

**AN ORDINANCE AMENDING ORDINANCE NO. 2017-4 CONCERNING
NON-SUFFICIENT FUNDS PAYMENTS**

WHEREAS, the City of Rockport, Ordinance No. 2017-4, An Ordinance Superseding Ordinance 1995-6, An Ordinance Adopting Rules, Regulations And Conditions Applying To Utility Service, And Superseding Ordinance 2011-7, And Ordinance Amending Ordinance No. 1995-5 Concerning Utility Reconnection Fees, And Superseding Ordinance No. 2017-2, An Ordinance Amending Ordinance No 2011-7 Concerning Utility Reconnection Fees, sets forth in Article II, Section 4, paragraph (d): “Payment must be made without regard to any counter claims, whatever, and failure to receive the bills does not relieve the customer of the responsibility for payment of the amount due. Payment by check which is subsequently returned to the utilities by a bank for any insufficiency shall not constitute timely payment of a bill. Further, a charge of \$25.00 will be made by the utilities against any customer’s insufficient check;” and,

WHEREAS, Article II, Section 4, paragraph (d) should be amended to state that the charge for payment checks or ACF transfers returned for insufficient funds should be increased from \$25.00 to \$50.00; and

WHEREAS, Ordinance No. 2017-4 does not include a prohibition against the utilities continuing to accept checks or ACH transfers from a customer after such customer tenders greater than one check or ACH transfer that is returned due to insufficient funds. The proper administration of the utilities dictates that no customer who has tendered greater than one check or ACH transfer that has been returned for insufficient funds should be permitted to tender a check or ACH transfer to the City of Rockport Utilities thereafter for the payment of utilities.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
ROCKPORT, INDIANA, as follows:

Article II Section 4 paragraph (d) of Ordinance No. 2017-4, An Ordinance Superseding Ordinance 1995-6, An Ordinance Adopting Rules, Regulations And Conditions Applying To Utility Service, And Superseding Ordinance 2011-7, And Ordinance Amending Ordinance No. 1995-5 Concerning Utility Reconnection Fees, And Superseding Ordinance No. 2017-2, An Ordinance Amending Ordinance No 2011-7 Concerning Utility Reconnection Fees, is hereby revoked in its entirety and replaced as follows:

Section 4. Payment of Bill

(d): "Payment must be made without regard to any counter claims, whatever, and failure to receive the bills does not relieve the customer of the responsibility for payment of the amount due. Payment by check or by ACH (automated clearing house) transfer which is subsequently returned to the utilities by a bank for any insufficiency shall not constitute timely payment of a bill. Further, a charge of \$50.00 will be assessed by the utilities against any customer who tenders a check or makes an ACH transfer that is returned for insufficient funds."


Article II Section 4 of Ordinance No. 2017-4 shall be amended with the following paragraph:

"(e): In the event that a customer tenders greater than one check or ACH transfer in payment of a utility bill to the City of Rockport Utilities that is returned due to insufficient funds, such customer shall be barred from using checks or ACH transfers as to pay utility bills, and such customer shall be obligated to pay his or her or its City of Rockport utility bill by cash, debit card, money order, or cashier's check."

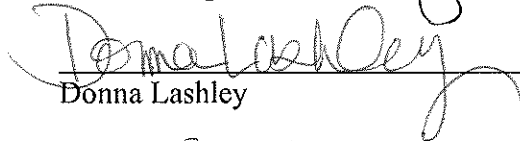
All other sections of Ordinance No. 2017-4, passed June 12, 2017, remain in full force and effect.

DULY ADOPTED BY THE CITY OF ROCKPORT, INDIANA this ____ day of November, 2024.

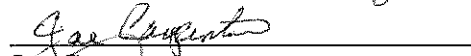
Common Council:



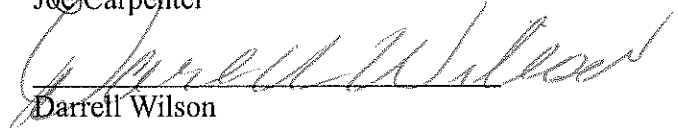
Connie Hargis



Donna Lashley



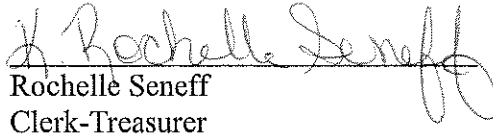
Joe Carpenter



Darrell Wilson

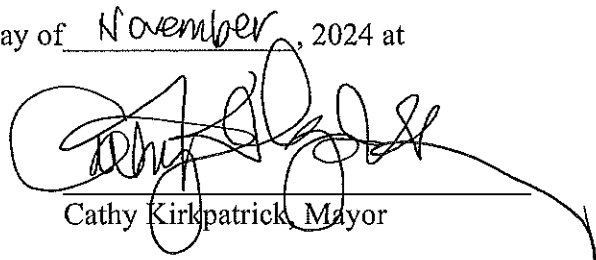
Todd Hayes

Presented by me to the Mayor of the City of Rockport, Indiana on the 14th day of Nov, 2024 at 6:08 o'clock p. m.



Rochelle Seneff
Clerk-Treasurer

Approved and signed by me this 14 day of November, 2024 at 6:08 o'clock p. m.



Cathy Kirkpatrick, Mayor