

ORDINANCE NO. 648

AN ORDINANCE UPDATING RULES AND REGULATIONS OF THE WATER AND SEWER DEPARTMENTS, AMENDING IN PART SECTION 4.02.100 OF THE MUNICIPAL CODES, RESOLUTIONS 840 AND 865, AND ORDINANCE 598.

Whereas, the City Council of the City of Polson, hereinafter Council, is charged by law to maintain and operate its water, sanitary wastewater, and storm water systems, hereinafter Utilities, in the public interest, and,

Whereas, in view of the health and welfare of the citizens served by the City's Utilities it is necessary, from time to time, to re-organize and update certain portions of the rules and regulations regulating such utilities; and,

Whereas, it has come to the attention of the Council that certain practices with respect to the administration of the ratepaying of such public Utilities require adjustment; and,

Whereas, the Council finds that the Utility's practices regarding maintaining owner and/or tenant accounts, late fees and penalties, fees relating to non-sufficient funds, non-emergent service fees, deposit, and billing adjustment for leaks are either not subject to previous policy pronouncement by this Council or are aged and outdated and do not reflect current appropriate practices; and,

Whereas, the Council desires hereby to amend certain portions of Chapter 4.02.100 of the Municipal Codes, Resolutions 840 and 865, and Ordinance 598; and,

Whereas, the Council has caused and required that public hearing thereon be held, and the same having been had, has taken such public comment into considerations; and,

Whereas, the Council finds that the within re-organization and adjustment of the foregoing Codes, Resolutions, and Ordinance, all relating to the Rules and Regulations governing the administration and implementation of Utility ratepaying, is within and in furtherance of the public health and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

1. Chapter 4.02.100, amending in part Resolutions 840 and 865, is amended to read as follows:
 "4.02.100 Utility Bills, Disconnections, and Late Fees. (a) Utility accounts may be held in the name of a tenant, provided that the landowner authorizes such holding by a signed acknowledgment of the landowner's ultimate responsibility for the payment. In cases of accounts in the name of the tenant, the minimum deposit shall be not less than \$50.00, and may be no more than \$200.00. The Water Department is authorized to adjust the deposits based upon the history of the tenant for late or nonpayment with previous accounts. (b) All utility bills are due and payable at the office of the Water Department on the 15th day of each month and thereafter are delinquent. (c)

Delinquent bills will be assessed a late penalty of \$5.00 per month. (d) At such time as any utility account falls more than 30 days late, the billing staff shall apprise the account holder by indicating the delinquency on the next bill. (e) At such time as any utility account falls more than 60 days late, the billing staff shall apprise the affected user of the intent to disconnect the account by means of a notice posted on the door or entryway to the same at least 48 hours prior to shutting off municipal water thereto. (f) All non-emergency calls for service, including posting notice, disconnecting, or reconnection, shall pay a fee therefore of \$45.00. (g) No re-connection of an account disconnected pursuant to subpart (d) hereof shall be made unless the account is paid current, including all penalties and fees. (h) Utility billing staff may administratively adjust a bill in the event of a leak or other unforeseen overages; however, no reduction may exceed thirty percent of the bill balance excluding the base rate for the account and any fees or penalties.”

2. Ordinance 598 is amended as follows:

“2. A “worthless check” shall be any bank draft issued to the City of Polson which has been twice presented to the issuing bank and twice rejected for the reason that such account is closed, or contains funds insufficient to negotiate such check. This term shall also encompass non-sufficient funds or closed accounts where utility users have authorized the City of Polson to collect directly from a user’s bank account.”

REPEALING CLAUSE: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: July 20, 2009.

SECOND READING: August 17, 2009.

NOW, THEREFORE, the foregoing Ordinance shall become effective on September 17, 2009.

PASSED AND ADOPTED THIS 17th day of August, 2009.

CITY OF POLSON

Lou Marchello, Mayor

ATTEST:

Aggi Loeser, City Clerk