

ORDINANCE 2022-12

**AN ORDINANCE AMENDING CHAPTER 51 OF THE NEWBURGH CODE OF ORDINANCES
REGARDING BILLING AND COLLECTION FOR SEWER SERVICE**

WHEREAS, the Newburgh Town Council desires to make certain amendments to the Newburgh Code of Ordinances as they pertain to collection of bills for sanitary sewer services, more specifically:

(1) to clarify and confirm that fees charged for returned checks apply to payments made by electronic checks;

(2) to establish a fee to be charged in the instance of online payments that are rejected by the payor's financial institution due to a mistake made by the payor, effectively passing on to the customer the fee the Town is charged in those instances;

(3) to update the Code of Ordinances to reflect authorization of the Newburgh Sewer Department to handle billing and collection of monthly sanitary sewer charges, which has been the established practice of the Town of Newburgh for many years; and

(4) to remove outdated and unused sections of the Code of Ordinances relating to payments arrangements on delinquent accounts.

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Newburgh, Indiana, as follows:

Section 1: Title V, Chapter 51, Sections 51.115 and 51.116 of the Newburgh Code of Ordinances are hereby amended and restated and Section 51.117 is newly established as follows:

51.115 OVERDUE BILLS.

(A) All Sewer Department customers shall be sent a delinquency notice, in such form as the Department shall from time to time prescribe when such customers' account is 90 days delinquent. The town will follow the procedures, and exercise the benefits, set out in I.C. 36-9-23-31 and 36-9-23-33.

(B) If the delinquent customer is not the owner of the real estate to which sewer service is being provided, and, the owner of such real estate has given written notice to the Sewer Department as required by I.C. 36-9-23-32(c), a notice of delinquency shall be sent to such owner within 20 days after such account has become 90 days delinquent. Such notice as required in this section shall be sent certified United States mail return receipt requested.

(C) Thirty days after the notice prescribed by this section has been given the Sewer Department shall file a lien in the office of the County Recorder pursuant to I.C. 36-9-23-32, against the real property when sewer service is provided unless:

- (1) Such past due account has been paid in full;
- (2) A written arrangement has been entered into between the obligor and the Sewer Department providing for the payment of the sewer bill; or
- (3) The Sewer Commissioner instructs that such account be processed in Small Claims Court. If the Sewer Commissioner so instructs, such small claims proceedings shall be commenced within 30 days of the date such notice is given unless an arrangement for payment as prescribed in this section has been made or the account is paid in full.

(D) Within ten days after a lien is filed under division (C) above the Sewer Department shall notify the owner of the real estate subject to the lien that such lien has been filed and, that legal proceedings to foreclose the lien may be commenced unless the lien is satisfied within 15 days.

(E) Upon payment of all charges, costs and fees as provided by law, any lien placed by the Sewer Department shall be released of record by filing appropriate documentation in the office of the County Recorder. A copy of such release shall be mailed to the owner of the real estate.

51.116 DUTIES OF SEWER DEPARTMENT FOR BILLING

The Newburgh Sewer Department is hereby authorized for and on behalf of the town to do any and all things necessary and proper to be done in order to bill and collect on a monthly basis the monthly sewer service charge from each of the users of the municipal sewage system.

51.117 FEES RELATING TO PAYMENTS MADE BY CHECK

The following fees shall apply to payments made by check to the Town for amounts due to the sewer department:

- (A) There shall be charged a returned check fee of \$25 on all checks tendered, whether electronic, physical, or otherwise, in payment to the Town that are returned to the Town as unpayable for any reason by the payor's financial institution. This fee shall not apply to a payment rejected by the Town's online payment servicer due to a data entry mistake made by the payor as covered in Section 51.117(A).
- (B) There shall be charged a rejected payment fee of \$10 on all attempted payments that are rejected by the Town's online payment servicer due to a data entry mistake made by the payor. This fee shall not apply to a check returned as uncollectible as covered in Section 51.117(B).
- (C) This Section 51.117 shall only apply to payments due to the Sewer Department. See Section 34.05 for payments made by check to the civil town.

Section 2: All ordinances in conflict herewith are hereby repealed.

Section 3: This Ordinance shall be effective immediately upon adoption.

Adopted this 14th day of December, 2022.

TOWN COUNCIL OF THE TOWN OF NEWBURGH

Maacie Krueger
President

[Signature]
Member

Allyson Shelby
Member

[Signature]
Member

[Signature]
Member

ATTEST:

Nannette Angel
Nannette Angel, Clerk-Treasurer