

## **Rule 17 - BILLING AND BILLING DISPUTES**

The Director of Public Service or his designate shall at least monthly render a bill for the actual amount shown by the meter reading to be due, except estimated bills may be rendered if access to a customer's meter was unobtainable for a timely reading. No consumer or owner of property shall be relieved from an obligation for such fees that may be unpaid through failure of the Division of Water and Wastewater to make collections as provided by its rules.

- A. Each water service account bill shall represent water used as determined by an actual meter reading, radio frequency transmitted reading or an estimated reading based upon previously used water at the same premises, or a minimum service charge. Estimated readings shall be noted as such on the bill. Bills for each water service account shall be mailed to the customer on a monthly basis. Bills shall be due in full on the 5<sup>th</sup>, 15<sup>th</sup> or 25<sup>th</sup> of each month depending on the district the service account is in. If the bill for service remains unpaid, the arrearage will be added to the next monthly billing. This constitutes a double bill and a Notice for non-payment shall be given with this bill stating that if the full amount due is not paid by the due date, a Late Fee/Termination Notice shall be applied to the account and water furnished by the division shall be shut off on the termination date. If water service is scheduled for termination due to delinquent payment of charges, an additional service charge shall be applied to the bill on the scheduled termination date. Water service shall not be restored until all water, sewer, delinquent, service charges and a new deposit are paid in full. A Door Termination Notice shall be left at the premises if the water service is terminated (Addendum 8).
1. All payments to the Water Office shall be in currency, check, credit card or money order. All checks will be accepted subject to collection at the bank. In the event a check is not honored by the bank and is returned for refund, the account to which payment has been credited will be charged a penalty. A deposit will be required from each customer having a dishonored check.
  2. If a check has been received by the Water Office that is returned by the bank as a dishonored check, upon notification to the payor (contacted by phone, door tag or e-mail) of the return of the dishonored check, the payor shall make restitution on the dishonored check by making payment on the account as soon as possible (within 2 to 5 working days) in cash, by cashier's check, money order or credit card only. If the dishonored check was for turning water service back on because of termination for nonpayment, the restitution shall be made within 24 hours or the service shall be discontinued for reason of nonpayment without further notice. A deposit will be required from each customer having a dishonored check.
- B. Customers must provide to the Water Office an address to which the City may mail a final water service bill, and must specify a final date which is at least five working days after the date on which the customer notified the Water Office of his desire to have the water service finalized. The City shall obtain a meter reading and finalize the water service as near as possible to the requested final date. A final bill shall be prepared, mailed and become due 14 days after the final bill date. In no case shall a bill for a fractional part of a billing period be less than the minimum monthly charge if water consumption is used.
- C. Payment of water service accounts shall be deferred 30 days where the customer established: an inability to pay a water bill by the date on which such payment is due and that termination of water service 1) would be especially dangerous to the health of consumer at the unit or 2) make the operation of necessary medical or life-supporting equipment impossible or impractical as certified in writing by a physician. Upon the establishment of either the foregoing conditions (1 or 2), payment shall be deferred entirely for so long as thirty days. At the end of the deferment the customer shall be required to pay the past due bills in full. (Addendum 4)
- D. In the event that a customer fails to make payment of a monthly bill by the date it is due (see subsection (a) hereof), the City may propose to terminate the water service as provided in Rule 18 section (B).
- E. Customers have the right to request and attend a hearing for the purpose of disputing: the amount of any charge assessed by the City against the water service account of the customer; the amount of any credit accorded by the City to the customer for prior payment on the water service account of the customer; or the failure of the City to accord to customer a credit for prior payment on the water service account of the customer. Any such hearing shall be conducted by the City in accordance with Rule 20 and shall be limited to matters concerning the two past due billings immediately preceeding the date of the request for hearing or previous months for good cause shown. Whenever a customer requests a hearing pursuant to this section, he shall not be obligated to pay the disputed portion of the bill unless and until, and only to the extent that he is ordered to by the decision of the hearing officer or upon prior settlement of the dispute.
- F. When water rents or charges are not paid when due, the Director of Public Service may cause them to be certified to the County Auditor for placement as a lien upon the property served in accordance with the procedures set forth in Ohio R.C. 743.04. Certification of delinquent water charges shall be concurrent with certification of delinquent sewer charges.

G. Notwithstanding any other provision within this chapter, where water service accounts are determined to be non-collectible by the Director of Public Service or his designate, he may charge-off delinquent accounts in the categories set forth below. In no event shall any account in any of the following categories be charged-off from the account receivables unless and until the Director or his designate has, after diligent effort, determined that the account cannot reasonably be collected, after taking into consideration the age of the account, the ownership of the premises served, the condition of the property, whether the property is occupied or vacant, whether the property is improved or unimproved, the expense of collection when compared to the amount due, any billing errors on the part of the City, the adequacy of City records substantiating the account and any other factors relevant to such determination.

The Director shall maintain adequate records on each account which is charged off, indicating the reason that each such account is deleted from the account receivables. The procedures established by this subsection shall not be utilized as a method of resolving disputed accounts in lieu of the procedures set forth in Rule 18, but shall be for internal bookkeeping purposes only and in order to remove uncollectible accounts from the City's files. The categories wherein the Director is authorized to charge-off delinquent accounts are as follows:

1. Water service accounts serving properties where the structures thereon have been demolished and the accounts have not been removed from the City's files.
2. Water service accounts serving properties where the water meter has been removed and billing records have not been adjusted accordingly.
3. Flat rate sewer charges being billed after removal of the structures on the property.
4. Accounts older than six years and barred by the applicable statute of limitations.

Any individual or recipient of water service disputing a water billing may appeal the billing within thirty days of the mailing thereof to the Director of Public Service of the City of Newark, Ohio. The dispute shall be reduced to writing and mailed by ordinary US Mail with sufficient postage to the Service Director at 40 West Main Street, Newark, Ohio. The disputant shall state the grounds for the dispute. Within a reasonable time of receipt thereof, the Director or his designate will issue his determination as to the resolution of the billing dispute.

Any grievant in a billing dispute may request a meter test. Upon request from a consumer and/or owner and agreement to pay for the test charge, the Division of Water and Wastewater will remove any meter 1/2" through 2" in size, to the meter shop for testing. Larger meters may be tested at the site. If upon examination and test, it is found that the meter registers outside the tolerance limits of 5% over or under on flows from one to twenty gallons per minute, on all meters, types and sizes, it shall be considered inaccurate and the water and wastewater charges will be adjusted on the basis of that test. If charges are adjusted, only the last year will be considered. The charge for testing will depend on the size of the meter and whatever the cost may be when the testing is requested. Fees for testing will be available upon request at the Division of Water and Wastewater. There will be no testing charge if the meter is found to be registering above or below the 5% limit allowed.

Customers making contact with our Division of Water and Wastewater after hours employee requesting water to be restored, alleging an error made by the Division, and the Division restores service after hours, where it is then determined water was not terminated in error, an after hours Trip Charge will apply to the customer's account and shall be due upon the next bill due date. The Trip Charge shall be listed in the fee section and updated by direction of the Service Director.

Approved:



David Rhodes, Director of Public Service



Date