

AN ORDINANCE TO AMEND ORDINANCE NO. 2015-3 OF THE CITY OF WALNUT, KANSAS, TO PROVIDE AN ORDINANCE CONCERNING THE PROCEDURES BY WHICH PERSONS MAY OBTAIN UTILITY SERVICES FROM THE CITY OF WALNUT, CRAWFORD COUNTY, KANSAS.

Section 1. DEFINITION. For purposes of this ordinance utility services shall include water, sewer, and the collection or disposal of refuse, trash, garbage and other solid waste and any other utility services provided by the city.

Section 2. GRANTING OF EASEMENT. Any person who makes an application for utility services, hereinafter referred as "customer" shall do the following:

- (a) Make written application for city utility services on the form provided to the prospective customer(s) by the office of the City Clerk for the City of Walnut, Kansas; and
- (b) Sign an easement from the customer(s) to the City of Walnut, Kansas, on the form provided to the potential customer(s), over and across the customer(s) real estate for the use and benefit of the City of Walnut, Kansas, in providing utility services to the customer(s).
- (c) A fee shall be charged to the customer(s) by the City Clerk for the amount charged by the Crawford County Register of Deeds to file said easement of record.
- (d) Owners of premises served by utility services involving leased premises shall provide the necessary easement to the City of Walnut, Kansas, along with the amount charged by the Crawford County Register of Deeds to file the landlord's easement of record.

Section 3. PAYMENT DATES. All amounts owed for utility service shall be due and payable at the office of the City Clerk of Walnut, Kansas, on or before the 10th day of each month, and must be paid in full by the 13th day of each month, after which it shall be considered delinquent. A late fee of fifteen dollars (\$15.00) shall accrue to any amounts owing which are not paid on or before the close of business on the 10th, unless the 10th day of the month falls on a Saturday, Sunday, or federally recognized holiday, in which case such payment shall be due on the next business day thereafter.

Section 4. DELINQUENT ACCOUNTS. Unless otherwise provided, water, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with Section 5 and Section 6 below.

Section 5. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the City Clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

- (b) The notice shall state:
 - (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
 - (3) Notice that the customer has the right to a hearing before the Walnut City Council;
 - (4) Notice that the request for a hearing must be in writing and filed with the City Clerk no later than three days prior to the date for termination of service.
- (c) Upon receipt of a request for hearing, the City Clerk shall advise the customer of the date, time and place of the hearing which shall be held at the next regularly scheduled city council meeting following receipt of the request.

Section 6. SAME; FINDING. Following the hearing, if the Walnut City Council shall find that service should not be terminated, then notice of such finding shall be presented to the City Clerk. If the Walnut City Council finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The Walnut City Council has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination for such service.

Section 7. UTILITY DEPOSIT. (a) Each new customer making application for utility service shall make a cash deposit to the city to serve as a guaranty for payment of service thereafter furnished to the customer's premises.

- (b) The deposit(s) required by subsection (a) shall be an amount equal to \$200.00; said deposit shall be deposited with the City Clerk of Walnut,

Kansas, prior to the beginning of service.

- (c) In the event that utility service shall be disconnected or discontinued for failure to pay any bill due the city for such utility, such cash deposit shall be applied as a credit against all amounts due from the customer to the city, and if there shall remain any surplus of such deposit, the same shall be returned to the customer.
- (d) Deposits collected pursuant to this ordinance shall be governed by the provisions of K.S.A. 12-822, and amendments thereto.

Section 8. DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY. (a) In the event that any person, except the United States or the state of Kansas, shall fail to pay the fees or charges for such utility service(s), utility service shall be terminated as provided in sections 5 and 6 above. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.

- (b) In the event that any person, except the United States or the state of Kansas, residing, occupying, using or operating on property to which utility service(s) furnished by the city is not paid, the unpaid fees or charges shall constitute a lien upon the property to which the utilities are furnished. The amount of the unpaid fees or charges shall be certified by the governing body to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law.
- (c) The lien, described in subsection (b) of this section, shall not attach to property for unpaid utility fees or charges when:
 - (1) The utility service(s) have been contracted for by a tenant and not by the landlord or the owner of the property, or the agent of such person, to which the utility service is provided; or,
 - (2) The utility services are owed by the United States or the state of Kansas.
- (d) If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided by the city, the application shall not be accepted until all fees or charges are paid in full.

Section 9. LANDLORD LIABILITY. (a) Owners of premises served by utility service

under this ordinance shall be liable for payment of the costs of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

- (b) In the event that a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry.
- (c) If utility service is furnished to a leased premises on the application or request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
- (d) The city may collect the amount of the unpaid bill for utility services by any lawful means. Provided, however, that in no event may the city place a lien, as provided in subsection (b) of Section 7, on real estate of the lessor.

Section 10. RECONNECTION FEE. Any reconnection to the Walnut city water system, whether disconnection occurred at the request of the customer or as a result of non-payment for utility services, shall be made only after payment to the Walnut City Clerk of a \$50.00 reconnection fee, plus payment in full of any and all balances for prior utility services provided by the City of Walnut, Kansas.

Section 11. COLLECTION FEES. The City of Walnut, Crawford County, Kansas reserves the right to assess against any customer the costs associated with the collection of any unpaid balance, including, but not limited to, fees which may be assessed by a collection agency utilized by the city.

Section 12. REPEAL. Ordinance No. 2015-3, other ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 13. ADOPTION DATE. The adoption date of this ordinance is December 2, 2025.

Section 14. EFFECTIVE DATE. This Ordinance shall take full force and effect on December 2, 2025, provided it has been published once in the official city newspaper.

Dated this 2nd day of December, 2025.



Brian Kirkpatrick, Mayor

(SEAL)
ATTEST:



Saralyn Boyd, City Clerk

