

**AN ORDINANCE AMENDING CHAPTER 90 – UTILITIES AND APPENDIX A-FEE SCHEDULE – OF THE BRANSON MUNICIPAL CODE PERTAINING TO WATER AND SEWER BILLING PROCESS.**

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**WHEREAS**, any charges made under this chapter shall be due at such time or times as specified by the city, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid.

**WHEREAS**, if such charges become delinquent, there shall be a lien upon the land charged and filed with the recorder of deeds in the county, where the land is situated.

**WHEREAS**, should a lien be placed upon a customer's property, the lien shall have priority and be enforced in the same manner as taxes levied for state and county purposes.

**WHEREAS**, if payment is not received on or before 15 days past due, a second notice will be sent by certified mail or delivered by a process server.

**WHEREAS**, the City, should the sewer charges remain unpaid for a period in excess of three months, the city, after notice to the customer by certified mail or delivered by a process server, shall have the authority at its discretion to disconnect the customer's sewer line from the city's line, when the customer is served water from a private well, to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid.

**WHEREAS**, the intention of the Board is these adjustments include waiver of water and sewer penalties in existence prior to September 1, 2022, deemed uncollectable based on the customer's ability to pay.

**WHEREAS**, After September 1, 2022, the city administrator is authorized to waive water and sewer penalties within reason up to \$1,000.00 for situations deemed appropriate by committee of the Utilities and Finance Directors.

**WHEREAS**, the fee to the utility customer for the use of a process server will be the actual cost incurred by the city.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:**

Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Chapter 90 – *Utilities*, Article II. – *Combined Water and Sewer System*, Sec. 90-28. – *Liability to pay for services*; Sec. 90-38. – *Late charge*; *disconnection for nonpayment of charges*; *disconnection at customer's request*, Sec. 90-41. – *City administrator's authority to make adjustments*; Appendix A – *Fee Schedule* of the Branson Municipal Code is hereby amended to read as follows:

**CHAPTER 90 – UTILITIES**

44                   **ARTICLE II. – COMBINED WATER AND SEWER SYSTEM**

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46   **Sec. 90-28. - Liability to pay for services.**

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48           The occupant of the premises receiving water and sewer services shall be liable to pay for  
49 such services rendered on the premises. ~~[The city shall have the power to sue the occupant in a~~  
50 ~~civil action to receive and collect any sums due for such services, plus a reasonable attorney fee to~~  
51 ~~be fixed by the court.]~~ Premises where the occupant is renting, leasing, or otherwise occupying the  
52 property by agreement with the property owner, the owner and/or landlord will receive notification  
53 of any delinquency in water and/or sewer payments incurred by the occupant at the time the  
54 occupant receives late payment or a shut-off notification.

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56           **Any charges made under this chapter shall be due at such time or times as specified by**  
57 **the city, and shall, if not paid by the due date, become delinquent and shall bear interest**  
58 **from the date of delinquency until paid. If such charges become delinquent, there shall be a**  
59 **lien upon the land charged and filed with the recorder of deeds in the county, where the land**  
60 **is situated. The city shall file with the recorder of deeds a similar notice releasing the lien**  
61 **when the delinquent amounts, plus five percent per annum interest and any recording fees**  
62 **or attorney's fees, have been paid in full. The lien hereby created may be enforced by suit**  
63 **or foreclosure. The city shall have the power to sue the occupant in a civil action to receive**  
64 **and collect any sums due for such services, plus a reasonable attorney fee to be fixed by the**  
65 **court.**

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67           **Should a lien be placed upon a customer's property, the lien shall have priority and be**  
68 **enforced in the same manner as taxes levied for state and county purposes.**

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70   **Sec. 90-38. Late charge; disconnection for nonpayment of charges; disconnection at**  
71 **customer's request.**

72   (a) Customers receiving city water and sewer service.

- 73           (1) If any bill for water and sewer service shall remain due and unpaid from the due date  
74           thereof, a five percent late charge shall be added to the next month's bill for service.
- 75           (2) At five days past due, a notification will be mailed to the customer stating the water  
76           service may be disconnected if payment is not received within 22 days of the due date.
- 77           (3) If payment is not received on or before 15 days past due, a second notice will be sent by  
78           certified mail, **hand delivered, posted on the property, or delivered by a process**  
79           **server** stating that the water service may be disconnected with no further notice if  
80           payment is not received after seven days of the date of second notice. A notification  
81           charge in the amount provided in the city fee schedule shall be assessed to the customer  
82           bill.
- 83           (4) If payment is not received within notification timelines, the water service may be  
84           disconnected. Water service shall not be reconnected until the past-due bill for service  
85           is paid in full, together with the notification charge listed in subsection (a)(3) of this  
86           section, a disconnection service charge in the amount provided in the city fee schedule,  
87           and a reconnection service charge in the amount provided in the city fee schedule.

- (5) If the five percent late charge is not paid by the due date of the bill upon which the charge first appears, service to such customer shall be disconnected if the charge remains unpaid following the notification process described in subsections (a)(2), (a)(3) and (a)(4) of this section. Service shall not be reconnected until the five percent late charge is paid in full, together with the posting, disconnection and reconnection service charges listed in subsections (a)(3) and (a)(4) of this section.
- (b) Sewer customers connected to other public or privately operated water systems.
- (1) If any bill for sewer service to customers connected to other public or private water systems shall remain due and unpaid from the due date thereof, a five percent late charge shall be added to the next month's bill for services.
- (2) Notifications for disconnection shall follow the same steps outlined in subsections (a)(2), (a)(3) and (a)(4) of this section if payment is not received. Actual disconnect schedule shall be determined by the water provider following city notifications.
- (3) If payment for sewer services is not received within the notification timelines, water service may be disconnected by the public or private water service provider. Water service shall not be reconnected until the past-due bill for services is paid in full, together with the notification charge described in subsection (a)(3) of this section and all actual costs charged to the city from the public or private service provider for the disconnection of service.
- (4) If the five percent late charge is not paid by the due date of the bill upon which the charge first appears, service to such customer shall be disconnected if the charge remains unpaid following the notification process described in subsections (a)(2), (a)(3) and (a)(4) of this section. Service shall not be reconnected until the five percent late charge is paid in full, together with the posting, disconnection and reconnection service charges listed in subsections (a)(3) and (a)(4) of this section.
- (5) When sewer charges are in arrears for more than three months and after the city sends notice to the customer, the city may disconnect the customer's sewer line until such time as the sewer charges and all related costs are paid.**
- (c) A fee in the amount provided in the city fee schedule for a water meter disconnect and a fee in the amount provided in the city fee schedule for a reconnection may be charged, when this service is requested by the customer.

#### **Sec. 90-41. - City administrator's authority to make adjustments.**

The city administrator is authorized to make adjustments for circumstances and situations that may arise, which are not clearly defined or addressed by this chapter. Such adjustments shall be in writing and reported to the board. **These adjustments include waiver of water and sewer penalties in existence prior to September 1, 2022, deemed uncollectable based on the customer's ability to pay. Such customer must be willing to enter into an agreement to pay all outstanding usage fees plus a five percent finance charge per annum, calculated on the outstanding usage balance. After September 1, 2022 the city administrator is authorized to waive water and sewer penalties within reason up to \$1,000.00 for situations deemed appropriate by committee of the Utilities and Finance Directors.**

<b><u>90-38</u></b>	Second notice notification charge	13.00
	<b><u>Fee for use of process server</u></b>	<b><u>Actual Cost</u></b>
	Disconnection service charge for nonpayment	13.00
	Reconnection service charge for nonpayment disconnection	13.00
	Disconnection service charge for customer request	13.00
	Reconnection service charge for customer request	13.00

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 4: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

Section 5: That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Larry D. Milton  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Hillary Briand  
City Clerk

\_\_\_\_\_  
City Attorney