

ORDINANCE NO 448

AN ORDINANCE ESTABLISHING DELINQUENT ACCOUNTS POLICIES AND PROCEDURES, NON REFUNDABLE CONNECT FEES, TERMINATION OF SERVICE, DELINQUENT ACCOUNTS REFUSAL OF SERVICE, BILLING PENALTIES, CHARGE FOR INSUFFICIENT FUNDS CHECK AND REPEALING ORDINANCE NO. 388, 412, 425 AND ANY OTHER ORDINANCES OR PORTIONS OF EXISTING ORDINANCES OF THE CITY OF ROZEL, KANSAS, IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROZEL, KANSAS:

Section 1. DEFINITION. For purposes of this ordinance the following definitions will apply:

- a. UTILITY SERVICES shall include water, gas, sanitary sewer, or other utility services provided by the city.
- b. CUSTOMER shall mean the utility service account holder of record for each meter.
- c. PERSON shall mean natural persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitations.

Section 2. DELINQUENT ACCOUNTS. Unless otherwise provided, water, gas, sewer or any other utility service shall be terminated for nonpayment of service fees or charges in accordance with Sections 3 and Sections 4 of this ordinance.

Section 3. NOTICE: HEARING.

(a) If a utility bill has not been paid on or before the due date as provided in this ordinance, Section 7, a delinquency and termination notice shall be issued by the city clerk within five (5) days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

1. The amount due, plus delinquency charge of 10%.
2. Administrative Fee: Mailing of a delinquency notice shall add a \$10.00 administrative fee to the customer's account.
3. Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges:
4. Notice that the customer has the right to a hearing before the City Council and/or designated city employees;
5. Notice that the request for a hearing must be in writing and filed with the city clerk no later than three (3) days prior to the date for termination of service.

- a. Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three (3) working days following receipt of the request.

Section 4. HEARING FINDINGS. Following the hearing, if the City Council and/or designated city employees shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the City Council finds that service should be terminated, an order shall be issued terminating service five (5) days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The City Council has a right, for good cause, to grant an extension, not to exceed ten (10) days, for the termination of such service.

Section 5. NON-REFUNDABLE CONNECT FEE.

- a. All persons making application to the city for utility services shall, at the time of making the application, pay a non-refundable connect fee of \$25.00 for water/sewer and/or \$75.00 for gas for a total of \$100.00.
- b. Any person discontinuing utility service at one city location, and desiring to move established utility services at a different city location, shall make new application for utility service to the city, and shall, at the time of making the application, pay a non-refundable connect fee of \$13.00 for water/sewer and/or \$38.00 for gas.
- c. In the event that a particular party desires temporary interruption of utility services at a specified location, that person shall notify the clerk, with written request, that he or she desires temporary interruption of utility services, and the person's utility service shall be disconnected. Upon written request, made by the particular party, utility services shall be re-established at the same specified location. No fee shall be charged for the re-establishment of utility service specifically mentioned in this paragraph if the written request for re-establishment is made within three (3) months from the date the service was temporarily interrupted. Upon written request, made by the particular party, after the three (3) month period, utility services shall be re-established at the same specified location with a non-refundable connect fee of \$13.00 for water/sewer and/or \$38.00 for gas.

Section 6. DELINQUENT ACCOUNTS: REFUSAL OF SERVICE; TERMINATION OF SERVICE. In the event that any person shall fail to pay the fees or charges for such utility services, utility service shall be terminated as provided in section 4. The governing body may refuse the delivery of utility services, as permitted by law, until such time as the fees and charges are paid in full.

- a. If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided

by the city, the application shall not be accepted until all fees or charges are paid in full.

- b. If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises, shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
- d. If the leased premise account in the owner's name is delinquent, no new services may be established until all unpaid bills for utility services have been paid in full. A new non-refundable connect fee of \$25.00 for water/sewer and/or \$75.00 for gas for a total of \$100.00 would also be due to re-establish an account.
- e. The city may collect the amount of the unpaid bill for utility services by any lawful means, including but not limited to a lien upon customer's property.
- f. If utility services are found to be turned on by someone other than a person designated by the city, appropriate legal action will be taken.

Section 7. **BILLS USE; PENALTIES.** Water, gas and sewer charges shall be due and payable on the 5th day of the month following the month of service; and, if such charges are not paid by the 15th of the month, a penalty equal to ten (10) percent of the total combined charges shall be added to the customer's account; provided that all such service may be discontinued as provided in Section 3 of the code. An administrative fee of \$10.00 will be added to the customer's bill for delinquent notice.

Section 8. **CHARGE FOR INSUFFICIENT FUNDS CHECK.** A charge of \$30.00 per check shall be levied against any customer who pays for utility services with an insufficient funds check. This charge is in addition to any bank charges which may be levied as well. Services will be disconnected upon the city clerk's receipt of the insufficient fund check.

Section 9. **EFFECTIVE DATE:** This ordinance herein above shall become effective during the month of October 2013 as appropriate and upon its adoption by the City Council of Rozel and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF ROZEL, KANSAS, this 14th day of October, 2013.

Nancy C. Wilson
MAYOR

Attest:

Rick J. Flores
City Clerk