

ORDINANCE NO. 465

AN ORDINANCE PERTAINING TO MUNICIPAL WATER SUPPLY AND UTILITY SERVICES TO PROPERTIES LOCATED IN THE CITY OF INMAN, KANSAS, ESTABLISHING FEES AND PENALTIES AND REPEALING ORDINANCES 426, 449, AND ALL PRIOR ORDINANCES IN CONFLICT WITH THESE PROVISIONS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INMAN, KANSAS:

SECTION 1. DEFINITION:

For the purpose of this ordinance, "utility services" shall include city-provided services for water, sewer and solid waste disposal.

SECTION 2. GENERAL PROVISIONS.

- A. No water from the City water supply shall be turned on for service into any premises or structure by any person unless application therefor has been made to the City Clerk. Upon the filing of said application, the City shall cause to be installed a service line from the water main to the property line of the applicant and shall connect said line to the service line of the premises.
- B. All water furnished by the City shall be measured by meters. The City's responsibility stops at the meter. The customer shall be responsible for the care of the meter with the meter box or vault and the appurtenant connections and appliances installed upon his or her service connection for any accidental or willful injury thereof, whether by his or own act, or that of others not in the employ of the City, and shall at all times when any meter is installed, protect said meter from freezing and from damage from heat, hot water or steam. In the event of any accidental or willful injury by frost or freezing of any meter or injury by hot water, heat or steam as aforesaid, the customer shall promptly notify the City Clerk, who shall arrange to have the necessary repairs made and charge the cost of repairs to the customer.
- C. Authorized employees of the City may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or waterlines. Meters shall be installed in a location which will be easily accessible.
- D. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within 2%, the meter will be deemed correct and a charge of \$10.00 will be made to the customer.
- E. The quantity of water recorded by the meter shall be conclusive evidence on both the City and the consumer as the quantity to figure and the cost to the consumer, except when the meter has been found to be defective or has ceased to register. In such case, the quantity of water shall be determined by the daily registration shown by the meter when working properly.
- F. It shall be unlawful for any person to break the seal of any meter to alter the register of the mechanism of any meter, to turn on any meter which has been turned off by the city or to make any outlet or connection in any manner so that water supplied by the City may be used or wasted without being metered. Violation of this section shall be an unclassified misdemeanor and result, upon conviction, in a minimum fine of \$50.00 plus court costs and any costs of the city in repairing or correcting the meter.
- G. No meter shall be removed or repaired except by employees or authorized agents or contractors of the City.

H. The City does not guarantee the delivery of water through any of its mains and connecting services at any time except and only when its mains, pumping machinery, and power service connection are in good working order and the supply of water is sufficient for the usual demands of its consumers.

I. The City reserves the right to interrupt water service for the purpose of making repairs or extensions to waterlines or equipment.

J. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrates, faucets and all apparatus including the service line leading from the property to the meter in good condition at their expense. No allowance under any circumstances will be made for water used, lost or wasted through leaks, carelessness, neglect or otherwise after the same has passed through the meter.

K. The City reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the governing body determines the public exigency so requires. Whenever the governing body determines that water used must be restricted or prohibited, it shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation.

L. No person, firm or corporation shall make or permit to be made a cross connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of the City of Inman.

M. The City Clerk or other designated employees shall figure all consumer bills and shall post all meter readings and amounts consumed in suitable record books; they shall likewise make out monthly bills and supervise collections. City Utilities will be billed from the 16th of the month to the 15th of the following month and will be mailed to the customer during the last week of the month. City Utility bills are due and owing from the 1st to the 10th of each month; a 10% penalty will be added to any utility bill payment received after closing on the 10th of the month. A grace period for payment will extend to the 25th day of the month at closing, after which time service will be terminated. Before service is resumed, the customer will pay a \$25.00 reconnect fee and all sums and penalties then due and owing.

SECTION 3. SERVICE APPLICATION REQUIRED.

(a) Owners of premises served by utility services under this ordinance shall be required to apply for and carry such services in their name, whether owned individually or by another legal entity. Owners of the served premises shall be liable for payment of the cost of any utility service account arising from services provided to the premises. This provision shall also apply when the premises are leased to a third party by the owner or when leased by or through an agent or other representative of the owner. The city may permit the owner's legal representative to contract for utility services, but the owner will continue to be ultimately liable for payment for utility services furnished by the city to the premises. Billings may be sent directly to the tenant of the premises if the owner authorizes such and the tenant applies for services.

SECTION 4. NOTICE; HEARING

(a) If a utility bill has not been paid on or before the due date, a delinquency and termination notice shall be issued by the city clerk within ten (10) days after the delinquency occurs and mailed to the owner at the address provided to the city. A copy also shall be mailed to the tenant as provided below.

(b) The notice shall state:

(1) The amount due, plus delinquency charge;

(2) Notice that service will be terminated if the amount due is not paid by closing time on the 25th day of the month unless the 26th day of the month shall be on a Saturday, Sunday, or legal holiday, in

which event such notice will give the owner until the close of the next business day in which to pay the charges;

(3) Notice that the owner has the right to a hearing before the designated hearing officer;

(4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three (3) days prior to the date for termination of service.

(c) Upon receipt of a request for hearing, the city clerk shall advise the owner of the date, time, and place of the hearing which shall be held within three (3) working days following receipt of the request.

SECTION 5. SAME; FINDING.

Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such findings shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service two (2) days after the date of the order. The owner and tenant, if applicable, shall be notified either in person or by mailing a letter to his or her billing address and/or the premises, return receipt requested. However, if the order is made at the hearing in the presence of the owner, and if applicable, the tenant, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed ten (10) days, for the termination of such service.

SECTION 6. TENANTS' RIGHTS.

(a) In the event a delinquency arises involving a leased premises, the tenant shall be notified in writing of the delinquency of the landlord by first class regular mail within ten (10) days after the billing to the landlord becomes delinquent, provided the tenant's mailing address has been provided to the city.

(b) If the tenant chooses to pay the delinquent account, service will not be terminated.

(c) The tenant will be allowed to continue paying for utility services for a period of ninety (90) days to allow resolution of the nonpayment by the landlord or to allow the tenant to obtain other housing, at which time service to the leased premises will be terminated.

SECTION 7. RECONNECTION.

(a) If service has been terminated to the leased premises for failure by the landlord to pay the delinquent utility bill or after ninety (90) days of payment by the tenant, no further utility services shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges, and a reconnection charge of \$25.00, are paid in full.

(b) If the bill remains unpaid, the delinquent utility account charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.

(c) Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading meters, servicing or inspecting meters, waterlines, or sewer lines.

SECTION 8. RATES, FEES, AND CHARGES FOR THE USE OF MUNICIPAL WATER

The rates to be charged by the City of Inman shall be established from time to time by resolution and any increase in the rates will not become operative in any month in which any increase shall occur.

Notification shall be given to all customers in their monthly billing.

SECTION 9. INSTALLATION RATES FOR WATER METERS/CONNECTING FEE

The following installation rates are fair and reasonable and bear a substantial relationship to the cost involved in providing water service to a customer:

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|-----------------------------|---------|
| 1. 5/8" or 3/4 "water meter | \$400 |
| 2. 1" water meter | \$525 |
| 3. 1 ½" water meter | \$850 |
| 4. 2" water meter | \$1,100 |

SECTION 10. OWNER LIABILITY

A. The owner(s) of the premises served by Municipal Utility Services under this ordinance shall be liable for payment for the cost of any utility service account delinquency arising by service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or lessee of the premises. This provision shall also apply when the premises are leased by and through an agent or other representative or agent of the owner.

B. In the event service termination is to occur involving these premises, the owner or owner's agent shall be notified in writing of the termination. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to City personnel responsible for said mailing after reasonable inquiry.

SECTION 11. REPEALER.

Any and all ordinances in conflict herewith shall be and are hereby repealed.

SECTION 12. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

PASSED AND APPROVED by the governing body of the City of Inman, McPherson County, Kansas, this 14th day of July, 2008.

John O'Brien, Mayor

Eva K. Friesen, City Clerk