

(Ordinance Summary published in the Hillsboro Star-Journal on _____, 2021 and the full text of the Ordinance made available at www.cityofhillsboro.net/ordinances2021.html for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 1330

AN ORDINANCE AMENDING SECTIONS 15-123, 15-130, AND 15-137 OF CHAPTER XV, ARTICLE 1 OF THE CODE OF THE CITY OF HILLSBORO, KANSAS ("CODE") AND SECTIONS 15-201, 15-214, AND 15-215 OF CHAPTER XV, ARTICLE 2 OF THE CODE FOR THE PURPOSE OF REPLACING THE CITY'S UTILITY DEPOSIT SYSTEM WITH A NEW SERVICE UTILITY HOOKUP CHARGE, AND AMENDING THE UTILITY RECONNECTION FEES.

WHEREAS, the governing body of the City of Hillsboro, Kansas (the "City") has determined that it is in the best interest of the City to amend Sections 15-123, 15-130, 15-137, 15-201, 15-214, and 15-215 of the Code of the City of Hillsboro, Kansas (the "Code") to replace the City's utility deposit system with a new service utility hookup charge for water, sewer, and electric service to customers, and to amend the utility reconnection fees.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HILLSBORO, MARION COUNTY, STATE OF KANSAS:

SECTION 1. Section 15-123 of Chapter XV, Article 1 of the Code shall be amended and replaced and shall read as follows:

15-123. Municipal water system application and new service utility hookup fee.

At the time of application, a prospective customer for water service and/or sewer service shall provide the personal information, as is required as a condition for receiving electrical service, on such form as may be presented by the city clerk. Such application shall entitle the city to all the securities and remedies for payment as contained under the provisions of section 15-214 for electrical service. The prospective customer shall pay to the city the amount of \$50.00, representing the new service utility hookup charge. A prospective customer applying for water service and/or sewer service may submit a letter from its last supplier(s) of the same, covering the past period of time of not less than the 12 prior months verifying that the named applicant has been punctual in payment of all accounts and charges with the service and providing the supplier(s) address and telephone number for city reference; upon verification by city officials the same may serve in lieu of the new service utility hookup charge.

SECTION 2. Section 15-130 of Chapter XV, Article 1 of the Code shall be amended and replaced and shall read as follows:

15-130. City clerk or water superintendent to keep records.

The city clerk or water superintendent shall maintain a water fund and shall keep an accurate record of all water sales, installation charges, fees, penalties, and all other receipts, and the disbursements from the water fund. He or she shall keep an accurate record of the meter readings, and amount of water consumed and total charges due.

SECTION 3. Section 15-137 of Chapter XV, Article 1 of the Code shall be amended and replaced and shall read as follows:

15-137. Water and sewer reconnect fee.

After termination for delinquency, there shall be charged a \$50.00 water and sewer services reconnection fee.

SECTION 4. Section 15-201 of Chapter XV, Article 2 of the Code shall be amended and replaced and shall read as follows:

15-201. Contract for service.

Provisions relating to contracting for service with the electric department shall be as follows:

(a) The rates, rules and regulations hereinafter named shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with electrical energy from the electrical system of the electric department of the city and every person, company or corporation, hereinafter called the customer, who accepts and uses electrical energy shall be held to have consented to be bound thereby.

(b) Any person using electrical energy from the electric department without paying therefor, or who shall be found guilty of breaking the seal of any meter or switch or who shall install wiring, make connections or attach wires or any electrical device or applicant to wires in a manner so that electrical energy may be used without being supplied under the terms of this article, shall be guilty of a misdemeanor and upon conviction shall be fined as provided in section 1-701.

(c) Any person who shall be found guilty of defacing, injuring or destroying or in any manner limiting the use or availability of any pole, wire, insulator, fixture, lamp, meter or any property of the electric department of the city or who shall place signs on the property of the department without permission, shall upon conviction of such act be fined as provided in section 1-701 of this code.

(d) All contracts for electrical service for residential use must be made in the name of the head of the household, using the established spelling of that person's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons for the householder will be considered a subterfuge and service will be denied. If service has been discontinued because of nonpayment of bills or any unpaid obligations, and service again has been

obtained through subterfuge, misrepresentation or fraud that service will be promptly disconnected.

SECTION 5. Section 15-214 of Chapter XV, Article 2 of the Code shall be amended and replaced and shall read as follows:

15-214. Payment of electric costs, termination; hearing, termination; new service utility hookup charge as a condition of service; collection of electrical costs.

(a) **Payment of Electric Costs, Termination.** In the event of failure of electrical service customer to pay billings as required in section 15-204, as delinquency and termination notice, prepared as to form by the city clerk, shall be mailed to the customer at the address to which service is supplied, by first-class mail, postage prepaid. Such action shall be deemed to be sufficient and adequate notice to the customer of the delinquency. The notice shall include a statement of the amount due plus penalty provided and notice that service will be terminated unless appropriate action under this section is taken by the customer, and further stating customer's right to hearing. In the event customer takes no appropriate action within 10 calendar days of the mailing, the city shall disconnect electrical services. In event of such termination, the city shall be absolved of all claims and damages directly or incidentally occurring as a result of service termination, whether suffered by customer or other persons.

(b) **Hearing, Termination.** After mailing of the notice of delinquency, it being the understanding and contract between the city and the customer that monthly bills are to be paid when due as per section 15-204, the customer may appear at the city office and request a hearing with the city administrator concerning the cause of delinquency, and, upon this application, these officials may agree to singularly or jointly convene for hearing respecting the delinquency forthwith, or upon a stated future date and to consider only the circumstances germane to the customer's delinquency and the merits of the customer's failure in payment. Provided, however, that the authority conferred for purposes of this hearing shall extend only to permit the payment in reasonable installments of the delinquent bill in such amounts as the hearing officer should deem feasible and to the maximum amount of \$100.00 and late charges of total utilities due from customer. Provided further, that issues of delinquency based upon claimed inaccuracy of billing or misapplication of payment shall be reserved for hearing before the city council, as hereinafter provided. The hearing official shall consider such issues as effect on health in the event of discontinuance, unforeseen financial hardship and other unforeseen contingencies. Upon an affirmative finding the customer shall be required to execute a written commitment with the hearing officer to comply with the schedule of installments and failure of customer to abide by its terms or to sign the agreement shall be good cause for the city to summarily disconnect service. Provided further, that not more than two schedules of installments shall be permitted within any 12 months period of billings; further delinquency shall be good cause for the city to then summarily disconnect and discontinue service. The city shall be absolved of all claims and damages directly or incidentally occurring as a result of service termination, whether suffered by the customer or other persons, upon good-faith compliance with hearing procedures herein specified.

(c) **Hearing Rights Respecting Claimed Inaccuracy of Billing or Misapplication of Payment.** In the event the customer should assert an inaccuracy in billing or misapplication of

payment by city employees upon receipt of notice of delinquency, a time and place shall be scheduled for appearance of the customer before the governing body at least five days hence; during the interim thereof, customer's service shall be continued. At the time and place scheduled for hearing, customer may appear before the council and present such evidence germane to the issues raised, personally or through counsel, and may examine and cross-examine persons presenting evidence; however, formal rules of evidence shall not be followed. Upon hearing the customer's allegations respecting these matters, the governing body shall have the authority to adjust accounts with the customer, deny relief, or cause such other action as it should deem appropriate satisfaction of the dispute.

(d) Condition of Service. Each customer, prior to obtaining electrical service, shall make written application at the office of the city clerk, as provided in section 15-202, and the application shall be in prepared form, to include: all relevant personal information concerning applicant's past history in payment of utility charges in this city or any other communities, including the listing of past addresses and names under which applicant has obtained electrical services for a period of three years last preceding. Any false information supplied in the application shall constitute good cause for summary disconnection of services. The city may defer acceptance of the applicant as a customer for a reasonable period of time to permit investigation of applicant's past history of payment as set forth in the submitted application. The city shall require the sum of \$50.00, which represents the new service utility hookup charge. A customer applying for electrical service may submit a letter from its last supplier(s) of electrical service covering the past period of time of not less than the 12 prior months verifying that the named applicant has been punctual in payment of all accounts and charges with the service and providing the supplier(s) address and telephone number for city reference; upon verification by city officials the same may serve in lieu of the new service utility hookup charge.

SECTION 6. Section 15-215 of Chapter XV, Article 2 of the Code shall be amended and replaced and shall read as follows:

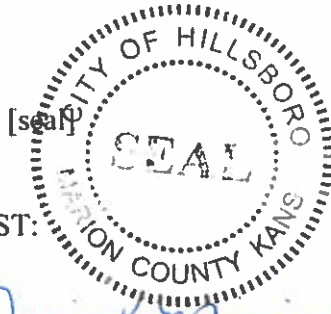
15-215. Electrical reconnect fee.

After termination for delinquency, there shall be charged a \$50.00 electrical reconnection fee.

SECTION 7. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Hillsboro,
Marion County, Kansas, this 20th day of April, 2021.



ATTEST:

By Janice K. Meisinger
Janice K. Meisinger, City Clerk

CITY OF HILLSBORO, KANSAS

By Louis Thurston
Louis Thurston, Mayor