

ORDINANCE NO. 2018-3137

AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF COSTS INCURRED IN CONNECTION WITH THE COLLECTION OF DEBTS OWED TO THE CITY AND A MEANS TO COLLECT DEBTS FOR SERVICES RENDERED; REPEALING CONCORDIA CODE SECTION 2-505; AND AMENDING THE CONCORDIA CODE BY ADDING A NEW SECTION 2-505.

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

SECTION 1. Section 2-505 of the Code of Ordinances of the City of Concordia is hereby repealed as of the effective date set forth below.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 2-505, which shall read as follows:

2-505. Collection of debts.

(a) Any person liable for the payment of any fee, charge, fine, or other debt of any type or description due and owing to the city, together with any interest accrued thereon, shall pay any and all reasonable costs of collection related thereto.

(b) The City shall make a good faith effort to collect unpaid debt by billing the debtor at least three (3) consecutive months at the last known address.

(c) If the City is unable to collect a delinquent account for the curb & gutter and sidewalk program or utilities, the amount in full may be submitted to a collection agency, if the City has retained one at such time. The debtor will be subject to the costs of collection in addition to the debt owed the City. Costs of collection include, but are not limited to, court costs, surcharges, attorney fees, and collections agency fees, except that such costs of collection may not include both attorney fees and collection agency fees.

(d) If the City is unable to collect a delinquent account after twelve (12) months of effort by a collection agency, if the City has retained one at such time, the remaining balance will be certified to the county clerk pursuant to K.S.A. 12-6a10 for assessments if the debtor possesses real estate in the city limits. The assessments are levied as a special tax upon the property of debtor, and shall be payable in fifteen (15) annual installments. All assessments shall bear interest at the rate, not to exceed the maximum allowed by statute. Said interest shall be collected annually at the same time and in the same manner as the principal installments are collected. Such assessments shall be collected and paid over to the City Treasurer in the same manner as other taxes of the City are collected and paid.

The proposed assessment roll shall be maintained on file with the City Clerk and be open for public inspection. Following preparation of the proposed assessment roll, the Governing Body shall hold a public hearing on the proposed maximum assessments on the first regularly scheduled City Commission meeting thereafter after compliance with the notice provisions set forth in this paragraph. The City Clerk shall publish notice of the public hearing for the improvement district at least once not less than 10 days prior to the public hearing, and shall mail to the owner of the property liable to pay the assessments, at its last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed all in accordance with K.S.A. 12-6a09.

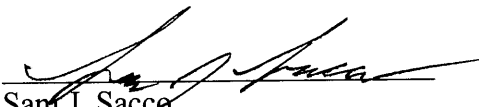
SECTION 3. This ordinance shall be summarized for publication as follows:

On May 16, 2018, the City of Concordia adopted Ordinance No. 2018-3137, amending Section 2-505 to the Concordia Code for the purpose of allowing the city to recover costs of debt collection and the means necessary to collect. 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.concordiaks.org>. This summary is certified by the city attorney to be legally accurate and sufficient.

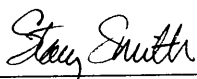
SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication of the above ordinance summary in the official city newspaper. The provisions hereof are severable, and in the event of invalidity, for any reason, of any portion of this ordinance, the remaining provisions 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 16th day of May, 2018.

(Seal)


Sam J. Sacco
Mayor

ATTEST:



Stacey Smith
City Clerk

ORDINANCE CERTIFICATE

I hereby certify that the foregoing is an original ordinance; that said ordinance was passed on the 16th day of May, 2018; that the record of the final vote on its passage is found on page ____ of the minutes journal; that the ordinance summary was published in the Concordia Blade-Empire on the 18th day of May, 2018.


_____, City Clerk