

ORDINANCE NO. 471

AN ORDINANCE OF THE CITY OF PONCA, NEBRASKA, ESTABLISHING RULES AND REGULATIONS GOVERNING CITY-PROVIDED UTILITY SERVICES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS Nebraska law grants the City broad powers and authorities to make and enforce all necessary rules and regulations governing the use, operation, and control of City-owned utility services; and

WHEREAS the City Council held a public hearing on December 19, 2023, for the purposes of soliciting input from the public about certain utility rules, regulations, and conditions, particularly those pertaining to how City utilities provided to lessee-occupied residences should be provided and billed;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PONCA, NEBRASKA:

Section 1. Applications and accounts for utility services. Any person desiring a supply of any City utility must make an application for it to the City Clerk on forms designated by the Clerk. The application shall be accompanied by proof of valid identification in a form of the Clerk's choosing and any other information the Clerk deems pertinent to processing the application. Any application submitted and utility account established as a result thereof shall be made in the name(s) of the person(s) requesting the utility.

Section 2. Applications submitted by and accounts established for tenants, lessees, and others who are not a record owner of the property. If the applicant for utility service is a tenant, lessee, or any other individual who is not a record owner of the property to which the utility is to be supplied, the account will be established in the name(s) of, and billing submitted to, such tenant, lessee, or other individual, provided, however, the City will provide utility service to such person on the following conditions:

a. Such person expressly agrees the City may provide account information, in writing, to the property's record owner, including, but not necessarily limited to, account balances, account delinquencies, and shut off notices. Under no circumstances, however, shall the City share such person's Social Security Number, credit or debit card number, or banking information with the property's record owner.

b. Such person expressly agrees the City may shut off any utility, at the written request of the property's record owner, in the event the account is delinquent, and after all shut off notices have been provided according to law.

c. The property's record owner shall continuously maintain on file with the City Clerk a current and valid physical and mailing address and telephone number and shall promptly notify the City Clerk in writing of any changes thereto. Under no circumstances will the City be responsible for researching or otherwise attempting to ascertain an address, telephone number, or any other contact information, or any updates thereto, of the property's record owner for any purpose.

**Section 3. Utility security deposits.** For the purpose of guaranteeing payment, each applicant for utility service shall make a non-interest-bearing deposit to the City Clerk in an amount established by resolution of the City Council. If the applicant is not the property's record owner, an additional non-interest-bearing deposit may be required of the record owner in an amount established by resolution. Any such deposit shall be recorded and maintained by the City Clerk and shall remain continuously on file, provided, however, it shall be refunded in the event there are no account delinquencies for a period of one year from the date of initial deposit. The deposit may be applied toward the payment of any delinquent account; if so applied, an additional full security deposit shall be made as a condition of continued service.

**Section 4. Utility billing cycle.** The City Clerk will bill for utilities on the twelfth of each month or on the next business day thereafter whenever the twelfth is not a business day. Account payments are due, and the City Clerk must receive payment in full, on or before the first day of the following month. Any account not paid in full by the first day of the month is deemed delinquent on the second day of the month and is subject to assessment of a late fee and disconnect as provided by law. Any amount delinquent, including any late fees, shall constitute a lien on the premises to which the utility was supplied, regardless of the name(s) in which the utility account is titled. The City Clerk shall index the lien in the records of the office of the county register of deeds and shall mail a copy of it by regular U.S. mail to the address of the property's record owner on file.

**Section 5. Late fees.** A late fee in an amount established by resolution of the City Council shall be charged to any account each month any balance or portion thereof due is delinquent.

**Section 6. Utility meters.** Any utility meter that measures a utility provided by the City shall be furnished and installed by the City or its contracted agent. Only meters approved by the City shall be installed and used. Meters shall be and remain the property of the City. As a condition of continued service, the customer shall keep all meters clean and in good repair, at the customer's expense, and the

owner or occupant of the premises where a meter is located shall provide ready and convenient access to the meter so it might be easily examined, accessed, and read by City personnel. If the meter is located inside a residence, the City shall give 24 hours' notice to the owner or occupant if the meter needs to be accessed; if access is denied, the City reserves the right to disconnect service until such time access is permitted. The City reserves the right to test, repair, and replace any utility meter at any time.

Section 7. "Utility" defined. For the purposes of this Ordinance, "utility" shall mean water, sewer, gas, and garbage disposal service.

Section 8. Repeal of all prior Ordinances and sections in conflict herewith. Any ordinance or portion of ordinance passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith is hereby repealed, to include Municipal Code sections 6-111, 6-113, 6-114, 6-315, 6-316, 6-317, 6-506, 6-511, 6-512, and 6-513.

Section 9. When operative. This Ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, which publication may be in pamphlet form.

Passed and approved this 25 day of March, 2024.

CITY OF PONCA, NEBRASKA,

  
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DJ Smith, Mayor

ATTEST:

  
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Jaime Schweers,  
City Clerk / Finance Director