**ORDIANCE NO. 351**

AN ORDINANCE PROVIDING FOR UTILITY SERVICE TO PROPERTIES BY THE CITY OF GAYLORD, KANSAS, superceding all other ordinances providing for utility services passed prior to November 3, 2004.

Be it ordained by the governing body of the City of Gaylord, Kansas:

**Section 1. DEFINITION.**  For purposes of this ordinance utility services shall include water, sewer, and/or solid waste (trash) services provided by the City of Gaylord, Kansas.

**Section 2. PAYMENT OF BILLS.** All utility bills for the previous month’s service shall be paid on or before the 15th day of the month following the service unless the 15th shall be on a Sunday or legal holiday, on which event the bill is due by the close of the next business day.

 **Section 3. ADDITIONAL CHARGES.** Additional charges will be made as follows:

1. Fore any billings not paid when due, a late charge of $10.00 will be added to the bill.
2. For any insufficient fund checks returned to the City there will be a charge of $25.00.

**Section 4. DELINQUENT ACCOUNTS.** Unless otherwise, provided, water, sewer, and/or solid waste services shall be terminated for non-payment of service fees or charges in accordance with Sections 5:6.

**Section 5. NOTICE; HEARING.**

1. If a utility bills has not been paid on or before the due date, a delinquency and termination notice shall be issued by the City Clerk within five days after the delinquency occurs and mailed to the customer at the address provided to the city for mailing utility bills. A copy shall also be mailed to the occupant of the premises if the occupant of the premises and customer are not the same person.
2. The notice shall state:
3. The amount due, plus delinquency charge;
4. Notice that service will be terminated if the amount due is not paid by the date and time of next regular scheduled meeting of the governing body of the City of Gaylord.
5. Notice that the customer has the right to a hearing before the City Council;
6. Notice that the request must be in writing and filed with the City Clerk no later than three days prior to the date for termination of service.
7. Upon receipt of a request for a hearing, the City Clerk shall advise the customer of the date, time and place of the hearing, which will be held at the next regular scheduled meeting of the City Council.

**Section 6. SAME; FINDING.** Following the hearing, if the Council shall find that

Service shall not be terminated, notice of such finding shall be presented to the City Clerk. If the Council finds that the service should be terminated, an order shall be issued terminating service on the following day. If the order is made at the hearing in the presence of the customer, then no further notice need be given. If the customer cannot be notified in person, a notice terminating service five days from the date of the order shall be mailed to his or her billing address, return receipt requested. The City Council has a right, for good cause, to grant an extension for the termination of such service.

**Section 7. CONNECTION FEE.** A minimum fee of $50.00 shall be charged for connection to any City utility plus any additional expenses incurred to make such a connection.

**Section 8. RECONNECTION CHARGE.** A minimum fee of $25.00 plus any additional expenses incurred, shall be made each time utility service is reconnected by the City for any purposes which are the fault of the utility user. Any service disconnected for non-payment of a delinquent bill shall be reconnected only upon payment of the delinquent bill, delinquency charge (late charge), reconnection charge, and any additional expenses incurred in making the reconnection.

 **Section 9. LANDLORD LIABILITY.**

1. Owners of premises served by utility service 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 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, the owner or owner’s agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be mailed to the last known address of the owner or owner’s agent know to the City Clerk,. After reasonable inquiry. If the delinquent billing and late charges are not paid within 15 days of the mailing the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all utlity billing, late charges, and reconnection charge is paid in full.

**Section 10. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its adoption and publication in the Smith County Pioneer.

 Adopted and passed by the governing body of the City of Gaylord, Kansas, this 13th day of June 2005.

 Daryl Lehmann, Mayor

ATTEST:

Katherine J. Lehmann,

City Clerk