

ORDINANCE # 573

AN ORDINANCE REGULATING THE DISTRIBUTING AND SUPPLYING OF WATER/WASTEWATER TO THE CITY OF WESTMORELAND, KANSAS.

SECTION 1. TITLE

This Ordinance shall be known as and may be cited as the “Water/Wastewater System Ordinance” of the **CITY OF WESTMORELAND, KANSAS**.

SECTION 2. UTILITIES SUPERVISOR

The City Council may appoint a “Utilities Supervisor” of the City, whose duties shall be to have charge of the water/wastewater system and the distribution and supplying of water to the inhabitants of the City. The Utilities Supervisor shall perform such other duties as may be prescribed by the City and may have other duties as well as being Utilities Supervisor.

SECTION 3. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. **Consumer.** Any individual, firm, partnership, trust, joint venture, limited liability company, legal entity or corporation with a premises on which water is available, use or consumed; or an individual, firm partnership, trust, joint venture, limited liability company, legal entity or corporation leasing or permitting occupancy of a premises on which water is available, used or consumed.
- b. **Water Connection.** That part of the water distribution system connecting the water main with the water service.
- c. **Water Main.** That part of the water distribution system intended to serve more than one water connection.
- d. **Water Service.** That part of the water distribution system extending from the water connection into the premises served.
- e. **Water Service Application/Contract.** The written agreement providing the City shall provide water connection, water service and water usage by the consumer in consideration of the payment by the consumer for applicable fees due in the providing of any water connection or water service charge.
- f. **Sewer Connection.** That part of the wastewater distributing system connecting the sewer service with sewer main.
- g. **Sewer Main.** That part of the wastewater distribution system intended to serve more than one sewer connection.
- h. **Sewer Service.** That part of the wastewater distribution system extending from the sewer main into the premises served.
- i. **Wastewater Service Application/Contract.** The written agreement providing the City shall provide sewer connection, sewer service and sewer for usage by the Consumer in consideration of the payment by the consumer for applicable fees due in the providing of any sewer connection of sewer service charge.

SECTION 4. REQUIRED USE OF PUBLIC WATER

- a. All houses, building or properties using water for human consumption situated within the City abutting on any streets, alley or right of way in which there is now located, or may in the future be located, public water service, are hereby required at the expense of the owner to connect to such public water service in accordance with the provisions of this ordinance within ninety (90) days.

SECTION 5. INSTALLATIONS AND EXTENSIONS

- a. **Water Connections by the City.** Water connections to the City water main shall be installed only by the City and/or plumber/contractor who is licensed to do such work or by the consumer after approval or designation by the Utilities Supervisor. The fees for providing water connection shall be billed to the Consumer hereof at the set rates incurred by the City for the materials. A deposit of not less than 75% of the estimated cost shall be provided by the Consumer to the City in advance of such activities occurring. A reconciliation of actual charges, with a refund for overpayment or an invoice for underpayment shall be provided by the City to the consumer.
- b. **Paving of the Streets.** All necessary water connections and/or sewer connections shall be installed in advance of the paving or resurfacing of any street or alley or any part thereof, when such paving or resurfacing shall have been determined as a necessity by the City of Westmoreland. The fees for subsequent paving and resurfacing cost shall be charged against the Consumer served for new installations and/or repairs being made to Water Connections or Sewer Connections.
- c. **Application by Owners.** Property owners in the City who wish to have Water Connections or Sewer Connections made to the property owned by them may have such connections made, on making a work order application thereof, and on agreeing to pay in advance a deposit of 75% of the total of the making of such connection as fixed by the City Council.
- d. **Approval of materials.** No Water Connections or water meters shall be attached to a water extension unless, prior to any work, service line sizing and materials to be used are approved by the Utilities Supervisor.
- e. **Inspection by Utilities Supervisor.** No Water Main, Water connection, Water Service, Sewer Main, Sewer Connection, or Sewer Service shall be covered until inspected and approved by the Utilities Supervisor who shall be notified when such construction is ready for inspection.

SECTION 6. TURNING ON OR OFF SERVICE.

- a. No person other than an authorized employee of the City shall turn on or off any Service at the water meter.
- b. A licensed plumber may temporarily turn on a Water Service only for testing his/her own work and after such testing, the Water Service shall be immediately turned off at the water meter.

- c. Water Service may only be turned on to a property after a Water Service Application/Contract has been filled out by the Consumer and the fees due have been paid.
- d. Water Service may be turned off after a work order has been placed to cancel Water Service Application/Contract by the Consumer.

SECTION 7. WATER METERS

- a. **Meters.** Consumers to which water is supplied are required to be metered. The meter remain on the property and under the control of the City. Not more than a single-family residential premise shall be served by one meter. Each premise so metered shall have its own separate water supply line shutoff valve at the Water Connection to the Water Main and at the meter pit
- b. **Locations.** Meters will be located at the property line. Such pits will be constructed at the expense of the Consumer. If a water meter is to be moved at the request of the Consumer, a work order must be made for such request, and the cost of relocation including materials, labor and equipment, will be at the expense of the Consumer and to be invoiced by the Utilities Supervisor.
- c. **Inaccessible Location.** Meters shall not be set in inaccessible location nor enclosed unless written permission is obtained from the Utilities Supervisor. If a meter is inaccessible or enclosed, making maintenance and reading difficult or impossible, the Utilities Supervisor may order the Consumer to have the meter moved to an accessible location. Any cost of relocation will be at the expense of the water Consumer.
- d. **Damage to Meters and Meter Reading Equipment.** Consumers or persons in possession of premises housing a meter will be responsible for any damages to a meter, meter pit and/or electronic reading equipment. The cost of the damages, including materials, equipment and/or labor, shall be immediately due to the City by the Consumer or persons in possession of such premises by invoice from the Utilities Supervisor.
- e. **Reading, Repairing and Removing.** Authorized City employees shall have the right to enter any premises on which City water is used to inspect, adjust, read, repair or remove water meters or appurtenances in connection with said water meters at any reasonable time. Any Consumer, as defined above, shall not interfere with such entry.
- f. **Alterations or Changes.** No person shall change the location of a meter or meter pit, alter the ground, or plant vegetation so that it will cover up or create a hazard around the meter pit or in any water meter or water meter pit without the written permission of the Utilities Supervisor.
- g. **Meter Bypass.** Meters 1 ½" or larger will have a meter bypass setter installed with proper ball valves that can be sealed by the City.

SECTION 8. RULES AND REGULATIONS FOR WATER METERS

- a. **Failure of Meter.** In the event a water meter shall fail to register properly, the Utilities Supervisor is empowered to estimate the quantity of water used on the basis

- of former consumption and the City shall charge the consumer accordingly.
- b. **Test by Consumer.** If any consumer shall desire to have his/her water meter tested, he/she shall deposit with the City a fee as determined by the City. The Utilities Supervisor shall thereupon cause the meter to be tested.
 - c. **Test by Utilities Supervisor.** If the Utilities Supervisor wishes to independently test the water meter, the Utilities Supervisor is empowered to test the meter in the absence of the Consumer.
 - d. **Accuracy of Meter.** A water meter shall be considered accurate if, when subjected to a standard test by the Utilities Supervisor, its register indicates not more than two (2) percent less than the actual quantity of water passing through it. If it indicates less than the actual quantity passing through it, it shall be considered "slow". If the water meter register indicates more than the actual quantity of water passing through it, it shall be considered "fast".
 - e. **Correction of Account.** If a water meter has been tested at the request of a Consumer and shall have been determined "fast", the City shall credit the Consumer with a sum equal to the percent "fast" multiplied by the amount of all bills occurred by the said Consumer within three (3) months prior to the test together with a refund of the Consumer meter testing charge. If a water meter is so tested and it is determined to register "slow", the Utilities Supervisor will replace the meter with the cost of the test being occurred by the Consumer.
 - f. **Records Regarding Meters.** A record of the date when each meter was furnished to the Consumer, its number and location, shall be kept in the office of the Utilities Supervisor.

SECTION 9. MISCELLANEOUS PROVISIONS

- a. **Responsibilities of Consumer.** Each Consumer shall keep his/her own service pipe and other apparatus in good repair and protected from frost at this/her expense, and shall prevent all unnecessary waste of water. No claim shall be made against the City by reason of a freezing or breaking of any service pipe or their apparatus.
- b. **Leaking Water Service Line Repair.** Upon the discovery of a leaking water service line to a property the Consumer will be given a maximum of three (3) days, unless otherwise approved the Utilities Supervisor, to repair said service line. Failure to repair the leak will result in discontinued service to that property pending the repair of the line.
- c. **Water Service Line.** The Consumer shall only use suitable copper or approved plastic material as set by the Utilities Supervisor for a water service line.
- d. **Lawn Sprinkling System.** All underground lawn sprinkling systems must have an anti-siphon device installed in the sprinkling system by a qualified installer.
- e. **Hydrant Usage.** Hydrant usage other than that of the City of Westmoreland or for fire protection, is prohibited.

SECTION 10. LIABILITY OF CITY

The City shall not be liable to any person for failure or deficiency in the supply of water to Consumer, whether occasioned by shutting off water for any purpose, including the making of repairs or connections, or for any other cause.

SECTION 11. WASTEWATER

- a. **Sewer Main.** It will be the responsibility of the City for the installation, maintenance and repairs of the sewer main.
- b. **Sewer Service.** It will be the responsibility of the Consumer for the installation, maintenance and repairs for the sewer service from the Sewer Connection to the Sewer Main including the entire sewer service. The Consumer will be responsible for the cost of any pavement replacement at the direction of the Utilities Supervisor.
- c. **Inspection.** The Utilities Supervisor will inspect the Sewer Connection and the Sewer Service, as per Ordinance 515, before they are covered and any Deficiencies must be corrected before covered. A twenty (20) dollar Sewer Connection inspection fee will be invoiced, by the Utilities Supervisor, to the Consumer for such inspections and include the hardware and Sewer Connection Saddle for installation.

SECTION 12. FEES

- a. **Water Meter.** A minimum of one thousand (1,000) dollars installation fee with any materials above and beyond the above amount to be invoiced to the Consumer, by the Utilities Supervisor.
- b. **Sewer Connection.** A seven hundred fifty (750) dollar fee for the Sewer Connection to the sewer main will be invoiced to the Consumer with the responsibility of the Sewer Connection and Sewer Service installation expense to be the responsibility of the Consumer, to be invoiced by the Utilities Supervisor.
- c. **Labor.** A fifty (50) dollar an hour charge per City employee will be invoiced to the Consumer by the Utilities Supervisor.
- d. **Equipment.** The following charges per hour will be invoiced to the Consumer by the Utilities Supervisor:

(L1) Backhoe	\$ 42.00 per hour
(L2) Skid Loader	\$ 27.00 per hour
(L3) Excavator	\$ 30.00 per hour
(T3) Dump Truck	\$ 60.00 per hour
(T4) Dump Truck	\$ 60.00 per hour
(R1) Roller	\$ 25.00 per hour
(X1) Sewer Machine	\$100.00 per hour
- e. **Water Service Application/Contract Fee.** A one hundred (100) dollar nonrefundable fee shall be paid at the time of application of Water Service from the City of Westmoreland.
- f. **Water Testing Fee.** A fifty (50) dollar fee must be paid before the water meter

- testing and invoiced by the Utilities Supervisor.
- g. **Sewer Connection Fee.** A twenty-five (25) dollar fee must be invoiced for inspection of Sewer Connection and Sewer Service by the Utilities Supervisor.
 - h. **Late Fee Turn On.** A fifty (50) dollar late fee must be charged for any water bill payment not made after the 22nd of each month by the Consumer and shut off by the Utilities Supervisor.
 - i. **Water/Sewer Main Repair.** Any accidental or intentional damage made by any person or entity to the water system or sewer system (water main, meter, meter pit, electronic meter reading equipment, water storage tank, fire hydrant, water valve, water valve box, sewer main, manhole, dumping of illegal items into the sewer main, any other component of the systems) will be charged labor, materials, and equipment time, to be invoiced by the Utilities Supervisor.

The above fees may be changed from time to time by the City Council and made part of this ordinance.

SECTION 13. WATER/WASTEWATER SYSTEM

- a. **Control of System.** The extension, improvement, alteration, repair, and maintenance of the system shall be under the supervision and control of the City Council and its designated officers and employees. The City Council may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

SECTION 14. PENALTIES

Any person violating this ordinance shall be deemed guilty of a class "C" misdemeanor and may be sentenced to a term of no more than one (1) month jail time or a fine of \$500.00.

SECTION 15. REPEAL OF CONFLICTING ORDINANCES

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

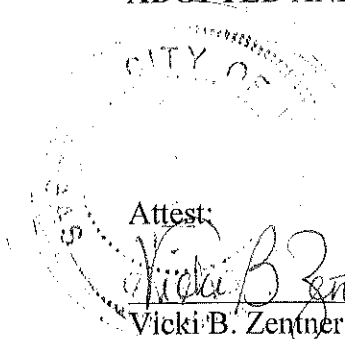
This Ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body, this 13th day of February, 2020.

Signed: _____

Mark A. Goodenow, Mayor

Attest:



Vicki B. Zentner, City Clerk