

ORDINANCE NO. 1302

AN ORDINANCE AMENDING THE DATE SCHEDULE FOR THE CITY'S UTILITY BILLING CYCLE AND REPEALING ORDINANCES IN CONFLICT

WHEREAS, the City has determined that the currently used schedule for billing due dates, the dates for applying late fees, and the dates for administering utility disconnects for non-payment is ambiguous and subject to interpretation; and

WHEREAS, this ordinance is proposed in order to remove such ambiguity and allow for the efficient and timely administration of the billing, collection, and penalty process.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Baldwin City, Kansas, that:

Section 1. Section 15-117 of the Code of the City of Baldwin City, Kansas shall be amended to read as follows:

- “15-117. WATER BILLS. All water meters shall be read monthly and records of such readings kept for a period of five years
- (a) Statements will be sent to consumers on or about the 10<sup>th</sup> day of each month showing the water fee due for the preceding billing period, and the consumer shall be required to pay the bill in full by 5:00 p.m. on the 25<sup>th</sup> day (the “Due Date”) of that same month. If the Due Date is not a business day for the City, any payment received by the City by 5:00 pm on the next business day after the Due Date will be recorded as being paid on the Due Date.
  - (b) If the account is not paid in full by the Due Date, a late payment charge of ten percent (10%) of the amount due shall be added to the unpaid bill on the first business day following the Due Date.
  - (c) If the account is not paid in full by 5:00 p.m. on the 5<sup>th</sup> day of the following month (the “Termination Date”) in which the bill comes due, the water service shall be discontinued pursuant to sections 15-118:120 of this article. If the Termination Date is not a business day for the City, any payment received by the City by 5:00 pm on the next business day after the Termination Date will be recorded as being paid on the Termination Date. The service shall remain discontinued until the account is paid in full, including a charge of \$70.00 which shall be made for reconnecting such service.”

Section 2. Section 15-119 of the Code of the City of Baldwin City, Kansas shall be amended to read as follows:

- “15-119. Notice; hearing.
- (a) A delinquency and termination notice shall be issued 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 total amount due, including late payment charge;
  - (2) Notice that service will be terminated if the amount due is not paid by the Termination Date described in section 15-117(c);
  - (3) Notice that the customer has the right to a hearing before the city administrator or another designated hearing officer;
  - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later 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 business days following receipt of the request.”

Section 3. Section 15-120 of the Code of the City of Baldwin City, Kansas shall be amended to read as follows:

“15-120. Same; finding.

Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city administrator. If the officer finds that service should be terminated, an order shall be issued terminating service three days after the date of the order. The customer shall be notified either in person or by mailing a letter to his 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 officer has a right, for good cause, to grant an extension for the termination of such service.”

Section 4. Section 15-208 of the Code of the City of Baldwin City, Kansas shall be amended to read as follows:

“15-208. ELECTRIC BILLS. All electric meters shall be read monthly and records of such readings kept for a period of five years

- (a) Statements will be sent to consumers on or about the 10<sup>th</sup> day of each month showing the electricity usage fee due for the preceding billing period, and the consumer shall be required to pay the bill in full by 5:00 p.m. on the 25<sup>th</sup> day (the “Due Date”) of that same month. If the Due Date is not a business day for the City, any payment received by the City by 5:00 pm on the next business day after the Due Date will be recorded as being paid on the Due Date.
- (b) If the account is not paid in full by the Due Date, a late payment charge of ten percent (10%) of the amount due shall be added to the unpaid bill on the first business day following the Due Date.
- (c) If the account is not paid in full by 5:00 p.m. on the 5<sup>th</sup> day of the following month (the “Termination Date”) in which the bill comes due, the electricity service shall be discontinued pursuant to sections 15-118:120 of this article. If the Termination Date is not a business day for the City, any payment received by the City by 5:00 pm on the next business day after the Termination Date will be recorded as being paid on

the Termination Date. The service shall remain discontinued until the account is paid in full, including a charge of \$70.00 which shall be made for reconnecting such service.”

Section 5. Section 15-337 of the Code of the City of Baldwin City, Kansas shall be amended to read as follows:

“15-337. SEWER BILLING: COMBINED ON WATER BILLS: DELINQUENT ACCOUNTS: TERMINATION OF SERVICE.

- (a) The city clerk is hereby authorized to place the amount of sewer service charges on the monthly billing for water fees, which is to be sent on or about the 10<sup>th</sup> day of each month for the preceding billing period, and the consumer shall be required to pay the bill in full by 5:00 p.m. on the 25<sup>th</sup> day (the “Due Date”) of that same month. If the Due Date is not a business day for the City, any payment received by the City by 5:00 pm on the next business day after the Due Date will be recorded as being paid on the Due Date.
- (b) If the account is not paid in full by the Due Date, a late payment charge of ten percent (10%) of the amount due shall be added to the unpaid bill on the first business day following the Due Date.
- (c) If the account is not paid in full by 5:00 p.m. on the 5<sup>th</sup> day of the following month (the “Termination Date”) in which the bill comes due, the sewer service shall be discontinued pursuant to sections 15-118:120 of this article. If the Termination Date is not a business day for the City, any payment received by the City by 5:00 pm on the next business day after the Termination Date will be recorded as being paid on the Termination Date. The service shall remain discontinued until the account is paid in full, including a charge of \$70.00 which shall be made for reconnecting such service.”

Section 6. Section 15-410 of the Code of the City of Baldwin City, Kansas shall be amended to read as follows:

“15-410. SOLID WASTE BILLING.


- (a) The city clerk is hereby authorized to place the amount of fees for the collection of garbage, trash and refuse on the monthly billing for water fees for the preceding billing period, and the consumer shall be required to pay the bill in full by 5:00 p.m. on the 25<sup>th</sup> day (the “Due Date”) of that same month. If the Due Date is not a business day for the City, any payment received by the City by 5:00 pm on the next business day after the Due Date will be recorded as being paid on the Due Date.
- (b) If the account is not paid in full by the Due Date, a late payment charge of ten percent (10%) of the amount due shall be added to the unpaid bill on the first business day following the Due Date.
- (c) If the account is not paid in full by 5:00 p.m. on the 5<sup>th</sup> day of the following month (the “Termination Date”) in which the bill comes due, the solid waste service shall be discontinued pursuant to sections 15-118:120 of this article. If the Termination Date is not a business day for the City, any payment received by the City by 5:00 pm on the next

business day after the Termination Date will be recorded as being paid on the Termination Date. The service shall remain discontinued until the account is paid in full, including a charge of \$70.00 which shall be made for reconnecting such service.”

Section 7. Relevant portions of Ordinances No. 776, 1211 and 1239, and any other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent necessary to resolve such conflict.

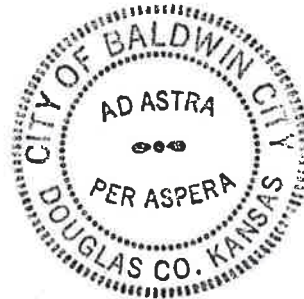
APPROVED AND ADOPTED by the Governing Body of the City of Baldwin City, Kansas this 7<sup>th</sup> day of October, 2013.

APPROVED:

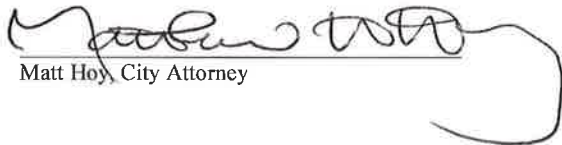
  
Marilyn Pearce, Mayor

ATTEST:

  
Collin Bielser, City Clerk



APPROVED AS TO FORM:

  
Matt Hoy, City Attorney