

ORDINANCE NO. 446

**An ordinance providing for the billing and collection of utilities including water, sewer and residential solid waste collection by and for the CITY OF HOPE, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOPE KANSAS:**

Section 1. **CONFLICTS.** Notwithstanding conflicting provisions elsewhere in the ordinances of the City of Hope, Kansas, the provision of this ordinance shall supersede conflicting language found elsewhere.

Section 2. **DEFINITION.** For the purpose of this ordinance, utility services shall include water, sewer and residential solid waste (refuse) collection as provided by the city.

Section 3. **PAYMENT OF BILLS.** All utility service bills shall be due and paid at the Office of the City Clerk of Hope, Kansas, City Hall, 113 N. Main Street, or by mail, P.O. Box 307, Hope, Kansas 67451 on or before the 20<sup>th</sup> day of the month following the month for which the service was billed. All bills unpaid after the due date shall be considered **DELINQUENT** and subject to a 10% penalty. All bills not paid within ten days of the due date shall be considered **DELINQUENT** and subject to **DISCONTINUATION OF SERVICE**. Service for delinquent customers shall be discontinued if payment of all charges and penalties is not received according to this ordinance. Any property or customer with unpaid water service, sewer service, and/or residential solid waste service fees shall not be entitled to service until all items are paid in full which will include a \$25.00 reconnection fee. Payment will only be accepted by the city clerk at the location described above.

SECTION 4. **DELINQUENT ACCOUNTS.** Accounts are considered to be delinquent in accordance with section 3 of this ordinance. Unless otherwise specified, water, sewer and residential solid waste collection shall be terminated for nonpayment of service fees or charges in accordance with Section 5 and 6 of this ordinance.

SECTION 5. **DELINQUENT ACCOUNT PROCEDURES.** Unless otherwise specified, water utility service, sewer utility service and residential trash collection service shall be terminated for nonpayment of service fees or charges as follows:

1. Notice: If a utility has not been paid on or before the due date as provided in this ordinance, the city utility billing clerk will provide notification of the delinquency to the delinquent account holder by regular mail at his/her last known address. A copy shall also be mailed to the property owner or owner's representative/agent if the customer (occupant) and the owner of the property are not the same person.
2. Notice Contents. The notice shall state:
  - a. Notice of delinquency
  - b. Amount due plus delinquency charge
  - c. Service will be terminated if the amount due is not paid within ten (10) days of the due date unless that day shall be on a Monday, Friday, Saturday, Sunday or legal holiday in which event such notice will give the customer until the close of the next business day on which to pay the charges.

Section 6. **LANDLORD LIABILITY.**

1. Owners of premises served by utility service under this ordinance and ordinances designated in Section 1, above, shall be liable for payment of the cost of any utility service account

delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

2. In the event a delinquency arises involving leased premises, notice shall be effected and process taken according to Section 5 of the ordinance, inclusive.

Section 7. **REPEALED.** All ordinances or parts of ordinance of said City in conflict herewith are hereby repealed.

Section 8. **EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

**PASSED and APPROVED by the Governing Body of the City of Hope, Kansas on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.**

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**Ruby M. Davis, Mayor**

Attest:

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Linda C. Riedy, City Clerk