

MANTUA, UTAH

ORDINANCE NO. 2023-01-05(A)

AN ORDINANCE ADOPTING AMENDED PROVISIONS FOR THE REGULAION OF DELINQUENT UTILITY FEES UNDER ORDINANCE 14-001.

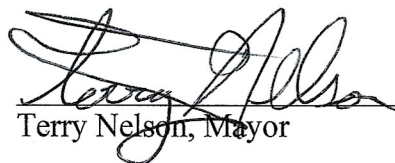
WHEREAS, the Town of Mantua (the “Town”) passed Ordinance 14-001 on October 15, 2015 regulating the orderly collection of water, sewer, or garbage fees (“herein stated as ‘utility services’) and provide for the enforcement of delinquent bills and uncollected fees;

WHEREAS, the Town desires to amend Ordinance 14-001 in order to provide additional updates and revisions with the intention of adequately protecting the best interests and welfare of the residents of the municipality;

NOW, THEREFORE, BE IT ORDAINED, by the Mantua Town Council, Box Elder County, State of Utah, as follows:

1. Section 2 of Ordinance 14-001 is amended to read as follows:
 2. Any person failing to render payment for the utility services – such being delinquent ten (10) days after the second billing – shall be subject to the following action:
 - A. Utility services shall be disconnected by the town maintenance supervisor and such utility services may be reconnected only upon full payment of the delinquent bill, current bill and any other fees applicable as regulated in the Summary of Fees Schedule.
 - B. If, due to weather conditions it is impractical to disconnect the utility services, the person responsible for the amount will be charged a delinquent fee as regulated in the Summary of Fees Schedule and will be referred to small claims court and required to pay filing fees and assessments.
 2. To the extent of any conflict between this Ordinance and any other ordinance(s) or regulation(s) of the Town of Mantua, the provisions of this Ordinance shall be controlling.
 3. Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
 4. This Ordinance shall be in full force and effect from 01-05-2023 and after the required approval and publication according to law.
 5. All Town of Mantua ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

ADOPTED AND APPROVED by the Mantua Town Council this 5th day of January, 2023.


Terry Nelson, Mayor


Shayla HammekStone, Town Recorder

Votes as recorded	AYE	NAY	ABSENT
Council Member, Karen Nelson	<u>X</u>	___	___
Council Member, Matt Jeppsen	<u>X</u>	___	___
Council Member, Jared Jeppsen	<u>X</u>	___	___
Council Member, Justin Brown	___	<u>X</u>	___
Town Mayor Terry Nelson	<u>X</u>	___	___

Amended Ordinance No. 14-001

Title: Delinquent Utility Fee Enforcement

Purpose: Whereas, the Mantua Town Council recognizes the necessity to regulate the orderly collection of water, sewer, or garbage fees (herein stated as “utility services”) and provide for the enforcement of delinquent bills and uncollected fees. The following amended ordinance is hereby enacted.

1. If payment of the utility services is not paid in full by the 23rd of each month following the date of the billing, resident will incur a \$10.00 late fee.

~~2. Any person failing to render payment for the utility services—such being delinquent 10 days after the second billing—shall be subject to the following action:~~

~~A. Utility services shall be disconnected by the town maintenance supervisor and such utility services may be reconnected only upon full payment of the delinquent bill, current bill, and the reconnection fee of \$50.00.~~

~~B. If, due to weather conditions it is impractical to disconnect the utility services, the person responsible for the amount will be referred to small claims court and required to pay filing fees and assessments. Amended by ordinance no. 2023-01-05~~

C. If person still does not pay for the utility services after being disconnected, the person responsible for the amount will be referred to small claims court and required to pay filing fees and assessments.

3. If a person is delinquent on payment of their utility services as stated above, person will receive a two-day courtesy Notice of Disconnect. If person receives a Notice of Disconnect two times for being delinquent, on the third time the person is delinquent, said person will not receive a courtesy notice and utility services will be disconnected for nonpayment.

4. Definition:

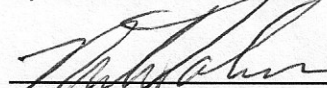
Person: Shall mean any person, firm, landlord, leaseholder, or other entity having control of or an established ownership of any residence, business, shop, building, or property being provided services of water, sewer, or garbage by the Town of Mantua.

5. Exception. An exception to the provisions of this ordinance may be granted as follows: upon determination by the council member assigned oversight for the particular town services, a person may enter into an agreement to extend or delay payments under the following conditions.

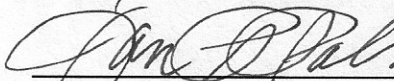
- A. Upon proof of loss of employment.
- B. Upon proof of a serious medical condition which places an undue financial hardship upon the person or family.
- C. Upon proof of a recent death of the main provider of income for the family.
- D. Upon proof of a divorce which has caused substantial financial hardship to the spouse and children remaining in the home.
- E. Upon proof of extenuating circumstances (i.e., unforeseen emergency expenses).

In no case shall such an agreement be extended more than six (6) months, less approved and granted by a unanimous vote of the Town Council.

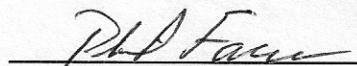
This Amended Ordinance No. 14-001 was adopted on 10-15-15 and supersedes all other ordinances, resolutions, or policies previously enacted dealing with or touching upon the subject of delinquencies for the above-mentioned utility services provided by the Town of Mantua.



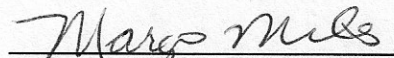
Mayor, Michael Johnson



Council member Jan Palmer



Council member Phil Facer



Council member Margo Miles

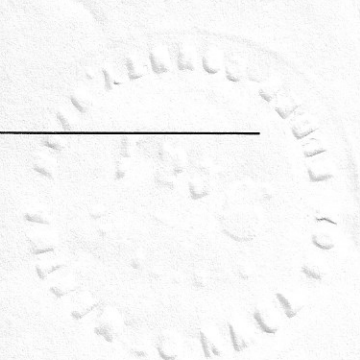
Council member Steve Howard was not present at council meeting when this amended ordinance was adopted.

Recorder:


Lori Hurd

10-15-15

Date



Ordinance #14-001

Title: Delinquent Utility Fee Enforcement

Purpose: Whereas the Mantua Town Council recognizes the necessity to regulate the orderly collection of utility fees and provide for the enforcement of delinquent bills and uncollected fees; the following ordinance is hereby enacted.

1. Any person failing to render payment due to the Town of Mantua for water, sewer, or garbage services; such being delinquent in excess of 60 days from the due date, shall be subject to the following action:
 - A. **Delinquency for water payment:** Water service shall be disconnected by the town maintenance supervisor or his/her designee and such service may be reconnected only upon full payment of the delinquent bill plus any delinquent fee as posted in the fee schedule. Fees will be determined periodically by majority vote of the town board. Said delinquency amount will be posted along with the billing notice.
 - B. **Delinquent payment for sewer services:** Sewer services shall be the same as stated for late payment of water services. Water services shall be discontinued until full payment and delinquent fees are rendered as stated in paragraph 'A' above.
 - C. **Delinquent payment for garbage services:** Upon notification of delinquent payment for garbage services in excess of 60 days, the maintenance supervisor shall remove all garbage cans assigned to the person in delinquency. Said cans will be returned only upon full payment of the delinquent bills plus a delinquent fee as determined in paragraph 'A' above.
 - D. If, due to weather conditions, it is impractical to disconnect water services, the person responsible for the account will be referred to small claims court and required to pay filing fees and assessments.
2. Upon determination that any person has allowed any service listed above to be disconnected or discontinued three times, a security deposit equal to two months service fee shall be deposited prior to said service being reestablished for the fourth time. Security deposits may be returned upon determination by Mantua Town's chief clerk that said person has not been delinquent in payments for any services listed herein for a continuous period of five (5) years or upon proof of the person no longer having ownership or responsibility for the property being billed and is current with all bills owed the Town of Mantua.

3. If full payment is not received for the above mentioned services by the due date, a minimum \$10.00 handling fee will be applied. This fee will be in addition to any reinstatement or reconnection fees herein established.

4. Definitions:

Person: shall mean any person, firm, landlord, leaseholder, or other entity having control of or an established ownership of any residence, business, shop, building, or property being provided services of garbage, water, or sewer by the Town of Mantua.

Delinquent payment: shall mean any amount of money (in U.S. dollars) owed past due in excess of thirty (30) days. Said money owed for services provided by the Town of Mantua plus any penalties, late fees, reinstatement fees and/or security deposits as established by this ordinance.

5. Method of Notification of Delinquent Payment: A person shall be deemed notified of delinquent payment of services when a billing statement has been delivered by U.S. mail to that address listed within Mantua Town. A notification for discontinuance of service shall be by the placement of a brightly colored tag on the front door handle of the person's residence, business, or other establishment owing said payment.

6. Exception: An exception to the provisions of this ordinance may be granted as follows; upon determination by the council member assigned oversight for the particular town service(s), a person may enter into an agreement to extend or delay payments under the following conditions.

A. Upon proof of loss of employment

B. Upon proof of a serious medical condition which places an undue financial hardship upon the person or family.

C. Upon proof of a recent death of the main provider of income for the family.

D. Upon proof of a divorce which has caused substantial financial hardship to the spouse and children remaining in the home.

In no case shall such an agreement be extended more than six (6) months, unless approved and granted by a unanimous vote of the Town Council.

Ordinance adopted on March 6, 2014 and supersedes all other ordinances, resolutions, or policies previously enacted dealing with or touching upon the subject of delinquencies for the above mentioned services provided by the Town of Mantua.

5 Aye votes Mike Johnson, Margo Miles, Phil Facer, Jeff Farr, Steve Howard

Nay votes _____

Absent _____

[Signature]
Mayor

[Signature]
Councilmember

[Signature]
Councilmember

[Signature]
Councilmember

[Signature]
Councilmember

Recorded:

[Signature]
Town Clerk

March 6, 2014
Date