

## **SECTION 2.01**

### **(2) TEMPORARY REDUCTION OF RESIDENTIAL USER RATE SEWER CHARGES:**

The Authority may, in its sole and absolute discretion, consider requests by customers of its sanitary sewer system for a temporary reduction in quarterly sewer charges due to exceptional circumstances provided that the following requirements are met and the written procedure is followed.

#### **A. REQUIREMENTS AND PRECONDITIONS FOR CONSIDERATION OF TEMPORARY REDUCTION OF USER RATE SEWER CHARGES:**

- 1) Property shall be connected to the sanitary sewer system.
- 2) Account for requested property shall be current; alternatively, the said property may be secured with a municipal lien if the account is delinquent at the time of request in which case the appropriate fee will be applied.
- 3) Residence on said property is empty, unoccupied, and one of the following factors is demonstrated by the applicant, to the satisfaction of the Authority, to exist:
  - a. Residence is under a listing contract for sale on the real estate market.
  - b. Residence is being remodeled and renovations are anticipated to exceed 4-6 months.
  - c. Residence has been destroyed by fire and is rendered inhabitable.
  - d. Residence has been rendered inhabitable.

#### **B. PROCEDURE FOR PROPERTY OWNER TO PRESENT REQUEST FOR TEMPORARY REDUCTION OF USER RATE SEWER CHARGES TO AUTHORITY:**

- 1) The property owner shall submit a signed, written request to the Authority's Business Office (Submission of request via e-mail or facsimile is accepted)
- 2) The property owner shall include within their signed, written request the following:
  - a. The physical address of the property
  - b. The Owner's name, current mailing address, and phone number
  - c. The reason(s) for the request of temporary reduction of user rate sewer charges
  - d. The anticipated time frame for the temporarily reduced user rate sewer charges
- 3) A designee of the Authority shall review the request for compliance with the requirements and preconditions above listed.
- 4) Provided the request meets the required conditions, the Authority may issue an options letter or alternatively, request additional information in which case the request will be considered incomplete and non-compliant.
- 5) The Authority shall have the right when such a request is filed to inspect the property prior to issuing an options letter.
- 6) Property owner shall execute the options letter and return said document to the Business Office of the Authority prior to any rate relief being effective.

#### **C. BILLING ADJUSTMENT**

- 1) The billing quarter following the billing quarter in which the executed options letter is executed and returned by the property owner shall be the first affected quarter in which the temporary reduction of user rate sewer charges will apply.
- 2) The temporary reduction shall not exceed 60% of the current user rate
- 3) The term of the temporary reduction of user rate sewer charges shall not exceed one year.

- 4) The Authority is not responsible to notify the property owner of the expiration of the temporary reduction.
- 5) For any consideration beyond one year, it is the responsibility of the property owner to provide a signed, written request compliant with section 201 (2) subsection A.
- 6) Upon the sale, foreclosure, or any change in property ownership, the temporary reduction of user rate sewer charges shall immediately expire and terminate.
- 7) The current user rate will be applied to the account commencing on the date of change of ownership and for all subsequent billing quarters.

#### D. ADMINISTRATIVE ENFORCEMENT OF VIOLATION, NON-COMPLIANT USER, AND/OR THEFT OF SERVICES

Violation of these Rules and Regulations shall be deemed a theft of service and prosecuted accordingly.

Violations of these Rules and Regulations are discovered through a variety of mechanisms. These may include but are not limited to Authority field inspections; reports from other governmental agencies; and reports from employees or citizens.

When the Authority determines that a violation of these Rules and Regulations has occurred, an investigation will be initiated. The purpose of the investigation is to evaluate the nature and extent of the violation. The results of the investigation shall be documented and the Authority will take appropriate enforcement measures.

The Authority may issue the immediate revocation of any previously granted rate reduction.

The Authority may pursue the Property Owner for theft of services under these Regulations or any other state or local ordinance which is violated.

The Authority may take action against the Property Owner for providing false information to the Authority.

The Property Owner shall be the responsible party in all events and shall be the subject of prosecution and enforcement under these regulations an all applicable state and local law.

#### E. ENFORCEMENT MEASURES NONEXCLUSIVE

The enforcement measures provided for in these Rules and Regulations are not exclusive. The Authority may take any, all, or any combination of these actions against a noncompliant user or Property Owner. The Authority may take any other enforcement action under applicable law against any user or Property Owner when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant user or Property Owner. The failure of the Authority to take any action under these Regulations shall not be deemed a waiver of such enforcement rights.