

**TOWN OF MORGANTOWN, INDIANA**  
**ORDINANCE 2019-5**

**AN ORDINANCE ESTABLISHING POLICY AND  
PROCEDURE FOR UTILITY BILLING ADJUSTMENTS**

**WHEREAS**, the Town of Morgantown, Indiana owns and operates sewage works and a water utility;

**WHEREAS**, the Town Council for the Town of Morgantown, Indiana (the "Council") is the governing board of the Town's sewage works and water utility and sets rates and charges, as deemed necessary, and establishes and administers billing and collection policies for both;

**WHEREAS**, the Council is asked, from time to time, to forgive charges billed to a customer of the Town's sewage works and water utility because of leaks and unintended water usage;

**WHEREAS**, pursuant to Indiana Code Section 8-1.5-3.5-3, Indiana municipal water utilities may adjust an unusually large water bill if the excess usage reflected in the bill is caused by physical damage to any facility or equipment supplying water to the premises and the damage:

- (1) is not visible or detectable on the customer's premises except upon excavation or some other disturbance of the property; and
- (2) is not the result of an act of the customer, or of any agent or contractor hired by the customer.

**WHEREAS**, pursuant to Indiana Code Section 8-1.5-3.5-1, "unusually large bill" means a residential water bill that reflects monthly water usage, in whatever units measured, that is at least two (2) times the customer's average monthly usage at the premises.

**WHEREAS**, pursuant to Indiana Code Section 8-1.5-3.5-4, "a utility that elects to adjust unusually large bills must do so in accordance with policies adopted by the utility," which must specify the procedures by which a customer may request an adjustment and prove the damage described in Indiana Code Section 8-1.5-3.5-3.

**WHEREAS**, Indiana sewer works may, in their discretion, adjust sewer bills and forgive charges billed;

**WHEREAS**, the Council has concluded that formal policies applicable to requests for utility bill adjustments are needed to provide order and consistent treatment of customers who request the forgiveness of utility charges;

**ACCORDINGLY, BE IT ORDAINED** by the Town Council of the Town of Morgantown, Indiana, that the following policies are adopted.

**Section 1. Water Bill Adjustments.** The Council hereby adopts, as its own policy for water bill adjustments, the definition of "unusually large bill", as found in Indiana Code Section 8-1.5-3.5-1, and the requisite conditions for adjustments as found in Indiana Code Section 8-1.5-3.5-3. Any customer requesting a water bill adjustment must submit the request on forms prepared by the Town and must include facts which establish: 1) that the bill for which adjustment is requested meets the definition of an "unusually large bill" and 2) that the "unusually large bill" resulted from physical damage to a facility or equipment supplying water to the customer's premises which was not:

- a. visible or detectable on the customer's premises except upon excavation or some other disturbance of the property; and
- b. the result of an act of the customer, or of any agent or contractor hired by the customer.

The customer must be present at the Council public meeting at which the Council considers the request for adjustment and be prepared to prove the requisite conditions for the adjustment and respond to all questions. The Council, upon finding that the conditions for an adjustment to an "unusually large bill" exist, may, but shall not be required to, adjust the bill as its members, by majority vote, deem appropriate.

**Section 1. Sewer Bill Adjustments.** Sewer usage charges are based on water usage. Metered water lost as a result of a leak or malfunction of facilities or equipment supplying water

to a customer's premises will cause the corresponding sewer bill to be excessive. In some cases, water lost because of a leak is not discharged into the Town's Sewage Works. In other cases, because of malfunctioning facilities or equipment, water is unintentionally and unknowingly discharged into the Town's Sewage Works.

A customer may request a sewer bill adjustment, for a single billing cycle, by completing and submitting to the Town's Utility Billing Clerk, on forms prepared by the Town, a request for adjustment, which shall include a detailed explanation of why and how the water was lost and the actions taken to repair the problem. The Town's Utility Billing Clerk, in her discretion, may adjust the sewer bill, for a single billing cycle, to an amount equal to the average of the sewer bills for the same property for the two (2) billing cycles immediately preceding the billing cycle for which the adjustment is requested upon verifying:

1. that that excess water usage during that billing cycle was not discharged into the Town's Sewage Works; and
2. that the condition causing the water loss or unintended usage has been fully repaired.

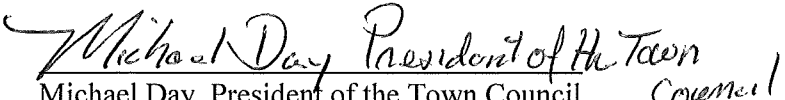
The Town's Utility Billing Clerk shall rely on the Town's Operations Manager to confirm these conditions and shall file with the Council a report of all adjustments granted. The Town's Utility Billing Clerk may grant up to two (2) adjustments, per calendar year, for any single property.

With the exception of sewer bill adjustments granted by the Town's Utility Billing Clerk, in strict compliance with the procedures and conditions as set forth above, all other requests for sewer bill adjustments must be submitted to and decided by the Council, in a public meeting, at which the customer requesting the adjustment must be present.

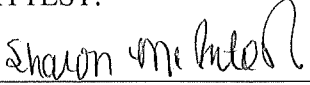
This Ordinance repeals and replaces all ordinances and parts thereof with which it may be in conflict and shall be effective upon its final adoption.

Introduced and adopted on first reading by the Morgantown Town Council on the 12<sup>th</sup> day of August, 2019

Adopted by the Morgantown Town Council, upon suspension of rules, on second and final reading, on the 12<sup>th</sup> day of August, 2019.

  
Michael Day, President of the Town Council

ATTEST:

  
Sharon McIntosh, Clerk-Treasurer