

ORDINANCE NO. 130

AN ORDINANCE PROVIDING FOR THE REGULATION FEES AND CHARGES FOR SERVICE AND FACILITIES RELATING TO THE USE AND SALE OF WATER WITHIN AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF LIEBENTHAL, KANSAS; REPEALING EXISTING ORDINANCES CONFLICTING HEREIN, SPECIFICALLY ORDINANCE NO. 110 OF THE CITY OF LIEBENTHAL, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LIEBENTHAL, KANSAS:

SECTION 1.1 SECURITY DEPOSITS REQUIRED.

A. Cash deposits to secure the payment of accrued bills and services or bills due at the time of discontinuance of service, shall be made by the customer before service shall be made available by the City. A receipt shall be issued to each such customer making said deposit. Said deposits for water service shall be made by the applicant or his/her duly authorized agent in the amount of \$100.00. The City shall require each customer to make such deposit in full or an additional deposit thereafter as may be required to keep a sum of deposit funds on hand equal to the original deposit for any service connection at any time or after any deposit shall be applied to payment of an accrued bill.

B. In the event a customer who has had their security deposit refunded by the City under the terms of this Ordinance, or who may have no security deposit paid or a security deposit of less than \$100.00 paid to the City and, in such case, the customer's service has been disconnected for delinquent payment as provided by the ordinances of the City and has done so two (2) or more times within a calendar year, the City, in such case, shall require that a security deposit of \$150.00 be placed with the City, and applied as if were an initial deposit as set forth above.

SECTION 1.2 SECURITY DEPOSIT FUND; INTEREST, REFUND.

A. The security deposit as set forth within this ordinance shall be filed with the City and shall be accounted for in a separate account which shall be designated as "Security Deposit Fund." Security deposits shall not be transferable from one customer to another.

B. Interest shall be payable on said security deposit, in accordance with all applicable statutes and regulations of the State of Kansas and shall be payable upon demand to the customer or may be credited on the payment of any bill due and owing to the City. Interest that is due and accrued shall not draw additional interest.

C. Upon the discontinuance of water service, at the request of the customer, the City may refund to the customer said deposit, plus accrued interest on the date of the discontinuance of service, less any amount due and owed to the City for services prior to the date of discontinuance of service. It is permissible to transfer said deposit to a new service connection if said new service connection is less than one (1) year old.

D. Security deposits on an account shall be refunded if the customer had paid all charges billed on the customer's account and the customer's account balance is \$0.00. At the sole discretion of the City, the deposit may be refunded in one payment by the City or may be credited to current billings, for other City services provided to the customer, until the deposit in question and accrued interest have either been applied to the other billings and/or has been returned to the customer. Before refunding the security deposit, the City may require return of the original deposit receipt, or photo identification of the person requesting the refund. In lieu of the original deposit receipt, the City may require that the customer execute a standard release form acknowledging receipt of the deposit and any accrued interest. All security deposits not requested to be returned to the customer and refunded within three (3) year after the discontinuance of service, shall be deposited in the water service operating fund of the City, in full compliance with the applicable laws and regulations of the State of Kansas.

E. In the event customers have deposits with the City as of the time of the adoption of this ordinance, all existing deposits shall be grandfathered in under this ordinance as of the date of this ordinance.

SECTION 1.3 INSTALLATION; WATER METER AND CONNECT FEES.

A. All water service customers shall, at their own expense, connect their water lines to the water meters of the City. The connections to the water meters shall be under the supervision of the City and shall be in full compliance with all applicable ordinances and regulations of the City. The City shall not be required to extend service lines and meters more than One hundred Feet (100) from a water main. All water mains and lines installed at the expense of the City shall remain sole and exclusive property of the City.

B. In addition to the deposit required within this ordinance, all customers shall pay the sum of \$55.00 as a connection fee for all service accounts before water service shall be commenced.

C. If the premise served by a new service account does not have existing City water lines and a water meter available to service that premises, then in such case, a water meter or water line installation charge shall be paid by the customer before water services shall be furnished. All fees for excavation for underground installation of any water line shall be at the customer's expense and prior approval of the contractor/excavator must be obtained from the City before any excavating or installation begins. In addition, a City official or designated representative of the City shall be present for hook-up and inspection prior to service being connected. No service shall be formally commenced until a final inspection is conducted by the City and the same is approved.

SECTION 1.4 WATER RATES.

A. The monthly water rates required and charged and collected for water service provided as set forth within this ordinance, shall be as follows:

Rates for water used by individually metered service units within the corporate limits of the City:

MINIMUM MONTHLY CHARGE:

All users shall pay a minimum charge of \$38.00 per month, which shall include water usage to and including the first One Thousand (1,000) gallons of water used in the billable month.

ADDITIONAL USAGE CHARGE:

For water usage of more than One thousand (1000) gallons per month, but less than Ten Thousand (10,000) gallons per month, there shall be an additional charge of \$5.00 for each One Thousand (1,000) gallons or any portion thereof.

For water usage of Ten Thousand (10,000) gallons or more in each one month period, there shall be an additional charge of \$6.00 for each One Thousand (1,000) gallons or any portion thereof.

APPLICABILITY:

Services provided under this schedule of rates are applicable to individually metered service units for all normal domestic water users within the corporate limits of the City. The City expressly reserves the right to require special contracts for service in the event of unusual water requirement or methods of dispensing water from the City water system and for users outside the corporate limits of the City.

MISCELLANEOUS SERVICES:

For miscellaneous and tank water sales provided at a dispensing station or by agreement with the City, at a hydrant, and not delivered to a service connection attached to the municipal distribution system, the following charges shall apply: All water so delivered at a rate of \$10.00 per One thousand (1,000) gallons or fraction thereof; provided that delivery of any such sales shall be made only on such terms and conditions as the City, in its sole discretion, shall deem to be appropriate under the circumstances.

SECTION 1.5 BILLING, DELINQUENCY, DISCONNECTION OR RECONNECTION OF SERVICES.

A. Bill due for water service for the previous one (1) month period will be sent by the City to the customer on or about the first day of each calendar month. Payment is due on all accounts on the 15th day of each calendar month.

B. Payment for water services is due on the 15th day of each calendar month. In the event a bill for water services has not been paid by that time, a past-due notice will be sent to the customer stating that the bill including late fee shall be paid by the 25th of the month, or water services will be disconnected.

C. If water bills have not been paid as set forth in subsection (B) above, the City will disconnect water service for the delinquent account and may, in the City's sole discretion, apply any security deposit held by the City to cover the amount due and owing on the delinquent bill.

D. If service is disconnected, the customer may have water service restored by the City upon the meeting of the following conditions:

1. The customer must pay a \$55.00 reconnect fee.
2. Any delinquent charges for water services must be paid in full.

3. In the event a security deposit is required under the terms and provisions of this ordinance, and the customer has no present deposit with the City or the security deposit has been used to pay any delinquent amount for water services rendered or is for any reason less than \$100.00, the customer must pay an additional amount on deposit so the delinquent account equals deposits as indicated in Section 1.1.

SECTION 1.6 RIGHTS OF CITY OFFICIALS, EMPLOYEES AND AUTHORIZED AGENTS TO ENTER ONTO PRIVATE PROPERTY.

A. The officials, employees and authorized agents of the City have the sole and exclusive right to enter upon private property served by City water services under the provisions of this Ordinance in order to read water meters and to inspect City water lines, mains and water meters or any other items that are subject to the providing of water service by the City to the customer. Any person using City water services shall be deemed to have consented to the entry upon the customer's private property by the City officials, employees and authorized agents for the purpose as set forth herein.

SECTION 2. APPLICABILITY AND REPEAL.

A. Ordinance 110 and any other provisions of ordinances of the City of Liebenthal, conflicting herein, are hereby repealed.

SECTION 3. ENACTMENT.

A. This ordinance shall be in full force and effect from after the date of enactment and publication in the official City newspaper.

APPROVED AND PASSED by the Governing Body of the City of Liebenthal, Kansas on this 4th day of March, 2013.

CITY OF LIEBENTHAL, KANSAS

Manda Selig
MAYOR

ATTEST:

Sharon Baker
CITY CLERK