

ORDINANCE NO. 15 - 2013

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

AN ORDINANCE TO AMEND ORDINANCE 03-11 OF THE CITY OF DIAMOND CITY, ARKANSAS IN ORDER TO ESTABLISH PROCEDURES FOR THE COLLECTION OF OUTSTANDING WATER ACCOUNT BALANCES IN THE EVENT OF THE INCAPACITATION OR DEATH OF A WATER ACCOUNT HOLDER.

WHEREAS, the City of Diamond City provides services, including the provision of potable drinking water to residents and Water Department account holders of the City of Diamond City; and

WHEREAS, residents and Water Department account holders have a responsibility to timely pay for such water services provided by the City of Diamond City in accordance with Diamond City Ordinance No. 03-11; and

WHEREAS, the Diamond City Water Department needs the means to collect amounts due from account holders who are incapacitated or have passed away and the City desires to further assist with the efficient selling and buying of property in Diamond City; and

WHEREAS, it is in the best interests of the citizens of the City of Diamond City to set forth certain revisions to the procedures of the Diamond City Water Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DIAMOND CITY, ARKANSAS:

SECTION 1. Ordinance No. 03-11 is hereby amended as follows:

SECTION 7. CONNECTION FEES, add the following provision:

3. To facilitate the selling of property in Diamond City, an owner of a business or residence may request a temporary water connection to allow potential buyers the opportunity to inspect the property. To allow for a temporary water connection, the current account holder at the property must not have any outstanding amounts owed on the account or another account within the City.
4. The account holder must contact the Water Billing Department and fill out a request form for the temporary connection. Once the request is completed there will be a fee of \$40.00 charged for the connection to be made.
5. After the temporary request has been submitted and the fees have been collected, a work order will be created for Public Works to make the connection at the requested location. When the connection is made, the Public Works employee will take a reading and provide this reading to the Water Billing Department. **THERE MUST BE A RESPONSIBLE PARTY REPRESENTING THE ACCOUNT HOLDER PRESENT WHEN THE CONNECTION IS MADE.**

6. At the conclusion of the inspection, the account holder will contact the Water Billing Office to request that the service be disconnected once again. A work order will be issued for Public Works to have the meter disconnected at the requested location. The Public Works employee will again provide the Water Billing Department with the meter reading when it is disconnected.
7. A bill for the use of any water will be provided to the account holder and/ or the owner for payment.
8. The above procedure will apply to all of the following:
 - a. Account Holders
 - b. Real Estate Agencies
 - c. Bank, Lending Institutions, etc. that are repossessing the property to be sold.
 - d. Private individuals representing the account holder.
9. **NO CONNECTION WILL BE MADE UNTIL ITEMS 3, 4, AND 5 HAVE BEEN COMPLETED. THERE ARE NO EXCEPTIONS.**

SECTION X. GENERAL PROVISIONS (Add the following provisions:)

6. In the event of an account holder's death or incapacitation, the Water Department will make all efforts to contact the relatives of the account holder to determine the status of the account. If there is no contact within one billing cycle then the account will be closed and any deposit on file will be used to pay the final bill.
7. If the final bill is less than the deposit on file, then the amount owed will be paid and the deposit refund will be mailed to the billing address on file in the account. If the refund is returned to the Water Billing Department, then the refund will be turned over to the State of Arkansas according to existing laws concerning abandoned property.
8. If the Final Bill is more than the deposit on file then the deposit will be applied and any overage will be written off by a resolution or order of the City Council.
9. If the Water Department is successful in contacting relatives of the account holder the Supervisor will determine if there is an Executor of the Estate or a relative with a Power of Attorney who has the authority to make a final disposition of the account. In this situation the Supervisor will request that the Executor of the Estate or person with the Power of Attorney send or fax the appropriate documents along with their photo identification to the Water Department. Once this is received the Executor of the Estate or the person with the Power of Attorney may do one of the following:
 - a. The account may be closed and the deposit, if any, will be used to pay the final bill or refunded as is appropriate.
 - b. The Water Billing Department may allow the account to remain open as long as the monthly bill is paid according to City Ordinance 03-11. If the bill becomes delinquent and the service is shut off for non-payment, then a new account at that

location may only be started with a new application being submitted and all deposit and connection fees paid according to City Ordinance 03-11 and 06-12.

10. The Billing Supervisor will try to accommodate the Executor of the Estate or the person with the Power of Attorney as best they can to ensure the City of Diamond City receives the proper compensation for services rendered.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.


SECTION 3. REMAINDER OF ORDINANCE IN FORCE. The remainder of Ordinance 3-11 not amended by this ordinance remains in full force and effect.

SECTION 4. EMERGENCY CLAUSE. It is hereby declared that the current procedures do not allow the Water Department the authority to dispose of an account where the account holder has passed or become incapacitated. Therefore an emergency is declared to exist and in order to preserve the health, welfare, and safety of the citizens of Diamond City, the provisions hereof have immediate effect and therefore this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 26th day of November 2013.

I, the undersigned, hereby certify that the foregoing Amendment, 15-2013 to amend Ordinance 03-11 was duly adopted by the City Council of Diamond City, Arkansas.

ATTEST:


Cheryl S. Smith
Deputy Recorder

APPROVED:


Shari Marshall
Mayor