ORDINANCE NO. 2023-10

AN ORDINANCE AMENDING ORDINANCE 2014-4 REGARDING TERMINATION OF ELECTRIC AND WATER SERVICES FOR NONPAYMENT

WHEREAS, the Edinburgh Town Council adopted Ordinance 2014-4 on the 24th day of March, 2014 which provided certain provisions to disconnect and terminate electric and water services to the citizens of Edinburgh for nonpayment of the same;

WHEREAS, Section 9 on page 7 of Ordinance 2014-4 provides the procedure to disconnect the water and/or electric service after proper notice has been given with said procedure requiring the employee of the Town of Edinburgh to physically go to the subject site in person to make the disconnection;

WHEREAS, due to investment in new technology by the Town of Edinburgh, disconnection of water and/or electric services can be done remotely thus eliminating the need for an employee of the Town of Edinburgh to physically go to the subject site in person to make the disconnection;

WHEREAS, Edinburgh Town Council desires to amend Ordinance 2014-4 to reflect the update in technology regarding disconnecting services;

NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:

I. SECTION 1. AMENDMENTS TO CODE

a. That the Council hereby amends Ordinance 2014-4 as follows:

i. Section 9 Disconnection Procedure; which commences on page 7 of Ordinance 2014-4 is hereby deleted in its entirety and replaced with the following:

1. *Immediately before the actual disconnection of service, the employee of EP&L or the Water Utility designated to perform the disconnection shall have the option to disconnect the service either remotely through electronic means or in person at the subject location. If such services is disconnected in person at the subject location, then the employee shall:*

a. *Make reasonable attempt to identify himself/herself to the customer or any other responsible person then upon the premises;*

b. *Announce the purpose of his/her presence;*

c. *Have in his/her possession information sufficient to enable him/her to inform the customer or other responsible person of the reason for disconnection, including the amount of the customer's delinquent bill.*

d. *Request from the customer any available verification that the outstanding bill has been satisfied.*

e. *Make a record thereof to be maintained for at least thirty (30) days;*

2. *Upon being presented with credible evidence that the outstanding bill has been satisfied or written documentation from EP &L or the Water Utility addressed to the customer confirming that the outstanding bill is disputed by the customer and is under review by EP&L or the Water Utility, service shall not be disconnected.*

3. *The utility employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected.*

4. *When the employee has disconnected electrical or water service, the employee shall give to a responsible person at the customer's residence or, if no one is at home, the employee shall leave at a conspicuous place on the customer's premises a notice stating that service has been disconnected and stating that the customer may arrange to have service reconnected by contacting the Utility Office located at 107 South Holland Street or by telephone at telephone number (812) 526-3514, Option 1, during regular office hours.*

5. *The EP&L or the Water Utility may assess a disconnection fee to the customer once the disconnection of services is complete.*

ii. Section 9 Effective Date; which commences on page 10 of Ordinance 2014-4 is hereby changed from Section 9 to Section 14.

II. SECTION 2. PUBLIC BENEFIT

a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

III. SECTION 3. REPEALER

a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

IV. SECTION 4. SEVERABILITY

a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

V. SECTION 5. EFFECTIVE DATE

a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

ADOPTED this 25th day of July, 2023.

EDINBURGH TOWN COUNCIL

M. Ryan Piercefield, Council President

Dawn Graham, Vice President

Debbie Buck, Member

Miriam Rooks, Member

Jeffrey Simpson, Member

ATTEST:

Scott Finley, Clerk-Treasurer