

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 197-21

**AN ORDINANCE**

amending Chapter 27 of the City Code as it relates to the discontinuance of service for City utilities due to temperature conditions; making gender-neutral grammatical edits; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 27 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 27-21. Discontinuance of service.

(a) No person, except authorized employees of the city, shall disconnect any meter, connect to any meter, or disturb the service lines of any utility without written authorized permission. In the event the city shall discover evidence of tampering with any electric meter, lead in wire from the meter, any water meter, or lines used for water or sewage distribution, or other such line of the utility having the probable effect of rendering actual meter readings inaccurate, or to receive the service of the utility without proper payments, the city shall have the right to discontinue utility service to the customer and remove its property from the customer's premises. In addition, the water and light director may cause service to be discontinued due to:

- (1) Violation of electric codes (per recommendation of community development, inspection division);
- (2) Violation of health ordinance (per recommendation of health department);
- (3) Request of fire department due to fires or fire danger;
- (4) Request from community development because of unsafe condition of structure or dwelling;

provided, however, that the city may determine to continue service or to reconnect service upon compliance with city codes and/or payment by the customer whose demand, use or

bill was affected by such tampering, of the following, or any combination thereof, fees or charges at the city's election as determined by the city:

- (1) The amount of any city revenue loss attributable to such tampering, with such amount loss determined by an estimate made by the water and light director or ~~his/her~~ the director's designee;
- (2) Cash deposit as determined by the director of finance or ~~his/her~~ the director's designee; provided, however, that requests for such deposits shall be made only in the event that the customer does not currently have on file with the city a cash deposit in an appropriate amount; and
- (3) The actual expenses incurred by the city in replacing and/or repairing the meter, service lines or wires, the making of any connection, and any bookkeeping and clerical expenses incurred in the preparation of the required billing.

Prior to any service disconnection for nonpayment, the city shall give five (5) working days' written notice of such intent by mail to the customer at ~~his~~ the customer's billing address. Such notice shall give a telephone number and address at which such discontinuance may be contested. The finance director is hereby authorized to promulgate rules and regulations to establish an administrative procedure to handle such contests.

(b) The city may discontinue service to a customer for any legitimate business reason including, but not limited to, the following:

- (1) Nonpayment of a delinquent account.
- (2) Failure to post required security deposit.
- (3) Failure to comply with the terms and conditions of a settlement agreement relating to a current or prior utility account.
- (4) Refusal to grant access at reasonable times to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement:
  - a. If access is not provided within fifteen (15) days of initial notice, a second notice will be delivered at the customer's address, of intent to discontinue service unless reasonable access is provided within three (3) business days from the date of the second notice.
  - b. Following the expiration of three (3) business days, the account shall be discontinued and legal proceedings undertaken to recover the city's equipment.

- (5) Failure of an applicant to use applicant's correct name when applying for utility service.

(c) If a customer fails to inform the department of ~~his~~ the customer's intent to terminate utility services, or fails to respond to a delinquent notice, services may be discontinued and that customer's service deposits utilized as payment of any delinquent accounts. The finance director shall establish a standard procedure for distribution of deposits to delinquent accounts, which procedure shall be approved by the city manager. Any portion of the service deposits remaining after all amounts owed for any service have been deducted shall be transferred to the water and light fund. Any person claiming such money, after transfer, may make proof of claim to the council and the transferred amount shall be paid him, without interest, provided such claim has not been barred by limitation under the laws.

(d) The city may discontinue service between the hours of 8:00 a.m. and 4:00 p.m. on the date specified on the discontinuance notice, or within a reasonable time thereafter. Service shall not be discontinued on a day when the offices of the department are not available to the public for the purpose of reconnecting discontinued service. Service shall not be discontinued pursuant to nonpayment of a delinquent account within five (5) working days after an account becomes delinquent. Notice of discontinuance must be served five (5) working days prior to discontinuance. Service of notice is complete upon mailing. The department shall maintain an accurate record of the date of mailing.

- (e) A notice of discontinuance shall contain the following:

- (1) Name and address of the customer.
- (2) Clear and concise statement of the reason for the proposed discontinuance, and cost of reconnection.
- (3) Date on, or after which service shall be discontinued unless action is taken by the customer.
- (4) Terms under which discontinuance may be avoided by the customer.
- (5) The telephone number, during working hours and after hours, where inquiry/complaint may be made.

(f) Immediately preceding the discontinuance of service, the employee of the city designated to perform such function shall make a reasonable effort to contact and identify himself to the customer or responsible person then upon the premises stating action taken, reason for action, and phone numbers where inquiries may be made.

(g) Notwithstanding any other provisions of this section, the city shall postpone the discontinuance of utility service to a residential customer for a time not in excess of twenty-one (21) days if the discontinuance will aggravate an existent medical emergency of

the customer, a member of ~~his/her~~ the customer's family or other permanent resident of the premises where service is rendered.

(h) Services to residences will not be disconnected when the temperature is ~~thirty-two (32) degrees Fahrenheit or less or when the temperature exceeds ninety (90) degrees Fahrenheit;~~ as follows:

- (1) June 1 to September 30: On any day the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. for the following twenty-four (24) hour period predicts the temperature will rise above ninety-five (95) degrees Fahrenheit or the heat index will rise above one hundred five (105) degrees Fahrenheit.
- (2) November 1 to March 31: On any day the National Weather Service local forecast between 6:00 a.m. to 9:00 a.m. for the following twenty-four (24) hour period predicts the temperature will drop below thirty-two (32) degrees Fahrenheit.

~~Effort~~ effort will be made to determine the health status of the person(s) residing on the premises before proceeding with disconnection.

(i) If the department is advised, prior to the date of discontinuance that any portion of bill is in dispute, the department shall record the date, place and time the complaint was made, and enter into the resolution process with the customer.

- (1) The complaint may be initiated in person, by phone, or in writing.
- (2) The department, in attempting to resolve the dispute in a mutually satisfactory manner, may employ those methods set forth by the finance director in the customer complaints process.

(j) Failure of the customer to enter into negotiation with the department to resolve a dispute or enter into a settlement agreement shall constitute a waiver of the customer's right to continuance of service and the city may then proceed to discontinue service as provided.

(k) When a complaint is made, the customer shall make payment of the nondisputed amount; if customer fails to make payment of the nondisputed amount within three (3) working days from the date of registering the complaint, the customer shall waive ~~his~~ the customer's right to continuance of service and discontinuance of service may proceed.

(l) Upon the customer's request, the city shall restore service promptly if the cause for discontinuance of service has been eliminated, applicable restoration charges paid and, if required, satisfactory credit arrangements have been made. At all times every

effort shall be made to restore services upon the day restoration is requested, and in any event restoration shall be made no later than the day following the request.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor