

ORDINANCE NO. 720-15

AN ORDINANCE AMENDING FOWLER MUNICIPAL CODE §13.04.110 RULE 6 IN ITS ENTIRETY REGARDING TIMING OF UTILITY BILLING AND PAYMENTS

WHEREAS, Section 13.04.110 Rule 6 (“Rule 6”) allows sixty days from the date of the first bill for municipal utility customers to pay a municipal utility bill; and

WHEREAS, the first bill represents charges for rentals and services provided in the slightly more than thirty days prior to the bill being mailed; and

WHEREAS, this results in a lag between rentals and services being provided and receipt of municipal utility payment of approximately ninety days; and

WHEREAS, the Board of Trustees upon the recommendation of the Utility Board desires to reduce the delay of receipt of municipal utility revenues by thirty days to decrease the amount of receivable carried by the town of Fowler

BE IT ORDAINED by the Board of Trustees of the Town of Fowler that Fowler Municipal Code §13.04.110 Rule 6 is amended in its entirety as follows.

Rule 6.

1. Meter Reading.

- a. Monthly Meter Reading. Water meters shall be read monthly as close to the twentieth of the month as practicable.
- b. Acts of God Precluded Meter Reading. Where failure of a meter, weather, acts of God or other events uncontrollable by the town or by the customer make reading of a meter(s) impracticable or impossible the billing clerk shall estimate consumption for the period. Incorrect billing resulting from an estimate over or under actual consumption shall be corrected when circumstances allow meter reading to resume and it is possible to determine actual consumption. Where it is not possible to determine actual consumption at a later date, the billing clerk’s estimate shall stand so long as the estimate was reasonable under the circumstances.
- c. Customer Precluded Meter Reading. Where the action or inaction of a customer prevents regular monthly reading of a meter, the town shall notify the customer in writing of the problem and the action which the customer must take to allow regular monthly meter reading. The notice shall state that the customer has thirty days to take the corrective action or the town will disconnect the water until such time as the customer does take the corrective action. The customer may propose an alternative action which if approved by the town administrator or designee may be taken in lieu of the town’s proposed corrective action. All corrective actions shall be at the customer’s sole expense. Customer precluded meter reading includes, but is not limited to, failure to restrain dogs or other pets, covering the

meter or meter pit with any object, failure to keep shrubs, brush or weeds away from the meter or meter pit so the meter and meter pit can be easily found and accessed.

2. Municipal Utility Billing Procedure.

- a. Bills Mailed. Municipal utility bills shall be mailed on the last business day of each month.
- b. Due Date of Bills. Bills for all municipal utilities shall be due on or before the tenth day of the month following the meter reading.
- c. Late Fee. A late fee in the amount of ten percent of the total unpaid municipal utility bill shall be automatically added to any municipal utility account not paid on or before the twentieth day of the month following the meter reading. Where an account remains unpaid for a series of consecutive months, the late fee shall be applied only to the first month of the series.
- d. Disconnect Notice. If the town has not received payment in full by the end of business on the 20st day of the month, on the 21st day of the month the billing clerk shall mail a disconnection notice by first class mail postage pre-paid to the person responsible for payment according the town's billing records. If the 21st falls on a weekend or town holiday, the disconnection notice will be mailed on the first business day after the 21st.
- e. Disconnection. Service shall be disconnected five days after mailing of the disconnection notice where the town has not received payment. Disconnection is also permitted under provisions of customer precluded meter reading.
- f. Reconnection Limitation. Utility services shall not be restored until all delinquent rents and fees have been paid.
- g. Reconnection Fee. A reconnection fee shall be assessed where a water service is reconnected following disconnection due to non-payment of water rentals or fees or failure to take corrective action under the customer preclusion meter reading rule. The reconnection fee is forty-five dollars.

3. Interest Fee.

- a. Interest Fee. Interest shall be assessed on any municipal utility bill not paid prior to the first of the second month subsequent to the disconnection date, at the rate of one and one-half percent per month on the unpaid balance (eighteen percent per annum). See the Calendar Example of Billing below.

Calendar Example of Billing

May 20	Water meters read for April 21 to May 20 use period.
May 31	First billing mailed
June 10	Utility billing due and payable
June 20	Late fee added to unpaid accounts
June 21	Disconnection notice sent
June 26	Service is disconnected.
August 1	Interest applied and continues to accumulate until bill is paid.

4. Utility Deposit Return or Application and New Utility Deposit.

- a. Where the town has returned a utility deposit for a premises or where the utility deposit has been applied to cover all or part of a delinquent utility bill, a new utility deposit shall be required following disconnection of service for non-payment of a utility bill. The utility deposit in this circumstance shall be the average of the two highest municipal bills at the premises during the prior twelve months. If an owner, tenant, occupant or possessor of a premises pays their utility bill on time for a period of twelve months, the utility deposit shall be returned in full without interest.
- b. Where the town has returned a customer's security deposit and the customer has maintained a good payment record, a new security deposit shall not be required where the customer moves from one residence within the town to another residence with the town.

5. Failure to Receive Water Rents Notice.

- a. Failure to receive notice of water rents due shall not excuse nonpayment of water rentals or fees. Change of ownership or occupant shall not affect the application of this section. This section shall apply to users inside and outside the municipal limits.

6. Water Metered Due to Leaks.

- a. The town is not responsible for water passing through the meter as a result of leaks on the property owner's side of the water meter. The town will attempt to notify the owner, tenant, occupant or possessor of the premises where the town becomes aware of the possibility a leak exists on the owner's side of the water meter.

7. Meter Failure.

- a. Where the town determines a water meter has failed and has not accurately recorded water use the consumer will be charged based on the average water use on the premises at a similar time of the year, and the town shall replace the defective meter.

Effective Date. This ordinance shall be effective with the billings sent out August 31, 2015.

Conflicts. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform with this ordinance.

Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED, ADOPTED and ordered published the 27th day of July 2015.

TOWN OF FOWLER

DATED this 27 day of July 2015.

By Charles R. Hitchcock, mayor

ATTEST:

Kelly Lotrich, Town Clerk