

**CITY OF CROOKS  
ORDINANCE #342**

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, TO ADOPT A BUDGET BILLING PROGRAM FOR UTILITY SERVICES FOR CROOKS MUNICIPAL UTILITIES CUSTOMERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA, THAT:

Section 1. Budget Billing Program.

Residential (single-family or multi-family) utility customers, desiring to equalize their utility payments through the year using an estimate based on the previous twelve (12) consecutive months usage, may apply for participation in the Budget Billing Program. Customers remain fully responsible for the full account balance based on actual usage. Customers desiring to apply for the Budget Billing Program must do so by contacting the City of Crooks's utility billing personnel. Application shall be made on a form furnished by the City of Crooks.

Section 2. Duration of Budget Billing Program and Renewal.

The duration of the Budget Billing Program shall be for a period of twelve (12) consecutive months and shall be reviewed, recalculated, and renewed annually at a time determined by the City as outlined in Section 4. Method of Payment Calculation.

Section 3. Eligibility Requirements – Initial enrollment, enrollment renewal & enrollment continuation.

To qualify for enrollment and continued participation in the Budget Billing Program, customers must meet the following eligibility requirements:

- a) The customer must be a residential, single and/or multi-family unit utility customer; however, multi-family units must have two dwellings or less.
- b) The customer must have a twelve (12) consecutive month billing history for the subject property prior to initial enrollment.
- c) The customer must have a current account at the time of application.
- d) The customer must pay any outstanding balance accrued during the previous period at the time of renewal to continue enrollment in the Budget Billing Program.
- e) The customer may request any credit balance at the time of recalculation be refunded or carried over on their account. Any credit balance will not be included in the recalculation of the budget agreement.
- f) The customer must have no more than two (2) late fees on their account within the immediately preceding twelve (12) month period.
- g) The customer must not have any payments returned for insufficient funds within the preceding twelve (12) month period at the time of enrollment.
- h) The customer must be the owner of the subject property.

- i) Lessees of the property shall not be eligible for participation in the program.
- j) Commercial and business customers shall not be eligible for participation in the program.
- k) Customers involuntarily removed from the program are ineligible to participate for a period of twelve (12) consecutive months, at which time enrollment can be reconsidered if all other requirements are met.

#### Section 4. Method of Payment Calculation.

The City shall calculate the customer's monthly payment at enrollment based on the average usage of metered services of the immediately preceding twelve (12) month period. Usage-based and fixed charges shall be assessed at the rates in place on date of calculation, or at the anticipated rates applicable for future periods. The customer may request the calculation prior to enrollment for the purpose of determining whether to enroll. The acceptance of the minimum budget payment as calculated by the City, or a greater amount as specified by the customer, shall be required as monthly payment amount, and said payment amount shall become binding until recalculated annually at a time determined by the City.

#### Section 5. Late Fees, Delinquent Accounts & Severability.

Late fee provisions and their applicability, as established by Ordinance #305 (and any duly passed Ordinance thereafter on the same subject), shall apply to customers enrolled in the Budget Billing Program. In the event a customer is involuntarily terminated from the program as defined in Section 6, the full account balance will be due with the next utility bill to avoid disconnection of services. The customer will not be eligible for reenrollment in the program for a period of twelve (12) months from the date of delinquency, provided all other terms for participation are met.

#### Section 6. Termination of Participation in Budget Billing Program.

At the time of termination from the program, whether voluntary or involuntary, the balance of the utility account becomes due with the next utility bill. The customer remains responsible for the full account balance based on actual usage.

Voluntary termination of participation in the Budget Billing Program, shall occur at the written request of the participant in the program.

Involuntary termination of participation in the Budget Billing Program shall occur when any one of the following instance(s)/conditions have been met:

- a) When the ownership of the property or utility account changes;
- b) When customer ceases to be a Crooks Municipal Utilities customer;
- c) When two (2) occurrences of late payments occur within a twelve (12) month period;
- d) When one (1) returned payment is received;
- e) When (1) non-sufficient payment is made;
- f) When services are disconnected due to delinquency.

Section 7. Accounts on budget billing to prior adoption of ordinance.

Those customers with accounts enrolled in budget billing prior to the adoption of this ordinance shall only remain eligible for participation if the requirements of Section 3 of this ordinance have been met for their accounts. Those customers who do not meet the eligibility standards for participation in budget billing will be removed from budget billing upon the effectiveness of this ordinance.

Section 8. Waiving of Part of Ordinance.

No section or provision of this ordinance shall be waived or modified.

Section 9. Separability.

If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstances held invalid, the constitutionality of the remainder of the ordinance, and applicability thereof to other persons or circumstances shall not be affected thereby; furthermore, any ordinance or provisions of ordinances herewith in conflict shall be repealed.

Aye: HARSTAD, RICHARDSON, BEYER, SCHUETTE

Nay:

Abstain:

Adopted this 10<sup>th</sup> day of June, 2024

  
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F. Butch Oseby, Mayor



Attest:

  
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Tobias Schantz, Finance Officer

Legislative History:

First reading: 05/16/2024

Second reading: 06/10/2024

Amendment: N/A

Additional reading due to substantial amendment: N/A

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