

**COUNCIL BILL NO. 2015-536****ORDINANCE NO. 2015-188**

AN ORDINANCE repealing Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, and Section 118-232, Classification of Permits, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, of Chapter 118, Utilities and Section 118-235, Permit fee, Connection Fee, and other Sewer Fees, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin, and enacting in lieu thereof 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, and Section 118-232, Classification of Permits, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, of Chapter 118, Utilities, and Section 118-235, Permit Fee, Connection Fee, and other Sewer Fees, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin to implement certain fee changes and other language changes; and setting a date when this Ordinance shall become effective.

WHEREAS, the City has not raised certain sewer fees since 2008 and the cost of services has increased and exceeds revenues; and,

WHEREAS, the Council of the City of Joplin desires to increase fees to meet the reasonable expenditures of this function; and,

WHEREAS, the Council of the City of Joplin desires to make language changes to help ensure effective and efficient operations.

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

Section 1. 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Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, be repealed and a new Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118,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 30 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 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 ninety days, the owner shall not be liable for sums due for more than ninety 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 2. That Section 118-232, Classifications of Permits, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, of Chapter 118, Utilities, be repealed and a new Section 118-232, Classifications of Permits, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, 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 7. Building Sewers

#### Sec. 118-232. Classification of permits.

In addition to the permit for private sewer disposal system, there shall be three types of building sewer permits as follows:

- (1) For reconnection to public and district sewers.
- (2) For a new sewer connection, either inside or outside city limits.
- (3) For a sewer tap, either inside or outside city limits.”

Section 3. That Section 118-235, Permit Fee, Connection Fee, and other Sewer Fees, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, of Chapter 118, Utilities, be repealed and a new Section 118-235, Permit Fee, Connection Fee, and other Sewer Fees, of Article II, Sewers and Sewage Disposal, of Division 7, Building Sewers, 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 7. Building Sewers

#### Sec. 118-235. Permit fee, connection fee, and other sewer fees.

- (1) *Fees.*
  - (a) A sewer reconnection permit and inspection fee of \$75.00 shall be charged for any public sewer reconnection service.
  - (b) A sewer reconnection permit and inspection fee of \$100.00 shall be charged for any district sewer reconnection service.
  - (c) A sewer new connection permit and inspection fee of \$200.00 shall be charged for an inside the city new sewer connection service or \$300.00 shall be charged for an outside the city new sewer connection service.

- (d) An additional connection fee of \$1,500.00 shall be charged for each inside the city public sewer tap or \$2,500.00 shall be charged for each outside the city public sewer tap, which fee shall be in consideration of the perpetual rights to the use of the public sewer system by the applicant and his successors in interest, however, subject to the conditions, restrictions and limitations contained in the permit issued therefore. Whenever any person connects with a sanitary sewer and pays a fee, a sanitary sewer tax or special tax bill for constructing a sanitary sewer that is legally levied, and in case his property that is so connected with a sanitary sewer is placed in another sewer district or joint sewer district, he shall be required to pay his proportionate part for constructing the sewer. The previously paid fee shall then be refunded.
- (e) There shall be an additional fee of \$175.00 as determined by the director of public works when sewer connection work as described in this section is performed on concrete and/or clay pipes.
- (f) There shall be an additional sewer riser locate permit fee of \$30.00 for city personnel to inspect or locate a sewer connection point to the city sewer main.”

Section 4. That this ordinance shall become effective on January 1, 2016.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 16<sup>th</sup> day of November, 2015.

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Michael L. Seibert, Mayor

ATTEST:

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Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

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Jordan L. Paul, Assistant City Attorney