

ORDINANCE NO. #032017-UBPA

First Consideration: 03/08/17- Passed

Second Consideration: 03/13/17- Passed

Third Consideration: 04/12/17 Passed

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DUNCOMBE, IOWA, BY AMENDING PORTIONS OF TITLE VI, "BILLING CHARGES".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCOMBE, IOWA:

Section 1. That the Code of Ordinances of the City of Duncombe, Iowa, be amended by repealing 6-5-4 "BILLING PENALTY" and the following adopted in lieu thereof:

6-5-4 BILLING, PENALTY. Utility bills shall be due on the first of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall be come delinquent after the 20th of the month in which the bills are due and bills paid after said day shall have added a penalty of ten dollars (\$10). When the 20th falls on a Saturday or a Sunday or a holiday, the City Clerk shall accept payment on the next office day by 12:00 pm without penalty. Written notice will be sent after bill is considered delinquent. (Code of Iowa, Sec. 384.84 (1))

Section 2. That the Code of Ordinances of the City of Duncombe, Iowa, be amended by repealing 6-5-5 "DISCONTINUING SERVICES, FEES" and the following adopted in lieu thereof:

6-5-5 DISCONTINUING SERVICES, FEES.

1. If any account is not paid within thirty (30) days from the end of any given period, the account shall be charged a nonpayment fee of fifty dollars (\$50) and the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:
 - a. The City Clerk shall send a disconnect notice or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service." A hang-tag will be served to the supplied service location as notice of pending disconnection.
 - b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.
2. Said nonpayment fee will be effective and assessed at 12:00 pm on the date of disconnection specified on the notice of pending disconnection. If service is disconnected for the violation of any ordinance, a fee of fifty dollars (\$50) shall be paid to the City Clerk in addition to the rates or charges then due before service is restored. If service is disconnected for nonpayment of fees and charges, all fees and charges then due shall be paid to the City Clerk before service is restored. If any such service charge is not paid within sixty (60) days, from the date it is due, the same shall constitute a lien upon

the premises served by said municipal system, which said lien shall be collected in the same manner as taxes. (Code of Iowa, Sec. 384.84(2))

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner. (Code of Iowa, Sec. 384.84 (3))

Section 3. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall take effect May 1st, 2017 upon publication

Passed, approved and adopted this 12th day of April, 2017.