

ORDINANCE NO. 95-72 AC CMS

**AN ORDINANCE AMENDING CHAPTER 919 OF THE CODIFIED ORDINANCES
OF THE CITY OF OBERLIN, OHIO, RELATING TO
TERMINATION OF MUNICIPALITY SERVICE**

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:-

SECTION: 1. That Chapter 919 of the Codified Ordinances of the City of Oberlin, Ohio, which relates to termination procedures for municipal utility services be, and hereby is, amended, in toto, to read as provided in Exhibit A which is attached hereto and incorporated herein by reference

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - August 21, 1995
2nd Reading - September 5, 1995
3rd Reading - September 19, 1995

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: September 22, 1995

EFFECTIVE DATE: October 19, 1995

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CHAPTER 919 Termination of Service

- 919.01 Reasons for termination.
- 919.02 Termination procedures.
- 919.03 Reconnection of service.
- 919.04 Payment arrangements and responsibility.
- 919.05 Special considerations.

919.01 REASONS FOR TERMINATION.

Individually metered water, sewer and electric service accounts will be considered delinquent and be subject to the City's termination procedures for nonpayment, if for any given bill containing a previous balance, full payment or arrangements for payment have not been made by the due date. The minimum payment necessary in order to avoid the termination procedures shall not be greater than that portion of the bill that represents a previous balance. (Ord. 1517 AC. Passed 6-16-80.)

919.02 TERMINATION PROCEDURES.

RESIDENTIAL TERMINATIONS

(a) If it is determined that a residential customer is delinquent in rendering payment for service, the City may, after proper and reasonable notice of pending termination of service, not less than fourteen days, terminate the customer's service during normal City business hours in compliance with the following conditions:

(1) No delinquent bill disconnections may be made after 12:30 p. m. on the day preceding a day that all services necessary for the customer to arrange and the City to perform Reconnection are not regularly performed.

(2) On the day of termination of service, the City shall provide the Consumer with written notice to the premises at the time of termination. For correct procedures for the time period December 1, through March 31, see subsection (b). If a landlord is responsible for payment of the utility bill, notice of termination of service shall be given to the consumer at least five days before such termination occurs. In a multi-unit dwelling, written notice shall be placed in a conspicuous place.

(3) In conjunction with service to the customer of the termination notice provided for herein, the City shall advise the customer of the business address and the telephone number of a City representative to be contacted in the event the customer desires to dispute the reasons for the termination and of the customer's right to complain or appeal to any administrative and/or judicial board or tribunal of the State should he or she be dissatisfied with the City's reasons for terminating service. Upon request of the customer, the City shall provide an opportunity for review

of the initial decision concerning such dispute. If the request is in writing and sets forth the customer's dispute, and a response in writing is requested, the City shall so respond stating its position.

(4) Termination of residential service for nonpayment is prohibited from December 1 through March 31, unless in addition to the other requirements of this rule, the City:

(A) Makes prior contact with the customer by personal contact, telephone or hand delivered written notice;

(B) Informs the customer of the available sources of federal, state or local aid for payment of utility bills;

(C) In the event the customer establishes a present inability to pay the amount due in full, the City may offer a minimum payment plan which requires the customer to make an installment payment of thirty percent (30%) of the delinquent balance and monthly payments of twenty percent (20%) of the remaining delinquent balance in addition to the current bill. The determination of inability to make payments will be made in conjunction with the agency providing governmental aid. If the customer does not respond to the notice described in subsection (b)(1) hereof or refuses to accept or defaults on the payment plan described in subsection (b)(3) hereof, service may be terminated.

(5) Termination of residential service for nonpayment is prohibited if the termination of service would be especially dangerous to health as certified pursuant to the certification provisions of this rule.

(6) Termination of residential service for nonpayment is prohibited when the termination of service would make operation of necessary medical or life-supporting equipment impossible or impracticable, if the customer establishes an inability to pay the amount due in full and enters into and makes payments in accordance with an extended payment plan.

(7) Medical Certification Procedures.

(1) The City shall provide application forms for licensed physicians or local Board of Health physicians for certification upon request of any residential consumer. If termination is to occur as a result of nonpayment, written notice shall be given to the customer prior to termination that a medical certification program and forms are available from the City.

(2) Any consumer who is a permanent resident of the premises where the service is rendered may qualify for certification.

(3) The condition must be certified to the City by a licensed physician or local Board of Health Physician.

(a) The certificate of special danger to health shall be in writing and shall include the name of the person to be certified, a statement that the person is a permanent resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the condition, and the period of time during which termination will be especially dangerous to health.

(b) Initial certification by the certifying party may be by telephone if written certification is forwarded to the City Auditor within seven days.

(c) In the event service has been disconnected within fourteen days prior to certification of special danger to health for a qualifying resident, service shall be restored to that residence if proper certification is made in accordance with the foregoing provisions and the customer enters into an extended payment plan.

(d) Certification shall prohibit disconnection of service for thirty days. Certification may be renewed two additional times (thirty days each) by a licensed physician or local Board of Health physician by providing an additional certification to the City. The total certification period is not to exceed ninety days.

(e) Upon renewal of certification, the City shall inform the customer of the governmental assistance programs that may be available. In the event that the best efforts of the City fail to result in personal contact, assistance information shall be provided by mail. (Ord. 1517 AC. Passed 6-16-80.)

NON-RESIDENTIAL TERMINATION

(b) If it is determined that a nonresidential customer is delinquent in rendering payment for service, the City may, after proper and reasonable notice of pending termination of service, not less than fourteen days, terminate the customer's service during normal City business hours in compliance with the following conditions:

(1) No delinquent bill disconnections may be made after 12:30 p. m. on the day preceding a day that all services necessary for the customer to arrange and the City to perform reconnection are not regularly performed.

(2) On the day of termination of service, the City shall provide the Consumer with written notice to the premises. If a landlord is

responsible for payment of the utility bill, notice of termination of service shall be given to the consumer at least five days before such termination occurs. In a multi-unit dwelling, written notice shall be placed in a conspicuous place.

(3) In conjunction with service to the customer of the termination notice provided for herein, the City shall advise the customer of the business address and the telephone number of a City representative to be contacted in the event the customer desires to dispute the reasons for the termination and of the customer's right to complain or appeal to any administrative and/or judicial board or tribunal of the State should he or she be dissatisfied with the City's reasons for terminating service. Upon request of the customer, the City shall provide an opportunity for review of the initial decision concerning such dispute. If the request is in writing and sets forth the customer's dispute, and a response in writing is requested, the City shall so respond stating its position.

919.03 RECONNECTION OF SERVICE.

Reconnection of residential service that has been terminated for nonpayment shall be made pursuant to the following provisions:

(a) Upon payment or proof of payment, including the Reconnection charge of \$20.00 for service that was previously disconnected, the service shall be reinstated.

(1) If the City received the payment by 4:30pm, the service shall be reinstated the same day.

(2) If the City received the payment after 4:30, the service may be reinstated the same day with the payment of an additional \$25.00 fee. If the additional fee of \$25.00 is not received the service shall be reinstated by the close of the following regular work day.

(b) If a guarantor is required in order to re-establish service, the guarantor must sign an acknowledgement of willingness to accept the responsibility for payment of the customer's bill in case of the customer's default. (Ord. 1517 AC. Passed 6-16-80.)

Reconnection of nonresidential service that has been terminated for nonpayment shall be made pursuant to the following provisions:

(a) Upon payment or proof of payment, including the Reconnection charge of \$50.00 for service that was previously disconnected, the service shall be reinstated.

(1) If the City received the payment by 4:30pm, the service shall be reinstated the same day.

(2) If the City received the payment after 4:30, the service may be reinstated the same day with the payment of an additional \$25.00 fee. If the additional fee of \$25.00 is not received the service shall be reinstated by the close of the following regular work day.

919.04 PAYMENT ARRANGEMENTS AND RESPONSIBILITY.

(a) Payment arrangements for residential customers.

(1) The customer shall be notified that the City upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the City. The City shall require the customer to establish an inability to pay. The City may exercise discretion in the application of such plans based upon the amount of the delinquent account, the length of time that the balance has been outstanding, the customer's recent payment history, the reasons why payment has not been made, and any other relevant factors concerning the circumstances of the customer including health and age. However, the City shall make available the extended payment plan to any customer not currently in default on a previously agreed upon extended payment plan as provided in Section 919.02 (a) (4) (c).

(2) The City shall provide an optional uniform payment plan (budget plan) on an annual basis for any customer who is not in default on a previously agreed upon extended payment plan. Arrearage need not be included in the optional uniform payment plan (budget plan).

(3) A customer's failure to make any payment provided for under subsection (a) hereof shall entitle the City to terminate service in accordance with the procedures set forth in this chapter.

(b) Payment arrangements for nonresidential customers.

(1) The City may allow nonresidential customers to enter into a payment arrangement for installment payments of delinquent accounts. Such agreement, if any, will be based upon the amount of the delinquent account, length of time the balance has been outstanding, the customer's recent payment history, and the reasons why payment has not been made.

919.05 SPECIAL CONSIDERATIONS.

Special considerations will be given to protect residential users whose utility service is included in rental payments. If the rental property is registered with the City, the City shall give written notification to the service address at least 14 days prior to the shut off, in order to allow the occupants of the service address to register for utilities in their own name and pay the regular deposit.