

ORDINANCE NO. 1021

AN ORDINANCE ESTABLISHING THE PROCEDURES REGARDING UTILITY ACCOUNTS AND PAYMENT OF CONNECTION FEES AND DEPOSITS.

Be it Ordained by the Governing Body of the City of Manchester, Kansas, that:

Section 1. New Ordinance. The following shall be incorporated as new Chapter 15, Article 1 of the Code of the City of Manchester, Kansas, and shall be worded as:

CHAPTER XV. UTILITIES

ARTICLE 1. GENERAL PROVISIONS

15-101. Definition.

For purposes of this article utility services shall include water, sewer, and other utility services provided by the city.

15-102. Delinquent accounts.

Unless otherwise provided, water, sewer, or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103.

15-103. Same notice, termination.

Water or other utility service shall be terminated for nonpayment of service fees or charges. Termination of service shall occur if such utility fee or charge is not paid in full at the city offices by the close of business on the 28th day of the month in which such fee or charge was billed to the customer. The city shall send delinquent notices for nonpayment of service fees or charges to the customer at the customer's last known address by the 16th of each month notifying the customer that service shall be terminated if such fee or charge is not paid in full at the city offices by the close of business on the 28th day of the month in which such fee or charge was billed to the customer. Any account which has not been paid in full by the 11th day of the month shall be assess a \$20.00 late fee.

15-104. Utility deposit.

(a) At the time of making application for utility service, the property owner or customer shall make a deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service, except for consumers who have established a good credit reference with the City's utility department. Receipt thereof shall be issued to each such depositor.

(b) Deposits for the utility services shall be in the following amounts:

(1) Water and Sewer Service - \$50

(c) The deposit so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the "meter deposit fund.

(d) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.

(e) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the utility fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended.

15-105. Landlord liability.

(a) Owners of premises served by utility service under this article 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 the 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. This subsection shall only apply to accounts which are in the name of the landlord or property owner.

(b) 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 sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry. If the delinquent billing, interest and penalty 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 billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.

(c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.

15-106. Change of account holder.

(a) Should the holder of a utility account die or leave permanently, the person still residing therein shall establish service under their name within 30 days of the triggering event.

(1) In the case of a death, a spouse continuing to live at the residence shall be named as the account holder on the existing account without need for a new account application or deposit.

(2) In the case of the account holder permanently leaving the residence, the remaining resident shall make application for the utilities to change to a new account under their name. All requirements for deposits shall apply.

(3) A triggering event shall include absence from the residence or death.

(b) For the purposes of this subsection Permanently Leaving shall be defined as an absence by the account holder from the residence for at least thirty (30) calendar days.

(c) Verified military duty wherein a spouse or adult relative remains in the residence or other verified civilian work assignment shall not be considered permanently leaving.

(d) Should the sole account holder die and the premises is rented or sold to another party, a new account must be established for service.

(e) Utility account holders or users of utility accounts shall notify the City Clerk within ten (10) work days of any change to the utility account information. Failure to do so may result in suspension of utility service until the situation is rectified and the application of any applicable fees for reconnection or other fees which apply are paid.

15-107. Water Connection Fee.

Anytime water service is connected, turned on, for any reason, the customer will be charged a non-refundable fee of \$50. This applies to first time service, termination for non-payment, or maintenance issues on the customers side of the meter.

Section 2. Any prior ordinance found to be in conflict with this ordinance shall be void, insofar as it is in conflict.

Section 3. This ordinance shall become effective upon passage by the governing body and publication as provided by statute.

Passed and Approved this 8th day of January, 2024

Maggie Slick, Mayor
Maggie Slick, Mayor

ATTEST:

Ashley Tatro
Ashley Tatro, City Clerk