquent accounts.

13.60.160 Utility payment schedule agreement.

For customers who have not previously entered into a payment schedule agreement with the City, the Public Works Director or designee may authorize a written agreement between the City and that customer for partial payment or establishing a payment schedule if the Public Works Director or designee determines that such an agreement will protect the public interest and reduce the burden on that customer.

Utility Payment schedule agreement may be entered into by the Public Works Director or the Public Works Director's designee. Such agreements will state that the customer will pay a set portion of the arrearage, plus an amount agreed to by both parties in full every month until the bill is brought current. If any monthly payment is delinquent, service will be discontinued per JCMC 13.60.070.A(4) and the full amount of arrearage, including penalties, fees, and interest, must be paid per JCMC 13.60.100 before service will be restored.

13.60.170 Penalties

Any person violating any provisions of this Chapter upon conviction shall be penalized by a fine of not more than \$500 per violation. In the case of a continuing violation, every day's continuance of the violation is a separate violation.