

ORDINANCE NO. 2024-18

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE ADJUSTMENTS OF
OVERCHARGES AND UNDERCHARGES OF UTILITY SERVICE ACCOUNTS
BY THE TOWN OF EDINBURGH, INDIANA**

WHEREAS, pursuant to Ind. Code 36-9-2-15, the Town of Edinburgh ("Town") furnishes electrical, water, and sewer utility services to the public ("Utility Services");

WHEREAS, the Town of Edinburgh is not subject to the jurisdiction of the Indiana Utility Regulatory Commission and, therefore, all Utility Services charges are subject to the exclusive control and/or approval of the Council;

WHEREAS, the Town has determined that it is in the best interests of the Town's Utility Services account holders to establish rules and regulations governing adjustments for overcharges and undercharges to accounts for Utility Services;

NOW, THEREFORE, be it ordained by the Council of the Town of Edinburgh, Indiana, and establishes the following rules and regulations concerning the adjustments to account holders for overcharged and/or undercharged Utility Services:

SECTION 1. OVERCHARGES

- a. If the Town has determined it has overcharged an active account holder for Utility Services, the Town will credit the account holder's account, without interest, the excess amount on the next monthly bill. When the overcharge is more than One Thousand Dollars and No Cents (\$1,000.00) a reasonable attempt to notify the account holder will be made in addition to the monthly bill. Account holders may request a refund if the account balance was previously paid in full. Credit to an account holder's account is subject to the following limitations:
 - i. If the account holder should not have been billed the Utility Services and the time period over which the overcharge occurred can be determined, the Town will credit or refund the excess amount charged the account for that entire interval, provided that such time period shall not exceed one (1) year.
 - ii. If the account holder should have been billed the Utility Services and the inaccurate rate was applied, the Town shall refund the excess amount charged not to exceed the preceding twelve (12) billing cycles.
 - iii. If the exact amount of excess charged cannot be determined, the Town, in its sole discretion, shall take into consideration all information and account history in order to determine the amount due as accurately as possible, not to exceed the preceding twelve (12) billing cycles.
 - iv. If an overcharged account holder owes a past due balance to the Town, the Town may deduct that past due amount from any refund or credit due the account holder.
- b. If the Town has overcharged an account holder for Utility Services and it is discovered after the account has been terminated and/or made inactive, the account holder forfeits any right to a refund upon the termination and/or inactivation of the account.

SECTION 2. UNDERCHARGES

- a. If the Town has undercharged an account holder for Utility Services during any of the previous twelve (12) billing cycles, the Town will collect the additional amount due to the Town by placing the charges on the next monthly bill. When the undercharge is more than One Thousand Dollars and No Cents (\$1,000.00), a reasonable attempt to notify the account holder will be made in addition to the monthly bill. A payment plan or other payment options may be extended to an account holder. If an account holder does not contact the Town in order to make payment arrangement for such amount by the bill due

date, the account may be disconnected for non-payment in accordance with the Town's Ordinances.

- b. If an undercharge has occurred because of tampering or bypassing a meter or because of other fraudulent or willfully misleading action of the customer, the Town shall collect the entire undercharged amount in a lump sum and seek such other rights and remedies as are permitted by law.

SECTION 3. CONFLICTS

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.
- b. This Ordinance does not affect any other sections of the Edinburgh Municipal Code, or other ordinances except as herein provided and all other sections of the Edinburgh Municipal Code, and other ordinances shall remain the same.

SECTION 4. SEVERABILITY

- a. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 5. PUBLIC BENEFIT

- a. The Council finds that establishing the rules and procedures for the adjustments to account holders for overcharged and/or undercharged Utility Services will be in the best interest of the Town and for the benefit of the public and residents of the Town.

SECTION 6. EFFECTIVE DATE

- a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law and that the amended rates and charges are to be implemented effective as of the date of this Ordinance and beginning on a date as soon thereafter as possible.

ADOPTED this 14th day of October 2024.

EDINBURGH TOWN COUNCIL


 M. Ryan Piercefield, Council President


 Miriam Rooks, Vice President


 Debbie Buck, Member


 Michael Bryant, Member


 Sherri Sweet, Member

ATTEST:

 Rhonda Barrett, Clerk-Treasurer