

FILED

FEB 12 2015

CITY CLERK

**GENERAL ORDINANCE NO. 3, 2015
AS AMENDED**

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 9, TO AMEND SECTIONS 9-112 AND 9-113.

WHEREAS, Indiana American Water Company no longer provides billing services for the City of Terre Haute's sewage utility;

WHEREAS, the City wishes to amend the *Terre Haute City Code* to remove references to Indiana American Water Company as it pertains to sewage billing issues.

SECTION 1. That *Terre Haute City Code* Chapter 9, Sec. 9-112 Leak Adjustment is hereby amended by deletion of the stricken text and insertion of the underlined text as follows:

Sec. 9-112 Leak Adjustment.

a. Any person subject to this Article may apply for a leak adjustment of the charges assessed against him if each of the following conditions is met:

1. Current account holder (or titled property owner) shall submit a written request to the City Controller within ~~sixty (60)~~ one hundred eighty (180) days of the billing date when the excessive use was posted;

2. Such written request must contain a detailed description of how and where the leak occurred and be accompanied by a copy of the repair invoice;

3. No leak adjustment shall be considered until the leak has been identified and repaired;

4. No more than one (1) leak adjustment shall be granted per meter during any twelve (12) month period;

5. Current account holder must have at least six (6) months of normal/typical sewage account usage prior to evidence of leak usage at the specified location upon which to calculate an average billing statement; and

6. Only the highest single month of usage charge during the excess water usage shall be considered for adjustment.

b. If it is determined that the excess water did enter the City's sewage system, no leak adjustment may be granted

c. Upon determination that all conditions of Subsection a. above have been satisfied, the City shall determine the amount of the leak adjustment. ~~The City shall report to Indiana American Water Company the amount to credit the account.~~ No refunds shall be issued by the City. (Gen. Ord. No. 3, 2011, 2-10-11)

SECTION 2. That *Terre Haute City Code* Chapter 9, Sec. 9-113 Leak Adjustment is hereby amended by deletion of the stricken text and insertion of the underlined text as follows:

Sec. 9-113 Vacant Structure Adjustment.

a. It is the property owner's responsibility to notify the City that a structure has been vacated and the date of termination of electrical service. Such notification shall be made within sixty (60) days of the termination of electrical service. If the electrical service is not terminated to the structure, even though the structure is vacant, no adjustment shall be considered.

b. The property owner may apply for a vacant structure adjustment of the charges assessed against him if each of the following conditions is met:

1. The property owner shall submit written notification to the City Controller within ~~sixty (60)~~ one hundred eighty (180) days of the date of termination of electrical service; and

2. City Controller shall verify with the electric provider the final date of service.

c. Such adjustment shall be made for a maximum of ~~sixty (60)~~ one hundred eighty (180) days of sewage service after the date of termination of electrical service to the structure. Property owner is responsible for any charges incurred beyond the ~~sixty (60)~~ one hundred eighty (180) days after the termination of electrical service.

~~d. City Controller shall notify Indiana American Water Company of the adjustment amount. No refunds shall be issued by the City.~~

ed. Property owner forfeits the opportunity to seek adjustment if he fails to notify City of such termination of electrical service within ~~sixty (60)~~ one hundred eighty (180) days. (Gen. Ord. No. 3, 2011, 2-10-11)

SECTION 3. All the provisions of any ordinances previously or now in existence and regulations which may be in conflict with this Ordinance are hereby repealed as of the date this Ordinance takes effect.

SECTION 4. If any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance is for any reason held to be invalid, ineffective or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in force and effect. The invalidity of any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can

be given effect without such invalid part or parts.

SECTION 5. An emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by:  Norman Loudermilk, Councilman

Passed in open Council this 13th day of February, 2015.

, John Mullican, President


ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 13th day of February, 2015.

 Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 13th day of February, 2015.

 Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk