

ORDINANCE NO. 962

AN ORDINANCE REPEALING SECTIONS 204 THROUGH 209 OF CHAPTER 16 OF THE CODE OF THE CITY OF COTTONWOOD FALLS, KANSAS, 1976, AS AMENDED, AND ADOPTING NEW AND ALTERNATIVE PROVISIONS IN LIEU THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COTTONWOOD FALLS, KANSAS that:

SECTION 1. Sections 204 through 209 of Chapter 16 of Code of the City of Cottonwood Falls, Kansas, 1976, as amended, are hereby repealed and the following provisions are adopted in lieu thereof:

16-204. PENALTIES FOR LATE PAYMENT OF WATER CHARGES.

All bills for the delivery of water services shall be due and payable on or before the 11<sup>th</sup> day of each month following the month in which water is furnished, upon the next regular business day should the due date be either a Saturday, Sunday, or legal holiday. A penalty of ten percent (10) of the total amount of the charges for the water delivered shall be added to each bill not paid within the time so stated.

16-205. HEARING ON WATER BILLS.

A customer of the water department may request a hearing concerning his or her water bill including the payment thereof.

The City Clerk is hereby appointed as the Hearing Officer for the conduct of hearings requested on water bills by the water department customer.

A water department customer desiring a hearing must request said hearing by contacting the city clerk's office at least three working days prior to the date of discontinuance of service. Upon request, the City Clerk shall schedule a hearing for the water customer prior to the date and time for the customer's water service would be disconnected for non-payment of the customer's bill.

For reasonable grounds, the city clerk, as Hearing Officer, may extend the time for payment of customer's water bill and penalty provided for in 16-204 of this Code for a period of not to exceed two weeks before service will be disconnected for non-payment.

16-206. NOTICE OF DISCONNECTION OF WATER SERVICE.

Each water bill provided to a customer of the water department shall contain notification to the water customer that the bill for water service is due on the 11<sup>th</sup> day of the month following the month in which the water was furnished. The water bill shall notify the customer of the amount of water bill and the penalty provided for in 16-204, the date by which the bill must be paid before services will be disconnected, and the fact that the customer may request a hearing before the Hearing Officer regarding his or her water bill.

If a bill for water service remains unpaid two business days prior to the date water service will be disconnected for non-payment, a notice shall be given to the customers who have failed to pay their water bills. Said notice may be by mail or door hanger. Said notice shall at least notify the customer of the amount of the water bill and the penalty provided for in 16-204, the Charge added for giving said notice, the date by which the bill must be

paid before the service will be disconnected, and the fact that a customer may request a hearing before the Hearing Officer regarding his or her water bill.

If the water department has to give the aforesaid notice because a customer has failed to pay his, her or its water bill, an additional charge of eight dollars (\$8.00) shall be added to the customer's water bill for the giving of said notice.

16-207. DISCONNECTION OF WATER SERVICE.

If a customer's water bill with the penalty and additional charge for giving notice, if any, remains unpaid at 4:00p.m. on the 25<sup>th</sup> day of the month following the month in which the water was furnished, service will be disconnected at 8:00 a.m. on the 26<sup>th</sup> day of the month following the month in which the water was furnished. If the 26<sup>th</sup> day of the month following the month in which the water was furnished falls on a Saturday, Sunday or Legal Holiday, service will be disconnected on the next working day at 8:00 a.m.

If the Hearing Officer has granted an extension of time for payment of the customer's water bill as provided in 16-205, water service to the customer shall not be disconnected for non-payment until 8:00 a.m. of the next working day following the extension.

16-208. RECONNECTION CHARGE

If a water customer's service is disconnected because of failure to pay when due, a reconnection charge shall be charged in the amount of One Hundred and *No/100ths* Dollars (\$100.00) in addition to the water bill, penalty and notice charge before the water customer's water service may be reconnected.

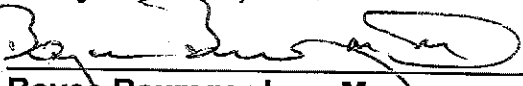
16-209. DISCRETION IN THE TAKING OF PAYMENT BY CHECK, FEES ASSOCIATED WITH RETURNED CHECKS.

The water department may, in its discretion, refuse to take payment from a water customer by check if said customer has given a worthless check to the water department on two or more previous occasions. If a check received from a water customer is returned unpaid for any reason, a fee of Thirty and *No/100ths* Dollars (\$30.00) shall be assessed to the water customer for said check, unless said fee is waived by the City Council.

SECTION 2. All ordinances and parts or provisions thereof which are in conflict with the provisions of this are hereby repealed.

SECTION 3. This ordinance shall be effective upon its adoption by the City Council, approval of the Mayor and publication in the official city newspaper.

**PASSED and ADOPTED this 7<sup>TH</sup> day of March, 2016.**

  
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Boyce Baumgardner, Mayor

ATTEST  
  
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Tiffany R. Bohnen, City Clerk

