

ORDINANCE NO. 17-20

AN ORDINANCE PERTAINING TO UTILITIES AMENDING SECTION 22-1-1-102 and 22-1-1-104, DIVISION 22-1-1 ARTICLE 22-1, CHAPTER 22, LAWTON CITY CODE, 2015, BY INCREASING THE ANNUAL HOUSEHOLD INCOME LIMIT FOR ELDERLY AND DISABLED PERSONS TO QUALIFY FOR A REDUCTION IN UTILITY RATES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 22-1-1-102 is hereby amended to read as follows:

22-1-1-102 Reduction in rates for elderly, low-income disabled water, sewer, refuse charges.

- A. A reduction in rates, as provided in the fee schedule, shall be made for each single-family dwelling unit occupied by:
 1. An individual head of household sixty-five (65) years of age or older with a combined annual gross household income of ~~twenty five thousand and no/100 dollars (\$25,000.00) or less~~; twenty eight thousand and no/100 dollars (\$28,000.00) or less;
 2. An individual head of household regardless of age who is disabled as defined in this section and whose combined annual gross household income is ~~twenty five thousand and no/100 dollars (\$25,000.00) or less~~ twenty eight thousand and no/100 dollars (\$28,000.00) or less. Before such reduction is allowed, the person shall certify to the city on a form prescribed by the city the age and income, that the applicant is the head of the household or the spouse of the head of the household, and the address of the single-family dwelling unit for which the reduction is applied. In addition, qualified persons shall provide documentation which shows that the applicant or his spouse meets the criteria of age, income, or disability. Such certification shall be made at the initial application and shall be renewed annually by each occupant during the month of April of each year. Billings for issuance in May and months thereafter, where reapplication has not been made, will revert to normal billing system and although subsequent reapplication may apply, credit for lost months shall not be given. Application and reapplication, as previously outlined, shall be required. The reduction shall be applicable to single-family dwelling units within mobile home parks, apartments and other multifamily dwellings where another person is renting the facilities to eligible parties when, in addition to certification by the person qualifying for the reduction, a certification is made by the owner of the premises that such unit was occupied by the person during the entire month for which the reduction is sought. The certification by the owner of the premises shall be on a form prescribed by the city and shall be submitted monthly not later than the due date of the billing period for which the reduction is sought.
- B. Any person making a false or incorrect certification under this section shall be subject to punishment as provided in Section 1-119 of this code.
- C. This reduction applies to all city utility bills for services provided inside city limits.
- D. "Disabled" means an adult person having a physical or mental impairment which prevents gainful employment for one year or longer, and has documentation of such an impairment from a

recognized agency (Social Security, Veterans Administration Civil Service), private insurance company, pension fund or other documentation acceptable to the city.

Section 2. Section 22-1-1-104 is hereby amended to read as follows:

22-1-1-104 Payment and penalties for nonpayment of utility bills.

- A. Each utility bill shall be due on the billing date. If the payment is not received by the city and paid in full on or before the due date, which is twenty (20) days after the billing date, a late payment penalty of ten percent (10%) of the current utility bill with a minimum penalty, as provided in the fee schedule, shall be added. The customer may request, prior to the utility cut-off date, an adjustment of the late payment penalty fee. The finance director or his designee shall waive the late penalty fee, providing the customer has not had any late fees assessed within the past consecutive twelve (12) months of service; however, the pay record will not be changed. The gross amount due shall be the current utility bill plus the penalty and any arrears. If the utility bill, and arrears are not paid in full within (20) days after due date, service will be discontinued without further notice and a service charge, as provided in the fee schedule, will be assessed when service is restored during normal working hours and a service charge, as provided in the fee schedule, will be assessed when service is restored during other than normal working hours. The service shall not be reinstated or the water turned on by any person until the past due utility bill on such property, together with all penalties, arrears and charges, have been paid and a deposit as required in Section 22-115 of this chapter shall have been paid in full.
- B. In situations where FEMA has declared a natural disaster, utility accounts established for service for victims of the disaster and paid either by an agency of the federal or state government will not be charged the ten percent (10%) late penalty as determined in paragraph A above. Nor will the customer's service be discontinued if the utility bill and arrears are not paid in full within twenty (20) days after the due date as also determined in paragraph A above. This exception will apply to account for no longer than six billing periods.
- C. The late payment penalty on current utility bills which have not had a penalty assessed will be deferred until the next month's billing for all single-family dwelling units, if the combined annual gross income of the household is not greater than ~~twenty-five thousand and no/100 (\$25,000)~~ twenty eight thousand and no/100 (\$28,000) . If the current bill is not paid prior to the next month's billing, then the penalty will be added as provided in subsection A of this section. Before such deferral is allowed, the head of the household shall certify to the city on a form prescribed by the city, the applicant's name, address of qualifying household, and documentation which shows that the combined annual gross income of the household does not exceed ~~twenty-five thousand and no/100 (\$25,000)~~ twenty eight thousand and no/100 (\$28,000) and no/100. Such certification shall be made at the initial application for utility service and shall be renewed annually by each applicant during the month of April. Billings issued in May or months thereafter, where reapplication for the deferment of penalty has not been made, will revert to the normal penalty assessment. Although a penalty delay reapplication has not been approved, penalty delay credit for the months between May and the application approval date shall not be given. Persons who meet or subsequently meet the prerequisite for senior citizen or disability discount described in Section 22-102 of this chapter will automatically be covered by the penalty delay program.

- D. In those cases in which the finance director or the supervisor, revenue services, determines the facts warrant an extension of time to pay a utility bill, an extension may be granted by the finance director or supervisor, revenue services, as authorized by guidelines from the city manager.
- E. There is levied for the purpose of defraying the bookkeeping cost and expenses, as provided in the fee schedule, which shall become a part of the account of any customer in the city when any check given in payment of water, sewer or other service charges is returned from the bank after refusing payment for any reason.
- F. Every water consumer, whether owner or tenant, shall keep the city advised of the consumer's correct mailing address. The failure of any consumer to receive water bills shall not be a valid excuse for failure to pay bills when due.
- G. Payments placed in drop boxes designated as City of Lawton drop boxes for payment of utilities after 5:00 P.M. will be considered as payments received by the city as of the following business day. If a penalty is due for late payment said penalty will be assessed.
(Ord. 2008-64, Amended, 10/14/2008; Ord. 2005-04, Amended, 02/08/2005; Ord. 2003-45, Amended 10/14/2003; Ord. 2002-38, Amended, 09/10/2002; 97-52, Amended 10/14/1997; 97-54, Amended 10/14/1997; 97-25, Amended 05/27/1997; 96-26, Amended, 07/09/1996)

Section 3. 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, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 4. Emergency. Whereas, it being immediately necessary for the preservation of the peace, health and safety of the City of Lawton and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 13th day of June, 2017.

FRED L. FITCH., MAYOR

ATTEST:

TRACI L. HUSBECK, CITY CLERK

APPROVED as to form and legality this _____ day of _____ 2017.

FRANK JENSEN
CITY ATTORNEY