

JOHN M. NEFF  
CITY ATTORNEY

ORDINANCE NO. 1233

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE, 26A, ESTABLISHING RULES AND REGULATIONS FOR UTILITIES FURNISHED BY THE CITY, INCLUDING WATER, ELECTRICAL POWER, AND SEWER, ESTABLISHING CYCLICAL BILLING FOR SUCH SERVICES, ESTABLISHING DEPOSITS FOR OBTAINING SUCH SERVICES, OMITTING CONFLICTING PARTS OF CHAPTER 8, 23, and 27 AND REPEALING ALL SECTIONS OF THE CODE IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE PRESIDENT OF THE COUNCIL AND THE COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA:

Section 1. 26A is a chapter of the Code and is hereby established as follows:

"26A LEXINGTON UTILITIES SYSTEM."

Section 2. 26A-1 is hereby added to the Code as follows:

"26A-1 LEXINGTON UTILITIES SYSTEM TRADENAME may be known under the style and name of "LEX US", and "LEX US" may be used for all billing and reference to general utilities furnished by the City."

Section 3. Section 26A-2 is hereby added to the Code as follows:

"Section 26A-2 Application for Service

Every person desiring any utility service from Lexington Utilities System, shall make application therefore at the business office of the City. Applications shall list the street address and legal description of the property where the service is to be used."

Section 4. Section 26A-3 is hereby added to the Code as follows:

"Section 26A-3 Deposits Required.

Applications made by tenants for home utility and mobile home service shall be accompanied by a utility service deposit of \$25.00; applications by owners of property for home utility service shall be accompanied by a utility service deposit of \$15.00; application for service for commercial and all other purposes shall be accompanied by a utility service deposit of \$50.00.

(b) Any billing for services which becomes delinquent may be paid from such deposit and such user may be required to replenish the deposit before further services are rendered."

(c) Deposits shall be retained by the City for at least two years and then shall be returned to the customer if no bill becomes delinquent during the period. If a bill becomes delinquent, deposits shall be retained for an additional two years from the date of delinquency.

(d) All retained deposits shall be returned without interest.

Section 5. Section 26A-4 is hereby added to the Code as follows:

"Section 26A-4 Billing.

The billing of the utility services to the user shall be done monthly on a cyclical billing schedule determined by the City."

Section 6. Section 26A-6 is hereby added to the Code as follows:

"Section 26A-6 <sup>Charges</sup> Charges for Services and Other Provisions of Chapter 8, 23, and 27.

Charges for utilities shall be in accordance with the provisions of Chapter 8, Chapter 23, and Chapter 27 of the Code establishing such charges. Further regulations and rules concerning each of the utilities of the City shall also be as provided in such chapters, except as maybe changed by this Chapter.

Section 7. Section 26A-7 is hereby added to the Code as follows:

"Section 26A-7 Due Dates for Utilities; Collection of Delinquent Bills.

All services for utilities shall be due at the date of billing. In the event any bill remains unpaid for more than thirty (30) days after the due date, it shall be considered delinquent and the City Manager is empowered, instructed and commanded to collect the entire bill. Any payment which does not include the entire amount shall not bind such City, but remain an existing liability against the user and when appropriate, against his property, and suit for collection of the same may be brought in the name of the City. The City Manager is empowered and directed to discontinue and disconnect the utilities of any consumer after his bill has become delinquent, and such bill plus a \$5.00 service charge shall be paid by the consumer before the assumption of such utility service."

Section 8. "Section 27A-32 Penalty

A person who shall violate, neglect or refuse to comply, or who resists the enforcement of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof a penalty shall be imposed as provided by the general penalty Section, 1-7."

Section 9. All parts of the code in conflict with this Ordinance are hereby repealed.

PASSED AND APPROVED-- June 8, 1971

*Chas. W. [Signature]*  
President of the Council

ATTEST:

*Norris L. Warren*  
City Clerk  
( S E A L )