

CHAPTER 5**UNIFORM MUNICIPAL UTILITY BILLING PROCEDURE****9-5-1. Definitions.**

For purposes of this ordinance, the following words and phrases shall have the meaning as defined by this section.

- (a) *Bill* means the statement of account for municipal utility services rendered by the city to a customer and due and payable to the city by the customer.
- (b) *City* means the municipal corporation known as the city of Hot Springs, Arkansas, and any designated agent authorized to act on behalf of the city.
- (c) *Customer* means any person, firm, corporation or entity to whom municipal utility services are rendered.
- (d) *Delinquent customer* means any person, firm, corporation or entity who fails to pay any current charges or portion thereof for any municipal utility by the due date of the bill.
- (e) *Municipal utilities* means the water, sewer and sanitation services, departments or systems of the city of Hot Springs or any combination thereof.
- (f) *Past due amount* means any current charges or portion thereof for any municipal utility which remain unpaid past the due date of the bill on which such current charges first appear. (Ord. No. 4549, ' 1, 6-17-96)

9-5-2. Utility billing policies and procedures.

The following policies and procedure shall govern the provision of municipal utilities by the city of Hot Springs.

9-5-2.1. Utility billing section.

There is hereby created a utility billing section within such department(s) as may be designated by the city manager. The billing section shall be responsible for the calculation and rendering of all municipal utility bills. The utility billing section shall maintain account records for each customer which includes the customer's name, billing address, service address, current charges and account history including past due charges, penalties and fees. The billing section shall also submit regular reports to each municipal utility indicating the status of all accounts and the total amounts billed and collected.

9-5-2.2. Rate ordinances.

All municipal utility charges shall be calculated in accordance with the specific rate ordinance applicable to each municipal utility or service rendered to a customer.

9-5-2.3. Monthly utility bill.

The utility billing section shall provide each municipal utility customer a combined monthly municipal utility bill which shall include the charges incurred by the customer for regular monthly water, sewer and sanitation services or any combination thereof, plus any fees, penalties or previous balances. Each municipal utility shall be designated as a separate entry on the billing statement. Bills for municipal utility services provided shall be rendered and paid monthly.

9-5-2.4. Extra service bills.

Billings for any extra services, fire service charges, installation charges or other special charges shall be rendered in accordance with the applicable utility or service rate ordinance and shall be included on the appropriate monthly billing statement or as a separate bill.

9-5-2.5. Billing cycle.

(a) *Billing period.* Monthly billings shall be rendered within thirty (30) days following the period in which municipal utility service is provided. The date the bill is rendered shall be known as the *Abilling date.* The total bill shall be due and payable not later than fifteen (15) days after the billing date. The fifteenth day following the billing date shall be known as the *Adue date.*

(b) *Late charge.* If a bill is not paid on or before the due date, a late charge equal to ten percent (10%) of the current bill amount shall be added to the charges.

Editor's note: Resolution Nos. 4006 and 4079 authorized the waiver of late charges on municipal utility bills as follows:

That the city manager, or his designee, is hereby authorized to waive the *Alate charge* on the current month's municipal utility bill on a case-by-case basis for municipal utility customers whose principal income is from one of the following sources received on a once per month basis: social security, retirement plan, disability income, or state or federal income assistance programs. Persons desiring waiver of the monthly late charge must apply annually in writing to the appropriate city department on such form and in accordance with such procedure as may be prescribed by the department. Provided, further, that the applicants total annual income from all sources shall not exceed the *Alow income limits* as published annually by the U.S. Department of Housing and Urban Development.

[Late Charge Waiver Form](#)

9-5-2.6. Delinquent customers.

Any customer whose bill remains unpaid twenty (20) days from the billing date shall be considered delinquent. Any customer who is delinquent on any one municipal utility (water, sewer or sanitation) or any combination thereof may be disconnected from the municipal water system and once disconnected shall not be reconnected or reinstated until payment of all charges, fees, deposit and penalties necessary to bring the account(s) to a current status. Any delinquent municipal sewer and/or sanitation customer not on the municipal water system may be disconnected or discontinued from the municipal sewer and/or sanitation system and once disconnected or discontinued shall not be reinstated until payment of all charges, fees, deposit and penalties necessary to bring the account(s) to a current status. The city may also refer delinquent customers to a collection agency or attorney for collection on a case by case basis. (Ord. No. 5261, ' 1, 4-5-04)

9-5-2.7. Municipal utility service application.

Any person, firm or corporation desiring to establish any municipal utility or combination thereof shall make application for said service(s). The application shall be on such form(s) as may now or hereinafter be prescribed by the appropriate utility. The application shall include the name, mailing address, service location, personal identification number (e.g., social security number or driver's license number) or federal identification number (businesses) and signature of the party responsible for payment. Persons applying on behalf of others or acting as an agent for others may provide the required information provided such agent agrees to assume responsibility for the person, firm or corporation upon whose behalf they are applying. Each service location shall be considered a separate account. [Service Application](#)

9-5-2.8. Utility deposit.

(a) *Initial deposit.* Any customer who establishes water, sewer and/or sanitation service shall be required to pay an initial utility deposit. Utility deposits shall be maintained in a separate account and held as security for the payment of municipal utility bills. The utility deposit once so established shall be considered a combined utility deposit for the benefit of any and all municipal utilities received by the customer. Utility deposits shall not be required for federal, state or local government agencies. Utility deposits may not be transferred from one customer to another and must be carried in the name of the person, firm or corporation for whom the service is rendered.

(b) *Deposit application--Service termination.* In the case of default on the utility bill resulting from the termination of service, the utility deposit shall be credited to any unpaid balance on such bill. The total utility deposit shall be applied to each utility based on its balance relative to the total bill. If a delinquent customer, whose service has been disconnected, is reinstated prior to the account being closed, the amount, if any, then on deposit, may be applied toward the reconnect deposit. (Ord. No. 4645, ' 1, 7-21-97)

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(c) *Reconnect deposit.* Prior to the restoration of municipal utility service, any customer whose service has been disconnected or discontinued due to non-payment shall be subject to the following deposit based on the number of service termination occurrences within the customer's most recent twenty-four (24) months' billing history:

First occurrence -- the initial deposit plus an amount equal to the average of the monthly charges for the customer's most recent three months (total of past three months current charges divided by three);

Second (or more) occurrence(s) -- the initial deposit plus an amount equal to twice the average of the monthly charges for the customer's most recent three months (total of past three months current charges divided by three multiplied by two).

9-5-2.9. Utility deposit schedule.

The following initial utility deposit schedule is hereby adopted:

INITIAL UTILITY DEPOSIT

| meter size | water | sewer | sanitation |
|------------|-------|--------|------------|
| 5/8" | \$10 | \$30 | \$10 |
| 3/4" | \$15 | \$45 | \$30 |
| 1" | \$20 | \$60 | \$40 |
| 1.5" | \$40 | \$120 | \$50 |
| 2" | \$50 | \$150 | \$75 |
| 3" | \$100 | \$300 | \$100 |
| 4" | \$150 | \$450 | \$150 |
| 6" | \$250 | \$750 | \$200 |
| 8" | \$300 | \$900 | \$250 |
| 10" | \$400 | \$1200 | \$300 |

The combined total initial deposit required shall be based on the customer's water meter size and the municipal utilities received. The initial deposit for sewer and/or sanitation customers not on water service shall be determined by comparing the applicant with similarly situated existing customers on water service.

9-5-2.10. Utility deposit refund.

The municipal utility deposit will be refunded to the customer in accordance with the following provisions:

- (a) Upon completion of twelve (12) consecutive months of good payment history; i.e., no penalties or late charges. Said refund shall be in the form of a credit on the customer's applicable monthly utility bill.
- (b) Upon termination of municipal utility service and payment of all amounts owed. In this case, the deposit shall be applied to the customer's final municipal utility bill upon service termination. The amount shall be applied in the same manner as the deposit application for service termination (section 9-5-2-8 (b) hereof).

9-5-2.11. Service charges.

The following additional fees shall be charged for services provided by the municipal utility:

- (a) Administrative charge to existing accounts (e.g., change of service address) ... \$5.00;

Returned check charge for insufficient funds ... equal to the maximum amount permitted by A.C.A. '5-37-303. Provided further, that this charge shall be applicable to all city funds. (Ord. No. 4889, '1, 7-17-00)
- (c) Disconnection of service due to nonpayment of bill ... \$10.00;
- (d) Reconnection of service due to nonpayment of bill:

\$10.00 from 8:00 a.m. to 4:00 p.m., regular business days,
\$20.00 for after hours, weekends and other non-business days;
- (e) Second and subsequent testing of water meter at customer's request within twelve (12) month period ... \$15.00 each test. (Should meter be determined to not be operating properly -- no charge);
- (f) Meter modifications on the inlet side ... \$25.00 (\$10.00 turn-off and \$15.00 meter change charge); and
- (g) New service installation or setting of additional water meters--estimated cost of installation as determined by utility personnel.

9-5-2.12. Meter sizing policy.

(a) *New meters.* Minimum water meter sizes shall be determined by the code compliance department in accordance with the city's plumbing code based on the intended use and anticipated flow volumes. Each customer is responsible for all installation and maintenance costs associated with the water service lines from the meter outlet to the customer's service location.

(b) *Existing meter changes.* Meter sizes may be reduced upon request from a customer provided the minimum size required by the plumbing code is maintained. A meter modification charge shall be paid by the requesting customer for such meter changes. Any line or plumbing modifications required on the customer's side of the meter shall be the responsibility of the customer.

(c) *Sub-meters.* The municipal water system will not install additional meters at the system's expense on the customer's side of an existing water meter to verify sewer usage or for other such purposes. If such sub-meters are required, the customer shall pay for the installation and be responsible for meter reading and reporting to the designated city official or office.

9-5-2.13. Tampering.

Any person, firm or corporation that damages a meter, device or other equipment controlling or regulating the supply of any municipal utility service shall be charged a service charge of fifty dollars (\$50.00) in addition to any other applicable fees.

9-5-2.14. Unlawful connections.

Any person, firm or corporation who shall make any connection or otherwise avail themselves of a municipal utility service without making proper application and connection for said service shall be charged a service charge of one hundred dollars (\$100.00) in addition to all other connection or reconnect fees and penalties.

9-5-2.15. Automatic service suspension - Sanitation service.

(a) *Service termination.* Whenever the consumption of water for any single-family dwellings within the corporate limits of the city shall fall below two hundred (200) gallons per month for two (2) consecutive months, it shall be presumed that the premises have become unoccupied; and sanitation billing shall be discontinued. (Ord. No. 4630, ' 1, 5-19-97)

(b) *Service reinstatement.* In the event sanitation billing has been discontinued for any reason and water consumption shall become in excess of two hundred (200) gallons for any month, it shall be presumed that the premises have become occupied; and sanitation billing shall be reinstated.

9-5-2.16. Regulations.

The city manager is hereby authorized to promulgate such other rules, regulations, policies, and procedures as may be required to implement this ordinance and provide for the effective and efficient billing and collection of municipal utilities provided such rules, regulations, policies, and procedures are consistent with the provisions of this ordinance. (Ord. No. 4549, ' 2 (1-16), 6-17-96)

9-5-2.17. Service non-interruption agreement.

The municipal utilities are hereby authorized to enter into service non-interruption agreements with rental property owners in order to facilitate the continuation of municipal utility services. Provided further, that the city manager or his/her designee is hereby authorized to sign said agreements on behalf of the city. [Non-interruption agreement](#) Upon each activation of such agreement, the property owner shall be charged the administrative fee as specified in paragraph 9-5-2.11 (a) hereof. (Ord. No. 5126, ' 1, 10-21-02)

9-5-2.18. Meter obstruction.

It shall be unlawful for any person to obstruct access to a municipal utility water meter whether in a public right-of-way or on private property. Should any person, in violation of this section, refuse to remove an obstruction within twenty-four hours (24) after notification to do so, the city shall cause such obstruction to be removed at the owner,s expense including but not limited to towing and storage charges for vehicles. (Ord. No. 5261, ' 2, 4-5-04)

9-5-3. Penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4960, ' 3, 3-5-01)

9-5-4. Effective date.

This ordinance shall be in full force and effect from and after September 1, 1996; provided, however, that said effective date may be adjusted to correspond with the installation of a new utility billing system provided by Associated Systems, Inc. (Ord. No. 4549, ' 5, 6-17-96)