

CHAPTER XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include city provided services for water, gas, sewer, solid waste (refuse) and other utility services provided by the city. (Ord. 522, Sec. 1; Code 2006)
- 15-102. SERVICE CONNECTION REQUIRED. (a) Owners of premises served by utility services under this ordinance shall be required to carry such services in their name, whether owned individually or by another legal entity after proper proof and confirmation of ownership. Owners of the served premises shall be liable for payment of the cost of any utility service account arising from service provided to the premises. This provision shall also apply when the premises are leased to a third party by the owner or when leased by or through an agent or other representative of the owner. In the case of properties other than residential, the city may permit the owner's legal representative to contract for utility services, but the owner will continue to be ultimately liable for payment for utility services furnished by the city to the premises. (Ord. 522, Sec. 2; Code 2006)
- 15-103. DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 2006)
- 15-104. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
 - (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
 - (3) Notice that the customer has the right to a hearing before the designated hearing officer;

(4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request.
(Ord. 522, Sec. 3; Code 2006)

15-105. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Ord. 522, Sec. 4; Code 2006)