

ORDINANCE 1004

AN ORDINANCE AMENDING CHAPTER XV, SECTION 15-113 OF THE CODE FOR THE CITY OF MOUNDRIDGE, KANSAS AS ADOPTED BY ORDINANCE 888, CONCERNING UTILITY BILLS AND DELINQUENT ACCOUNTS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MOUNDRIDGE, KANSAS:

SECTION 1. AMENDMENT.

15-113. UTILITY BILLS; DELINQUENT ACCOUNTS

Section 1. **DEFINITION.** For purposes of Section 15-113 as amended, utility services shall include water, gas, electrical, sewer, and the collection or disposal of refuse, trash, garbage and other solid waste and other utility services provided by the city.

Section 2. **DELINQUENT ACCOUNTS.** Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with Sections 3 and 4.

Section 3. NOTICE; HEARING.

- (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five 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;
 - (2) 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;
 - (3) Notice that the customer has the right to a hearing before the City Administrator or his or her designee;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.

- (c) 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 working days following receipt of the request.

Section 4. **SAME; FINDING.** Following the hearing, if the City Administrator or his or her designee shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the City Administrator or his or her designee finds that service should be terminated, an order shall be issued terminating service five 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 hearing City Administrator or his or her designee has a right, for good cause, to grant one or more extensions and/or enter into payment plans in lieu of terminating services. Any such plan shall have provisions that upon breach of the payment plan services shall be terminated after service of five days' notice of the breach.

Section 5. **DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY.**

- (a) In the event that any person, except the United States or the state of Kansas, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in Sections 3 and 4 above. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.
- (b) In the event that any person, except the United States or the state of Kansas, residing, occupying, using or operating on property to which utility service(s) furnished by the city is not paid, the unpaid fees or charges shall constitute a lien upon the property to which the utilities are furnished. The amount of the unpaid fees or charges shall be certified by the governing body to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law.
- (c) The lien, described in subsection (b) of this section, shall not attach to property for unpaid utility fees or charges when:
 - (1) The utility service(s) have been contracted for by a tenant and not by the landlord or the owner of the property, or the agent of such person, to which the utility service is provided; or,
 - (2) The utility services are owed by the United States or the state of Kansas.

Section 6. **DELINQUENT ACCOUNTS; AFTER TERMINATION OF SERVICE; COLLECTION AGENCY.**

In the event that any citizen/debtor terminates utility service, without settling their account in full, they shall pay any and all charges related to the reasonable costs of collection of any fine/fee/costs of services, as well as any costs/assessments for clean-up of the property for a municipal violation that is the issue herein. This specifically applies to, but not limited to, charges for electricity, water, gas, trash, property code violation fines, municipal court fines, fees, court costs, interest accrued thereon, and any other debt due and owing to the municipality. The cost of collection includes, but are not limited to, court costs, surcharges, attorney fees, and collection agency fee, except that such costs of collection may not include both attorney fees and collection agency fees.

SECTION 2. REPEAL

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be in force and take effect from and after its adoption and publication on the Moundridge City website, www.moundridge.com, which website is designated the official newspaper of said City.

PASSED AND ADOPTED by the governing body of the City of Moundridge, Kansas, on this 10th day of May 2021.



KEVIN SCHMIDT, Mayor



ATTEST:



MURRAY MCGEE, City Clerk

AFFIDAVIT

STATE OF KANSAS)
) SS.
McPHERSON COUNTY)

Undersigned, the duly appointed and serving on behalf of the City Clerk for the City of Moundridge, Kansas, pursuant to the laws of Kansas and the ordinances, resolutions and Code of the City of Moundridge, being of lawful age, first being duly sworn, on oath states:

- On May 12, 2021, the attached was first posted by undersigned or designee on the City of Moundridge, Kansas website at www.moundridge.com and this Affidavit constitutes proof thereof.

FURTHER AFFIANT SAYETH NOT.

Murray T. McGee

 MURRAY MCGEE City Administrator

The foregoing instrument was subscribed and sworn to or affirmed before me this 29th day of April 2021 by Murray McGee, City of Moundridge, Kansas.

Angela M. Neufeld

 Notary Public

