# ORDINANCE NO. 2024-6

AN ORDINANCE OF THE VILLAGE OF CLEARWATER, NEBRASKA TO AMEND PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO DISCONTINUATION OF UTILITY SERVICE AND NOTICE TO PROPERTY OWNERS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF CLEARWATER, NEBRASKA:

SECTION 1. That Municipal Code §7-103 is hereby transferred to Municipal Code §11-710.

SECTION 2. That Municipal Code §11-710 is hereby amended as follows:

**SECTION 11-710: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**

A. No village utility shall discontinue service to any domestic subscriber for nonpayment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination.
B. Prior to the discontinuation of service to any domestic subscriber by a village utility, the domestic subscriber upon request shall be provided a conference with the Board of Trustees. ~~The board has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. Such procedures, one copy of which is on file in the office of the village clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full.~~ The procedure to resolve utility bills when a conference is requested by a domestic subscriber is: (1) the domestic subscriber's request shall be placed on the next board meeting agenda, provided that the request is made at least 24 hours in advance of said meeting; (2) the domestic subscriber will be given an opportunity at the meeting to contest any delinquent charges; (3) the board will determine what are the delinquent charges due; and (4) the board shall offer a payment plan for full payment of delinquent charges no later than 60 days from the date of the meeting, except that no payment plan shall be offered for a domestic subscriber who has been granted a payment plan within the last 90 days. Furthermore, the payment plan shall provide for interest at the rate of 12 percent per annum accruing from the original due date if a payment is missed under a payment plan. A copy of ~~such procedures~~ this Section shall be furnished upon the request of any domestic subscriber. The board shall notify the domestic subscriber of the time, place, and date scheduled for such conference.
C. This section shall not apply to any disconnections or interruptions of services made necessary by the village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Neb. Rev. Stat. § 70-1603, 70-1604).

SECTION 3. That Municipal Code §7-104 is hereby transferred to Municipal Code §11-711.

SECTION 4. That Municipal Code §11-711 is hereby amended as follows:

**SECTION 11-711: LIEN**

A. In addition to all other remedies, if a customer shall for any reason remain indebted to the village for utilities furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real

estate for which the same was furnished.

B. Whenever interest is charged pursuant to a payment plan approved pursuant to Section 11-710, the village clerk shall notify the owner of the subject premises via phone. The village clerk shall notify ~~in writing or cause to be notified in writing,~~ all owners of premises ~~or their agents~~ via certified mail whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent and whether they have entered into a payment plan pursuant to Section 11-710. It shall be the responsibility of all owners of a rented premises to provide their phone number to the village clerk, and all certified mailings required herein shall be sent to the address that the Antelope County Treasurer sends tax statements for a particular parcel.

C. It shall be the duty of the ~~utilities superintendent~~ village clerk on June 1 of each year to report to the Village Board a list of all unpaid accounts due for utilities service, together with a description of the premises served. The report shall be examined, and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. § 17-538, 17-925.01, 18-503)

SECTION 5. The reconnection fee referred to in Section 7-102(C) of the Municipal Code is hereby set at $25.00.

SECTION 6. That all ordinances or parts of ordinances in conflict be and the same hereby are repealed.

SECTION 7. That three-fourths of the Board of Trustees voted to suspend the requirement that this ordinance be read by title on three different days.

SECTION 8. That this ordinance shall be effective from and after its passage, approval and publication as provided by law.

SECTION 9. That this ordinance shall be published in pamphlet form and available for public inspection during normal village office business hours.

Passed and approved this 9 day of September, 2024.

VILLAGE OF CLEARWATER, NEBRASKA

By: _____
Chairperson Kelly Kerkman

ATTEST:

_____
Angie Hupp, Village Clerk

CERTIFICATION

I, Angie Hupp, clerk of the Village of Clearwater, Nebraska, hereby certify that the foregoing is a true and complete copy of Ordinance No. 2024-6 of said village, duly passed and approved according to the law on the 9 day of September, 2024. I certify that said ordinance was published in pamphlet form.

_____
Angie Hupp, Village Clerk

(S E A L)