

## **Ordinance 192. Collection for the Provision of Goods, Services and Utilities.**

An Ordinance amending Title 141 to add a Section 1.14 concerning Collection Practices by the City of Egan for Goods and Services, and Utilities.

BE IT ORDAINED by the governing body of the City of Egan, South Dakota:

That Title 141 of the City of Egan Ordinance is hereby amended to add Section 1.14, which shall read as follows:

### 1.14 Collection for the Provision of Goods, Services and Utilities.

1. On all monthly accounts with the City of Egan for water service, payment for that services is due by 5:00 p.m. CST on the 10<sup>th</sup> of the month. Customers who have not made payment by the 10<sup>th</sup> will be assessed a \$4.00 late fee. Non-payment by the 20<sup>th</sup> of the month will result in the customer being delinquent and the water may be turned off without further notice. Past due reminders will not be sent out. If the bill is not paid by the 20<sup>th</sup> it will be considered delinquent and water services may be shut off without further notice. All monthly accounts will either have made payment or may have been disconnected prior to the next billing cycle. Service will be restored when full payment on all accounts, plus any additional penalties collectable as a result of non-payment, is received.

2. In the event of a disputed bill, the consumer may request a hearing before the Board of Trustees. The dispute must be presented in writing to the Egan City Office before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service. The member may pay the bill under protest and the payment shall not prejudice the claim.

3. In addition to any outstanding bills for water, garbage or sewer services, fee of \$35.00 may be assessed to the consumer in the event city personnel must make a collection trip. The \$35.00 will be increased to \$75.00 if the water must be turned off for non-payment. Service disconnected for non-payment will be reconnected only after all bills are paid in full including service charges.

4. When a check issued for payment of utility service is refused for payment by the bank on which it is drawn, a \$40.00 handling charge, in addition to any bank charges, shall be assessed to the consumer. Return check charges shall constitute a delinquent amount due and subject the consumer to the turn off provision of this policy and must be paid prior to reconnection.

5. If the meter or related parts are damaged because of frost or freezing it is the responsibility of the Property Owner to pay for replacement. Costs will be figured at the current going rates for parts, supplies, and labor. It is recommended that if a property will not be heated during the winter months, the tenant or owner notifies the City Office or Big Sioux Water at 605-997-2098 so the water can be shut off during that time.

6. In the event a property is vacant, the property owner will be responsible for the minimum monthly charges for water and sewer. Garbage service will be charged to the property owner unless the property owner notifies the finance office they want it excluded from their bill. If garbage is removed it will be added back to the account when the house becomes occupied again. Owners are to notify the City Office of changes in occupancy or in the event of a vacancy.

7. Payment options for costs contained in this section are by check, cash, or money order. Consumers may leave payment with the Finance Officer during business hours or in the drop box located by the City Office door.

8. Legal action may be taken on delinquent accounts over 30 days old.

9. Any bill for goods or services (excluding water) purchased by a consumer including garbage and sewer services, is due and payable 30 days following the last day of the month in which the original statement is sent. This statement could be for such things as labor charges, service lines, mainline extension, or repairs made. If this bill is not paid when due, a service charge of 1.5% will be added to the total bill for each month the bill is not paid. This would be an effective rate of 18% per year on the unpaid balance. A new statement, with the appropriate interest charges added, shall be sent at the end of each month until the bill is paid. If the bill has not been paid in 90 days, **other services provided by the City of Egan, including water, may be discontinued.** In addition to this the City of Egan may seek other remedies to collect the account as provided by law.

10. Water service disconnected for non-payment of the water bill may be reconnected at the request of that same resident or property owner in the following manner:

10.01. Payment of any outstanding indebtedness at the time of disconnection from any service under the resident or owner's name; member's name; or,

10.02. Payment of a sum equal to the monthly minimum for this service location times the number of months the service has been disconnected up to 12 months; or,

10.03. Payment of the cost of repairing any damage that may have resulted to the service line and related equipment is paid by the tenant or owner; or,

For purposes of section 10, any reconnection costs requested after normal working hours will be charged a minimum reconnection fee of \$40.00. The reconnection fee as well as any other outstanding debt will be required to be paid before service can be resumed. If a New Owner wishes to receive service after the water has been turned off, they are to pay a deposit fee in the amount of \$135.00, provided that the service line and other facilities are in proper working order. Any user whose water is temporarily disconnected must still pay the monthly minimum for each month it is disconnected.

11. Payment for water services is the responsibility of property owners. If a property owner is leasing property to a tenant and requires the tenant to pay for water services, it is the property owner's responsibility to confirm the tenant is, or has paid for services or the owner shall be liable for any outstanding utility costs. If water service is disconnected for non-payment, it is ultimately the property owner's responsibility to bring the account current before water services will be resumed. For each new tenant occupying a property, a deposit of \$135.00 is required, which may be paid by the owner or the tenant. If the deposit is not paid and the water has to be shut off, there will be a shutoff fee of \$75.00 that will be required to be paid, in addition to the balance due, before water will be turned back on.

11.01. If the property will not be heated during the winter it is the Property Owner's responsibility to notify the Finance Office that the water should be turned off and the meter removed. If there is no notification, it freezes and breaks the meter it is the responsibility of the Property Owner to pay for replacement. Amount will be figured at the current going rates for parts, supplies, and labor.

11.02. It is ultimately the Property Owner's responsibility to make sure the bills are being paid at the property they are renting out. Under Ordinance 141, Section 1.03(G): Both the Applicant and the owner of the real estate involved shall be jointly and severally responsible for payments of the minimum monthly service charges (for water) provided for herein. The property owner is responsible for keeping up to date with their tenant(s) and to make sure all bills are paid.

12. Any repair work done by City of Egan personnel for a resident of the city that is not the fault or obligation of the City, shall be charged to the resident at the Board of Trustee approved rate plus the replacement and material handling cost. The city's personnel shall determine whether it is the obligation or the responsibility of the City to do the specific repair work in each case and their discretion shall be used in determining whether or not they shall do the repair work which is not the City's responsibility.

13. Effective January 1, 2013, or as soon thereafter as this Ordinance becomes effective, labor rates for City personnel during the normal working day shall be \$45.00 per hour with a \$45.00 (one hour) minimum charge. Any work done after hours, except water reconnects, shall be at the overtime rate of \$65.00 per hour with a \$65.00 (one hour) minimum charge. Work started during regular hours and continuing into overtime shall have a minimum of \$45.00.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Board Chairman

ATTEST: \_\_\_\_\_, Finance Officer

First Reading: December 3, 2013

Second Reading & Adoption: December 18, 2013

Published: December 25, 2013

Effective: January 14, 2013