

ORDINANCE TO AMEND SECTION 70-57
PAYMENT OF WATER, SEWER AND STORMWATER BILLS
AND TO AMEND SECTION 70-5
OBSTRUCTION OF WATER METERS

WHEREAS, the City of Durham establishes regulations for the administration and timely payment of utility services provided by the City; and

WHEREAS, certain changes in the ordinance could enhance customers' ability to avoid termination of service for non-payment; and,

WHEREAS, certain changes in the ordinance are desired to take advantage of cost-saving electronic notification; and,

WHEREAS, certain changes in the ordinance are desired to clarify charges to customers in instances of non-payment of utility bills; and

WHEREAS, certain changes in the ordinance could enhance the City's ability to provide emergency and routine maintenance as well as efficient termination of service for non-payment of water bills; and,

WHEREAS, certain changes in the ordinance are desirable to clarify and simplify remediation of violations by customers obstructing access to water meters; and,

WHEREAS, certain changes in the ordinance are desired to clarify the objectives for continuous access to meters even after the installation of automatic meter reading; now therefore

THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

Sec. 1. Sections 70-57 (a) and (b) of the ordinance are amended and (i) is added as follows and the remaining sections of Section 70-57 shall remain unchanged:

Sec. 70-57. Payment of water, sewer and stormwater bills.

(a) All bills due the city for water, sewer and stormwater service shall be payable within 21 days after the date of issue. The sending of a bill via U.S. postal service or e-mail to the consumer shall serve as the required notice. ~~Effective July 1, 1989,~~ Effective July 1, 2016, all ~~All~~ bills not satisfied within 21 days after the date of issue shall be charged the greater of \$5 or interest thereafter at a rate of one percent per month. If any bill remains unpaid for a period of ~~44~~ ten (10) days after the due date, ~~bill for the next period has been issued, the entire amount of the then outstanding amount (including both months) shall immediately become due and payable and the city shall send, either via US postal service or e-mail, a notice ("delinquency notice") of such to the delinquent customer stating that~~ if the entire amount of the outstanding

amount delinquent balance, is not paid within seven calendar days of the issuance of the delinquency notice, the service shall be terminated. Where stormwater service charges are billed separately to someone other than the occupant of a property and water and/or sewer charges are being paid by the occupant of a property, water and sewer service will not be terminated on account of unpaid stormwater charges unless the city has sent the occupant notice of the unpaid stormwater service charge and possible utility termination at least 30 days prior to the termination date.

(b) If payment of the delinquent amount is not received by the date and time specified in the delinquency notice, a charge shall be added to the customer's account to defray the city's collection costs. For the purpose of this section, such a charge shall be termed a "service delinquency charge." The service delinquency charge shall be set by the city council from time to time. For sewer only accounts a service delinquency charge shall be set by the city council from time to time to offset the city's costs to discontinue and reestablish sewer service as necessary. ~~No service charge shall be made if the visit results from administrative error by city employees.~~ A delinquency charge may be waived by a supervisor in the interest of equity where the customer has not had a prior delinquency fee assessed and there is an underlying or contributing cause beyond the reasonable control of the customer.

(c) Order of payment: Where various utility charges appear on a combined utility bill, and a customer does not pay all the outstanding amounts, the partial payment will be applied to the respective charges in the following order: delinquent stormwater charges; delinquent solid waste charges; delinquent miscellaneous charges; delinquent water and/or sewer charges; capital facilities fees; current stormwater charges; current solid waste charges, current miscellaneous charges, and current water and/or sewer charges.

Sec. 2. The City of Durham Fee Schedule shall be amended as follows:

Part 15-108 (Location visits) ~~Pursuant to city code section 70-57(b), the charge for making a visit to the location is \$50.00. The service charge for sewer only accounts referred to in city code section 70-57(b) is \$250.00.~~ Pursuant to city code section 70-57(g), the service visit fee to defray the city's cost of making a visit to the location of a customer's service is \$25.00.

Part 15-113 (Delinquency Charge) Pursuant to city code section 70-57(b), the delinquency charge shall be \$50.00.

Sec. 3. Durham City Code Section 70-5 of the ordinance is rewritten as follows:

Sec. 70-5. Maintenance of Meters; Obstructions

Property owners are prohibited from ~~planting trees, plants, shrubs or obstructing the view of access to~~ water meters. This includes, but is not limited to, placing plants or allowing them to grow in a way that makes access difficult, as well as, parking vehicles or placing other objects over water meters to prevent them from being read. In the event a meter is obstructed as described above, the city manager shall notify the customer that the obstruction needs to be removed by posting a notice of violation in a conspicuous place on the property. The notice shall provide that the customer shall be given seven calendar days from the date of the notice to remove the obstruction. However, within the time period to correct the conditions, the customer may appeal the notice of violation to the city manager by giving written notice to the city manager. The city manager shall implement a policy that describes the hearing process.

If the customer does not remove the obstruction within timeframe in the notice of violation, then the city manager may remove the obstruction and add the costs to remove the obstruction to the customer's water bill for reimbursement.

The city manager may summarily remove an obstruction without providing notice if the obstruction is dangerous or prejudicial to the public health or public safety as provided in G.S. 160A-193. If an obstruction is removed without notifying the customer, then city manager shall send notice to customer after the removal notifying customer of why the obstruction constituted a public nuisance.

In the event a customer's water has been terminated for nonpayment, any such charges for removal of an obstruction shall be paid in full prior to restoration of service.

Sec. 4. Where this ordinance strikes through text, that text is deleted. Where this ordinance underlines text, that text is added.

Sec. 5. This ordinance is effective July 1, 2016.

**APPROVED BY
CITY COUNCIL**

JUN 20 2016

CITY CLERK

D. Ann Gray