

## ORDINANCE NO 25-

AN ORDINANCE PERTAINING TO UTILITIES, AMENDING SECTION 22-1-1-104, DIVISION 22-1-1, ARTICLE 22-1, CHAPTER 22, LAWTON CITY CODE, 2015, RELATING TO PAYMENT AND PENALTIES FOR NONPAYMENT OF UTILITY AND/OR LANDFILL BILLS BY GRANTING THE CITY MANAGER IN CERTAIN CIRCUMSTANCES THE AUTHORITY TO APPROVE PAYMENT PLANS, AND IN LIMITED INSTANCES TO INCLUDE THE WAIVING OF FEES/CHARGES; SETTING FORTH REQUIREMENTS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

### ORDINANCE

*NOW, THEREFORE, BE IT ORDAINED* BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA THAT:

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

22-1-1-104 – Payment and penalties for nonpayment of utility and/or landfill bills.

- A. Each utility/landfill 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/landfill bill with a minimum penalty, as provided in the fee schedule, shall be added. The customer may request, prior to the utility/landfill 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/landfill bill plus the penalty and any arrears. If the utility bill, and arrears are not paid in full within twenty (20) days after due date, utility 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. If the landfill bill, and arrears are not paid in full within twenty (20) days after due date, the customer will lose their ability to charge their landfill account but may still make deposits/deliveries to the landfill by paying cash at the gate. Customers whose landfill account have been referred to a collection agency may no longer, under any circumstances, be allowed to make any deposits/deliveries to the landfill.

- 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 (6) 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 eight thousand five hundred sixty dollars (\$28,560.00), or as adjusted as provided for in Section 22-1-1-102, A.1. of this code. 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 eight thousand five hundred sixty dollars (\$28,560.00), or as adjusted as provided for in Section 22-1-1-102, A.1. of this code. 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/landfill 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 utility consumer/landfill customer shall keep the city advised of the consumer's/customer's correct mailing address. The failure of any consumer/customer to receive utility/landfill 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 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.

H. A utility or landfill customer may request a payment plan for an outstanding balance, subject to the following provisions. For a payment plan request to be considered, such a request must be submitted in writing to the supervisor of the Utility Services Division: (1) not more than 30 days after the account becomes delinquent, i.e. not more than 30 days after the due date that leads to an outstanding balance; or (2) for accounts with an outstanding balance as of the effective date of the ordinance creating this paragraph, not more than 30 days after the effective date of said ordinance. Where a timely request for a payment plan is made, the city council grants the city manager authority to negotiate and approve payment plans on behalf of the city with utility and landfill customers, to include entering into payment plans, which may in limited instances include the waiving or partial waiving of fees and charges. Any waiver or partial waiver of fees or charges by the city manager as part of a payment plan shall occur only in instances where: (1) there is a dispute between the customer and city over the amount owed, and (2) in the city manager's opinion, there exists good cause for a waiver in order to resolve the dispute. A utility or landfill customer will not be able to receive a waiver or partial waiver under this paragraph if they have received a waiver or partial waiver under this paragraph during the previous 36 months. Furthermore, the annual calendar year amount of cumulative waivers and partial waivers authorized under this paragraph shall not exceed the lesser of: (1) an amount that causes the city not to be able to satisfy its rate covenant under any outstanding debt obligations related thereto, or (2) \$150,000.00. All payment plans authorized under this paragraph, including those with waivers or partial waivers of fees or charges, shall be documented in writing and signed by the city manager (or city manager's designee) and the customer. The city manager will provide a written report to the city council in June and December of each year detailing any waivers or partial waivers granted under this paragraph during the previous six-month period and providing the cumulative total of waived fees and charges under this paragraph for the current calendar year. The waiving or partial waiving of fees and charges contemplated by this paragraph is in addition to any authority to waive other fees of the utility system that may be authorized elsewhere in code; however, in no event shall the combined amount of fee waivers for the utility system authorized elsewhere in code and the fee and charge waivers or partial waivers authorized by this paragraph exceed an amount that causes the city not to be able to satisfy its rate covenant under any outstanding debt obligations related thereto.

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or 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 3. Effective Date.** The provisions of this ordinance shall become effective thirty days after its passage.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN ANDREW,  
CITY ATTORNEY

**ORDINANCE NO 25-**

AN ORDINANCE PERTAINING TO UTILITIES, AMENDING SECTION 22-1-1-104, DIVISION 22-1-1, ARTICLE 22-1, CHAPTER 22, LAWTON CITY CODE, 2015, RELATING TO PAYMENT AND PENALTIES FOR NONPAYMENT OF UTILITY AND/OR LANDFILL BILLS BY GRANTING THE CITY MANAGER IN CERTAIN CIRCUMSTANCES THE AUTHORITY TO APPROVE PAYMENT PLANS, AND IN LIMITED INSTANCES TO INCLUDE THE WAIVING OF FEES/CHARGES; SETTING FORTH REQUIREMENTS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

**BRIEF GIST**

This ordinance grants the city manager the authority in certain circumstances to establish payment plans, and in limited instances to include the waiving of fees/charges for utility/landfill bills. The ordinance sets forth the requirements for any such payment plans, as well as any waiver that may be issued as part of such payment plan.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this \_\_\_\_ day of \_\_\_\_\_, 2025.)