

(Published in the Washington County News Thursday, May 9, 2013)

ORDINANCE NO. 768

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE I OF CHAPTER XVII, ELECTRIC RATES, OF THE CODE OF THE CITY OF WASHINGTON, KANSAS, 1985, AND INCORPORATING SECTION 17-116 REGARDING LANDLORD LIABILITY OF UTILITY SERVICES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WASHINGTON, KANSAS;

SECTION ONE. The current provisions of Section 17-107, DEPOSITS, of Article I, Chapter XVII of the Code of the City of Washington, Kansas, shall be amended to read as follows:

17-107. DEPOSITS. Each customer of electric service shall deposit with the City Collector a sum of one hundred dollars (\$100.00) to insure payment of the customer's electric bill; provided, however, that the City Administrator may require such additional sum to be deposited by any customer as in said Administrator's judgment will adequately secure the payment of the customer's use of electric service; provided further that the amount of the deposit required shall at all times be reasonable, and shall be based upon the value of the maximum service rendered. In the event the City would require a deposit for other utility services other than electric service, the City may require a single deposit to be paid by a customer for all utility services, except that such deposit shall not exceed an amount equal to the expected average bills for a three month period for such utility services. A separate account shall be kept of each deposit held with the date when the same was received and amount of the deposit noted. The city shall pay interest on each deposit to the customer making the deposit at the rate determined by the state corporation commission. Such interest shall be credited once a year or credited on January 1 succeeding such deposit and on each January 1 thereafter, to such customer's outstanding account, unless, prior to January 1, such customer shall request the payment of such interest in cash, in which event payment of interest shall be made as requested. Any interest credited shall be subject to call and payment at any time, but shall not draw interest.

CONNECTION FEE. Each customer of electric service shall pay to the City of Washington the sum of twenty-five dollars (\$25.00) as a nonrefundable connection fee upon each customer connecting to the city electric service.

SECTION TWO. The current provisions of Section 17-112, RECONNECTION CHARGES, of Article I, Chapter XVII of the Code of the City of Washington, Kansas, shall be amended to read as follows:

17-112. RECONNECTION CHARGES: Prior to reconnecting utility service disconnected following a delinquency, the customer shall pay the City the entire balance due and owing to the City at the time of reconnection. The customer shall also pay a reconnection charge of twenty-five dollars (\$25.00) for reconnection of electric services.

SECTION THREE. The following provisions are hereby adopted by the City and shall be codified as Section 17-116 of Article I, Chapter XVII of the Code of the City of Washington, and shall read as follows:

17-116. LANDLORD LIABILITY

- (a) Owners of premises served by utility service under this ordinance, to include electric, water and sewer service, shall be liable for payment of the cost of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.
- (b) In the event a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry.
- (c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
- (d) The city may collect the amount of the unpaid utility bill for utility services by any lawful means. No utility lien shall attach to the property for unpaid utility fees or charges when the utility service has been contracted for by a lessee and not by the lessor or owner of the property to which such service is provided.

SECTION FOUR. This Ordinance shall take affect and be in full force and effect after its publication in the Washington County News, the official City newspaper.

Passed by the Governing Body of the City of Washington, Kansas, and approved by the Mayor, this 6th day of May, 2013.



Ryan W. Kern, Mayor

ATTEST: _____
Denise M. Powell, City Clerk