

## CHAPTER 3

**RATES, FEES AND CHARGES**

## SECTION:

- 8-3-1: Owner Responsibility
- 8-3-2: Payment Due Dates
- 8-3-3: City Not Liable For Damages
- 8-3-4: Amendment By Resolution

8-3-1: **OWNER RESPONSIBILITY:** The property owner shall be responsible for all payments of city utility bills. Bills shall be sent to the owner. Bills will not be sent to a tenant unless a form is signed by the owner indicating the owner will remain responsible for payment of bills. The minimal monthly bill will remain due and owing even when premises are unoccupied. (Ord. 444, 6-25-2007)

8-3-2: **PAYMENT DUE DATES:**

- A. **Collection Of Utility Charges:** All charges for water consumed, sewer and other services shall be due and payable to the city upon receipt of billing (between twenty first and the end of each month); such bills shall be delinquent if not paid prior to the twentieth day of the following month.
- B. **Unpaid Fees:** After the twentieth day of the month following billing, the city clerk or treasurer shall add a five dollar (\$5.00) late fee and a one percent (1%) charge to the delinquent bill and cause a "notice of delinquency" to be mailed to each property owner whose utility charges and late charges remain unpaid. The notice of delinquency shall include the name of the owner, a statement that the water charges have not been paid; the amount of the payment due, including the late charge; and the date water services will be shut off due to the delinquency. This notice shall be mailed with the current billing hand delivered to tenants living on the premises.

- C. Second Notice: If payment is received after the tenth day of the month following mailing or delivery of the notice of delinquency, the city clerk shall cause to be delivered to the premises a second delinquency notice setting forth the date that water service will be discontinued. This notice may be part of a shutoff notice. The second notice of delinquency shall include the following:
1. The name of the owner.
  2. A statement that the utility charges have not been paid;
  3. The amount of all utility charges due including the late charge.
  4. A statement that unless the full amount due is paid, the utility services will be discontinued and the water will be shut off. (Ord. 444, 6-25-2007)
  5. A statement that if the utility is shut off, it will not be turned on until the past due water charges, including the late charge, plus a charge of seventy five dollars (\$75.00) for reinstatement of water service is received. (Ord. 444, 6-25-2007; amd. 2010 Code)
- D. Shutoff: After five (5) days following delivery of the second notice of delinquency/shutoff notice, the public works staff may cause the water service of each such premises to be discontinued by shutting off the water to the premises.
- E. Reconnection: Services will not be reconnected until all fees and required deposits have been paid. The property shall continue to be billed at the "unoccupied rate" after services have been shut off.
- F. Termination of Services; Notice: If utility services continue unpaid for a period of five (5) months, the owner shall be given notice that services to the premises will be terminated after thirty (30) days and that should services be terminated to the premises, it will be necessary to reconnect services and pay all connection, hookup and capitalization fees, as if the premises were not connected to the services. The owner will be advised as to what those fees would be for the premises at current rates.
- G. Order Termination Of Services. Thirty (30) days after the notice of termination has been mailed, the city council may issue an order terminating services. The order shall advise that the property is not presently served by city utilities. Said order shall be filed with the

county recorder to provide notice to any individual considering purchase of said property. (Ord. 444, 6-25-2007)

8-3-3:       **CITY NOT LIABLE FOR DAMAGES:** The city shall not be liable under any circumstances for damages resulting from a deficiency or failure of water, whether by shutting off the water to make repairs or connections or by shutting off the water due to nonpayment of water charges, or for any other cause whatsoever. (Ord. 444, 6-25-2007)

8-3-4:       **AMENDMENT BY RESOLUTION:** All security deposits, reconnect fees, late fees and collection policies may be amended by resolution of the city council. (Ord. 444, 6-25-2007)