

CHAPTER 20

WATER

Article I. In General

- 20-101 Definitions
- 20-102 Use of water deemed consent to chapter provisions
- 20-103 Discontinuance of service for tampering or interfering with meters, connections, etc.
- 20-104 Discontinuance of service when public health, safety or welfare requires; nonliability of city
- 20-105 Definitions
- 20-106 Declaration of Water Watch
- 20-107 Declaration of Water Warning
- 20-108 Declaration of Water Emergency
- 20-109 Voluntary Conservation Measures
- 20-110 Mandatory Conservation Measures
- 20-111 Emergency Water Rates
- 20-112 Regulations
- 20-113 Review
- 20-114 Violations, Disconnections and Penalties
- 20-115 Emergency Termination
- 20-116 City does not guarantee specific pressure
- 20-117 Right to refuse or limit service generally
- 20-118 Right to refuse service in event of danger of contamination
- 20-119 Use of water from fire hydrants
- 20-120 Use of water for public purposes generally
- 20-121 Unauthorized use or turning off of water
- 20-122 Construction, ownership and financing of system generally
- 20-123 Promulgation of rules and regulations

Article II. Application for Service

- 20-201 Generally - To be in writing; form and contents
- 20-202 Same - Requirements to be met when premises not previously served
- 20-203 Compliance with applicable plumbing and sanitary regulations
- 20-204 Installation of street service lines
- 20-205 Requirements to be met when application is for special water service
- 20-206 Deposits - Required; amount
- 20-207 Same - Separate account; interest
- 20-208 Same - Refund upon discontinuance of service; exception
- 20-209 Same - May be applied to unpaid bills upon discontinuance of service.
- 20-210 Same - Disposition if not reclaimed within two years after discontinuance of service.
- 20-211 Same - Investment

Article III. Rates and Charges

- 20-301 Schedules of rates
- 20-302 Rural water districts
- 20-303 Due date; discontinuance of service
- 20-304 Delinquency in payment; disconnection and reconnection and charges therefor
- 20-305 Reservation of right to change
- 20-306 Billing generally

Article IV. Meters Generally

- 20-401 Required; exceptions
- 20-402 Removal, injury to, defacing, etc.
- 20-403 Approval of service line prerequisite to installation
- 20-404 Property of waterworks division; placement; obstruction of access
- 20-405 Testing
- 20-406 Adjustment of charges - When meter inoperative
- 20-407 Same - When meter measurement inaccurate

Article V. Extension of Water Mains

- 20-501 Compliance with subdivision requirements required; exception
- 20-502 Construction and payment generally

Article VI. Water Conditioning

- 20-601 Definitions
- 20-602 Registration, bond and insurance requirements for contractor
- 20-603 Installations and connections - Permit required
- 20-604 Same - Inspection
- 20-605 Violations
- 20-606 Contractors not engaged in plumbing

Article VII. Private Water Wells

- 20-701 Definitions
- 20-702 New Water Wells - Prohibition
- 20-703 Penalty

Article I. In General

Sec. 20-101 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Abandoned street service line” A water supply pipe that (1) does not lead to a structure and has not been used for at least three years, or (2) has been released by the property owner, lessee or person in possession and control of the premises.

“Classification of accounts” The accounts of all consumers shall be classified by the waterworks division as follows:

a. **Residential.** Water service to private residences of one family or more than one family when each is supplied through a separate meter.

b. **Commercial.** Water service to apartment and boardinghouses, hotels, offices, office buildings, retail and wholesale commercial establishments, laundries, private schools and colleges, private hospitals and other like premises where water is not used primarily for industrial purposes.

c. **Industrial.** Water service to manufacturing and industrial consumers, including aircraft and metal product manufacturers, public utilities, stockyards, packing houses, grain elevators, bottling works, food processors and similar enterprises. On premises where manufacturing is the principal business, all services shall be classified as industrial.

d. **Municipal.** Water service for municipal and other public purposes other than public fire protection including usage for sewer and street flushing, street and sidewalk construction when done by the city; parks; schools; churches and municipal buildings; county, state and federal agencies and departments.

e. **Miscellaneous.** Water service for building and construction purposes to parties other than the city; for water sold at the pumping station; water service to circuses and other uses where the connection is of a temporary nature.

“Consumer” Any person furnished water by the waterworks division.

“Consumer's service line” A supply pipe installed, maintained and owned by the consumer extending from the outlet side of the meter to the premises served.

“Cross connection” A connection, direct or indirect, with water mains or street service lines leading to any other source of water or source of possible contamination.

“Master meter” One meter measuring the water furnished to serve two or more premises.

“Meter” A mechanical device which measures and records the quantity of water furnished to the consumer.

“Meter setting” A box, vault or tile, with covering, containing a meter and connecting appurtenances.

“Premises”

a. A building or group of buildings occupied by a family unit or business entity and used for residential, business or commercial purposes.

b. A building or group of buildings used and operated as a hospital, educational or religious institution.

c. A separate dwelling unit within a structure designated for multi-family occupancy

d. A building containing areas and spaces separately rented to tenants.

e. A single tract of land upon which areas are rented for occupancy by mobile homes used for residential purposes.

f. A tract of land used for park, playground or recreational purposes.

g. Any other structure or structures, public or private, the use or occupancy of which requires water and water service.

“Special service” Any water service that involves the installation of facilities and equipment other than designated in this section as standard service or which involves a use of water other than for normal residential, commercial or industrial purposes.

“Standard service” Facilities normally installed for residential, commercial or industrial usage not requiring special or unusual methods or installation, construction and engineering.

“Street service line” A pipe with appurtenances connected to a water main for the purpose of controlling the flow of water and extending from the water main to the inlet side of the meter.

“Water main” A water pipe owned by the city under the control of its waterworks division to which street service lines may be connected.

“Waterworks division” An administrative unit consisting of city personnel headed by the city manager to conduct all operations in connection with the supplying and furnishing of water and water service by the city to consumers in the city and environs pursuant to the provisions of this chapter.
(Ord. 7372, Adop. 8/18/92)

Sec. 20-102 Use of water deemed consent to chapter provisions.

Every person using water from the city's waterworks system shall thereby be deemed to have consented and agreed to the terms and provisions of this chapter and to have acknowledged the right of the waterworks division to discontinue water services without notice in the event of the failure of such consumer to make timely payment of all rates and charges fixed and established by this chapter or to otherwise comply with the terms and provisions of this chapter.

Sec. 20-103 Discontinuance of service for tampering or interfering with meters, connections, etc.

In addition to the provisions of Sec. 20-104, water service may also be shut off to any consumer by the waterworks division without notice if such consumer shall tamper or in any way interfere with any meter, connections, service pipes, valves or other appurtenances belonging to the city or for any violation by a consumer of the terms of this chapter or any other applicable ordinance of the city or the statutes of the state relating to the waterworks system.

Sec. 20-104 Discontinuance of service when public health, safety or welfare requires; nonliability of city.

In instances where the public health, safety or welfare so requires, the waterworks division shall have the right to shut off the flow of water in its mains without notice but will endeavor insofar as possible to notify consumers affected of the intention to so interrupt the service. Interruption of service under such conditions shall not give rise to any claim on the part of any consumer against the waterworks division of the city.

Sec. 20-105 Definitions:

For the purpose of Sections 20-105 through 20-115, the following meanings of words shall apply:

(a) "Water" shall mean water available to the City of Hutchinson for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

(b) "Customer" shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) "Waste of Water" includes, but is not limited to" (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) The following classes of water use are established:

Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

Class 2: Water used for any commercial or industrial, including agricultural, purposes: except that water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.

Class 4: Water necessary to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(Ord. 7378, Adop. 12/29/92)

Sec. 20-106 Declaration of Water Watch.

Whenever the city manager of the City, or designee, finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, the city manager, or designee, shall be empowered to declare that a water watch exists and shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by the city manager, or designee, to have ended. *(Ord. 7378, Adop. 12/29/92)*

Sec. 20-107 Declaration of Water Warning.

Whenever the city manager of the City, or designee, finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, the city manager, or designee, shall be empowered to declare that a warning exists and shall implement restrictions on nonessential uses during the period of the warning. *(Ord. 7378, Adop. 12/29/92)*

Sec. 20-108 Declaration of Water Emergency.

Whenever the city manager of the City, or designee, finds that an emergency exists by reason of a shortage of water supply needed for essential uses, the city manager, or designee, shall be empowered to declare that a water supply emergency exists and shall impose mandatory restrictions on water use during the period of the emergency. (*Ord. 7378, Adop. 12/29/92*)

Sec. 20-109 Voluntary Conservation Measures.

Upon the declaration of a water watch or water warning as provided in Sections 20-106 and 20-107, the city manager, or designee, is authorized to call on all water consumers to employ voluntary conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
 - (b) Washing of automobiles.
 - (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
 - (d) Waste of water.
- (*Ord. 7378, Adop. 12/29/92*)

Sec. 20-110 Mandatory Conservation Measures.

Upon the declaration of a water supply warning or emergency as provided in Sections 20-107 and 20-108, the city manager is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.

(Ord. 7378, Adop. 12/29/92)

Sec. 20-111 Emergency Water Rates.

Upon the declaration of a water supply emergency as provided in Section 20-108, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge). *(Ord. 7378, Adop. 12/29/92)*

Sec. 20-112 Regulations.

During the effective period of any water supply emergency as provided for in Section 20-108, the city manager, or designee, is empowered to promulgate such regulations as may be necessary to carry out the provisions of this chapter. *(Ord. 7378, Adop. 12/29/92)*

Sec. 20-113 Review.

The declaration of a water warning; declaration of a water emergency; mandatory conservation measures and regulations promulgated by the City Manager are all subject to review by the City Council may make such additional limitations, restrictions or prohibitions upon the use of water as it deems necessary to meet the urgency of the situation. *(Ord. 7378, Adop. 12/29/92)*

Sec. 20-114 Violations, Disconnections and Penalties.

(a) If the city manager of any other city official charged with implementation and enforcement of this chapter learns of any violation of any use restrictions imposed pursuant to Sections 20-107, 20-108, 20-110 or 20-112 of this chapter, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, a citation shall be issued in the amount of \$50.00, to be paid in municipal court. Subsequent violations may result in the termination of water service subject to the following procedures:

(1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing

scheduled before the City governing body or a city official designated as a hearing officer by the governing body;

(2) If such a hearing is requested by the customer charged with the violation he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the second reconnection and \$300.00 for any additional reconnections.

(c) Violation of this chapter shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this chapter shall be guilty of a municipal offense.
(Ord. 7378, Adop. 12/29/92)

Sec. 20-115 Emergency Termination.

Nothing in this chapter shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. *(Ord. 7378, Adop. 12/29/92)*

Sec. 20-116 City does not guarantee specific pressure.

The waterworks division does not guarantee to maintain any specific water pressure for its service and no complaint concerning the pressure shall give any right of claim against the city or the waterworks division.

Sec. 20-117 Right to refuse or limit service generally.

The city reserves the right to refuse water service, or to limit such service, where the extension of service conflicts with the general policy of the city or jeopardizes service to then existing customers.

Sec. 20-118 Right to refuse service in event of danger of contamination.

The waterworks division, pursuant to the provisions of K.S.A. 65-163a, may refuse to deliver water to any premises whereon any condition exists which might lead to the contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied.

Sec. 20-119 Use of water from fire hydrants.

Water necessary for municipal uses, such as the flushing of streets and sewers, street sweepers and dust control may be obtained from fire hydrants by authorized employees of the city. Such use of water shall not be construed to include or authorize its use in connection with public improvements performed by private contractors.

Sec. 20-120 Use of water for public purposes generally.

All water, other than that designated in Sec. 20-112, used by municipal departments shall, when economically feasible, be furnished only through meters and at the rates established in Sec. 20-301. Hydrant rentals for public fire protection shall be paid by the city to the waterworks division in accordance with the rates established therefor in Sec. 20-301.

Sec. 20-121 Unauthorized use or turning off of water.

It shall be unlawful for any person to use water from any part of the waterworks system of the city without proper permit or other authority therefor from the waterworks division. It shall further be unlawful for any person, other than an authorized representative of the city, to shut off or turn on water from any part of the city's waterworks system, including fire hydrants; provided, that nothing in this section shall be construed as prohibiting plumbers duly licensed under the provisions of this Code and the building regulations of the city from turning on or shutting off water service if such is necessary in the course of the work in which they are engaged.

Sec. 20-122 Construction, ownership and financing of system generally.

All water mains, valves, fire hydrants, meters, and appurtenances will be constructed in accordance with designs, plans, and specifications prepared or approved by the city engineer; and provisions for the financing thereof as shall be established by the city, and all such facilities shall be and remain the property of the city.

Sec. 20-123 Promulgation of rules and regulations.

The city manager is hereby authorized to promulgate such rules and regulations as shall be reasonable necessary to carry out the provisions of this chapter according to its terms and intent.

Article II. Applications for Service

Sec. 20-201 Generally - To be in writing; form and contents.

a. Applications for water service shall be made in writing at the office of the water works division by or on behalf of the person requesting water and water service. The application shall be in such form as shall be from time to time prescribed by the waterworks division and shall include a statement of the purpose for which the water service is desired

and an agreement by the applicant to be bound by the terms of this chapter and all reasonable rules and regulations as shall be promulgated by the city manager in implementation of this chapter.

b. Unless otherwise approved by the waterworks division, where two or more dwelling units or business entities are served by a master meter, the property owner shall make application for and provide such service to the premises.

c. The owner or occupant shall renew his water lines or equipment at his expense, upon notification by the water works division that there is an unusual amount of leakage and waste of water due to defects or failures in the owner's plumbing. The owner or occupant shall repair his water piping and equipment within a reasonable time after knowledge of or notice of any injury, destruction or defect in such pipes which shall cause leakage or waste of water. In all events, it shall be the duty of the owner or customer to keep his piping and necessary equipment in serviceable condition to prevent loss to the city or damage to the public and to permit ordinary servicing of city owned water meters. The city may, upon failure of any owner or customer to renew his piping or equipment or to repair the same when notified, cut off or discontinue the water service until the neglect is remedied.

Sec. 20-202 Same - Requirements to be met when premises not previously served.

If the application for water service provided for in Sec. 20-201 is for water service to premises not previously served, the following requirements shall be met:

a. Where water mains exist adjacent to the property to be served and upon submission to the waterworks division of information as to the location and nature of the premises to be served with water, the applicant will be furnished with information as to the proposed location of the meter setting. If the customer's service line has been installed prior to the application for service, it shall be the applicant's responsibility to clearly mark the location thereof. The waterworks division shall have sole jurisdiction, however, to determine the location of the street service line and the feasibility of a connection to the customer's service line. It shall be the applicant's responsibility at his own expense to run his service line from the premises being served to the meter setting at or near the curb line. Service pipes and connections from the water main to and including the meter setting shall be placed within the line of the public right-of-way and shall be installed at the consumer's expense by a licensed plumber in accordance with city design and specifications and in accordance with the building regulations of the city, but shall be maintained by the waterworks division and kept within its exclusive control. Abandoned street service lines may be cut off or removed by the waterworks division at no cost to the property owner. The waterworks division shall furnish and install tap, meter and meter setting upon payment of charges as set forth in Sec. 20-301. Such tap, meter and meter setting shall remain the property of and be maintained by the waterworks division.

b. The applicant shall be responsible for the maintenance, repair and any leakage in the piping from the meter to the place of use. Installation of the consumer's service lines shall be done by the consumer personally or by a licensed plumber in accordance with city

design and specifications and in accordance with the building regulations of the city. Such installation shall avoid cross connections. Upon notification of the waterworks division that a cross connection exists, service shall be refused until the same is eliminated to the satisfaction of the waterworks division of the building official.

c. Applications for service in areas not served by existing water mains shall be governed by the provisions of Secs. 20-501 and 20-502.

d. The waterworks division shall determine the size of the meter to be installed, based upon information furnished by the applicant. Any change in meter size requested by a consumer after the initial meter installation shall be granted insofar as is reasonable, but the entire cost shall be borne by the consumer. In cases of dispute as to meter size, the waterworks division shall have sole jurisdiction. Unless otherwise approved by the waterworks division, a separate street service line and meter shall be installed to each dwelling unit or place of business. All master metering must be approved in writing by the waterworks division.

e. The size of the street service line shall be determined by the waterworks division based upon information furnished by the applicant. Any change in size or location of the street service line after the original installation shall be done at consumer's expense.

f. In cases where the size of the meter is larger than one and one-half inch or other special circumstances make it necessary to construct a special vault, costs shall be borne by the applicant. Outside meter settings and vaults shall be installed whenever possible and inside meter installations must be approved in writing by the superintendent of waterworks or his representative.

g. It shall be the responsibility of the owner, occupant or tenant of the premises to install or have installed such special vaults as specified by the waterworks division. Specifications and drawings will be furnished to the applicant upon request. Where circumstances necessitate the location of special vaults in a street right-of-way, such location shall be approved by the city engineer, and all excavation shall be the responsibility of the applicant. Special vaults shall remain the property of the consumer and all maintenance and adjustment to grade shall be the responsibility of the owner.

h. In addition to all other regulations as set forth in the chapter, all applications for installation of new street service lines (taps to water main) outside the city limits must be approved by the city council.

i. If the proposed connection is to be made to the high pressure system, and the property for which the service is requested has not been included in a benefit district, there will be an out of district charge which must be paid before the connection permit or tap fee is approved. This fee is subject to change from time to time by Resolution.
(*§I Ord. 2004-16, Adop. 5/25/04; §I Ord. 2003-36, Adop. 10/07/03*)

Sec. 20-203 Compliance with applicable plumbing and sanitary regulations.

Water service will be furnished only to premises complying with the applicable Sanitary Codes and building regulations of the city.

Sec. 20-204 Installation of street service lines.

Street service lines shall be at right angles to the water main. Street service lines shall not be installed unless sufficient footage of water main exists adjacent to the premises requesting service to allow meter setting installation free of obstructions such as fences, trees, driveways, culverts and mail boxes.

Sec. 20-205 Requirements to be met when application is for special water service.

Applications for special water service shall be made in writing to the waterworks division in the same manner as required for standard service and shall, in addition, conform to the following requirements:

a. Applications for private fire service connections shall have attached a sketch showing pipes, valves, hydrants, tanks, openings and appurtenances contemplated. The sketch shall be submitted on a scale of one-inch equals fifty feet. The applicant shall be required to pay the entire cost of the installations, including the connection to the main and necessary appurtenances. All new private fire service connections with the exception of the so-called "dry type" may be metered. All materials shall be approved by the waterworks division, and all fire service lines must be provided with a suitable gate valve outside the building at or near the property line. The valve installed at the water main shall be under the exclusive control of the waterworks division. All fire service lines shall be used exclusively for extinguishment of fires and no connection for any other use may be attached thereto, unless specifically approved by the city council in advance of construction. In the event a main extension is required for private fire service connection, the cost of same shall be borne by the applicant subject to the provisions of Secs. 20-501 to 20-512.

b. All miscellaneous special service shall be installed and maintained at the sole cost of the applicant and an advance of the estimated costs of installation shall be required as a condition precedent to the granting of the application. The billing for such service shall be determined by the waterworks division.

c. Any customer requiring pressures higher than normally maintained in the system, or abnormal quantities of water for fire protection or other special purposes, shall provide additional pumping and storage facilities within his property and shall also pay for the

additional transmission mains or other facilities required to provide such special service, either through rates or through contributions to the construction of such additional facilities.

d. Service of a special nature will be rendered only at the option of the city and under conditions which will not interfere with normal service to other customers.

Sec. 20-206 Deposits - Required; amount.

The applicant may be required to deposit with the waterworks division a minimum of \$40.00 as a guaranty for the prompt payment of water registered by meter; provided, that if in the judgment of the waterworks division, such sum of \$40.00 will not sufficiently protect the city against loss by reason of nonpayment of such water, sewer and refuse bill, then the water works division is hereby authorized to require a deposit in such an amount as will be sufficient to secure the city against loss.

Sec. 20-207 Same - Separate account; interest.

A separate account of each consumer deposit required by Sec. 20-206 shall be made showing the date on which such deposit is received, the name of the depositor and the amount thereof. The city shall pay to the consumer making the deposit and to consumers who have made deposits prior to the enactment of this chapter, interest at a rate fixed from time to time by the Kansas Corporation Commission; such interest shall be payable upon demand on the first day of January succeeding such deposit and on the first day of January thereafter, and shall be payable at the waterworks division office in the city offices in cash on demand of the depositor. Any interest accrued shall be subject to call and payment at any time, but shall not draw interest.

Sec. 20-208 Same - Refund upon discontinuance of service; exception.

Upon discontinuance of service the deposit required by Sec. 20-206 shall be returned to the consumer together with unpaid interest on same provided, that all bills for water, sewer, refuse, repairs or other services rendered have been paid by the consumer and the consumer surrenders the original deposit receipt. Deposits may also be refunded after a good paying record by the consumer has been established with the waterworks division.

Sec. 20-209 Same - May be applied to unpaid bills upon discontinuance of service.

Any advance deposit required by Sec. 20-206, together with the interest due thereon, may be applied to the payment of any accrued water, sewer or refuse bill, or water, sewer or refuse bills due on discontinuance of service.

Sec. 20-210 Same - Disposition if not reclaimed within two years after discontinuance of service.

Deposits received from consumers as security for the payment of service which remain uncollected for a period of two years after the discontinuance of service to the consumer may be transferred to the waterworks fund.

Sec. 20-211 Same - Investment.

Any deposit money required by Sec. 20-206 may be invested from time to time by the city in accordance with the provisions of K.S.A 12-822.

Article III. Rates and Charges

Sec. 20-301. Rates and Charges.

a. Except for the extinguishment of fires as otherwise provided in this chapter, all water and water service furnished and supplied by the City shall be measured by meters installed in conformity with the provisions of this chapter.

b. The charges to be made and collected for provision of water and water services by the City, including all services incident thereto, which charges shall include a franchise fee, shall be as established from time to time by resolution of the City's governing body. (*§b Ord. 2002-38, Adop, 12/03/02; Ord. 7308, Adop. 8/21/90*)

Sec. 20-302 Rural water districts.

a. **Rates** Water rates shall be determined by the city governing body in compliance with requirements for written agreement as provided in subsection "b" of this section. Sales shall be metered through a master meter owned by and controlled by the city and such sales shall be payable monthly not later than twenty days following the billing of such sales. All water sold shall be resold by such purchaser to consumers through distribution lines owned and operated by such purchaser, metered by such purchaser, billed and collected by such purchaser and the city shall have no responsibility or liability for any such water or water service after water has passed such master meter.

b. **Written agreement** No water shall be sold unless and until a written agreement shall have been negotiated between the city governing body and such rural water district, and no right to city water shall arise until such a written contract shall have been entered into.

c. Except as expressly provided to the contrary in subsections "a" and "b" of this section, all of the terms and conditions of this chapter shall govern the sale, distribution and use of all water so sold.

Sec. 20-303 Due date; discontinuance of service.

a. All water bills rendered in accordance with the regular schedule of meter rates are due and payable when rendered and must be paid at the city offices on or before twenty days thereafter.

b. Any consumer desiring to discontinue the use of water must make application therefor at the office of the waterworks division not less than two days prior to the date on which the service is desired to be discontinued, and after the effective date of such discontinuance all charges for such water and water service shall cease for the period during which the service shall be shut off; provided, that the period of such discontinuance shall not be less than 30 days.

Sec. 20-304 Delinquency in payment and penalty therefor; disconnection and reconnection and charges therefor.

All bills unpaid 20 days after date of issue shall be considered delinquent and an additional charge of 5% shall be made on the gross amount of the billing and notification by mail shall be given to the consumer at the address of the premises being served, that such bill, with the 5% delinquency charge, shall be paid within 10 days or an order to disconnect water service to the premises will be issued and a service fee assessed as established pursuant to Section 20-301. If such bill remains unpaid at the end of such 10 day period, an order to disconnect water services to such premises shall be issued and a service fee as established pursuant to Section 20-301 shall be added to such delinquent account. Water service to such premises shall be disconnected forthwith unless the customer earlier pays the full amount of the delinquent account, including all delinquency charges and the service fee. Such water service, if disconnected, shall not be reconnected until such delinquent account, including all delinquency charges and the service fee, has been paid in full. It shall be the duty of the representative of the City at the time in charge of the collection of water bills to notify the City Manager of all delinquencies in the payment of monthly bills and the City Manager or his representative shall proceed immediately to disconnect the water service to any consumer who is in arrears for the period hereinbefore specified. No service shall be subsequently connected in the name of any person whose previous account with the City is delinquent in any respect, and the City shall have the right to disconnect the service of any customer whose account at any previous address is delinquent in any respect. (*Ord. 2013 – 36, Adop. 10/15/2013*)

Sec. 20-305 Reservation to right to change.

The governing body retains continuing jurisdiction and authority to change from time to time the schedules of rates and charges set out in this chapter and the regulations provided in this chapter as such changes shall be determined expedient and necessary.

Sec. 20-306 Billing generally.

All bills for water and water services shall be rendered monthly at the same time that bills for service rendered by the sanitary sewage treatment plant and system and refuse department of the city are rendered; provided, that bills for miscellaneous accounts shall be rendered at such times shall be determined by the city manager in each separate instance. The officers or employees of the city charged with the duty of preparing bills for water and water service shall calculate the amount thereof and shall add the same to the amount of any bill presented to the consumer for sewage and refuse service, and such bills shall be collected as a combined bill for water, sewage, and refuse service furnished such consumer.

Article IV. Meters Generally

Sec. 20-401 Required; exceptions.

All water furnished to consumers shall be metered, except in cases where the city manager shall determine that the nature of a particular usage necessitates a measurement by other means.

Sec. 20-402 Removal, injury to, defacing, etc.

It shall be unlawful for any person to open, interfere with, injure, deface or in any way impair the working of any water meter. It shall also be unlawful for any person, other than a duly authorized representative of the waterworks division, to remove any meter from its setting.

Sec. 20-403 Approval of service line prerequisite to installation.

No water meter shall be installed or water used through a new consumer's service line until approval therefor has been obtained from the office of the building official.

Sec. 20-404 Property of water works division; placement; obstruction of access.

All water meters now in service and hereinafter installed shall remain the sole property of the waterworks division. Except as provided in subsection "f" of Sec. 20-202, meters shall be installed only in public ways and it shall be unlawful for any person to obstruct access thereto by the waterworks division.

Sec. 20-405 Testing.

The waterworks division shall have the right at any time to test water meters but if such testing is not in pursuance of request of the consumer, it shall be without charge.

Sec. 20-406 Adjustment of charges - When meter inoperative.

Whenever the waterworks division finds a water meter to be inoperative, an adjustment of charges for the preceding billing period shall be made by averaging the water used for the corresponding billing period of the 3 prior years, or if such records are extant, from the best other method practicable.

Sec. 20-407 Same - When meter measurement inaccurate.

Whenever the waterworks division shall find a water meter not measuring accurately according to standards of the American Waterworks Association for meter testing, an adjustment of charges for the preceding billing period shall be made.

Article V. Extension of Water Mains

Sec. 20-501 Compliance with subdivision requirements required; exception.

Water distribution mains will be extended into areas within or outside the city only after the areas in which main extensions are desired have been platted in accordance with the subdivision requirements of the city and such plat approved by the city planning commission and the governing body. Consideration will be given to structures existing prior to August 1, 1958, on small, isolated tracts adjacent to the system which desire service. This provision, however, is to be limited to such areas as would be impractical to plat on a small scale, and where proper planning would necessarily require the platting of a larger area to assure conformity to the city's master plan. Extension of service to existing structures on unplatted areas shall not relieve owners of such property of payment for water distribution mains when, and if, by platting the property, distribution mains will be required.

Sec. 20-502 Construction and payment generally.

All water distribution mains and appurtenances will be constructed by the city, property owner, developer or others desiring the distribution main installations. In the event that the water distribution mains and appurtenances are constructed by the property owner, developer or others desiring the distribution main installations, such construction shall be in accordance with plans and specifications approved by the city engineer and meet such other requirements as the city may reasonably impose. In event the water distribution mains and appurtenances are constructed by the city, payment therefor will be made in accordance with agreements executed in writing prior to construction.

Article VI. Water Conditioning

Sec. 20-601 Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Water conditioning contractor” Any person, firm, co-partnership, association or corporation which engages in the business of installing, servicing or repairing water conditioning equipment.

“Water conditioning equipment” Any water conditioning device, such as filters, softeners, hypochlorinators, aerators, chemical feeders, associated equipment and the like used in connection with the conditioning of water.

Sec. 20-602 Registration, bond and insurance requirements for contractor.

a. Every water conditioning contractor shall be required to register with the city clerk, and it shall be unlawful to engage in such business without such registration. The clerk shall issue a certificate of registration upon the contractor's satisfactory showing that he meets the requirements as set forth in subsections "b" and "c" below; provided, that should the contractor show proof of registration in another city in this state, the city clerk may issue a certificate forthwith. Registration information shall include, but be not limited to the following; (1) the name and address of the contractor, his organization and his place of business; (2) other city or cities of registration of the contractor; and (3) the city clerk holding the contractor's surety bond as required in subsection "c" below.

b. The clerk shall issue a certificate if the contractor has not (1) been convicted of a felony or any crime involving moral turpitude or fraud, deception or misrepresentation; (2) been refused a certificate in another jurisdiction; (3) knowingly given any false statement in his registration; and if such contractor has complied with insurance and bond requirements as set forth in subsection "c" below. Such certificate may be revoked by the clerk should the contractor fail to maintain compliance with the above requirements.

c. It shall be unlawful for a water conditioning contractor to engage in business in the city without insurance and bond as set forth hereinafter. Every contractor shall be required to maintain general liability and product liability insurance in the minimum of \$50,000. Each contractor shall also furnish to the clerk of the first city in which he registers an acceptable surety bond. Such bond shall be held by such clerk and be executed by the contractor as principal, and by a solvent corporation authorized to do business in the state, in the amount of \$2,500. The aggregate liability of the surety for all breaches on the conditions of the bond shall, in no event, exceed the amount of such bond. The surety on the bond shall have the right to cancel such bond upon giving 30 days notice to the city clerk of the first city in which the insured registered, and thereafter shall be relieved of liability for any breach of condition occurring after the effective date as such cancellation. In lieu of such corporate surety bond, such contractor may file a bond signed by three or more good and

sufficient sureties conditioned as hereinafter provided. Such bond shall be to the state for use and benefit of such persons as may suffer by breach thereof, and shall be conditioned that the contractor will honestly and properly conduct his business, that the contractor will not fail or refuse to render to a customer services as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties, and that the contractor will not violate the laws of the state or any political subdivision thereof. The bond and insurance requirements of this act may be waived by the city clerk for any corporate water conditioning contractor who submits proof of ability to respond in damages in an amount not less than \$50,000 arising out of general liability and products liability claims.

Sec. 20-603 Installations and connections - Permit required.

All installations and connections of water conditioning and associated piping to other fixtures, sill cocks, etc., and all soil or waste pipe installations shall be by a licensed plumbing contractor. No water conditioning contractor shall make an original installation or connection of water conditioning equipment to any piping of the water system of the city without first obtaining a permit from the city building official. A permit fee of \$10 shall be charged for each such original installation.

Sec. 20-604 Same - Inspection.

The building official or his authorized agent, upon notification from the permit holder, shall make an inspection upon completion of all installations and connections of water conditioning and associated piping, and shall either approve the installation or notify the permit holder wherein the same fails to comply with the Plumbing Code of the city.

Sec. 20-605 Violations.

Any person, firm or corporation violating any of the provisions of this article shall be guilty of a misdemeanor, and each such person shall be guilty of a separate offense for each and every day the violation is continued.

Sec. 20-606 Contractors not engaged in plumbing.

Registered water conditioning contractors shall not be deemed to be engaged in the business of plumbing.

Article VII. Private Water Wells

Sec. 20-701 Definitions.

For the purposes of this article the following words and phrases shall have the following meanings:

“Contaminated area” means area designated by official action of the Environmental Protection Agency or Kansas Department of Health and Environment as having groundwater

that is environmentally contaminated to an extent that requires remediation or similar action for the protection of human health and the environment.

“Personal use” means the use of water from a well for purposes including drinking, cooking, bathing and sewage disposal.

“Water well” means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed, when the intended use of the excavation is for the location, diversion, artificial recharge, or acquisition of groundwater.
(*Ord. 7613, Adop. 12/15/98*)

Sec. 20-702 New Water Wells - Prohibition.

From and after December 21, 1998, no new water wells shall be constructed and used for personal use if such well is in a contaminated area. (*Ord. 7613, Adop. 12/15/98*)

Sec. 20-703 Penalty.

Any person, individual, partnership, corporation or association who violates any of the provisions of this section is guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed two hundred dollars. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder. (*Ord. 7613, Adop. 12/15/98*)