

Ordinance No. 2024-19

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 51 "WATER" OF THE CODE OF ORDINANCES FOR THE CITY OF DELPHI, INDIANA, RELATING TO LATE FEES AND PENALTIES FOR DELINQUENT PAYMENT OF WATER AND WASTEWATER UTILITIES**

WHEREAS, §51.09(A) of the Code of Ordinances describes the penalty of disconnecting water services due to delinquent payment of water bills and states as follows:

- (A) *If any statement for water rent is not paid by the fifth working day following the due date as indicated on the statement, the water to the premises of such delinquent user or customer shall be turned off and not turned on again until all delinquent water rents collection charges are paid in full and an additional fee of \$25 for the first such reconnection and \$35 for each such reconnection thereafter is paid;*

WHEREAS, pursuant to §51.43(A) of the Code of Ordinances, the City of Delphi Water Works Department imposes a reconnection fee of \$50 on each occurrence of a reconnection;

WHEREAS, the Common Council of Delphi, Indiana desires to amend §51.09(A) to align the reconnection fee with §51.43(A) and to change the number of days from 5 to 10 days after the due date for when water service will be disconnected due to the delinquent payment to 10 days after the due date;

WHEREAS, §51.42 of the Code of Ordinances for the City of Delphi, Indiana imposes penalties for late payments on bills for water services and states as follows:

*All bills for water service not paid within 15 days from the due date thereof, as stated in such bills, shall be subject to a late payment charge of 10% of the first \$3 and 3% on the excess of \$3;*

WHEREAS, the Common Council of Delphi, Indiana desires to amend §51.42 of the Code of Ordinances to change the number of days from 15 to 10 days after the due date for when the penalty will be imposed for late payments and to add a penalty for late payments on bills for wastewater services.

WHEREAS, the Common Council of Delphi, Indiana has determined that these amendments to §51.09(A) and §51.42 aid in clarifying the fees and penalties for late payment of water and wastewater utility bills; and

WHEREAS, pursuant to I.C. 36-3-4-14, an ordinance that prescribes a penalty or a forfeiture for a violation must, before it takes effect, be published one time within 30 days after the passage of the ordinance, in the manner prescribed by I.C. 5-3-1.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Delphi, Indiana that:

**Section 1.** §51.09(A) and §51.42 of the Code of Ordinances for the City of Delphi, Indiana shall be amended and state as follows in Exhibit A attached hereto.

**Section 2.** Because the penalties prescribed in §51.09(A) and §51.42 of the Code of Ordinances are amended by this Ordinance, the Clerk-Treasurer shall have this Ordinance published one time in the Carroll County Comet within 30 days after its passage.

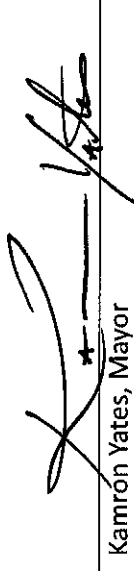
**Section 3.** This Ordinance shall be in full force and effect after being published one time within 30 days after its passage.

Passed and adopted by a majority of the Common Council of the City of Delphi, Indiana, this 30<sup>th</sup> day of December, 2024.

  
Kamron Yates, Presiding Officer

  
Attest: Julie Price, Clerk-Treasurer

Approved / Vetoed by me, the Mayor, this 30<sup>th</sup> day of December, 2024.

  
Kamron Yates, Mayor

  
Attest: Julie Price, Clerk-Treasurer

**EXHIBIT A – §51.09 AND §51.42, AS AMENDED**

**§ 51.09 DELINQUENT ACCOUNTS.**

- (A) if any statement for water rent is not paid within 10 days following the due date as indicated on the statement, the water to the premises of such delinquent user or customer shall be turned off and not turned on again until all delinquent water rents collection charges are paid in full and an additional fee of \$50 for each occurrence of reconnection.
- (B) Takers or customers who have become delinquent, or owe the Water Works in any sum for water or collection charges, shall not be permitted to take water from any tap until all such delinquency or charges have been paid except as follows:
- (1) For owners of single family residences, forbearance may be granted by the agent for a hardship only. Hardship shall be defined as unemployment or catastrophic illness, or other matter constituting.
  - (2) Forbearance for other reasons must be approved by a member of the Board of Works.
  - (3) Forbearance for non-property owners may be granted for the same reasons only after receiving approval of the property owner.
  - (4) In matters of forbearance, the amount due must be repaid in regular installments over a period not to exceed 90 days. Requests for terms exceeding 90 days must be approved by the Board of Works.

**§ 51.42 COLLECTION OR DEFERRED PAYMENT CHARGE.**

All bills for water service not paid within 10 days from the due date thereof, as stated in such bills, shall be subject to a late payment charge of 10% of the first \$3 and 3% on the excess over \$3. All bill for wastewater service not paid within 10 days from the due date thereof, as stated in such bills, shall be subject to a late payment charge of 10% of the total bill.