

(First Published in the Dighton Herald on June 22, 2022)

ORDINANCE NO. 704

AN ORDINANCE AMENDING CHAPTER XV, SECTIONS 15-102  
THROUGH 15-104 OF THE CODE OF THE CITY OF DIGHTON, KANSAS  
REGARDING UTILITY DISCONNECTS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DIGHTON,  
LANE COUNTY, KANSAS, that Chapter 5, Article 2 of the Code of the City of Dighton,  
Kansas is hereby amended to read as follows:

15-102. DISCONTINUANCE OF UTILITY SERVICES. (a) the city may discontinue or  
refuse a particular utility service to any customer, without notice of hearing, for any of  
the following reasons:

- (1) When the customer so requests.
- (2) When it is determined by an employee of the city utility department, fire  
department or police department that the continuance of a particular utility  
service constitutes a dangerous condition presenting a likely immediate threat  
to health or safety of persons or to property on or near the customer's premise.
- (b) The city may discontinue or refuse a particular utility service to any customer,  
following compliance with the notice and hearing requirements of section 15-104  
of this article for any of the following reasons:
  - (1) Nonpayment of utility bills and charges as provided in section 15-104 of this  
article.
  - (2) When the customer misrepresents his or her identity or otherwise  
intentionally provides false information for the purpose of obtaining utility  
services from the city.
- (c) The city may discontinue or refuse a particular utility service to any customer,  
following notice to the customer, for any of the reasons set out in this subsection.  
The customer shall have a right to a hearing before the hearing officers referred to  
below. If after such hearing the hearing officers find in favor of the customer the  
hearing officer may order connection or reconnection of the service at no cost to  
the customer.
- (1) When the customer refuses to grant employees of the city's utility department  
access to equipment installed upon the premises of the customer for the purpose  
of inspection, meter reading maintenance or replacement.

(2) When the customer violates any rule, regulation or ordinance of the city pertaining to utility services, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services' delivery system.

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tempering, damage or use of utility services of the utility services' delivery system situated or delivered on or about the customers premises.

(Ord. 530; Code 1994)

15-103. UTILITY BILLING DATES; DELINQUENCY DATE. All meters shall be read monthly, which bills may include charges for electric, water and sewer services, and other charges or amounts properly due the city. Utility billings shall be mailed on approximately the 20<sup>th</sup> day of each month for the previous month services, and all billings for utility services shall be due and payable, and must be paid in full, at the office of the city clerk on or before the 10<sup>th</sup> day of the following month. Failure to make payment as herein provided shall result the of an account delinquency and service discontinuation. Delinquency notices shall be mailed out on the 11<sup>th</sup> of each month as the only notice of delinquency. If a customer seeks an extension on the payment date a request for hearing must delivered in writing to the city office more than three (3) days before the disconnect. The disconnect date shall be on the 19<sup>th</sup> day of each month unless the 19th falls on a weekend then disconnects would be on the following Monday.

15-104. NONPAYMENT OF UTILITY BILLS. (a) An account of delinquency and service discontinuance notice shall be issued in writing, forthwith, with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the customer at the last known address of the customer, as shown on the records of the city.

(b) The notice of account delinquency and service discontinuance shall provide the following information:

(1) Name of customer and address where service is being provided.

(2) Account number.

(3) Amount past due plus delinquency charges.

(4) Notice that utility service shall be termination upon failure to pay the delinquent billing plus delinquency charges as described in 15-103 above

(5) Notice that the customer has the right to appear and be heard at a hearing on the hearing date set by the city.

(c) the notice of account delinquency and service discontinuance shall be substantially in the following form:

TERMINATION NOTICE

DUE DATE:

DATE OF FINAL NOTICE:

AMOUNT DUE:

SHUT OFF DATE:

OUR RECORDS INDICATE THAT YOUR UTILITY BILL IS PAST DUE. If this bill is not paid on or before the above termination date, service will be disconnected. If you have any questions about this bill, please contact us at (620) 397-5541 prior to 8:00 a.m. on the termination date indicated. ALL AMOUNTS OWED + RECONNECTION CHARGES WILL BE DUE BEFORE SERVICE IS RECONNECTED! If this account has just been paid, PLEASE accept our thanks!

CITY OF DIGHTON\*PO BOX 848\*147 EAST LONG\*DIGHTON, KS  
67839\*620-397-5541

(d) Any utility customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to disconnection. At such hearing, the applicant customer, and the city, shall have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses, however, formal rules of evidence shall not be followed. The hearing shall be conducted by two members of the council who shall service as hearing officers. In the event the hearing officers find utility service(s) should not be discontinued, the hearing officers shall so order and advise the city thereof. In the event the hearing officers find utility service(s) should be discontinued, the hearing officers shall so order and advise the city thereof. Unless otherwise ordered by the hearing officers, utility service(s) shall be discontinued on the date that the order of discontinuance is issued by the hearing officers. Extensions of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. In making a determination of whether discontinuance should be ordered, the hearing officers shall consider, but not be limited to, the following factors: Whether discontinuance is dangerous to the health of the customer, the customer's family or any other residents of the premises affected; the weather; unforeseen financial hardship of the customer; and the medical conditions, ages or disability of the customer, the customer's family or other residents of the premises


PROVIDED FURTHER, in any instance where a customer's check or other method of payment of a utility does not clear banking or other applicable channels and is thus returned unpaid, that customer and all other occupants of the subject premises shall be required to pay by cash, certified or cashier's check, or money order within seven (7) days of receiving certified notification letter, all arrearages, penalties and reconnection fees. PROVIDED FURTHER, in the event any additional check or other method of payment pertaining to said customer's utility account with the City of Dighton, Kansas, does not clear banking or other

applicable channels and is thus returned unpaid regarding said account, said utility account will be subject to immediate disconnection without notice, and payment will only be accepted in the form of cash, certified or cashier's check or money order, at all times thereafter, regarding said account.  
(Ord. 608; Code 2010)

**PASSED UNANIMOUSLY with one Council member absent by the Governing Body of the  
City of Dighton, Lane County, Kansas on June 13, 2022.**

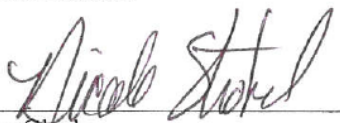
CITY COUNCIL OF THE CITY OF  
DIGHTON, KANSAS

BY:

  
\_\_\_\_\_  
Annita Lorimor  
Title: Mayor

ATTEST:

Nicole Strobel

  
\_\_\_\_\_  
City Clerk  
Dighton

(SEAL)

NOTE TO PUBLISHER: Please publish once in your newspaper. Submit your billing statement, along with Affidavit of Publication, to the office of the City Clerk, Dighton, KS