

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND SECTIONS 44-51, 52-55 AND 24-253 OF THE CODE OF ORDINANCES TO SHORTEN THE PERIOD OF COLLECTION FOR CERTAIN BILLING ERRORS**

**WHEREAS**, the City of Hendersonville operates a water and sewer utility, providing collection and treatment services for a specified fee; and

**WHEREAS**, the City also provides certain solid waste collection services for a fee; and

**WHEREAS**, from time to time, utility accounts and solid waste collection accounts are underbilled, incorrectly billed, or not billed through no fault of the account customer ; and

**WHEREAS**, City Council wishes to shorten the time frame for backbilling of customers who were either underbilled, incorrectly billed, or not billed through no fault of their own.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina as follows:

1. Chapter 52, Utilities, Article II, Rates and Charges, Section 52-55 of the Code of Ordinances for the City of Hendersonville, Correction or Errors, shall be amended as follows:

**Sec. 52-55. Correction of errors.**

Failure to receive a utility service fee bill is not justification for nonpayment. If it is determined that a customer has been billed incorrectly, a corrective bill will be issued. If the customer has been overbilled, the City will issue a corrective bill for the entire determinable period of the overbill. If the customer has been underbilled or not billed, the City will process a corrective bill for up to one year of the underbilled/ not billed charges.

~~The owner of each parcel of land shall be obligated to pay such fee. If a customer is underbilled or if no bill is sent, the city may process a corrective bill to the owner up to two years. Adjustments shall be made to correct clerical and/or computer errors. If a customer is incorrectly billed, or not billed, or a bill is sent to the wrong party, the city may corrective bill the customer for the lesser of the actual period up to a two years for utility charges. Similarly, in the event customers are charged for services due to city error, a credit adjustment will be allowed only for amounts paid by the customer for charges incurred within the prior two years for utility charges.~~

2. Chapter 44, Environmental Services, Article II, Collection and Disposal, Section 44-51 of the Code of Ordinances for the City of Hendersonville, Rate Schedule, shall be amended as follows:

**Sec. 44-51. Rate schedule.**

Charges for collection of solid waste shall be set from time to time, and a schedule of such charges is on file and available in the city clerk's office. All solid waste accounts must be

processed through a water bill account or like collection program. [Section 52-55 of the Code of Ordinances shall apply to the collection of solid waste charges and fees.](#)

3. Chapter 24, Floods, Article IV, Stormwater Utility, Division 2, Establishment of Stormwater Service Charges and Credits, Section 24-253 of the Code of Ordinances for the City of Hendersonville, [Billing Method, responsible parties](#), shall be amended as follows:

**Sec. 24-253. Billing method, responsible parties.**

Bills for stormwater service shall be sent at regular, periodic intervals, which may range from monthly to yearly. Where a property owner is also receiving water and/or sewer services from the city, stormwater service charges may be billed on a combined utility bill that also contains charges for water and/or sewer service. [Section 52-55 of the Code of Ordinances shall apply to the collection of stormwater charges and fees.](#)

4. This Ordinance shall be effective, retroactive to June 1, 2023.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July 2023.

Attest:

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Barbara G. Volk, Mayor, City of Hendersonville

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Jill Murray, City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney

