

ORDINANCE NO. 590

AN ORDINANCE RELATING TO ELECTRICAL AND WATER SERVICES PROVIDED BY THE CITY OF WATHENA, KANSAS, PROVIDING FOR A DEPOSIT PRIOR TO THE FURNISHING OF SAID UTILITY SERVICES, PROVIDING FOR COLLECTION AND PAYMENT FOR SAID SERVICES, PROVIDING FOR A PENALTY FOR DELINQUENT PAYMENTS, PROVIDING FOR THE TERMINATION OF SAID SERVICES, PROVIDING FOR A CHARGE FOR DISCONNECTION AND RECONNECTION OF SERVICES, PROVIDING FOR THE PLACE OF PAYMENT FOR SAID SERVICES, AND REPEALING ORDINANCE NO. 354 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. (a) SECURITY DEPOSIT FOR WATER SERVICE. That from and after the effective date of this Ordinance each applicant for water service shall make a cash deposit with the City of Wathena (herein City) in the amount of \$50.00. Such deposit shall serve as security for the payment of charges for water thereafter furnished by the City to the premises described in the application, provided, that said applicant shall be entitled to have the security deposit refunded after being a water user on said premises for three consecutive years and after establishing, in the opinion of the City Clerk, a record of satisfactory payment for water services during said three year period.

(b) PAYMENT OF ACCRUED BILLS FROM SECURITY DEPOSIT. In the event that water service shall be discontinued for failure to pay any bill due the City for water, or for any other reason, such security deposit shall be applied to the payment of any and all accrued bills and amounts due from the customer to the City, and if there shall remain any surplus of such deposit, the same shall be returned to the customer. In the event such cash deposit is insufficient to pay the amount due for water furnished, and other proper charges, the deficiency due shall constitute a personal liability of the customer. The City shall continue to hold the cash deposit made by each water customer as a guarantee for the payment of all future water bills but shall refund the same to the customer upon discontinuance of the use of such water service and the payment of all water bills, penalties and other charges to the date of the discontinuance of service.

SECTION 2. (a) SECURITY DEPOSIT FOR ELECTRICAL SERVICE. That from and after the effective date of this Ordinance each applicant for electrical service shall make a cash deposit with the City in the amount of

\$175.00. Such deposit shall serve as security for the payment of charges for electricity thereafter furnished by the City to the premises described in the application, provided, that said applicant shall be entitled to have the security deposit refunded after being an electrical user on said premises for three consecutive years and after establishing, in the opinion of the City Clerk, a record of satisfactory payment for electrical service during said three year period.

(b) PAYMENT OF ACCRUED BILLS FROM SECURITY DEPOSIT.

In the event that electrical service shall be discontinued for failure to pay any bill due the City for electricity, or for any other reason, such security deposit shall be applied to the payment of any and all accrued bills and amounts due from the customer to the City, and if there shall remain any surplus of such deposit, the same shall be returned to the customer. In the event such cash deposit is insufficient to pay the amount due for electricity furnished, and other proper charges, the deficiency due shall constitute a personal liability of the customer. The City shall continue to hold the cash deposit made by each electrical customer as a guarantee for the payment of all future electrical bills but shall refund the same to the customer upon discontinuance of the use of such electrical service and the payment of all electrical bills, penalties and other charges to the date of the discontinuance of service.

SECTION 3. DUE DATE FOR WATER AND ELECTRICITY ACCOUNTS. All water and electricity accounts owed to the City are due and payable in full on the first day of each month for the utilities used during the immediately preceding month.

SECTION 4. PAYMENT OF ACCOUNTS WITHOUT PENALTY. All water and electricity accounts may be paid between the first and tenth days of each month without a penalty being assessed against the user for late payment.

SECTION 5. PENALTY FOR LATE PAYMENT. Any water and/or electricity account not paid in full on or before the tenth day of each month shall be assessed a late payment penalty equal to ten percent of the amount of the unpaid account and such penalty shall be considered a part of the account and shall be immediately due and payable.

SECTION 6. DISCONNECTION OF SERVICE FOR FAILURE TO PAY ACCOUNT. If any water or electricity account in not paid in full, including penalty, by the third Monday of the month, then such utility services shall be terminated and disconnected by the City on the following day, provided, that the office of the City Clerk has first conducted a hearing to determine whether said

utility service should be disconnected. The utility user shall be notified of said hearing and shall have the right to attend the same and present evidence to the City Clerk's office of the reason for failure to pay the delinquent utility bill. No utility bill payment shall be extended pass the end of month in which the bill is due. The City will not extend a utility bill due on a rental property without authorization from the landlord.

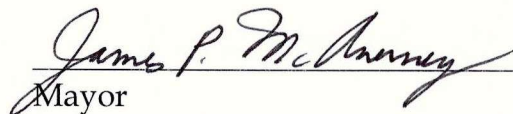
SECTION 7. CHARGES FOR SERVICE CONNECTION, DISCONNECTION AND RECONNECTION, AND ALL UNPAID CHECKS RETURNED TO THE CITY. A processing fee of \$25.00 shall be charged at the time service is established. In the event that water and/or electricity service shall be terminated and disconnected as authorized by section 6 of this Ordinance there shall be charge of \$15.00 assessed for the disconnection of any water service and a \$15.00 charge assessed for the disconnection of any electricity service and an equivalent sum shall be assessed against the customer for the reconnection of each of such services. Services to the customer shall not be resumed until payment in full of all delinquent bills, penalties, interest, disconnection charges and reconnection charges. A charge of \$25.00 will be assessed for all unpaid checks returned to the City.

SECTION 8. PLACE FOR PAYMENT OF ACCOUNTS. All water and electricity accounts shall be paid at the office of the City Clerk, at the City Hall in Wathena, unless otherwise designated by the City.

SECTION 9. REPEALER. Ordinance No. 354 and all other Ordinances or parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after the publication in The Kansas Chief, official City Newspaper.

PASSED by the Council and APPROVED by the Mayor on the 21st day of July, 2008.


Mayor

ATTEST:


City Clerk