

ORDINANCE 32-C-22

Synopsis: This Ordinance, if adopted, would amend Chapter 51 of the City Code regarding water utility services by expanding the lawn watering adjustment by two additional months under certain circumstances. This Ordinance will also amend the leak adjustments process in Chapter 52 to specify that the base usage is to be calculated from a time period before the leak incident occurred, authorize the Water Billing Office to offer customers a payment plan for amounts owed, and implement a requirement that customers accept a payment plan for amounts owed to the City before appealing to the Board of Public Works and Safety. In addition, it will accomplish technical adjustments throughout to (i) bring Chapters 50 and 51 into alignment with recent State legislation, and (ii) clarify when and to whom the private hydrant and municipal hydrant charges are assessed (with no change to the dollar amount of those charges).

AN ORDINANCE AMENDING SECTIONS 50.20; 50.10; 51.102; 51.104; 52.01; 52.03; AND 52.04 OF THE CITY OF HUNTINGTON, INDIANA'S CODE OF ORDINANCES

WHEREAS, the City of Huntington, Indiana, operates municipal water and sewage utilities for the benefit of the ratepayers within the City and in certain surrounding areas; and

WHEREAS, Common Council of the City of Huntington, Indiana, formed a subcommittee to review certain billing practices and recommend changes to the City Code to the Council; and

WHEREAS, the Utilities Subcommittee of the Common Council has been advised of water billing adjustment requests received by the City's Board of Public Works and Safety for leaks and lawn watering and has received and considered input from the Water Billing Department regarding its internal processes; and

WHEREAS, 2020 House Enrolled Act No. 1165 dictates that certain portions of the City's Code must be amended to be consistent with the new legislation.

BE IT ORDAINED THAT, the Common Council of the City of Huntington, Indiana, in meeting duly assembled, after consideration of information and deliberation deemed by it to be sufficient, hereby amends the City of Huntington, Indiana's Code of Ordinances by deleting subsections (D) and (E) of Section 50.20 in its entirety and inserting the following:

" (D) The rates and charges may be billed to the tenants occupying the properties served, unless otherwise requested in writing by the owner. The owners of properties served, which are occupied by tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by those tenants, provided that an examination shall be made at the utility billing office during the hours in which the office is open for business."

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BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances, sub-section (C)(1) of Section 50.10 in its entirety and inserting the following after "Private Hydrant.":

"Private fire hydrants, including the mains that supply them and the connection to the public main, are owned and maintained by the property owner. These hydrants are to be used only for fire protection and extinguishing fires, except as otherwise expressly authorized by the City's ordinances or the Board. These hydrants and mains may only be connected with prior written notification to the Department and the property owner shall be assessed an annual availability charge per hydrant, billed twice per year. The annual fee is as follows:"

BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances, sub-section (C)(2) of Section 50.10 in its entirety and inserting the following after "Municipal Hydrant.":

"Each user shall share in the cost of ongoing maintenance and replacement of City-owned hydrants. The municipal hydrant charge shall be billed monthly to each user based upon the size of the user's meter. The monthly charges are as follows:"

BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances by deleting the phrase "the water usage for the previous month of April." from sub-section (D)(1) of Section 51.102 in its entirety and inserting the following:

"the customer's average monthly usage as shown in City's billing records."

BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances by deleting sub-section (D)(2) of Section 51.102 in its entirety and inserting the following:

" (2) In addition to the adjustments provided in sub-section (D)(1) and in order that the single-family domestic and residential users of sewage service shall not be penalized for sprinkling lawns or sod installed as part of new home construction, or to re-establish a lawn after home renovations; upon notification to the Water Billing Department and sufficient cause being shown, the billing for sewage service for residences or domestic users for a two month period of either: (i) April and May, or (ii) September and October, shall be based upon the customer's average monthly usage as shown in City's billing records.

(3) In the event the water usage for the customer's average monthly usage as shown in City's billing records is greater than the water usage for the lawn sprinkling months in sub-section (D)(1) or (2), then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic or residential sewage service

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as applicable to the sprinkling adjustment shall apply to each lot, parcel of real estate, or building which is occupied and used as a single-family residence. The sprinkling adjustment shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water served through a separate meter and in that case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling adjustment."

BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances by deleting sub-section (B) of Section 51.104 in its entirety and inserting the following:

" (B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that the examination shall be made at the office at which the records are kept and during the hours that the office is open for business. "

BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances by deleting the final paragraph in subsection (B) of Section 52.01 in the entirety and inserting the following:

"The leak adjustment shall reduce a User's monthly billing to an amount equal to that location's average water and wastewater billing during three billing periods immediately preceding the leak, plus a charge for the actual metered water usage exceeding the average monthly usage at the then-current rate per cubic feet as stated in § 50.10(B) in the row titled "Over 33,165 cubic feet" for all such additional usage for that billing period. The total amount of the User's monthly billing after applying the leak adjustment shall not be less than the User's average billing for the three preceding billing periods unaffected by that cause, plus \$20."

BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances Section 52.01 by inserting the following:

" (D) In the event of a leak which spans two consecutive billing periods, the same three billing periods preceding the leak shall be used to compute the leak adjustment for both billing periods."

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BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances Section 52.03 by deleting the existing language and inserting the following:

" (A) Applications for credit or adjustment under this chapter shall be initially determined by the city employee with responsibility in the city's water/sewer department as designated by the Board of Public Works and Safety. City's water/wastewater department shall also offer the customer the option of a payment plan for repayment of the balance owed to City for utility services.

(B) City's water/wastewater department shall make an initial determination for a payment plan to customers to repay delinquent amounts owed to City for utility services.

(C) All payment plans offered by City's water/wastewater department shall be on terms approved by the Board of Public Works and Safety."

BE IT FURTHER ORDAINED THAT, the Common Council of the City of Huntington, Indiana, hereby amends the City of Huntington, Indiana's Code of Ordinances Section 52.04 by inserting the following:

" (C) An appeal of an initial determination to the Board of Public Works and Safety may only be made after the customer has either (i) paid the disputed amount in full, or (ii) executed a payment plan to repay the disputed amount."

BE IT FINALLY ORDAINED THAT, this ordinance shall be effective immediately upon its adoption and appropriate publication and all ordinances or parts of ordinances in conflict herewith are repealed.

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A motion to consider for final adoption on the same day of introduction was [NOT OFFERED or NOT SUSTAINED or SUSTAINED] by a vote of 7 in favor and 0 in opposition.

Duly adopted on first reading this 13 day of December, 2022, by a vote of 7 in favor and 0 in opposition.

Duly adopted on final reading this 13 day of December, 2022, by a vote of 7 in favor and 0 in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

[Signature]
Joe Blomeke
[Signature]
[Signature]
remote
[Signature]
Karl Pike

Charles Chapman
(President)

Joe Blomeke

P J Felton

Dave Funk

Seth Marshall

Todd Johnson

Paul Pike

Voting in Opposition:

Attest:

Christi McElhaney
Christi A. McElhaney, Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 13 day of December, 2022.

Christi McElhaney
Christi A. McElhaney, Clerk-Treasurer

This Ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this 13 day of December, 2022.

[Signature]
Richard Strick, Mayor