

City of Scottsbluff, Nebraska

Monday, August 21, 2023

Regular Meeting

Item Resolut.1

Council to consider the first reading of the Ordinance that will amend Chapter 23, Articles 1 & 2 dealing with water service repairs and other billable charges in connection with the repair and maintenance of the water system.

Staff Contact: Kevin Spencer, City Manager

Agenda Statement

Item No.

For Meeting of: August 21, 2023

AGENDA TITLE: Council to consider approving an Ordinance that will amend Chapter 23, Articles 1 and 2 dealing with water service charges and other billable charges in connection with the repair and maintenance of the water system.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Public Works

PRESENTATION BY: Kevin Spencer, City Manager

SUMMARY EXPLANATION: This amendment focuses on billable charges for water system repairs that are outside of the normal utility bill. Billable charges include the repair or replacement of frozen water meters, damaged radio reads, damaged service lines, damaged fire hydrants, after hour calls and the like.

Currently, when these charges go unpaid, they are sent to collections. After collection fees are subtracted from the amount recovered, the City takes a loss. As an example – a frozen meter replacement with late payment penalties was \$234.96. When collection fees were subtracted, the City received \$140.98 which doesn't cover the cost of the new meter.

This amendment will allow the City to discontinue water service for non-payment in these circumstances rather than send them to collections. They would be handled in the same fashion that is used when monthly utility bills go unpaid.

BOARD/COMMISSION/STAFF RECOMMENDATION: Staff recommends that Council approve the amendment to Chapter 23, Articles 1 and 2 dealing with billable water service repair and maintenance charges.

EXHIBITS

Resolution Ordinance Contract Minutes Plan/Map

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

Please list names and addresses required for notification.

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev: 12/14/ City Clerk

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 23, ARTICLES 1 AND 2 DEALING WITH WATER SERVICE CHARGES AND OTHER BILLABLE CHARGES IN CONNECTION WITH THE REPAIR AND MAINTENANCE OF THE WATER SYSTEM, SERVICE LINE AND METERS, AMENDING ARTICLE 1, SECTION 27 RELATING TO SERVICE LINE, LEAKS AND REPAIR, AMENDING ARTICLE 1, SECTION 30 RELATING TO FREEZING OF METERS AND DAMAGE, AMENDING ARTICLE 2, SECTION 10 DEALING WITH DELINQUENT BILLS AND OTHER BILLABLE CHARGES FOR REPAIR AND AMENDING ARTICLE 2, SECTION 11 ALLOWING FOR DISCONTINUANCE OF SERVICE FOR FAILING TO PAY WATER CHARGES OR OTHER BILLABLE CHARGES, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. §23-1-27 is amended to provide as follows:

“23-1-27 SERVICE LINES; LEAKS; SHUT-OFF; REPAIR.

If any leak or break in any service line occurs between the curb stop box and the meter on the premises of the consumer or owner, the City Manager, or the designee of the City Manager, shall forthwith shut off the water supply to such premises until such leak or break has been repaired by the consumer or owner. In the event the City makes such repair, the cost of the repair will be billed to the consumer or owner and shall be considered part of the charges owed by the consumer or owner and upon failure to pay shall be subject to discontinuance under §23-2-11 of this code.”

Section 2. §23-1-30 of the Scottsbluff Municipal Code is amended to provide as follows:

“23-1-30 SAME; FREEZING; WRONGFUL DAMAGE.

Every consumer or owner shall protect the meter against damage by freezing. If a meter shall be damaged by freezing, or by the negligence or willful act or conduct of the consumer or owner, the expense of repairing such damage shall not be paid by the City and shall be charged to and paid by the consumer or owner and shall be considered part of the water charges owed for water and paid before they become delinquent according to §23-2-11 of this code.”

Section 3. §23-2-10 of the Scottsbluff Municipal Code is amended to provide as follows:

“23-2-10 DELINQUENT BILLS; COLLECTIONS; SUIT.

In the event a bill for water service or other billable charges for repair of the water system is not paid before the same becomes delinquent, the City Clerk shall collect the entire bill. Any payment that does not include the full amount of such bill shall not bar recovery by the City of the unpaid balance, but such unpaid balance shall remain a liability of the delinquent consumer or owner, and suit may be brought in the name of the City for collection thereof.”

Section 4. §23-2-11 of the Scottsbluff Municipal Code is amended to provide as follows:

“23-2-11 DISCONTINUANCE AND RESUMPTION OF SERVICE; FEE.

(A) The City Manager, or designee of the City Manager, is hereby authorized to shut off or disconnect the water service of any consumer or owner after the bill for water charges or other billable charges of the consumer or owner shall have become delinquent. A fee in an amount determined as provided by §23-2-12 of this Article shall be paid upon the turning on or reconnection of water service under the following circumstances:

- (1) When any water service has been shut off or disconnected by reason of delinquency and payment of a bill for water charges; or

(2) When water service has been shut off or disconnected at the request of the consumer and that same consumer requests that service be reconnected within 30 days after the request to shut off or disconnect water service.

(B) The fee provided in this section shall not be charged if the disconnection was for the purpose of making repairs. When water has been shut off or disconnected for non-payment of a bill, it shall not be turned on without an order of the City Manager, or a designee of the City Manager, and payment of the fee described in this section. Any person turning on water without an order of the City Manager, or the designee of the City Manager, shall be liable for unpaid water charges, other billable charges and resumption of service fee.”

Section 5. Existing sections 23-1-27, 23-1-30, 23-2-10, and 23-2-11 of the Scottsbluff Municipal Code are hereby repealed. This Ordinance shall not be construed to affect any cause of action, civil or criminal, existing or actions pending, at the time this Ordinance becomes effective.

Section 6. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2023.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney