

ORDINANCE NO. C2018-1

AN ORDINANCE CONCERNING UTILITY BILLING AND THE COLLECTION OF PAYMENTS FOR SERVICES, AMENDING CERTAIN SECTIONS WITHIN TITLE 8 (UTILITIES), CHAPTER 6 (SERVICE RATES AND CHARGES), ARTICLE A (DELINQUENT ACCOUNTS) OF THE GALLUP MUNICIPAL CODE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO, that:

Section 1. Section 8-6A-1 of the Gallup Municipal Code is amended to read:

8-6A-1: DEFINITIONS:

The following terms are defined for purposes of this article. Any terms not specifically defined herein are meant to have their common dictionary meanings.

LEGITIMATE FINANCIAL HARDSHIP: A sudden unforeseen unexpected family medical emergency, death of an immediate family member, divorce, military deployment, domestic violence victimization, job loss, or accident resulting in significant property loss or personal injury.

NONRESIDENTIAL CUSTOMER: Any account holder who is not a residential customer, including, but not limited to, commercial, business, corporate, charitable, nonprofit organizations, religious organizations, industrial, and governmental units.

PAYMENT ARRANGEMENT: A written and signed agreement to pay on a delinquent amount requiring more than one month. Amounts not exceeding one thousand dollars (\$1,000.00) may be approved by customer care management. Amounts exceeding one thousand dollars (\$1,000.00) will be approved by the city manager or designee.

PAYMENT EXTENSION: Extends customers up to seven (7) calendar days of the preliminary cut off notice to avoid disruption of service.

RESIDENTIAL CUSTOMER: A person who occupies a utility service physical address which is zoned for residential occupation under the city zoning ordinances and is actually used for a private personal dwelling space, including, but not limited to, houses, mobile homes, and apartment buildings.

SERIOUSLY OR CHRONICALLY ILL: A person with a life-threatening, permanent, or protracted, physical condition under long-term medical treatment which is likely to persist for an indefinite period of time. The account customer must obtain and present to the city a written statement from a licensed physician, physician's assistant, osteopathic physician, osteopathic physician's assistant, or certified nurse practitioner that certifies that discontinuance of utility service might endanger a resident's health or life. The written statement will need to be updated annually.

Section 2. Section 8-6A-3 of the Gallup Municipal Code is amended to read:

8-6A-3: RESIDENTIAL AND NONRESIDENTIAL CUSTOMERS:

A. All utility bills will be due and payable in full twenty-eight (28) calendar days after bill date.

B. If full payment has not been received by the city thirty-six (36) calendar days after the bill date a late fee of twenty-five dollars (\$25.00) will be assessed to the account. An automated phone system will attempt to reach the account customer at the phone number provided, to advise the customer to make a payment to avoid termination of service.

C. Unless a payment extension is made within three (3) business days of the preliminary cutoff notice, the city will terminate all utility services to the subject location. Payment extensions are limited to three (3) occurrences per account, per year.

D. Once city utility service is terminated, it will not be restored unless the utility customer pays all delinquent amounts due, including all assessed fees and fines.

1. An administrative processing fee of sixty dollars (\$60.00) will be assessed on residential accounts and one hundred twenty dollars (\$120.00) will be assessed on commercial accounts if payment of delinquent amount and all fees and fines have not been credited to the account by 5:00 P.M. on the cutoff date.

2. If full payment of delinquent amount and all fees and fines are received on the same day service was cutoff, there will be no after-hours administrative processing fees to turn services back on. If full payment of delinquent amount and all fees and fines are received after 3:30 P.M. on any subsequent day service was cutoff, the customer will have the option to pay an additional after-hours administrative processing fee of thirty-five (\$35.00) dollars to restore service that day, or wait until the following day to have services restored.

E. Delinquent account payment agreements not exceeding one thousand dollars (\$1,000.00) may be approved by Customer Care management. All delinquent account payment arrangements exceeding one thousand dollars (\$1,000.00) may only be approved by the city manager or designee.

F. Failure to comply with the terms of a written account payment agreement by a city utility customer will be cause for immediate termination of utility service.

G. The existence of extraordinary compelling circumstances will allow the city manager to vary utility cutoff, restoration of service, and payment terms for residential customers. Said circumstances will be documented and placed in the customer's utility account file. Such waivers of customary practice will be temporary and only allowed in a manner which minimizes financial loss or risk to the city.

H. A ninety (90) day time limit will be imposed on all bona fide billing disputes. If a utility customer does not dispute their bill within ninety (90) days of the bill date, the charges therein will be considered proper and owed by the customer

I. In cases of utility meter tampering, bypassing or diversion of electric or water meters, the customer's account will be charged \$150.00 per service. In addition, the customer will be charged for the amount due for usage, all material and labor necessary to repair or replace damaged equipment, and any other costs necessary to correct service diversion where there is no damage to city equipment, including incidents where service is reconnected without authority.

J. Deposits for residential and nonresidential customers:

1. The service deposit to be made by any utility account customer requesting service will be a minimum of one hundred fifty dollars (\$150.00) for all residential customers or based on two (2) months of historical usage at the service location according to city utility records, whichever is greater.

2. Nonresidential deposits will be based on two (2) months of historical usage at the service location. If utility service has never been provided at the subject location, the city will require a deposit based upon the type of activity to be carried on at the service location in conjunction with similar usage by other city utility customers of similar size and type. Deposits for newly constructed buildings with no prior service will be determined by meter class such as medium, large, or industrial service size as determined by the electric and water directors or their designees.

3. Customer Care management will authorize the waiver of the deposit requirements set forth in this section for new service accounts to customers providing sufficient proof of having exceptional payment history of two (2) years from the previous utility providers of electric and water service.

4. Customer Care management will require an additional deposit on accounts that have been shut off for nonpayment. The customer's deposit will be credited to their account after twenty-four (24) consecutive months of timely payments.

5. No interest will be paid on utility deposits and no refund to the customer account will be made upon termination of their utility service until final full payment has been received by the city on all amounts owed under the subject utility account.

Section 3. Section 8-6A-6 of the Gallup Municipal Code is amended to read:

8-6A-6: RETURNED PAYMENTS:

A charge of thirty-five dollars (\$35.00) will be added to the amount due whenever payment on a utility account is made which does not clear the bank. Any account with two (2) non-sufficient charges assessed to the account will be classified as a cash-only account.

Section 4. Sections 8-6A-7(A) through 8-6A-7(C) "PROJECT GALLUP CARES" of the Gallup Municipal Code as they existed prior to the effective date of this Ordinance are hereby repealed.

Section 5. Section 8-6A-8(A) of the Gallup Municipal Code is amended to read:

A. Utility service will not be discontinued to a private residence where a seriously or chronically ill person permanently resides, except as provided herein, if the residential account customer who is obligated to pay the account provides sufficient verified documentation to the city that they do not have current adequate financial resources to pay the account charges in full. Verification of financial status will be determined every ninety (90) days.

Section 6. Section 8-6A-8(B) of the Gallup Municipal Code is amended to read:

B. The account customer must obtain and present to the city a written statement from a licensed physician, physician's assistant, osteopathic physician, osteopathic physician's assistant, or certified nurse practitioner on a city provided form that certifies that discontinuance of utility service might endanger a resident's health or life. The certificate will be delivered to the city prior to any claim of protection under this provision and on or before November 15 of each subsequent year that utility service is provided.

Section 7. Section 8-6A-9 of the Gallup Municipal Code is amended to read:

8-6A-9: LIMITATION ON DISCONTINUANCE OR DISCONNECTION OF ELECTRIC UTILITY SERVICE DURING THE WINTER HEATING SEASON:

A. Except as provided herein, unless requested by the utility customer, the city will not discontinue or disconnect electric utility service to a residential customer from November 15 through March 15 for nonpayment of their electric bill, if the customer is eligible under state law for the low income home energy assistance program (LIHEAP).

B. Any customer wishing to qualify for deferral of payment of their electric bill will:

1. Submit a request in writing to the city customer service division with sufficient documentation to demonstrate eligibility for LIHEAP.

2. The application must be submitted on or before November 15 of each year.

3. The customer must pay their water, wastewater, and solid waste monthly bills in full during the winter heating season to remain eligible.

4. Any arrearage due to nonpayment of the electric bill must be paid in full on or before the next year's winter heating season (November 15) in order for the customer to be eligible for the ensuing winter heating season electric bill deferral.

5. Utility customers having difficulty in paying their winter heating bill are strongly encouraged to enter into an equal monthly payment budget plan with the city customer service division.

6. Any customer who defaults on a payment plan or fails to pay their utility bill as agreed will be subject to discontinuance or disconnection of all city utility services and said

service will not be restored unless suitable written payment arrangements are made, including payment of reconnection fees.

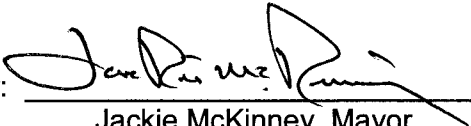
7. Any variance of payment terms, discontinuance or disconnection or service procedures, waiver of charges or fees, and extension of payment terms must be approved in writing by the city manager or designee

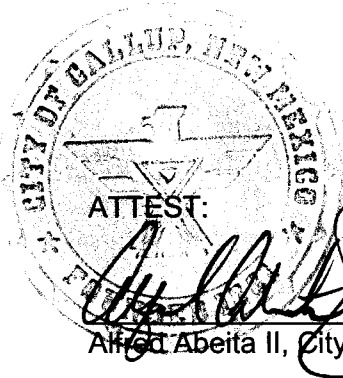
Section 8. Sections 8-6A-8 and 8-6A-9 of the Gallup Municipal Code as they existed prior to the effective date of this Ordinance are hereby renumbered respectively.

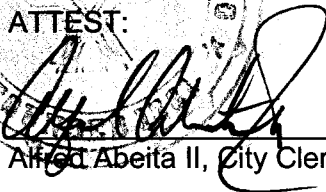
Section 9. This ordinance shall become effective thirty (30) days after the date of adoption.

PASSED, APPROVED AND ADOPTED this 27th day of February 27, 2018.

CITY OF GALLUP, NEW MEXICO

By: 
Jackie McKinney, Mayor




Alfred Abeita II, City Clerk

LEGAL NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that a meeting of the governing body of the City of Gallup, New Mexico will take place on Tuesday, February 27, 2018 at 6:00 p.m. in the Council Chambers at City Hall, Second Street and Aztec Avenue; Gallup, New Mexico, to consider final approval of the following entitled Ordinance:

AN ORDINANCE CONCERNING UTILITY BILLING AND THE COLLECTION OF PAYMENTS FOR SERVICES, AMENDING AND REPEALING CERTAIN SECTIONS WITHIN TITLE 8 (UTILITIES), CHAPTER 6 (SERVICE RATES AND CHARGES), ARTICLE A (DELINQUENT ACCOUNTS) OF THE GALLUP MUNICIPAL CODE

The purpose and subject matter of the Ordinance is contained in the title and provides amendments to the City's existing utility billing procedures, deposits for residential and nonresidential customers and charges of certain fees. A draft copy of the Ordinance is on file in the Office of the City Clerk, City Hall.

CITY OF GALLUP, NEW MEXICO

By: /s/ Alfred Abeita II, City Clerk

PUBLISH:

Friday, February 9, 2018

LEGAL NOTICE

**NOTICE OF ORDINANCE PASSAGE
BY TITLE AND SUMMARY
ORDINANCE NO. C2018-1**

PUBLIC NOTICE IS HEREBY GIVEN that the governing body of the City of Gallup, New Mexico, at its regular meeting of February 27, 2018 passed, adopted and approved the following entitled Ordinance:

AN ORDINANCE CONCERNING UTILITY BILLING AND THE COLLECTION OF PAYMENTS FOR SERVICES, AMENDING CERTAIN SECTIONS WITHIN TITLE 8 (UTILITIES), CHAPTER 6 (SERVICES RATES AND CHARGES), ARTICLE A (DELINQUENT ACCOUNTS) OF THE GALLUP MUNICIPAL CODE

The purpose and subject matter of the Ordinance is contained in the title and provides amendments to the City's existing utility billing procedures, deposits for residential and nonresidential customers and charges of certain fees.

A complete copy of the Ordinance is on file in the Office of the City Clerk, City Hall.

CITY OF GALLUP, NEW MEXICO

By: /s/ Alfred Abeita II, City Clerk

PUBLISH:

Friday, March 2, 2018