

**ORDINANCE NO. 94  
TO PROVIDE FOR THE COLLECTION OF  
PENALTIES ON PAST DUE ACCOUNTS  
FOR ELECTRICAL, WATER AND SEWAGE SERVICES**

WHEREAS, the Mayor and City Council of the City of Hampton find it to be in the public interest of the citizens of the City of Hampton to adopt provisions for the collection of late penalties on accounts which remain past due for ten days or more for electrical, water and sewage services; to provide an effective date for the ordinance; to repeal directly conflicting ordinances; and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Hampton, and it is hereby ordained by authority thereof:

**ARTICLE I - BILLING AND COLLECTION OF CHARGES**

A. Bills to customers for electrical, water and sewage services shall be mailed out on such day or days of the month as may be determined as desirable by the City. Bills shall be paid at the City Hall, and a failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve any person responsible therefor from payment of same.

B. The failure of electrical, water and sewage service customers to pay charges when due shall result in the automatic imposition of a penalty of \$3.00.

C. All bills shall be due on or before the 10th day following the issuance thereof.

**ARTICLE II - REMEDIES**

Upon non-payment for electrical, water and sewage services by any customer, the City may exercise one or more of the following non-exclusive remedies:

A. The Mayor shall be empowered to terminate electrical services for failure of customers and property owners of the City to pay their bills. The Mayor, prior to the termination of service for nonpayment of bills, shall direct the City Clerk to issue the following notice to the customer and/or property owner:

Dear Customer: Your bill for electrical/water and sewage service for the month(s) of \_\_\_\_\_ has not been paid. Your present amount due the City is \$\_\_\_\_\_ for electrical service; \$\_\_\_\_\_ for water service and \$\_\_\_\_\_ for sewage service. Delinquent payment penalties have been assessed in the amount of \$\_\_\_\_\_. If your bill is in error, or if you have a legitimate complaint to file with the

City concerning your bill, you must appear before the City Clerk on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ .m. to discuss any discrepancies that might exist. Failure to appear before the Clerk will result in the termination of electrical/water/sewage service to you on \_\_\_\_\_.

If the customer and/or property owner fails to pay the bill and penalties prior to the hearing, and/or the customer and/or property owner fails to appear for the hearing set forth in the notice, the Mayor shall be authorized to terminate electrical service on the date specified in the notice.

B. The City, at the discretion of the Mayor, may issue, record and enforce a Writ of Fieri Facias (fi. fa.) upon the property upon which the services were provided.

C. The City, at the discretion of the Mayor, may institute civil proceedings in a court of competent jurisdiction against the customer, owner or other responsible person.

**ARTICLE III - REPEALING PROVISIONS; SEVERABILITY AND EFFECTIVE DATE**

A. Any Ordinance in conflict herewith is hereby repealed, specifically including Ordinance No. 48.

B. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Mayor and Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

C. This ordinance shall become effective January 1, 1997.

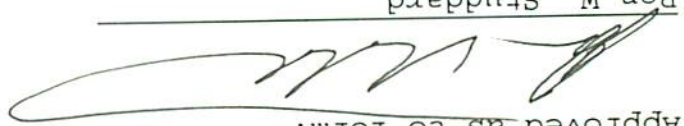
First Reading: November 12, 1996.

Second Reading: December 10, 1996.

ADOPTED this 10th day of December, 1996.

[Signatures Appear on Following Page]

Ben W. Studdard  
Attorney for the City of Hampton

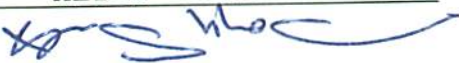
  
Approved as to form:

Elaine D. Haynes, City Clerk



ATTEST:

MAYOR TOMMY N. SMITH



I hereby certify that the foregoing is a true and accurate copy of an ordinance of the City of Hampton adopted December 10th,

1996.

SEAL

*Elaine D. Haynes*

ELAINE D. HAYNES, CITY CLERK