

City of Jeffersonville

Water/Wastewater Service Disconnection Policy



January 2, 2014

City of Jeffersonville
Wastewater Department
423 Lewman Way
Jeffersonville, IN 47130

Telephone (812) 285-6451
Fax (812) 285-6454

www.cityofjeff.net

City of Jeffersonville - Water/Wastewater Service Disconnection Policy

I. Definitions for the Water/ Wastewater Service Disconnection Policy.

The following definitions apply whenever said terms appear in these rules:

- A. "Consumer": Any person who is the ultimate user of sewer services provided by the City of Jeffersonville.
- B. "Customer": Any person or entity who owns the property which receives the sewer services provided by the City of Jeffersonville. Customers may, but need not, be consumers of the services.
- C. "Consumer Household": Any service address in which the customer who is contractually liable for utility services furnished to that address does not reside.
- D. "Customer Household": Any service address in which the customer who is contractually liable for utility services furnished to that address resides.
- E. "Billing Address": The address at which the customer responsible for sewer services furnished to a service address receives billing from the City of Jeffersonville. Billing addresses may, but need not, be the address at which said services are received.
- F. "Service Address": Any individual address at which sewer services are furnished a consumer or customer. The singular may include the plural. Most service addresses will be individually metered. However, in apartment buildings, apartment complexes, duplex apartments, etc., one meter may supply more than one household. In such circumstances, each individual apartment is a separate service address as that term is used herein.
- G. "Wastewater Department Director": The Wastewater Department Director shall be empowered and required (when good cause is shown) to cancel disconnection and/or order reconnection. This does not preclude the waiving of any turn on/disconnect administrative fees. The Wastewater Department Director shall strive to arrange reasonable alternate methods of payment of the past due amount for payment in order to preserve utility service and shall maintain residential utility service without discrimination. The Wastewater Department Director, or his designated representative, shall preside at hearings held pursuant to these rules.
- F. "Water Service Company": The water company that supplies water service to the Customer Household or Consumer Household and which has a signed Agreement to discontinue water service to the customers/consumers whose sewer bills are delinquent. Also known as the "Contractor"

II. Sewer Service Disconnection Policy.

Sewer service to customer or consumer households will be disconnected or terminated (hereinafter "disconnection") by the City only for the following reasons:

- A. Nonpayment and/or underpayment;
- B. At customer request, provided that the approval of both the customer and consumer of services for that service address is necessary if any service address affected by the request is a consumer.

Water Service disconnection and restoration shall only occur Monday thru Friday during the

City of Jeffersonville - Water/Wastewater Service Disconnection Policy

hours of 8:00 AM and 3:00 PM., excluding legal Holidays observed by the City of Jeffersonville or its Contractor.

The Wastewater Department will postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the Department with a medical statement from a licensed physician or public health official that states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement.

The Wastewater Department Director or designee of same shall, at his or her discretion, approve alternative payment arrangement if good cause is shown for such extension, and request for extension is submitted by the customer and approved prior to the disconnection date. If approved by the Wastewater Department Director as set forth above, a Promissory Note ([Exhibit 1](#)) must be signed in the City of Jeffersonville Utility Billing Office to avoid the delinquent fee and subsequent disconnection. Requests for extension or alternative payment arrangements will not be considered after the disconnection date as designated on the disconnection notice. The City of Jeffersonville may approve one Promissory Note submission per customer and per calendar year. Jeffersonville Wastewater Department employees shall comply with the City of Jeffersonville Water/Wastewater Service Disconnection Policy.

The City of Jeffersonville shall not be held responsible for any damages resulting from the disconnection or restoration of utility services.

III. Notice procedures.

A. At least five days, but not more than ten days prior to disconnection of utility service, except where said disconnection is at the request of the customer who is also the only consumer at the affected address, the Department shall serve the customer with written notice of its intent to terminate service. Said notice shall be served by ordinary first class mail delivery. The date of the notice shall be the date of mailing. The notice shall include:

- (1) Identifying information, including the service address to be affected, the account number, the customer's name and address, and the identity and address of the Provider;
- (2) The past due balance of the account.
- (3) The date proposed for disconnection if the account is not paid or hearing requested.

B. Notices shall clearly and conspicuously advise any recipient of his/her due process rights. The notice shall be given in a disconnection notice which will set forth the

City of Jeffersonville - Water/Wastewater Service Disconnection Policy

procedure for requesting a hearing. If a hearing is requested, the disconnection will not take place until the hearing process is completed.

The disconnection notice shall include the following:

- (1) The reason for disconnection of water service;
- (2) The front of the envelope shall be stamped or printed in ink with the following message:

FINAL NOTICE Failure to Pay Will Result in Disconnection of Water Service

- (3) The notice shall also include the following statements:

You may avoid water service disconnection by taking one or more of the following actions prior to the scheduled disconnection date:

- a. If you personally owe sewer service charges which are past due, you should pay the past due balance in full.
- b. If you dispute the reason for the proposed disconnection, in whole or part, you may request a hearing to contest disconnection. If a hearing is requested before the scheduled date for disconnection, disconnection will not take place until the hearing process is complete. If you request a hearing, you have the right to examine records concerning this service address; to bring a representative to help you at the hearing; and to bring witnesses to testify on your behalf;
- c. If you wish to avoid disconnection, or to request a hearing, or wish a more complete explanation of your hearing rights or your rights to assume responsibility for future utility charges, you should immediately contact the City of Jeffersonville at the address and telephone number listed on the front of this notice between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. A copy of the City of Jeffersonville Water/Wastewater Service Disconnection Policy is available at the Utility Billing Office at 500 Quartermaster Court, Jeffersonville, IN 47130 during regular business hours, and on the City of Jeffersonville website at www.cityofjeff.net
- e. The Notice specified herein shall state:

THIS IS THE FINAL NOTICE YOU WILL RECEIVE BY MAIL - IF YOU HAVE ANY QUESTIONS OR DISPUTES ABOUT THIS BILL, CALL THE CITY OF JEFFERSONVILLE UTILITY BILLING OFFICE at (812) 285-6418.

- C. In the event any service address that would be disconnected is a consumer household, notice of Denial of Sewer Service must be delivered to each service address so affected, in addition to delivery of disconnection notice mailed to the customer household (Exhibit 2).

IV. Disconnection

Pursuant to the provisions in Sections B and C above, if water service to a household is disconnected or terminated, and no hearing has been requested, at the time of disconnection a "Notice of Disconnection of Water Service" will be left on the property by a City of Jeffersonville representative or its contractor. A copy of the Notice is designated hereto as Exhibit 3. If disconnection is due to the consumer or customer failing to prevail in a hearing, the disconnection notice will not be left at the property and service will only be restored by the payment due as determined by the hearing.

If, after a copy of the Exhibit 3 disconnection notice is left on the property in a conspicuous place (at the front door if possible), the customer or consumer believes that the City failed to abide by any requirements of this policy, the customer or consumer may deliver written notice to the City of Jeffersonville Utility Billing Office at 500 Quartermaster Court, Jeffersonville, IN 47130. After receiving the complaint, the Wastewater Department Director shall direct the Utility Billing Office to coordinate reconnection of the water service only if he/she believes, after reasonable inquiry, that the following is true:

1. The customer/consumer has not been mailed the final disconnection notice; or
2. The customer/consumer has arranged a payment plan with the Utility Office which superseded the final disconnection notice.

In the case of (1) above, water service shall be reconnected and the final disconnection notice provided to the customer/consumer. In the case of (2) above, water service shall be reconnected and a final disconnection notice sent to the customer/consumer if the person fails to make payment under the alternative payment plan agreed to. If the Wastewater Department Director determines that the City may have otherwise failed to abide by the requirements of this policy, that fact shall be communicated to the customer/consumer, and the Wastewater Department Director shall also communicate to the customer/consumer that he/she has the right to a hearing.

V. Voluntary disconnection of services.

Upon receiving a request for voluntary disconnection, if the City's records reveal that the service address is different from the billing address for that account, or if there is other reason to believe disconnection may affect a service address comprised of a household other than, or in addition to, the customer's household, the City shall:

1. Mail or otherwise deliver a copy of any final notice to the service address; and
2. Mail or otherwise deliver a copy of any customer's voluntary disconnection of wastewater service notice to the service address.

City of Jeffersonville - Water/Wastewater Service Disconnection Policy

VI. Hearing procedures.

A person owing an unpaid sewer bill may appeal in writing, within seven (7) business days after the date of the mailing of a disconnection notice, to the Wastewater Department Director for an extension of the date when water service would become subject to discontinuation, setting forth in detail the extraordinary hardship or other unavoidable circumstances whereby the delinquent bill cannot be fully paid within the allowed period. The Wastewater Department Director, acting as the Hearing Officer for the extension request, may grant or deny such request, in whole or in part. The Hearing Officer may require partial payment of the delinquent bill in return for granting an extension.

The person requesting the hearing may:

1. Have the assistance of a representative; and
2. May present documentary and/or oral information and/or the testimony of witnesses for the City Administrator's and Utility Office personnel consideration.

These persons shall be entitled to reasonable access to the City's billing records or Utility Billing Office employees concerning the affected service address in order to prepare for the meeting, which right of access includes the right to obtain copies of documents found therein upon payment of the actual cost of copying. The Wastewater Department Director shall make a written decision after the hearing and give the reasons for the decision. A copy of the decision shall be delivered to the person and a copy retained in the business files kept by the City relating to any service address affected by the hearing. Due process hearings shall be held within a reasonable time after a written hearing request has been made, but will not be held so quickly as to deny the person an adequate opportunity to seek assistance or to prepare for the hearing, in light of the person's circumstances. The hearing decision shall be sent to the person within a reasonable time after the hearing. If a hearing has been requested prior to actual disconnection of service, no disconnection may occur until five days after the hearing decision is delivered to the person who requested the hearing. If hearing is conducted by the Wastewater Department Director and Claimant's request denied, one appeal may be granted to the Claimant upon request.

VII. Appeals

A person owing an unpaid water or sewer bill may appeal the disconnection of the Wastewater Director in writing to the Sanitary Sewer Board acting in its capacity as the Governing Board of the Wastewater Department. The written appeal request shall set forth in detail.

- 1) The extraordinary hardship or other unavoidable circumstances whereby the delinquent bill cannot be fully paid within the allowed period,
- 2) The specific relief requested, and
- 3) The reason(s) that the person owing an unpaid sewer bill believes that the adverse determination of the Wastewater Department Director was arbitrary or capricious.

City of Jeffersonville - Water/Wastewater Service Disconnection Policy

The Sanitary Sewer Board shall consider such appeal at its next regularly scheduled Board meeting. Any contemplated discontinuation of water service shall be deferred pending the determination of the appeal by the Sanitary Sewer Board. The Sanitary Sewer Board in its appeal determination may

- 1) Deny the appeal, or
- 2) Grant the appeal in whole or in part, and
- 3) May require partial payment of the delinquent bill in return for granting an extension.

Upon denial of the appeal the delinquent user shall be given 48 hours' notice of the appeal denial prior to the discontinuation of water service.

VIII. Nondiscrimination policy.

The City of Jeffersonville shall not refuse to supply wastewater services based on race, color, religion, sex, national origin, disability, age, or ancestry of any person.

Adopted and Passed by City of Jeffersonville Sanitary Sewer Board, this ____ day of
January, of 2014.

City of Jeffersonville
Sanitary Sewer Board



Mike Moore, President

Attest:



Barbara Hollis, Secretary

City of Jeffersonville

Exhibit 1

WASTEWATER DEPARTMENT

Department Office

423 Lewman Way
Jeffersonville, IN 47130
Phone (812) 285-6451
Office Hours 7:30A.M to 4:00 P.M.
Monday – Friday, Except Holidays

Utility Billing Office

500 Quartermaster Court
Jeffersonville, IN 47130
Phone (812)285-6418
Office Hours 8:00 A.M. to 4:30P.M.
Monday – Friday, Except Holidays

PROMISSORY NOTE

Account Number : _____ Date : _____

Service Address : _____

Customer Name : _____

Customer Address: _____

Customer Phone : _____

The undersigned (customer) hereby agrees to make payment on past due balances to the City of Jeffersonville Wastewater Department Utility Billing Office in the following manner:

The sum of \$ _____ will be paid on or before _____
Date

OR

Installment payments may be made in the amount of \$ _____, and in _____ installments thereafter. Payments will commence on _____ and continue until paid in full.

The undersigned (customer) acknowledges by signature below that payments must be received by the City of Jeffersonville as per this agreement, or the water service will be disconnected immediately and a \$65.00 disconnection fee assessed along with the delinquent amount owed.

Customer Signature

Date

Notice to Tenants: Property owners will be notified of the delinquent status of your account.

CITY OF JEFFERSONVILLE

Exhibit 2

WASTEWATER DEPARTMENT

Sewer Utility Billing Office
500 Quartermaster Court
Jeffersonville, Indiana 47130
Phone (812) 285-6418
Fax (812) 285-6421

Office Hours 8:30 A.M. to 4:30 P.M.
Monday – Friday, Except Holidays

NOTICE OF DENIAL OF SEWER SERVICES

To : _____ Date : _____

Your application for utility service at : _____

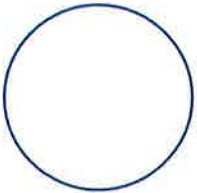
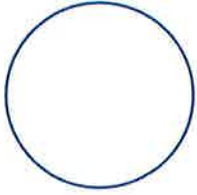
Is denied for the following reason(s) : _____

We will agree to provide sewer/water service at that address under the following conditions :

If you disagree with this decision or the conditions we ask, you may request a hearing to appeal this denial. If you request a hearing, you have the right to examine the records of the City of Jeffersonville Wastewater Department records concerning this denial; to bring a representative to help you with the hearing; and to bring witnesses to testify at the hearing. You may request a hearing in writing by contacting the Jeffersonville Wastewater Department, 423 Lewman Way, Jeffersonville, Indiana 47130, phone number (812) 285-6451.

(Signature of Employee)

Notice : The federal Equal Credit Opportunity Act prohibits creditors from discrimination against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has a capacity to enter into a binding contract) or because the applicant in good faith exercised any right under the Consumer Credit Protection Act.



NOTICE OF DISCONNECTION OF SEWER/WATER SERVICE

City of Jeffersonville
5002 Quartermaster Court
Jeffersonville, Indiana 47130
Phone (812)285-6418

Office Hours: 8:30 to 4:30, Monday - Friday

Date: _____ By: _____ Time: _____
AM PM

Sewer/Water service **WILL BE DISCONNECTED** without further notice after the above date due to non-payment or underpayment of the sewer bill. To avoid disconnection of the water service, please remit payment to the Jeffersonville Utility Billing Office by the date above.

This is a FINAL NOTICE

See reverse side for instructions to avoid disconnection and for information regarding due process rights

YOU MAY AVOID DISCONNECTION BY TAKING ONE OR MORE OF THE FOLLOWING ACTIONS PRIOR TO THE SCHEDULED DISCONNECTION DATE

- a. If you owe the Wastewater Department charges which are past due, you should pay the past due balance in full.
- b. If you dispute the reason for the proposed disconnection, in whole or part, you may request a hearing to contest the disconnection. If a hearing is requested before the scheduled disconnection date, disconnection will not take place until the hearing process is complete. If you request a hearing, you have the right to examine records; bring a representative to help you at the hearing; and to bring witnesses to testify in your behalf.
- c. If you wish to avoid disconnection, or to request a hearing, or wish a more complete explanation of your hearing rights, you should immediately contact the Wastewater Department Utility Billing Office at the address and telephone number listed on the front of this Notice. A copy of the Water/Wastewater Disconnection Policy is available at the Utility Billing Office.