

ORDINANCE NO. 397

AN ORDINANCE RELATING TO THE DISCONTINUANCE OF UTILITY SERVICES SOLD AND DELIVERED BY THE CITY OF WATHENA, KANSAS; PROVIDING FOR DISCONTINUANCE OF UTILITY SERVICES FOR NON-PAYMENT OF CHARGES; ESTABLISHING NOTICE REQUIREMENTS AND PROCEDURES THEREFOR; AND REPEALING SECTION 6 OF ORDINANCE NO. 354 AND ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITIONS. As used in this Ordinance, the following definitions shall apply:

(a) The term "City" shall mean the City of Wathena, Kansas, and the Governing Body thereof.

(b) The term "person" shall mean natural persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation through enumeration.

(c) The term "utility services" shall mean electrical energy service, water service and sanitary sewer service.

SECTION 2. DISCONTINUANCE OF UTILITY SERVICES. The City may discontinue or refuse utility services to any customer for any of the following reasons:

(a) When the customer requests.

(b) When a dangerous condition exists on the customer's premises as determined by the City Utility Superintendent.

(c) When the customer misrepresents his or her identity for the purpose of obtaining utility services.

(d) When the customer refuses to grant the City's utility services personnel access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.

(e) When the customer violates any rule, regulation or ordinance of the City, which violation adversely affects the safety of the customer or other persons, or the integrity of the City's utility services delivery systems.

(f) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage

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or use of utility services or the utility services delivery system situated or delivered on or about the customer's premises.

(g) When the City complies with the notice requirements and procedure for non-payment of bills provided in Section 3 of this Ordinance.

SECTION 3. NON-PAYMENT OF BILLS. (a) In the event that any statement of charges for utility services shall remain unpaid in whole or in part after the fifteenth day of the month in which the unpaid statement was issued, it shall be the duty of the City Clerk to mail immediately to the customer, at the last known address as shown on the City records, a notice of delinquency and discontinuance.

(b) The notice of delinquency and discontinuance shall provide the customer with the following information:

- (1) The amount due plus delinquency charge and interest;
- (2) The type of utility service;
- (3) The date on which utility services will be discontinued if the amount due is not paid, or if the customer fails to appear at a hearing on the hearing date set by the City.

(c) The notice of delinquency and discontinuance shall be substantially in the following form:

"NOTICE OF DELINQUENCY AND DISCONTINUANCE

TO: _____

Your (electrical and/or water and/or sanitary sewer) bill, in the amount of \$ _____ which was due _____, 19____, on date hereof, remains unpaid and is now delinquent. The delinquency charge to be added to your bill is \$ _____.

You are hereby notified that the City intends to terminate your service on _____ at _____ o'clock ____ .M., unless you pay the amounts due as above stated or unless good cause be shown why such service should not be terminated.

You are further notified that you are to appear in the Wathena City Hall on the _____ day of _____, 198____, at

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_____ o'clock __ M., then and there to show good cause, if any you have, as to why your above service should not be terminated for non-payment of charges and should you in any way fail therein, then you are notified that, immediately thereafter, such service will be cut off and terminated.

DATED: _____, 19__.

CITY OF WATHENA, KANSAS

BY: _____ "

(d) The hearing shall be conducted by the Governing Body of the City of Wathena or by the City Clerk or such other hearing officer or officers as may be appointed by the Governing Body of the City.

(e) At the hearing the customer and the City may present such evidence as is relevant to the issue, be represented by counsel, examine witnesses, and cross-examine witnesses, PROVIDED, HOWEVER, that formal rules of evidence shall not be followed.

(f) In the event the Governing Body or the City Clerk or such other hearing officer or officers appointed by the Governing Body finds utility services should not be discontinued, he or she shall so order and advise the City thereof.

(g) In the event the Governing Body or the City Clerk or such other hearing officer or officers appointed by the Governing Body finds utility services should be discontinued, he or she shall so order and advise the City thereof. Utility services shall be discontinued on the date that the order of discontinuance is issued by the Governing Body or the hearing officer, PROVIDED, HOWEVER, that extension of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The customer shall be given notice of the order of discontinuance in person, by mail or by posting said notice on the premises to which the utility service was provided.

(h) In making a determination of whether discontinuance should be ordered, the Governing Body or the hearing officer or officers shall consider, but not be limited to, the following factors: Whether discontinuance is dangerous to the health of the customer, the customer's family, or residents of the premises; the weather; and the medical conditions, ages or disabilities of the customer, family or residents of the premises.

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SECTION 4. REPEALER. Section 6 of Ordinance No. 354 and all other ordinances and parts of ordinances of the City of Wathena in conflict herewith shall be and the same are hereby repealed.

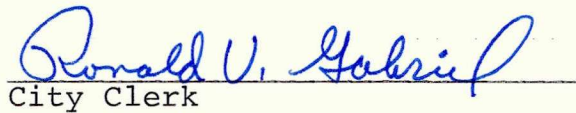
SECTION 5. EFFECTIVE DATE. This Ordinance shall be in force and take effect from and after its passage and publication in the official City newspaper.

19 PASSED by the Council and APPROVED by the Mayor on the day of August, 1986.


Mayor

ATTEST:

(CITY SEAL)


City Clerk