

TOWN OF EATON

ORDINANCE NO. 2014-02-01

ORDINANCE AMENDING DELINQUENT UTILITY BILL PROCEDURE

WHEREAS, the Town of Eaton, Indiana currently has an ordinance establishing the Delinquent Utility Bill Procedure for the Town of Eaton;

WHEREAS, the United States Circuit Court for the Southern District of Indiana entered an opinion in the case of Wyatt vs. Town of Crothersville, Indiana wherein Judge Sarah Evans Baker found that continued water utility service is a protected property right subject to due process of law; and

WHEREAS, the Town of Eaton, Indiana desire to amend its current Delinquent Utility Bill Procedure Ordinance to address other matters necessary to meet its needs.

WHEREAS, the Town of Eaton adopted Ordinance 2013-11-6 to address issues as to the due process concerns of users of the utility services of the Town.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATON, INDIANA:

Section 1. The section entitled "Delinquent Utility Bill Procedure item D" under ordinance 213-11-6 shall be hereby amended as follows:

1. A Delinquent Utility Board is created to hear delinquent utility bill appeals from individual's utility bill(s). The Board shall consist of one town board member as determined by a majority of the Town Board, the Clerk Treasurer and the Water Superintendent.
2. The Delinquent utility board shall meet in a public meeting prior to the start of the regular monthly town board meeting.
3. Any person that is delinquent on their combined water and sewer bill and is subject to disconnect for nonpayment must be notified of their rights to a hearing before the delinquent utility board to determine the appropriateness of the disconnection.
4. The Delinquent Utility Board shall make a determination based upon the information provided by the person that appears before them as to whether a disconnection of the water service shall be made. Their decision is final.
5. If the Town of Eaton's utility customer desires to request a hearing contesting the fairness of the disconnection for nonpayment of the combined water/sewer bill, the customer must request such a hearing in writing at the town office within 7 business days after the date of mailing of the disconnection notice.

6. Upon receipt of the written request for hearing the disconnection notice shall not go into effect into after a decision is made by the Delinquent Utility Board.

7. A customer that makes a written request for a hearing with the Delinquent Utility Board and fails to appear at the hearing forfeits their right to an appeal and their utilities will be disconnected on the next business day after the meeting.

8. The Town of Eaton Clerk Treasurer shall notify the customer who has requested a hearing in writing of the next regular scheduled Delinquent Utility Board meeting.

11th Passed and adopted by the Town Council of the Town of Eaton, Indiana this
day of February, 2014.

Lowan Hicks

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Vicki Aergis
Clerk Treasurer