

**CITY OF JOPLIN  
COUNCIL AGENDA ITEM**

**ITEM**

Council Bill 2019-531 – Approving certain language changes related to sewer billing and collecting

**MEETING DATE**

November 18, 2019

**ORIGINATING DEPT**

Finance

**ATTACHMENTS**

CB 2019-531 Ordinance

**REVIEWED BY**

Department Head: Leslie Haase; Public Works Director: David Hertzberg; City Attorney: Peter Edwards; City Manager: Dan Pekarek

**SUMMARY**

This Council Bill changes certain language to improve sewer billing and collection procedures.

**BACKGROUND**

The City bills residential users based on a winter quarter average for the months of December, January and February. If a resident isn't at the location for these winter quarter months, the City uses an "average" of 6,000 gallons by policy. This ordinance changes the language to include adjusting the average for these customers annually based on the actual average consumption of all residential customers rather than a set "average". This change has been factored into the wastewater rate study.

Additionally, this ordinance changes the language relating to when the late penalty is assessed. Currently, the late penalty is assessed at 30 days past due. However, the next bill is currently being generated and then the late penalty is assessed under the 30-day timeframe. As a result, customer's bills with past due amounts are incorrect due to this timing issue. Therefore, this ordinance changes the penalty assessment to 25 days, which will correct this issue.

The language changes will be effective on January 1, 2020.

**FUNDING SOURCE**

Not applicable

**RECOMMENDATION**

Staff recommends this council bill be approved on first reading.

AN ORDINANCE repealing Section 118-203, Basis for Computation, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, and Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin, and enacting in lieu thereof a new Section 118-203, Basis for Computation, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, and Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin to implement certain fee changes; and setting a date when this Ordinance shall become effective.

WHEREAS, the Council of the City of Joplin desires to make certain language changes to improve sewer billing and collection procedures.

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:**

Section 1. That Section 118-203, Basis for Computation, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, be repealed and a new Section 118-203, Basis for Computation, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

“ARTICLE II. SEWERS AND SEWAGE DISPOSAL

Division 6. Rates and Charges

**Sec. 118-203. Basis for computation.**

Sewer service charges for residential establishments shall be based upon the average consumption for the months of December, January and February and shall be billed monthly for the 12-month period beginning in April of each year on the basis of said average monthly water consumption for the immediately preceding months of December, January, and February.

For any residential customer that did not occupy said residence during the months of December, January, and February, a city-wide average shall be billed monthly for the 12-month period beginning in April of each year. The city-wide average shall be adjusted annually based on the actual average consumption of residential customers.

Residential sewer service charges based upon the average consumption for a user at a location less than a full month shall be prorated to the number of days the same user is at the same location.”

Section 2. That Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, be repealed and a new Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

“ARTICLE II. SEWERS AND SEWAGE DISPOSAL

Division 6. Rates and Charges

**Sec. 118-206. Billing and collection procedures.**

(a) All sewer service charges shall be paid to the city, or its authorized agent, at the location or locations designated by the city. Sewer service charges shall be paid within 15 days of the date of their billing.

(b) Every sewer service charge specified in this section remaining unpaid for 25 days after the date of its billing may be increased by ten percent for the current month outstanding balance.

(c) Sewer services shall be deemed to be furnished to both the occupant and owner of all residential properties receiving sewer service, and the occupant and owner of such properties shall be severally and jointly liable to the city for payment of the charges for such service rendered on or to premises upon which such properties are located. If any bill for such services is not paid within 15 days from the date of such bill, the city may sue the occupant, the owner, or both, of the properties receiving such service, or for which such service has been made available, and receive any sums due for such services plus reasonable attorney's fees to be fixed by the court and the costs of such suit. In addition, the city may use other such means now or hereafter available to it under the statutes of Missouri and the ordinances of the city to effect the collection of any bill for sewer service remaining unpaid upon the expiration of 15 days from the date of such bill.

(d) In the event either the occupant or owner of property which receives sewer service furnished by the city has reason to dispute the amount or nature of any bill, the recipient shall be permitted to make payment under protest, provided that the recipient of service provides to the city at the time of payment the following information:

- (1) The period of time for which the service is disputed.
- (2) The reason for the dispute.
- (3) The requested remedy.

Nothing contained herein shall in any way forgive or avoid any payment to the city as outlined in this chapter for sewer services. Upon receipt of any such payment under protest, the finance director in coordination with the city attorney shall

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respond in writing to the recipient of the service with a response to their complaint and a copy shall be forwarded to the city manager and a reply shall be forthcoming within a reasonable period of time.

(e) In addition to any fees or charges established pursuant to this chapter, there shall be a fee for the termination of water service due to a delinquent sewer bill that remains unpaid or in arrears for at least 30 days. The fee shall be established by the water company for:

(1) Standard termination or restoration per metered connection, including unsuccessful attempts; and,

(2) After hours restoration per metered connection, including unsuccessful attempts.

(f) When the occupant of rental property is delinquent in payment of sewer fees, the City of Joplin shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant of rental property is delinquent more than 90 days, the owner shall not be liable for sums due for more than 90 days of service. The city shall make a good faith effort to notify both the occupant and owner of the premises of any termination of service.

Section 3. That this ordinance shall become effective on January 1, 2020.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this

\_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Gary L. Shaw, Mayor

ATTEST:

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Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

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Peter C. Edwards, City Attorney