

(Ordinance published at <https://cityofhillsboro.net> on March 8, 2024)

ORDINANCE NO. 1384

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 2 OF CHAPTER XV OF THE CODE OF THE CITY OF HILLSBORO, KANSAS RELATING TO ELECTRIC UTILITY CHARGES.

WHEREAS, the City of Hillsboro, Kansas (the “City”) has previously adopted Chapter XV, of the Code of the City of Hillsboro, Kansas (the “Code”), which contains provisions regulating electric utility services (“Services”); and

WHEREAS, the governing body of the City desires, and finds it necessary and advisable to amend the charges for the Services.

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

SECTION 1. Chapter 15, Article 2, Section 15-214 of the Code of the City of Hillsboro, Kansas is amended and replaced to 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 addition to all other fines, fees, and penalties, any final notice prior to disconnection shall charge the customer a \$25 penalty. 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 2. Chapter 15, Article 2, Section 15-215 of the Code of the City of Hillsboro, Kansas is amended and replaced to read as follows:

15-215. Electrical reconnect fee.

If, after termination for delinquency, city officials permit the reconnection of electrical services to a customer, there shall be charged a \$25.00 electrical reconnection fee.

SECTION 3. This Ordinance shall take effect and be in full force on April 1, 2024, after its adoption by the governing body of the City, approval by the Mayor and published once in the official newspaper of the City.

[Remainder of Page Intentionally Left Blank]

PASSED, ADOPTED AND APPROVED by the governing body of the City of Hillsboro, Kansas this 5th day of March, 2024.



CITY OF HILLSBORO, KANSAS

By *[Signature]*
Lou Thurston, Mayor

ATTEST:

By *[Signature]*
Danielle Bartel, City Clerk