

Ordinance No. 805

AN ORDINANCE OF THE VILLAGE OF HEMINGFORD, NEBRASKA, REPEALING ORDINANCES 780, §3-501, §3-502, AND §50.02 OF THE HEMINGFORD VILLAGE CODE, AND ESTABLISHING A COMPLETE UTILITY BILLING PROCEDURE; AMENDING THE HEMINGFORD VILLAGE CODE OF ORDINANCES AND REPEALING ANY OTHER ORDINANCES OR PROVISIONS IN CONFLICT THEREWITH, DIRECTING THE PUBLICATION OF THIS ORDINANCE AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE CHAIRMAN AND TRUSTEES OF THE VILLAGE OF HEMINGFORD, BOX BUTTE COUNTY, NEBRASKA.

1. Ordinance 805. Utility Billing Procedure shall read as follows:

Section 1: Definitions.

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

- a. **Bill:** The statement of account for municipal utility services rendered by the Village to a customer and due and payable to the Village by the customer.
- b. **Village:** The municipal corporation known as the Village of Hemingford, Nebraska, and any designated agent authorized to act on behalf of the Village.
- c. **Customer:** Any person, firm, corporation or entity to which the municipal utility services are rendered.
- d. **Delinquent Customer:** 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 Utilities:** The water, sewer and electric services, departments or systems of the Village of Hemingford, Nebraska or any combination thereof.
- f. **Past Due Amount:** 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:** The water, sewer and electric services shall not be made available to any person, firm, corporation or entity due to non-payment.
- h. **Payment Contract:** A contract between customer and the Village allowing the customer to make payments to the Village to pay any current 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 Village of Hemingford, Nebraska.

Section 3: Utility billing.

There is hereby created a utility billing section within such department(s) as may be designated by the Village 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.

All municipal utility charges shall be calculated in accordance with the specific rate ordinance applicable to each municipal utility or service rendered to a customer.

Section 5: Monthly utility bill.

The utility billing section shall provide each municipal utility customer a combined monthly municipal utility bill which shall include the charges incurred by the customer for regular monthly water, sewer, trash, and electric services or any combination thereof, plus any fees, penalties or previous balances. Each municipal utility shall be designated as a separate entry on the billing statement. Bills for municipal utility services provides shall be rendered and paid monthly.

Section 6: Extra service bills.

Billings for any extra services, installation charges or other special charges shall be rendered in accordance with the applicable utility or service rate resolution and shall be included on the appropriate monthly billing statement or as a separate bill.

Section 7: Billing cycle.

The Village of Hemingford's billing cycle shall be defined by the following dates:

- a. Meter reading date.
Meters shall be read on or about the 15th day of the month.
- b. Billing period.
Monthly billings shall be rendered within fifteen (15) days following the meter reading date. The date the bill is mailed shall be known as the billing date. The total bill shall be due and payable by the close of business no later than the fifteenth (15th) day of the next month after the billing date. The fifteenth (15th) day of the next 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.

c. 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 electric bill amount shall be added to the charges. The first (1st) business day following the due date shall be known as the delinquent date. The Village of Hemingford will allow a five (5) day grace period with the penalty added on the 20th. 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.

d. Disconnect notification date.

If a bill is not paid on or before the close of business on the 23rd, the Village will mail by first-class mail and/or post a disconnection notification card on the customer's main entrance in clear view and a delivery charge equal to ten dollars (\$10.00) shall be added to the charges. If the disconnection notification date falls on a holiday, Saturday or Sunday the disconnection notification shall then be distributed on the first business day following the holiday or weekend.

e. Disconnection date.

If a bill is not paid on or before the 23rd, the Village shall disconnect and discontinue all utility services until account is made current. The seventh day after the 23rd shall be the disconnection date. If the disconnection date falls on a holiday, Saturday or Sunday then disconnections shall 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 fifteenth (15th) day of the month after the billing date shall be considered delinquent. Any customer who is delinquent on any one municipal utility (water, sewer, trash or electric) or any combination thereof may be disconnected from the municipal water and electric systems and once disconnected shall not be reconnected or reinstated until payment of all charges, fees, deposit and penalties necessary to bring the account(s) to a current status. The Village may also refer delinquent customers to a collection agency or attorney for collection on a case-by-case basis. The Village has established policies regarding account termination and insufficient funds that are on file in the Village Office and are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full. A copy of the policies shall be furnished upon request of any Customer.

Section 9: Municipal utility service application.

Any person, firm or corporation desiring to establish any municipal utility or combination thereof shall make application for said service(s). The application shall be on such form(s) as may now or hereinafter be prescribed by the appropriate utility. 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, driver's 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.

Section 10: Utility deposit.

a. Initial deposit.

Any customer who establishes water, sewer and/or electric service shall be required to pay an initial utility deposit. Utility deposits shall be maintained in a separate account and held as security for the payment of municipal utility bills. The utility deposit once so established shall be considered a combined utility deposit for the benefits of any and all municipal utilities received by the customer. Utility deposits shall not be required for federal, state or local government agencies. Utility deposits may not be transferred from one customer to another and must be carried in the name of the person, firm or corporation from whom the service is rendered.

b. Reconnect deposit.

Prior to the restoration of municipal utility service, any customer whose service has been disconnected or discontinued due to non-payment shall be subject to an increased service deposit, equal to the largest utility bill in the past twelve (12) months.

Section 11: Utility deposit refund.

The municipal utility deposit will be refunded to the customer only upon termination of municipal utility service and payment of all amounts owed. In this case, the deposit shall be applied to the customer's final municipal utility bill upon service termination.

Section 12: Disputed utility bills.

A customer may request a face-to-face conference regarding any dispute over a proposed disconnection of service before the Village Administrator, or deputy clerk, to hear such matters. The Village Administrator or deputy clerk, is hereby authorized to waive charges and fees that occur after the due date on the current month's municipal utility bill on a case-by-case basis for municipal utility customers whose principal income is from one of the following sources received on a once per month basis; social security, retirement plan, disability income, or state or federal assistance programs. Person desiring waiver of the monthly charges and fees must provide appropriate documentation of principal income.

A customer may request a face-to-face conference before the Village Administrator or deputy clerk, to consider a payment plan that would cause a utility account to be made current. The Village Administrator or deputy clerk, is hereby authorized to enter into a Payment Contract for their municipal utility bill on a case-by-case basis for municipal utility customers whose principal income is from one of the following sources received on a once per month basis; social security, retirement plan, disability income, or state or federal assistance programs. If a customer fails to make good on any term and/or condition contained within the Payment Contract, the customer's utility services may be disconnected.

Section 13: Payment Contract.

Any customer may request a face-to-face conference before the Village Administrator or deputy clerk, to consider entering into a Payment Contract that identifies certain terms and conditions of a payment plan that would cause a utility account to be made current. The Village Administrator or deputy clerk, is hereby authorized to enter into a written Payment Contract -municipal utility bill on a case-by-case basis for municipal utility customers. All Payment Contracts must adhere to the following conditions and/or stipulations:

- a. No Payment Contract will be accepted unless it is presented with a payment of not less than 50 percent of the total amount past due, including all late charges and/or service charges.
- b. The customer must request and sign the Payment Contract in writing and in person. No Payment Contracts will be granted if received by telephone, e-mail, night deposit, mail, or facsimile. Additionally, no Payment Contract will be granted unless it has been signed by the Village Administrator or deputy clerk.
- c. The payment terms of all Payment Contracts shall not exceed sixty (60) days from the date of request. This date shall serve as the new disconnect date. This postponement does not reinstate the disconnection procedure, but rather, is the final date that payment may be made or service will be disconnected.
- d. Only one Payment Contract will be allowed per account per billing cycle, and no modifications and/or extensions will be allowed after a Payment Contract has been signed.
- e. Any payment, including down payment or deferred payments, made by check that is returned for non-sufficient funds, will result in immediate disconnection of utility service. The customer must pay the entire past due balance, as well as all applicable service charges, stated in Section 14, before service will be restored.

Section 14: Service charges.

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

- a. Disconnection of service due to nonpayment of bill:
\$100.00, charged when the disconnection is made.
- b. Reconnection of service due to nonpayment of bill:
\$250.00, charged when reconnection is made during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday (excluding holidays). Reconnection shall be made once payment has been verified by Administrator or deputy clerk. No reconnects shall be done after hours without payment verification.
- c. Returned check fees:
\$30.00, charged when the check or ACH is returned to the Village of Hemingford

The customer shall pay, by cash or money order, the amount of the returned check(s) plus the corresponding returned check fee of \$30.00 within five (5) business days, or they will be disconnected subject to section 7(b) hereof.

Additionally, after two returned checks or ACH payments, the customer shall pay all current and future payments by cash or money order for a period of no less than twelve months. After the first six (6) months cash, money order, or credit card may be accepted.

Section 15: Meter obstruction.

It shall be prohibited for any person to obstruct access to a municipal utility water meter whether in a public right-of-way or on private property. Should any person, in violation of this section, refuse to remove an obstruction within twenty-four hours (24) after notification to do so, the city shall cause such obstruction to be removed at the owner's expense including but not limited to towing and storage charges for vehicles.

2. All other ordinances and parts of ordinances in conflict herewith are repealed; provided, however, this ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or pending at the time when this Ordinance becomes effective.
3. This Ordinance shall become effective upon its passing and approval and publication as according to law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2018.

ATTEST:

John Annen
CHAIRMAN

Barb Straub
VILLAGE ADMINISTRATOR