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**ORDINANCE NO. 491**

**AN ORDINANCE ESTABLISHING A COLLECTION PROCEDURE FOR DELINQUENT ACCOUNTS DUE AND OWING CITY OF BASEHOR.**

**WHEREAS**, the Governing Body of the City of Basehor, Kansas, has determined that it should establish a collection procedure for delinquent accounts due and owing the City; and

**WHEREAS**, the Governing Body of the City of Basehor, Kansas, has determined that interest and fees should be assessed against the delinquent customers in such instances; and

**WHEREAS**, it is in the best interest of the City of Basehor, Kansas, to assess such interest and fees against the delinquent customers; and

**WHEREAS**, the Governing Body deems it necessary to adopt this Ordinance in order to provide a uniform and consistent collection policy with regard to such delinquent accounts; and

**WHEREAS**, the Governing Body acknowledges that there are specific collection procedures already established for certain City activities such as sewer and solid waste accounts, and that this Ordinance will only apply to those situations where the City of Basehor has not established a specific collection policy.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS;**

**Section 1: Assessment and Notification**

The administration and collection of delinquent accounts due and owing to the City of Basehor shall be the responsibility of the Administration Department of the City of Basehor.

The Administration Department is hereby authorized, pursuant to provisions of this Ordinance, to initiate appropriate collection activities with regard to any individual or entity that is thirty (30) days delinquent in regard to any sum of money that is due and owing to the City of Basehor.

Any sum of money due and owing the City of Basehor shall be considered delinquent if it is not paid in full on or within thirty days (30) from the date of the City invoice or statement.

Prior to initiating any collection activity the Administration Department shall send a notice to the delinquent customer describing the amount that is due and owing to the City of Basehor and shall inform the delinquent customer that said account is delinquent and is being charged simple interest of twelve percent (12%) per annum commencing on the date thirty (30) days from the date of the first invoice or statement.

The notice shall also inform the delinquent customer that there is a late payment fee of forty five dollars (\$45.00) assessed to each billing cycle of a delinquent account.

**Section 2:**     **Procedure**

From the date of the adoption of this Ordinance, every statement of account or invoice issued by the City of Basehor shall disclose that all charges are due immediately upon receipt of the invoice or statement of account. It shall further state that if the invoice or statement of account is not paid within thirty (30) days of the date of the invoice or statement of account that the unpaid balance of the account will bear simple interest at the rate of twelve percent (12%) per annum.

That each invoice or statement of account shall also disclose that a late payment charge of Forty Five Dollars (\$45.00) shall be charged for each billing cycle for which a delinquent statement is being sent out to the delinquent customer.

**Section 3:**     **Enforcement**

If the account remains delinquent for a period of more than Sixty (60) days, the Administration Department shall have the discretion to pursue collection of the delinquent account by any legal means. It may initiate a collection suit in small claims court; it may turn the delinquent account over to a collection agency; or it may turn the delinquent account over to the City Attorney for collection.

Furthermore, the administration department on behalf of the City of Basehor may refuse to provide future City services to the delinquent customer including but not limited to the issuance of building permits, occupancy permits, or any other City service until said delinquent account is paid in full with all interest and fees.

That this Ordinance shall take effect and be in full force from and after its passage, approval and publication in the official City newspaper of the City of Basehor, Kansas.

Passed by the Governing Body this 1st day of May, 2006.

Read and approved as to form:

/s/  
John F. Thompson  
Attorney for the City of Basehor

/s/   
Chris Garcia, Mayor

Attest:

/s/   
Mary Ann Mogle, City Clerk

