

## **Rule 18 - TERMINATION OF SERVICE**

**No termination of service shall occur except in compliance with these rules.**

A. The City may terminate water service to any premises, in accordance with the procedures set forth in this section, for any of the following reasons:

1. Nonpayment by the customer for water/sewer service to the service address affected;
2. Nonpayment by the customer for water/sewer service from a previous address;
3. Request by the customer contractually obligated to pay charges incurred at each service address affected by the termination;
4. Tampering with the water meter(s), theft of service, or fraud for the premises by the customer or consumer;
5. Failure to install meter(s), register(s) and Meter Transmitting Unit (s), or to have installed meter inspected;
6. Failure of the customer or consumer to permit the City access to the meter(s);
7. Emergency termination as defined by subsection J hereof;
8. For the purpose of water emergency in accordance with Rule 25;
9. Breach of a tap-in agreement for outside the City users;
10. Violation of the City Plumbing Code and Water Division Regulations;
11. Abandonment of the premises;
12. Condemnation and finding that the premises are unfit for human habitation and vacated as provided in the Newark Board of Health Regulations.

If water service to the service address is terminated in error, service will be restored upon demand of an adult consumer at the service address without charge.

- B. 1. Prior to terminating water service to a customer, each of the following conditions must be met, unless the customer and consumer(s), if any, consent to the termination, or unless the termination is initiated pursuant to subsection J (emergency shutoffs).
- a) If the grounds for termination is nonpayment, the City shall serve upon the customer and/or consumer (see section G below) after nonpayment as defined in Rule 17, a notice (Addendum 6) of its intent to terminate the water service supplied to the customer. In the event the grounds for termination are other than nonpayment, the notice herein shall be sent by the City when there is reason to believe that such grounds exists.
  - b) The customer fails to do either of the following within fourteen days of the termination notice served upon him:
    - 1) Cure the reason(s) for which the City is authorized to terminate water service and concerning which the City has notified the customer in the termination notice, including making restitution on a dishonored check; or
    - 2) Request a hearing in accordance with Rule 20.
  - c) In the event the customer has requested a hearing and the hearing officer has ruled in favor of the City and the customer has failed by the termination date or within five days of the service date of the decision served upon him (whichever is greater) to cure the reason(s) for termination found by the hearing officer.
2. A customer who receives a termination notice is entitled to contest, at a hearing, the validity of the grounds set forth in the termination notice, provided the customer requests a hearing within fourteen days of the service date of the termination notice served upon him. The hearing provided by the City pursuant to this subsection shall be conducted in accordance with Rule 20.

3. Payment on an account with a dishonored check shall be deemed as nonpayment and shall not alter the scheduled notice of termination of water service if restitution is not made. Payment of a termination notice with a dishonored check will result in the immediate termination of water service. A deposit will be required from each customer having a dishonored check.

C. Unless the notice requirement is dispensed with, as provided in terminations related to emergencies or voluntary terminations, termination of service may not occur without 14 days notice and adequate opportunity for hearing before termination. All terminations of service shall be documented by a written service order recording the date, time, and identity of the water division employee effectuating termination; such documentation shall be retained in the business file kept by the City relating to any service address so affected. Water division employees dispatched to terminate service shall not terminate service until they make a reasonable effort to personally contact the occupants, if any, of each service address affected by termination to (1) advise of the termination and, (2) verify the propriety of the termination. The water division employee shall deliver to the occupant a notice which shall clearly and conspicuously advise the occupant of:

1. The date and time of the termination.
2. The service address
3. The account number
4. The reason of termination.
5. If termination is for non-payment, the amount which must be paid, including any charges to have service restored.
6. Location and hours of the Water Office at which payment can be made to obtain restoration.
7. The title, address, telephone number, and hours during which the Water Department Billing Office may be contacted to request a hearing.
8. A residential user of water service at the address to be terminated, and if the customer responsible for paying the water bill does not live at your address (Landlord), you may avoid termination by paying only the current month's water bill, and agreeing to contract for your own water usage in the future, if the consumer does not owe an outstanding bill to the Water Department Office.
9. A notice that a customer or consumer of water services has the right to a hearing to contest the reasons for the proposed termination, and that if a hearing is requested, the termination will not take place until the hearing process is completed;

These rules shall be complied with by all water division employees. Except for emergency terminations, scheduled finals, or scheduled terminations prevented by occupants prior to that date; terminations shall not occur on any day which precedes a holiday or weekend, or any day on which services necessary to restore service is not available. If water service has been terminated or suspended, service shall not be restored except if a responsible adult makes arrangements for the Water Division to check the meter setting, for each service address to be restored to ensure that restoration will not cause damage to the premises. Water service to consumers may be terminated in accordance with subsections B, G and J hereof in the event that it is necessary to conserve water.

D. A water service account terminates upon the date of the termination of water service and the removal of the meter from the premises, or upon the date that a new water service account for water service to the premises is established by some other person or entity, whichever occurs first.

E. A customer may terminate his obligation on a water service account without causing the termination of water service to the premises only if another party establishes a water service account for the premises, pursuant to this section, which commences on the date on which the water service account of the customer terminates.

F. The terms "termination" or "terminate," as they are used in this Section, may refer either to: (1) termination of a customer's contractual responsibility for water service through transfer of an account from one customer to another; or (2) actual termination of water service to any service address at the request of the customer.

All requests for voluntary termination shall be made by the customer contractually obligated to pay charges incurred at each service address affected by the termination. Termination shall not occur if the City learns or is notified that any of the affected service addresses are occupied. Verification shall be made by conducting and documenting a reasonable investigation stating whether the employee found the affected premises to be vacant and the facts observed by the employee which support that conclusion or facts that support that the premises might still be occupied. If upon termination, a Water Department employee finds reason to believe the termination may affect water service to a benefited unit other than, or in addition to, the customer's benefited unit, termination will not occur. Notice will be given, if contact made, to an adult 18 years of age or older indicating the date on which the termination will occur. Termination will not occur until the City personnel assigned to perform the termination personally visits each affected service address and verifies that it is vacant. The customer requesting the termination must grant access to the premises to the Water Department employee for the purpose of conducting investigation

of occupancy at the time of termination. The City shall restore service immediately upon demand of any adult consumer of water service at any service address so affected, without charge, if this provision was not complied with.

Customers must provide to the Water Office an address to which the City may mail a final water service bill, and must specify a termination 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 terminated. The City shall obtain a reading and terminate the water service as near as possible to the requested date of termination. 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.

- G. 1. Prior to terminating water service to a premises at which a consumer who is not a customer resides, each of the conditions set forth in subsection B hereof, and each of the following conditions must be met, unless the consumer consents to the termination, or unless the termination is initiated pursuant to subsection J hereof (emergency shutoff):
- a) The City shall serve upon the consumer, no sooner than written notice was served on the customer pursuant to subsection B hereof, a written notice of its intent to terminate the water service supplied to the consumer. If the consumer resides in a single occupant structure or a dwelling unit of a multi-occupant structure for which there is an individual water meter, the notice shall be provided on the termination notice (mailed). If the consumer resides in a dwelling unit of a multi-occupant structure for which there is not an individual water meter, the written notice shall be provided on the termination notice (posted in a conspicuous place at each visible unit affected by the termination notice/left with a person of suitable age and discretion). The written notice required by this subsection shall, in this section be referred to as the "termination notice".
  - b) The consumer fails to do any of the following within fourteen days of the service date of the termination notice served upon them:
    - 1) Request a hearing in accordance with Rule 20; or
    - 2) Cure the reason(s) claimed by the City as the grounds for termination of water services, including making restitution on a dishonored check.
    - 3) Establish a payment account as provided in subsection H hereof, if there is an individual water meter.
    - 4) Establish a group payment account as provided in subsection H. hereof, if there is no individual water meter.
  - c) In the event the consumer has requested a hearing in accordance with subsection H. hereof, the Director of Public Service or his designate has ruled in favor of the City and the consumer has failed, within five days of the service date of the decision served upon him, to cure the breach(es) of obligation found by the Director of Public Service or his designate.
2. Payment on an account with a dishonored check shall be deemed as nonpayment and shall not alter the scheduled notice of termination of water service if restitution is not made. Payment of a termination notice with a dishonored check will result in the immediate termination of water service. A deposit will be required from each customer having a dishonored check.
- H. In the event a consumer, who is not a customer, and who resides in a single-occupant structure or dwelling unit of a multi-occupant structure for which there is an individual water meter, receives a termination notice from the City, such consumer may establish, in the customer's name, a payment account. The consumer shall be liable only for the cost of water and sewer service supplied to the consumer subsequent to the date on which such account has been established. In order to establish an individual payment account, the consumer must visit the Water Office during its business hours and, at that time, an employee of the Water Office shall provide the consumer the necessary forms hereof; the account shall be deemed established when the consumer has submitted all forms, properly completed, together with any payments due the Water Office to an employee of the Water Office.

In the event a consumer, who is not a customer and who resides in a dwelling unit of a multi-occupant structure for which there is no individual water meter, receives a termination notice from the City, the consumer may establish a group payment account for the entire multi-occupant structure. A group payment account is a procedure by which the consumer(s) may maintain the water service to the unit(s) by paying only the current monthly bill and setting up a new account. The burden of collecting any amounts in arrears remains with the City, and the consumer(s) may exercise such legal remedies as are available to them. Amounts sufficient to cover a current deposit must be rendered to the Water Office. The City is under no obligation to accept

payment from each individual consumer, but rather from one representative acting on behalf of all of the consumers. One payment will be issued to the Water Office and one receipt will be issued by the Water Office to the consumer's representative rendering payment. In order to establish a group payment account, the consumer or the consumer's representative must visit the offices of the Water Office during its business hours and, at that time, an employee of the Water Office shall provide the consumer or the consumer's representative the necessary forms (Addendum 2) and assistance for establishing the group payment account. The City may require the representative to provide the names and addresses of all members establishing the group payment account. For purposes of Subsection G. hereof, a group payment account shall be deemed established when the consumer or the consumer's representative has submitted these forms, properly completed, to an employee of the Water Office, and the consumer or the consumer's representative has tendered to the Water Office payment in the amount of the current monthly bill. In the event the consumers in a group payment account thereafter fail to tender timely a monthly payment, the City may proceed to terminate the water service, subject to the provisions hereof.

A consumer, who is not a customer and who receives a termination notice, is entitled to contest, at a hearing, the validity of the grounds set forth in the termination notice, provided the consumer requests a hearing within fourteen days of the service date of the termination notice served upon him, and further provided the consumer may not dispute the City's claim, if any, of a delinquency in the water service account of the customer. The hearing provided by the City pursuant to this paragraph shall be conducted in accordance with Rule 20.

- I. In the event a consumer, who is not a customer, receives a termination notice from the City as a result of a delinquency in the water service account of the customer, the consumer may pay the delinquent amount claimed by the City and thereby avoid termination of the water service.
  
- J. In circumstances set forth in Rule 2 C. D. and in those situations in which it is necessary for the city to terminate the water service to a unit in order to make repairs or to prevent substantial damage, and where the pretermination requirements in subsections B, C and G. hereof, reasonably cannot be followed, the City may terminate the water service to the unit immediately and without prior notice. In any such case, if and when it is reasonably practicable to do so, the City shall provide the customer and the consumer(s), if any, either individually or through the media, notice of the reasons for the termination and of the estimated time at which the water service will be restored.
  
- K. Upon processing the termination, the customer shall be required to pay any outstanding bills, fees and pay a new deposit.

Approved:

  
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David Rhodes, Director of Public Service

7-23-15  
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Date