

**ORDINANCE NO. 1648**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF COLBY,  
KANSAS, 2017 CHAPTER XV, ARTICLE 1: GENERAL PROVISIONS,  
SECTIONS §15-108 - §15-117.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY,  
KANSAS:**

**SECTION 1.** The Code of the City of Colby, Kansas, 2017, Chapter XV, Article 1, General Provisions, Sections §15-108, §15-109, §15-110, §15-111, §15-112, §15-113, §15-114, §15-115, §15-116 and §15-117 are hereby amended to read as follows:

**§ 15-108 TEMPORARY SERVICE.**

Contractors, builders and others requiring water or electricity, where permanent services are available, may receive such service upon the making of an application as in the case of permanent services and where practicable service shall be granted upon the making of a deposit to secure the bills to accrue, based upon the estimate of the service to be required and the payment of the cost to the city of making the temporary connection. Where practicable, meters shall be installed to measure such service, but the amount of any such bills shall not be less than the minimum.

**§ 15-109 SERVICE FAILURES.**

The city shall not be responsible for any losses or damage due to failure of service from any cause, the breakage of any line or failure of equipment, power, source or any failure of service due to any riot, mob, violence, strike, food or war damage or otherwise, or due to any failure in the customer's or consumer's line, apparatus, wiring, connections or equipment.

**§ 15-110 ACCESS TO PROPERTY; INSPECTION.**

The city reserves the right for its officers and employees to inspect any premises at all reasonable hours in connection with the supply of water or electric services to private premises with the city and shall have free access at all reasonable hours to any premises to read the meters, examine the location or condition of lines, wires or pipes and other fixtures and apparatus used in connection with water or electric service. If unable to access the electric meter, the resident shall be liable for actual costs incurred to disconnect services at the pole.

**§ 15-111 TAKING SERVICE WITHOUT AUTHORITY.**

It shall be unlawful for any person by means of any trick, device or in any manner except as now or may hereafter be authorized and approved by this article and regulations of the city to receive, consume or in any manner divert or appropriate to his or her own use or to use of another any electric current or water belonging to and made available by the city. All such service shall be supplied and furnished by the Department in accordance with the rules and regulations provided thereof.

**§ 15-112 TAMPERING WITH METERS.**

It shall be unlawful for any person or persons, singly or jointly, by means of any trick or device or in any unlawful manner, to stop, hinder or prevent the electric or water meters registering electric or water service to be consumed by the user thereof from registering the electric current or water consumed. It shall be further unlawful for any person or persons to prevent such meters from registering correctly or to make them stop or run backwards or to tamper with or in any manner willfully injure or destroy such meters or registering devices.

**§ 15-113 TAKING SERVICE AFTER DISCONTINUANCE.**

It shall be unlawful for any person or persons to break or remove any seal or device used in shutting off or discontinuing water and/or electric service, or to reconnect or turn on any such service after the same shall have been disconnected, in any case where the same shall have been disconnected or discontinued for failure to make payments for the monthly bills or for violation of any rules or regulations of the Department or provisions of this article.

**§ 15-114 RIGHTS RESERVED.**

The city reserves the right at any time to revise or amend this article or other articles or the rules or regulations pertaining to the supply of water and/or electric services thereunder. It further reserves the right to disconnect or refuse service to any customer or consumer who shall be found by the Department to have violated any provision of this article or rules and regulations of the Department pertaining to water and/or electric service.

**§ 15-115 OTHER RULES AND REGULATIONS.**

Other rules and regulations will be prepared and published by the City Manager in accordance with this article which shall not be inconsistent therewith in those cases where the article shall be silent and make no provision.

## **§ 15-116 UNLAWFUL ACTS.**

Any person or persons who shall willfully or wantonly destroy, injure, deface or in any way harm any water pipe, hydrant, faucet, valve, meter or meter box, placed in the city for its use or the use of the public or located on property not his or her own, or who shall take any water from any hydrant, faucet or pipe on any park, street or in any public room or building in the city, or on any property not his or her own, except for use on the premises, or who shall willfully and wantonly destroy, injure, deface, harm or interfere with any electric light globe, pole, transformer, meter or meter box, or other electric apparatus, device or equipment owned and used by the city, or who shall take any electric energy from any of the electric transmission lines or wires belonging to the city, without the proper authority to do so, or who shall carry off any pipe, wires, tools, apparatus, fueling or any other property or equipment belonging to the city, or who shall open any fire plug or water hydrant or other water pipe belonging to the city and permit or allow water to be turned out of or run out upon the ground, without lawful authority to do so, shall upon conviction therefore be fined in any sum not less than \$5, nor more than \$100, or be imprisoned not less than five days nor more than 30 days, or be both so fined and imprisoned.

## **§ 15-117 BILL DUE AND PAYABLE; WHEN DUE.**

(a) All water and electric service bills are due and payable at the office of the City Clerk on or before the fifteenth day of the month subsequent to the month in which said water and electricity were used; and if not paid by the fifteenth of that month, a penalty of 10% shall be added. A delinquency and termination notice shall be issued within five days after the bill is delinquent. The delinquency and termination notice shall provide the customer of record with the following information:

(1) The amount due on the unpaid balance, plus penalty;

(2) The customer's right to a hearing before the City Clerk or delegated representative; and

(3) Notice that service will be terminated in ten days from the date the bill was due or the twenty-fifth of the month if the bill remains unpaid. The business day before the 25<sup>th</sup> of the month, notifications are sent to the primary number listed on the account of the past due balance.

(b) If the customer of record is not the occupant where utility service is provided, the office of the City Clerk may provide similar notification to the occupant, if known.

(c) A request for a hearing by a customer must be no later than one working day before the shut-off date or the twenty-fifth day of the month.

(d) If the customer does not request a hearing, or does not appear at the time and date set by the City Clerk for such hearing, or it is determined to disconnect after the hearing, the City Clerk shall issue the order to disconnect the service.

(e) The city is authorized to discontinue and disconnect utility service for any customer who shall be delinquent in the payment of bills. Customers are responsible for furnishing the office of the City Clerk with their correct address for billing purposes.

(f) When a customer is leaving the premises where the service was used, the bill shall be due at once. When service is disconnected for non-payment of bills, services will remain off until payment is made or service is switched over to the landlord's account. A charge of \$50 will be made for re-connection of service. When the temperature is projected to be under 40°F, there will be a courtesy reconnection the 1<sup>st</sup> night of cutoff to be disconnected again the following business day if payment is not received. Service disconnected in case of non-payment of bills shall not be reconnected unless written arrangements are made with the City Clerk or delegated representative or until past due and accrued bills, together with all penalties, are paid. Written arrangements shall be allowed only once in each six-month period.

**SECTION 2.** The collection of the \$50 reconnection fees shall take effect on all service accounts beginning on the January 1, 2023 billing cycle and shall continue without interruption on each monthly billing cycle.

**SECTION 3.** This Ordinance amends code sections §15-108 through and including §15-117 of the Code of the City of Colby, Kansas, 2017, Chapter XV, Utilities, Article 1, General Provisions.

**SECTION 4.** Ordinance No. 1374 is repealed as of January 1, 2023.

**SECTION 5.** This Ordinance shall take effect after publication in the official city newspaper as provided by law.

**PASSED** by the Governing Body and approved by the Mayor this 4<sup>th</sup> day of October, 2022.

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Gary L. Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

SEAL

