

ORDINANCE NO. 535

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 11, SECTION 3-1101, PROVIDING FOR A TEN DAY DELINQUENCY BEFORE DISCONNECT OF SERVICE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. A copy of Section 3-1101 of Chapter 3, Article 11 of the Gothenburg Municipal Code, Ordinance No. 272 is attached hereto and incorporated herein by this reference as though fully set forth.

Section 2. Chapter 3, Article 11, Section 3-1101 is hereby amended to read as follows:

Article II. Utilities Generally

3.1101 MUNICIPAL UTILITIES; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE. The Municipality shall have the right to discontinue services and remove its properties if the charges for such services are not paid within ten days after the date that the same becomes delinquent. Before any termination, the Department of Utilities shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days. As to any subscriber who has previously been identified as a welfare recipient to the Department by the County Welfare Department, such notice shall be by certified mail and

notice of such proposed termination shall be given to the County Welfare Department.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the Department may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's

service to that household. Such certificate shall be filed with the Department of Utilities within five days of receiving notice under this Section and will prevent the disconnection of the Department's services for a period of thirty days from such filing. Only one postponement of disconnection shall be allowed under this sub-section for each incidence of non-payment of any due account.

8. The cost that will be borne by the domestic subscriber for restoration of service;

9. A statement that the domestic subscriber may arrange with the Department for an installment payment plan;

10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their case worker in that regard; and

11. Any additional information not inconsistent with this Section which has received prior approval from the Governing Body.

A domestic subscriber may dispute the proposed discontinuance of service by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue services.

The procedures adopted by the Governing Body for resolving utility bills, three copies of which are on file in the office of the Municipal Clerk, are hereby

incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full.

This Section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Ref. 19-2601 et seq RS Neb.) (Ord. No. 372, 11/20/79)

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective from and after its passage, approval and publication as required by law.

Passed and approved this 2nd day of May, 1989.

CITY OF GOTHENBURG, DAWSON  
COUNTY, NEBRASKA

BY

Eldon Lepp  
Mayor Eldon Lepp

ATTEST:

Connie Stull  
Connie Stull, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon  
Michael L. Bacon, City Attorney

## Article II. Utilities Generally

3.1101 MUNICIPAL UTILITIES; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE. The Municipality shall have the right to discontinue services and remove its properties if the charges for such services are not paid within twenty days after the date that the same becomes delinquent. Before any termination, the Department of Utilities shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days. As to any subscriber who has previously been identified as a welfare recipient to the Department by the County Welfare Department, such notice shall be by certified mail and notice of such proposed termination shall be given to the County Welfare Department.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;

5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

6. A statement that the Department may not disconnect service pending the conclusion of the conference;

7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Department of Utilities within five days of receiving notice under this Section and will prevent the disconnection of the Department's services for a period of thirty days from such filing. Only one postponement of disconnection shall be allowed under this sub-section for each incidence of non-payment of any due account.

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