

**ORDINANCE 2022-01**

**THIS ORDINANCE PARTIALLY AMENDS ORDINANCE NO. 2021-01, 2020-01, 2018-04, 2018-03 and 2017-01 OF THE DELAWARE COUNTY REGIONAL WASTEWATER DISTRICT, CREATING AN ACTIVE PLAN TO HANDLE DELINQUENT ACCOUNTS AND A COLLECTION PROCEDURE FOR DELINQUENT ACCOUNTS**

WHEREAS, The Delaware County Regional Wastewater Board of Trustees has determined that there is not a clear policy in place to put customers on notice of the process by which the Board may handle delinquent accounts.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE DELAWARE COUNTY REGIONAL WASTEWATER DISTRICT, THAT:

Section 1: There is hereby created a policy for delinquent accounts. As a part of this policy, there is hereby created a Committee for dealing with hardships.

- Section 2: Deposits
- (A) A deposit is required for all new customers that set up services through the District.
  - (B) The deposit will be a month and a half of the monthly bill.
  - (C) The deposit will be credited to the account after twelve (12) consecutive months of timely payments.

- Section 3: Cap Off/Shut Off or Lateral Cut:
- (A) At any point in time in which a customer's account reaches 60 days past due, the customer shall receive a Notice of Shut Off that service will be shut off either by a cap off or by a lateral cut, ten (10) days from the date of the notice, unless the bill is paid in full within ten (10) days.
  - (B) If no response is received within ten (10) days, the customer is subject to the service being shut off.
  - (C) If the District has to cap off/shut off or cut a lateral to shut off service, the customer is responsible to the District for a fee to the District for the cap off/shut off process. The costs for the customer to reimburse the District for the cap off/shut off process fee shall be as follows:

- (1) First time \$100.00
- (2) Second time \$200.00
- (3) Third time \$300.00
- (4) Fourth time \$400.00
- (5) Fifth time \$500.00
- (6) Any subsequent time that the District is required to implement the cap off/shut off process fee for any single customer the cost shall be \$1,000.

(D) Once an account has been placed on the cap off/shut off list the District is authorized to apply the customer's deposit from Section 2 of this Ordinance to all outstanding balances, fees, and penalties placed on the customer's account.

(E) All past account balances and fees have to be paid by cash, credit or debit card, or money order.

(F) If past balances and fees are paid the customer's service will be restored by the end of the next business day.

(1) If the customer chooses to have the service turned on after hours or over the weekend there will be an additional fee of \$200.00 assessed to the normal cap off/shut off process fee.

(G) If service is shut off by the Delaware County Regional Wastewater District, the District shall notify the Delaware County Health Department that service has been shut off.

Section 4: Committee for Hardships:

(A) Should any customer desire to request a payment plan, forbearance agreement or any type of discount, the Board hereby creates a Committee of the Board to meet with the customer to determine the extent to which, if any, the Board is willing to engage in a forbearance agreement or discount a delinquent account.

(1) After a customer has been capped off the customer can contact the District office to set up a forbearance or request a hearing. The customer will continue to be capped off until the Hardship Committee is able to make a decision.

- (B) Any customer wishing to request to meet with the Committee must do so in writing by either email or letter.
- (C) The District will then inform the customer of when that Hardship Committee meets.
  - (1) Hardship Committee meeting times will be determined by the Hardship Committee.
  - (2) The Hardship Committee will decide if the customer needs to attend the meeting.
- (D) The District will write off a maximum of 40% of a delinquent debt, with no more than \$1,500.00 total to be written off of a single account.
- (E) The Hardship Committee of the Board shall consist of three people set by the President.
- (F) The term of the Hardship Committee of the Board shall be a one (1) year term.
- (G) If a forbearance agreement is accepted by the customer and the Hardship Committee and approved by the full Board and if the customer breaches the forbearance agreement the customer will automatically be capped off from the system.
- (H) The only way the customer is able to get uncapped is to pay the entire balance in full of the total amount due prior to the forbearance agreement and all the expenses incurred by the District for the cap off, pursuant to 4(D).
- (I) All customers will only be allowed one forbearance agreement opportunity.

Section 5:

Liens

- (A) A lien will be placed on a customer's property twenty (20) days after cap off unless the customer has requested a Hardship Committee meeting.
- (B) The customer is responsible for all lien fees.

Section 6: New Construction

- (A) The District requires that on all new construction that a shut off valve is placed between the lateral line and the service line.
- (B) The owner and/or contractor will fill out the application and pay the tap permit as well as the fee for the shut off valve and will be provided a piece of paper that states they need to contact the District to notify when the line will be tapped.
- (C) The District will provide the shut off valve once the cost of the valve has been paid by the customer.
- (D) The owner and/or contractor will need to coordinate with the District for installation and inspection of the valve.
- (E) The District will conduct a final inspection and provide approval of the sewer tap and valve.
- (F) Pursuant to Indiana Code §13-26-5-2(9), failure to connect to the District's system will subject a customer to a fine of \$100.00 per day. If the District is forced to apply to the county court for enforce connection, the customer will also be liable for costs of the action and reasonable attorney's fees of the District, to be assessed by the court against the property owner.

Section 7: Tampering and Unauthorized Connection

- (A) Tampering is any unauthorized alteration, modification, repair or reconnection to the sewer.
- (B) Unauthorized connection is any connection which has not been applied for or approved for by the District.
- (C) The District may fine the person who has tampered or had an unauthorized connection up to \$2,500.00. Each day this improper activity continues is a new offense in regards to the fine and the person will be responsible for attorney's fees.
- (D) The District will fine the person who has tampered or had unauthorized connection starting on the date of the illegal

tampering or unauthorized connection.

Section 8: Non-Sufficient Funds Charges (NSF)

- (A) If the District is notified by a banking institution that a customer has paid a bill by paper check or electronic payments and the account had insufficient funds, the District will charge the customer \$25.00. The District will apply that \$25.00 charge directly to the customer's account.

Section 9: Late Fees

Pursuant to Indiana Code §36-9-23-32, the District will charge a late fee on delinquent accounts that are not paid by the due date. A penalty of ten percent (10%) of the amount of the fees attaches to the delinquent fees. The amount of the fee, the penalty, and a reasonable attorney's fee may be recovered by the board in a civil action in the name of the District.

Section 10: Authority to Remove Penalty Fees

At the discretion of the District Director and/or Office Manager, Penalty Fees may be waived one time in a twenty-four-month period. The Penalty Fee that is removed is Late Fees only. The District will not remove NSF.

Section 11: Miscellaneous

The District reserves the right to refuse any customers paper check payment and require a different form of payment. The District has the discretion to remove any customer from ACH for problematic checks and NSF.

Section 12: Liens, Foreclosure and Lawsuits

The Board has the authority to determine whether a delinquent account will be dealt with through a lien on the property, a foreclosure or a civil action.

- (A) If the District files a civil action to pursue damages on delinquent accounts, the District may recover the amount due, costs, any penalties, and reasonable attorney fees.

Section 13:

Effective Date: 02/9/2022

This ordinance shall become effective on the date of passage.

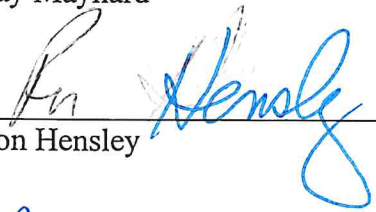
Passed by the Delaware County Regional Wastewater District this 5<sup>th</sup> day of January, 2022.

  
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Bill Walters, President

  
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Jo Boyce

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Ray Maynard

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Pete Olson

  
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Ron Hensley

  
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Mike Jacobs

  
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Member

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