

RESOLUTION NO. 2013-1

A RESOLUTION OF  
THE BOARD OF PUBLIC WORKS AND SAFETY  
OF THE CITY OF SALEM, INDIANA  
ESTABLISHING DUE PROCESS PROCEDURES FOR  
DISCONNECTION OF WATER SERVICE

February 11, 2013

**BE IT RESOLVED** that the Board of Public Works and Safety of the City of Salem, Indiana now finds as follows:

1. The United States Circuit Court for the Southern District of Indiana entered an opinion in the case of Wayt v. Town of Crothersville, Indiana wherein Judge Sarah Evans Barker found that continued water utility service is a protected property right subject to due process of law.

2. According to this opinion, due process of law required before an individual's water utility service can be disconnected for nonpayment requires the opportunity for a hearing on the status of the utility bill that is delinquent.

3. The City of Salem, Indiana and the Salem Municipal Utilities do not presently have an established procedure for a water customer to request a hearing before a water service is disconnected for nonpayment of services.

**BE IT FURTHER RESOLVED** that any person who is delinquent on their combined water/sewer bill and is subject to disconnection for nonpayment thereof must be notified of their right to a hearing before the Salem Water Works Management Committee, consisting of the Mayor, Utility Office Manager, and the Water Work Superintendent, to determine the appropriateness of the disconnection.

**BE IT FURTHER RESOLVED** that if a Salem Municipal Utilities customer desires to request a hearing contesting the fairness of disconnection for nonpayment of their combined water/sewer bill, the customer must request such hearing in writing at the Office of the Salem Municipal Utilities, 201 E. Market Street, Suite 106, Salem, IN 47167, within seven (7) business days after the date of the mailing of a disconnection notice.

Dated this 11th day of February, 2013.

BOARD OF PUBLIC WORKS AND SAFETY  
CITY OF SALEM, INDIANA

By:

  
Mayor David L. Bower, Chairman

ATTEST:

  
Patricia E. Persinger, Clerk-Treasurer



City of Salem Municipal Utilities  
 201 E Market St  
 Suite 106  
 Salem, IN 47167

Account Number	XXX XXXX XX
Customer Name	VALUED CLIENT
Minimum Payment Due	26.83
Amount Paid	



# DISCONNECT NOTICE

00001 \*0-1  
 VALUED CLIENT  
 1234 MAIN STREET  
 ANYWHERE US 12345



City of Salem Municipal Utilities  
 201 E Market St, Suite 106  
 Salem, IN 47167

Office phone: (812) 883-3937  
 Fax: (812) 883-0515  
 Emergency: After Hours - (812) 883-5100  
 Billing ?'s: Carol.brough@cityofsalemin.com

Account Number: XXX XXXX XX  
 Customer Name: VALUED CLIENT

Subject: Delinquent Payment Due  
 at Service Address: 1234 MAIN STREET

Our records indicate that your bill is past due in the amount of **\$26.83**

If payment is not received in our office by **03/29/2013** your service will be **disconnected**.

Service Balances:

Water	\$10.06
Sewer	\$16.77

**Total Amount Balance Due: \$26.83 Minimum Amount Due to Avoid Shutoff**

After 03/29/2013 there will be a Service Fee of \$40.00  
 And a **MINIMUM PAYMENT will be: \$66.83**

**THIS IS THE ONLY NOTICE YOU WILL RECEIVE. BILL MUST BE PAID IN FULL.  
 NO PARTIAL PAYMENT ACCEPTED.**

Water and Sewer Utility Office

## DISCONNECT NOTICE - Immediate Action Required

*If you dispute the appropriateness of this disconnection, you have the right to request a hearing before the Salem Water Works Management Committee during which you may be represented in person and by counsel or by any other person of your choosing. At this hearing, you may present orally or in writing your complaint and contentions. This hearing must be requested in writing within seven (7) business days after the date of this notice by submission to: City of Salem Municipal Utilities, 201 E. Market Street, Suite 106, Salem, IN 47167.*