



## **POLICY - UTILITY SHUT-OFF PROCESS**

### **I. GENERAL**

The City of Stacy has annually certified unpaid utility accounts to property taxes. Over time, the amount certified annually has increased, thereby causing a hardship on the operating budget.

Historically, the City has not disconnected utility services for nonpayment. The Stacy City Code allows disconnection of utility accounts for delinquency due to nonpayment, as well as for other violations of the city water system, such as refusal to install the required water meter.

On September 13, 2011, the City Council unanimously approved the establishment of this shut-off procedures policy to move forward with disconnection of utilities due to nonpayment and other violations of the city code.

### **II. CITY CODE**

(C) Delinquent accounts. All charges for water and sewer service shall be due on the monthly due date specified by the city for the respective account and shall be delinquent if payment in full is not received by said due date. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the Water Department may, after the procedural requirements of division (D) of this section have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a shut-off fee as set forth in the city fee schedule. Delinquent accounts shall be certified to the City Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before October 25 of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be

subsequent to taking legal action to collect delinquent accounts. In the event the city certifies the delinquent water account to the County Auditor, the customer shall be charged an administrative fee as set forth in the city fee schedule as part of the certified amount.

*Section 50.05 Section (D), Procedure for shut off of service.*

Water shall not be shut off under division (C) of this section or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant and owner of the premises involved. The notice shall be personally served or delivered by certified mail and shall state that if payment is not made before a day stated in the notice but not less than 3 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Council at least 1 week after the date on which the request is made. If, as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid, and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this title, the City may shut off the supply.

### III. POLICY

The Finance Director shall be in charge of the administration of enforcement of the Utility Shut-off Policy. The City Maintenance Department shall conduct the utility shut off upon the direction of the Finance Director.

### IV. PROCEDURES

1. The Finance Director will provide notice of the proposed shut off to both the property owner and occupant first by certified mail electronic return receipt requested. In the event a successful electronic return receipt is not received by the City from the occupant within ten (10) calendar days of mailing of the certified notice, the City shall attempt personal service of the notice upon the occupant. If personal service is not possible, the City shall post such notice at a conspicuous place on the property.

2. Any account that is three (3) months or more in arrears will be processed for shut-off pursuant to this policy.
3. The City will generally not shut off service between October 1 and April 30 of each year for delinquency of payment of accounts.
4. Shut-off notices will be mailed prior to September 15 of each year, or as the need arises throughout the year pursuant to this policy.
5. A written payment agreement (the “Repayment Agreement”) on delinquent accounts may be entered with the City by the property owner or occupant for repayment during a period of up to one year on the following conditions:
  - a) The payment on the delinquency amount shall be not less than \$50.00 per month;
  - b) The delinquency amount shall be paid in full within one year of execution of the Repayment Agreement;
  - c) The owner or occupant shall remain current with monthly payments under the Repayment Agreement and shall remain current with payments for ongoing services;
  - d) The due date for payments under the Repayment Agreement shall be the same due date for payment of ongoing services;
  - e) If payments under the Repayment Agreement or payments for ongoing services are not received by the due date, the Repayment Agreement shall be deemed void, the owner and/or occupant shall be deemed delinquent, and the City may proceed with shut off of service after notice;
  - f) In the event the Repayment Agreement is voided through non-payment as set forth in e) above, the owner and occupant shall not be eligible to enter into an additional Repayment Agreement for a period of twelve (12) months and until the delinquent amount is paid in full;
  - g) As long as the owner or occupant is current with payments under the Repayment Agreement and is current on payments for ongoing services, the City may waive late fees as allowed under the city fee schedule, with the provision that if the Repayment Agreement is voided for non-payment or late payment, or payment of current

services is late, the City may immediately commence assessment of such late fees; and

- h) If a delinquent account is certified to taxes during a time period of shut off of service, the certified amount must be paid in full by the owner or occupant prior to reactivation of service.

- 6. If a payment under the Repayment Agreement or for ongoing services is late, then the shut-off will occur immediately; provided, however, that if the property owner or occupant did not have a hearing before the City Council prior to the payment arrangement, then either may request a hearing before the City Council prior to discontinuance of service as provided in the City Code.

## V. EXCEPTIONS

Any exception to this policy must be first approved by the City Council prior to implementation.

## VI. CITY CODE

In the event a discrepancy between the City Code and this policy should exist, then the requirements under the City Code shall control.