

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AMENDING THE REPUBLIC CITY CODE, TITLE VII, UTILITIES, CHAPTER 705, ADMINISTRATION, BY AMENDING SECTIONS 705.050 AND 705.120

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized and existing under the laws of the State of Missouri; and

WHEREAS, pursuant to RSMo. Sections 71.715.1 and 91.540, the City Council is authorized to establish and collect fees to support the operation of the sanitary sewer system and the municipal water system, respectively; and

WHEREAS, the City Council deems it necessary to amend certain billing dates due the implementation of new software and the growth of the City and also to amend the methodology by which utility bills are prorated if a citizen starts or discontinues service before a full month of service.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AS FOLLOWS:

Section 1. That Section 705.050 of the Republic Municipal Code is hereby amended to read as follows:

Section 705.050 Bills For Utility Services – Due Date – Delinquency – Effect of Non-Payment

- A. Each bill for water and sewer service shall be due and payable upon mailing and shall become delinquent if not paid by 5:00 P.M. on **due date contained on the bill** ~~the tenth (10th) day of each month~~. If the **due date** ~~tenth (10th) day of the month~~ falls upon a Saturday, Sunday or City observed holiday, such bill shall become delinquent if not paid by 5:00 P.M. on the first (1st) day thereafter which is not a Saturday, Sunday or City observed holiday. All delinquent accounts shall be subject to an additional five dollar (\$5.00) fee to cover the cost of collection and processing and such amount shall be added to each delinquent water **and sewer** bill. The five dollar (\$5.00) delinquency fee may be waived, if requested by the customer, if they have had no payment delinquencies during the last twelve (12) consecutive months.
- B. Water and sewer bills which remain delinquent at 5:00 P.M. on the ~~tenth (10th) day~~ **fifteenth (15th) day** ~~after the due date of the following month~~ or at 5:00 P.M. on the first (1st) business day thereafter if the ~~tenth day~~ **fifteenth (15th)** falls on a Saturday, Sunday or City observed holiday, **if the past due amount is \$25.01 or greater**, shall result in the immediate disconnection of water service and subject to a twenty-five dollar (\$25.00) reconnection/processing fee. Payment of delinquent water/sewer bills **subject to disconnection of service**, ~~after the fifteenth (15th) day of the following month or after the first (1st) business day thereafter if the fifteenth (15th) falls on a Saturday, Sunday or City observed holiday~~ but before the physical act of disconnection shall not serve to prevent the assessment of the reconnection/processing fee. Service shall not be restored until payment is made of all amounts past due

plus applicable reconnection/processing fees. Upon receipt of payment of all amounts due, service shall be restored no later than 5:00 P.M. on the next business day. Payments after disconnection must be made in cash, money order, credit card, debit card, or approved check. Water service shall not be re-established on weekends, or City holidays, or on such other days as the City may be operating with a reduced staff.

- C. Partial payments for the continuance of services in lieu of full amount due or delinquent may be approved at the discretion of the City Administrator or his designee. The City Administrator is authorized to develop and implement the terms of the partial payment which shall be set forth and agreed to in writing by the customer and the City Administrator or his designee.
- D. When necessary, utility deposits may be applied to delinquent accounts. Prior to utility service being restored, if a delinquent account has an insufficient deposit, the utility customer will be required to replenish his or her utility deposit at the current rate, as well as any additional costs associated herein.
 - 1. The City may waive the requirements of this Subsection for customers with twelve (12) months of continuous service with no payment delinquencies.
- E. Any occupant or user of the premises receiving utility services shall be jointly and severally liable to pay for such services rendered on such premises. The City shall have the power to sue any occupant, user or combination thereof in a civil action and receive any sums due for such services plus a reasonable attorney's fee to be determined by the court.

Section 2. That Section 705.120 of the Republic Municipal Code is hereby amended to read as follows:

Section 705.120 Basis For Computing Utility Bills

A. All utility customers shall be billed on the basis of monthly usage as determined by monthly water meter and/or sewage meter readings, except as authorized in this Chapter. **If a utility customer either discontinues service before a full billing cycle or starts new service before a full billing cycle, any flat rate portion of any monthly service charges shall be prorated by taking the monthly rate and dividing it by thirty (30) days.**

B. Residential utility users shall be billed a sanitary sewer charge based on metered water usage during the months of November through March. Unless a residential utility user selects to be billed based upon metered water usage according to Subsection (C), during the months of April through October, residential utility users shall be billed a sanitary sewer charge based on the average monthly water usage (rounded off to the nearest hundred gallons) of the previous period of November through March.

- 1. New residential utility customers may supply and the City may accept usage data from a customer's previous residence to calculate a November through March average.

2. Customers without November through March historic data will remain at the sanitary sewer rate selected by them according to Subdivision 3 upon initiating utility service until such time as the November through March usage calculation is determined the following year.
3. Unless a new residential user selects at the time they start utility service for their sanitary sewer usage to be billed based upon metered water usage, all new residents owning, leasing, or otherwise occupying a residence or dwelling unit within the City and connected to the sanitary sewer system, where such new resident has no historic data of water or sanitary sewer usage, shall pay sewer charges based upon seventeen hundred (1,700) gallons of water usage per person for each person residing or living in any such residence or dwelling unit. **After three full months of water usage, the new residential utility user who did not elect to be billed based upon metered water usage will remain on the sewer average assigned to them when they established service unless the water usage is less than the assigned average, then the sewer average will be set by averaging the first three months of water usage.** Such sewerage charge calculation shall be in effect until such time as the average monthly usage can be calculated in accordance with this Subsection (B).

C. Residential utility users can select to be billed based upon metered water usage for their sanitary sewer charge by selecting that billing method if they are a new residential user at the time they start service or if they are an existing residential utility user by selecting that billing method on a form approved by the City and delivered to the City during the month of January. Existing residential utility users can also select to be moved from metered water usage billing for their sanitary sewer charge to average water usage in accordance with Subsection (B) during the month of January using a form approved by the City and delivered to the City. However, no residential utility user may move from metered water usage to average water usage or from average water usage to metered water usage for their sanitary sewer charge more than one (1) time per calendar year.

D. Contractors and owners of units under construction, prior to the sale or leasing thereof, shall pay water charges at actual usage as stated in Subsection (A) above. Sewer charges are to be billed at the base amount as shown in Section 705.210, until such time the occupancy permit is issued by the City for said residence. At that time said contractors and owners base sewer amount will be converted to actual usage.

E. In the event that a customer can provide evidence suitable to the City of the consumption of water in a manufacturing or industrial process, the basis of sanitary sewer service charges for a customer may be established by agreement in writing between the City and the user, the agreement shall be reviewed annually by the City and user and may be so reviewed at such other times as the City, in its discretion, may require or permit.

F. The owners of tenant-occupied property shall have the right to examine the collection records of the City for the purpose of determining whether such rates and charges have been paid by such tenants; provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

G. The City shall have the right and privilege to discontinue water service to any customer or refuse water service to any customer, whether previously served or not, for any reason which, in the sole judgment and discretion of the City, may be valid or sufficient.

EXPLANATION – Matter in **bold-face** type in the above is added language. Matter in ~~strikethrough~~ in the above is deleted.


Section 3. That this ordinance shall be in full force and effect upon final passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this 8th day of January 2019.

Attest:


Jeff Ussery, Mayor


Brenda L. Jackson, City Clerk

Approved as to Form:  _____, City Attorney

Final Passage and Vote: The vote was 8 Aye - Franklin, Duran, Russell, Deichman, Brashers, Jones, Wilson and Self. 0 Nay. Motion carried.