

**ORDINANCE NO. 2016-3109**

**AN ORDINANCE AMENDING SECTION 20-205 OF THE CONCORDIA CODE, FOR THE PURPOSE OF PERMITTING ONE MONTH OF UNPAID UTILITY CHARGES TO BE CARRIED OVER TO THE NEXT MONTH'S BILLING WITHOUT INTERRUPTING UTILITY SERVICE; REPEALING CONCORDIA CODE SECTION 20-205; AND AMENDING THE CONCORDIA CODE BY ADDING A NEW SECTION 20-205.**

BE IT ORDAINED by the governing body of the City of Concordia, Kansas:

SECTION 1. Section 20-205 of the Code of Ordinances of the City of Concordia is hereby repealed as of the effective date set forth below.

SECTION 2. The Code of Ordinances of the City of Concordia is hereby amended, by adding a new Section 20-205 which shall read as follows:

**20-205. Late payment policies, charges, and fees.**

(a) Hearing. If a water bill, sewer service charge, or other utility-related fee or charge authorized by ordinance is not paid on or before the due date, an affected party shall be afforded opportunity for a hearing on the past-due account and any proposed disconnection of service. Request for hearing must be made to the director of utilities on or before the delinquency date. If a hearing is requested, the hearing will be held at city hall at 2:00 p.m. on the next business day following the date of the request for hearing, or as soon thereafter as a hearing officer is available. The hearing officer shall be the city manager, the director of utilities, or the city clerk. At such hearing, the customer and the city shall each have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses. Formal rules of evidence shall not apply. The hearing officer shall promptly make his or her findings and shall enter his or her order accordingly. Unless otherwise ordered by the hearing officer, utility service shall be disconnected the day after the date that the order of disconnection is issued by the hearing officer. Extension of the date of disconnection may be granted for good cause shown. The hearing officer's order shall be filed by the city clerk, and a copy thereof shall be provided to the customer.

(b) Late fee. If a water or sewer service charge or other utility-related fee or charge authorized by ordinance is not paid on or before the date upon which payment is due as stated in the bill, there shall be assessed a late fee equal to ten percent of all unpaid water and sewer charges.

(c) Delinquency fee. If a water bill or sewer service charge or other utility-related fee or charge authorized by ordinance is not paid on or before the date and time on which final payment is due as stated in the bill, charges not paid by the delinquency date will be added to the next month's statement and shown on the statement as a previous balance.

(d) Disconnection and reconnection of service. Service for an account will be disconnected if the account has a previous balance showing on the statement at the time it becomes delinquent. There shall be assessed a delinquency fee of \$30.00. The delinquency fee shall be assessed regardless of whether service is disconnected. Service shall not be reconnected until all charges and fees are paid in full. If payment of a delinquent account and all applicable late fees and delinquency fees is made before disconnection occurs, the city clerk may cancel the disconnection.

(e) Off-hours reconnection of service. If a consumer requests that reconnection occur at any time other than the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays, the consumer shall be charged an additional fee of \$30.00.

(f) Nonresidential exemption from disconnection of service. The city manager may exempt a nonresidential consumer from disconnection of service upon determining that disconnection would be contrary to the public interest.

SECTION 3. This ordinance shall be summarized for publication as follows:

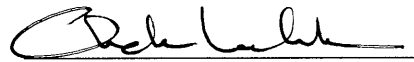
On June 1, 2016, the City of Concordia adopted Ordinance No. 2016-3109, amending Section 20-205 of the Concordia Code for the purpose of permitting one month of unpaid

utility charges to be carried over to the next month's billing without interrupting utility service. A reproduction of this ordinance will be available for not less than one week following the publication of this summary of the ordinance at the website address of the City of Concordia, <http://www.concordiak.org>. This summary is certified by the city attorney to be legally accurate and sufficient.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication of the above ordinance summary in the official city newspaper. The provisions hereof are severable, and in the event of invalidity, for any reason, of any portion of this ordinance, the remaining provisions of the ordinance shall remain in full force and effect, with the invalid provisions deemed excised.

PASSED by the governing body and signed by the mayor this 1st day of June, 2016.

(Seal)



Charles P. Lambertz  
Mayor Pro-Tem



Stacey Crum  
City Clerk