

**TECHNICAL CORRECTIONS TO AN ORDINANCE OF THE CITY OF
HENDERSONVILLE CITY COUNCIL TO ADOPT AMEND CHAPTER 52 OF THE
CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE**

WHEREAS, City Council adopted an ordinance to update provisions of Chapter 52 of the City Code of Ordinance to implement the revised policies and procedures; and

WHEREAS, certain technical corrections are necessary;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HENDERSONVILLE, NORTH CAROLINA THAT:**

SECTION 1. This Ordinance shall be known as “Technical Corrections to An Ordinance to Update Chapter 52 of the Code of Ordinances for the City of Hendersonville for Billing and Collection of Utility Services Accounts.”

SECTION 2. That Chapter 52 of the Code of Ordinances, City of Hendersonville, North Carolina is hereby amended to read as follows:

Chapter 52 UTILITIES

ARTICLE I. IN GENERAL

Sec. 52-10. Application for service.

Application shall be made for water, sewer, solid waste removal or any other utility service that may be furnished by the city, which shall be required in writing. Such application shall include, but not limited to, the name and address(es) of the applicant, the type of utility service desired, the purposes for which the application is made and such other information as may be required by the city. Once submitted and approved, an application shall constitute a contract for utility service between the applicant and the city, with the terms being the city's standard utility service contract terms and conditions, duly adopted utility service policies, and this Chapter 52 of the Hendersonville Code of Ordinances being incorporated therein. The Finance Director shall have the authority to enter into the utility services agreements with customers on behalf of the city, and to determine the standard terms and conditions of the agreement, provided however that such terms and conditions are consistent with the terms of this Chapter 52, as amended.

With the exception of stormwater services, all properties (and if there is more than one connection on a property, all connections) must be subject to a utility services agreement in order to be eligible to receive utility services. No connection shall be made to any sewer or water lateral except after the utility services agreement has been entered. In addition to any other available remedy, violation of this section is also a misdemeanor as provided in section 1-6

The Utilities Director and Finance Director shall each be authorized to order the disconnection of a property (or a connection on the property) from utility service if ~~neither the property owner nor the non-owner-occupant of the property (for non-owner-occupied properties)~~ fails to submit an application for service and enters into the city's standard utility services agreement within five (5) days of being notified

on behalf of the city, in writing, that there is no utility services agreement on file with the city for the property (or for one or more connections on the property).

ARTICLE II. RATES AND CHARGES

Sec. 52-49. Rates, charges and fees to be determined by council.

The rates, charges and fees imposed for the use and enjoyment of any utility service furnished by the city to consumers or users thereof shall be as determined by the city council from time to time. All properties on which one or more water meters have been placed for service shall be subject to a base fee charge for each water meter placed. The property owner shall be liable for payment of such base fee. The property owner shall also be liable for payment of any stormwater fee assessed against the property; however a non-owner occupant may assume liability for payment of the base fee and the stormwater fee(s) by entering into a utility service agreement for the receipt of one or more utility services at the property. In such event, the non-owner occupant and the property owner shall be jointly and severally liable for payment of the base fee and the stormwater fee(s). Stormwater, water and sewer, and sanitation collection rates, fees and charges will be billed together on the same invoice.

Sec. 52-50. Payment.

- (a) The rates, charges and fees fixed and prescribed by the provisions of this article shall be due and payable on or before the 20th day following the date of billing. The due date shall be clearly and legibly printed on the bill.
- (b) All partial payments, or any amounts which do not constitute full satisfaction of the total fees and charges for all utility services rendered by the stormwater department, water department, sewer department or the environmental services department of the city, and levied against any person or property who, or which, shall be the recipient of such services, shall be allocated and distributed in satisfaction of such fees and charges in the following order of priority:
 - (1) Miscellaneous Fees and Charges
 - (2) Stormwater Fees and Charges
 - (3) Fees and charges incurred for the collection and disposition of residential, commercial or industrial garbage, trash or any other waste or refuse by the city environmental services department.
 - (4) Sewer Fees and Charges
 - (5) Water Fees and Charges

Sec. 52-52. Resumption of service; reconnection fee.

Any consumer of the utility services furnished by the city whose utility services have been disconnected or terminated at a property for the nonpayment of the rates and charges therefore may have such utility services resumed by paying all rates and charges due by him or her to the city for that property, and in addition thereto, the currently required reconnection fee and all other fees or charges that may be applied by the city. Additionally, where the applicable utility service agreement allows, the city may require that all outstanding utility service accounts having an outstanding balance be paid in full prior to service being re-established at the property.

Sec. 52-53. Voluntary temporary discontinuance of service.

Consumers wishing to temporarily discontinue the use of any utility service furnished by the city, as for example when they will be out of town for an extended period of time, must give written notice thereof at customer service in the finance department. Customers shall remain liable for payment of all utility service fees incurred during such temporary discontinuance of service.

Sec. 52-54. Initiation of service.

All water and sewer services shall become active once the water meter (or sewer meter) is set into place including, but not limited to, new construction. Services shall become due and payable during the billing cycle immediately following service activation, regardless of physical connection.

Sec. 52-55. Correction of errors and leak adjustments.

Failure to receive a utility service fee bill is not justification for nonpayment. If it is determined that a customer has been billed incorrectly, an adjustment or a corrective bill will be issued.

If the customer has been overbilled, the city will ~~issue a corrective bill~~ calculate an adjustment for a maximum two year period of overbilling and will apply a credit to the account for the amount of the overbilling.

If the customer has been underbilled or not billed, the city will process a corrective bill for up to two- year of the underbilled/not billed charges and the customer will be liable to pay the amount not billed or the amount of underbilling.

The City Finance Director shall be authorized to implement a policy for adjusting a customer's bill for non-preventable water leaks.

The City Finance Director shall be authorized to enter into a payment plan (1) with a customer who has been underbilled; (2) to assist a customer in payment of a balance occurring due to a non-preventable leak; or (3) in other circumstances which in the discretion of the Finance Director warrant the entry of a payment plan with a customer to allow for the payment of an outstanding balance. Any such payment plan shall allow the customer to pay an outstanding balance over a period of time not to exceed twenty-four (24) months, except where a customer reasonably demonstrates that longer is needed for payment of the balance, the period of repayment may be for up to thirty-six (36) months. Payment plans shall be evidenced in writing, and such writing must provide that all utility service accounts and the payment plan payments must be kept current for the payment plan to remain effective. The Finance Director shall be authorized to accelerate the balance owed on the payment plan for a customer default.

SECTION 3. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 4. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 28st day of October, 2026.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney