

City of Seward, NE
Friday, August 21, 2020

Chapter 370. Utilities

Article I. Discontinuance of Service

(Neb. RS 70-1605 et seq.)

§ 370-1.1. Domestic subscribers.

[Amended 9-4-1979 by Ord. No. 1179; 9-21-1982 by Ord. No. 20-82; 9-18-1984 by Ord. No. 29-84; 4-16-1991 by Ord. No. 10-91; 8-17-1999 by Ord. No. 39-99; 11-21-2006 by Ord. No. 29-06]

- A. The municipality shall have the right to discontinue services and remove its properties if the charges for such services are not paid prior to the date that the same become delinquent. If the consumer shall neglect or refuse to pay his bill on or before the delinquent date, the City, through the Electric Superintendent, shall discontinue service until all amounts in arrears are paid, together with the service charges to resume service. Before any termination, the Department of Utilities shall first give notice to any domestic subscriber whose service is proposed to be terminated. Such notice shall be given in person, by first class mail, or by electronic delivery, except that electronic delivery shall only be used if the subscriber has specifically elected to receive such notices by electronic delivery. If notice is given by first class mail, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days. If disconnect proceedings have begun in the Utility Office, after the stated date and time, a labor charge as set from time to time by the City Council shall be paid by the consumer during regular working hours. If disconnect proceedings have occurred and service is requested at any time other than regular hours of the Electric Department employees, the consumer shall be charged with a labor charge as set from time to time by the City Council. (Neb. RS 70-1605)^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- B. The notice shall contain the following information:

- (1) The reason for the proposed disconnection;
- (2) A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
- (3) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
- (4) The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
- (5) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
- (6) A statement that the Department may not disconnect service pending the conclusion of the conference;

- (7) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Department of Utilities within five days of receiving notice under this section and will prevent the disconnection of the Department's services for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any due account;
- (8) The cost that will be borne by the domestic subscriber for restoration of service;
- (9) A statement that the domestic subscriber may arrange with the Department for an installment payment plan;
- (10) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
- (11) Any additional information not inconsistent with this section which has received prior approval from the governing body.
- (Neb. RS 70-1606)
- C. A domestic subscriber may dispute the proposed discontinuance of service by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue services. (Neb. RS 70-1609)
- D. The procedures adopted by the governing body for resolving utility bills, three copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full.
- E. This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

§ 370-1.2. Commercial customers.

[Amended 10-5-1982 by Ord. No. 27-82; 4-16-1991 by Ord. No. 11-91; 8-17-1999 by Ord. No. 40-99; 8-21-2007 by Ord. No. 23-07^[1]]

Utility bills shall be mailed to the commercial consumers on or about the 25th day of each month and shall be considered delinquent on the 15th day of the following month. If the commercial consumer shall neglect or refuse to pay his bill by the delinquent date, the City, through its Electric Superintendent, shall discontinue service until all amounts in arrears are paid, together with the service charge to resume services. Before any termination, the Department of Utilities shall first give notice. Such notice shall be given in person, by first class mail, or by electronic delivery, except that electronic delivery shall only be used if the subscriber has specifically elected to receive such notices by electronic delivery. Such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least three days after notice is given. If disconnect proceedings have begun in the Utility Office after the stated date and time, a labor charge as set from time to time by the City Council shall be paid by the consumer during regular working hours. If disconnect proceedings have occurred and service is requested at any time other than regular hours of the Electric Department employees, the consumer shall be charged with a labor charge as set from time to time by the City Council.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*