

AN ORDINANCE enacting a new Section 710.220 "Property owner liability for water and sewer services – liens."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

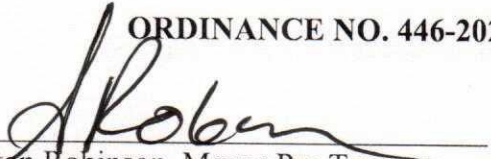
Section 1. That a new Section 710.220 "Property owner liability for water and sewer services – liens." is enacted as follows:

"Section 710.220 Property owner liability for water and sewer services – liens.

- A. Water and sanitary sewer services shall be deemed to be furnished to both the occupant and owner of the premises receiving either or both of such services.
- B. To the extent authorized by State statute, delinquent charges for water services or sanitary sewer services shall be a lien upon the land so charged for such service or services, upon the filing of a notice of delinquency with the recorder of deeds. The lien hereby created may be enforced by suit or foreclosure.
- C. The director of finance is authorized to file, on behalf of the city, the notice of delinquency as provided in subsection B of this section, subject to the following limitations:
 - 1. If the account is three or more months delinquent or the total amount of such delinquency is \$500.00 or more.
 - 2. The limitations provided by this subsection shall not prohibit the director of finance, or the Council, from pursuing other remedies provided by statute or ordinance.
- D. Upon the written request of any owner whose land has become subject to a lien as provided in subsection B of this section, within 30 days of the filing of such lien, the director of finance shall hold a hearing to ascertain all facts in the matter. The owner requesting such hearing shall be entitled to all rights applicable to a contested case under state administrative review and procedure law. The director shall prepare written findings and conclusions determining whether the amount of the charges was properly computed, whether such charges were delinquent, or whether the lien should be removed or released for any factual or legal reason. If, after hearing, the director finds and concludes that the lien should be removed or released, the director shall take any necessary action to remove or release the lien from the property. The owner of such land must pay in advance a \$75.00 fee, to cover in part the cost of hearing the case, and preparing the written response. If upon finding that the lien should be removed or released the fee should be returned or refunded to the property owner requesting the hearing."

Section 2. That this ordinance shall be in full force and effect from and after its passage.


PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this 19th day of September, 2023, by a vote of 5-yes
0-no


Ashton Robinson, Mayor Pro Tempore

ATTEST:


Cheyenne Wright, City Clerk

APPROVED AS TO FORM:


Jordan L. Paul, City Attorney

