

## ORDINANCE NO. 781

**AN ORDINANCE REGULATING WATER SERVICE IN THE CITY OF LYNDON, KANSAS AND PRESCRIBING RULES AND FIXING RATES FOR SUCH SERVICE AND PROVIDING PRE-TERMINATION NOTICE AND HEARING PROCEDURES.**

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

SECTION 1. SUPERINTENDENT OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the superintendent of water and sewage, who shall be appointed by the mayor with the consent of the governing body.

SECTION 2. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this ordinance.

SECTION 3. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers.

SECTION 4. FLOODPLAIN SERVICE: As a member entity of Public Wholesale Water Supply District #12, the city will comply with the request of Farmers Home Administration, through PWWSD #12 Resolution 94-4, adopted 12-29-94, not to allow any new water service connections to facilities or new users located within the floodplain zone per Ordinance No. 761, Article 16 "F-P" Floodplain Management.

SECTION 5. WATER SALES PROHIBITED: It is the policy of the governing body not to extend water service to individuals outside the corporate limits of the city except under special and unusual circumstances. Refer to Ordinance 600 for more specific requirements.

SECTION 6. SERVICE CONNECTIONS REQUIRED.

- A. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main.
- B. Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection.

SECTION 7. APPLICATION FOR SERVICE.

- A. Any person, firm or corporation desiring a connection with the municipal water

system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.

B. The application shall

- (1) Contain an exact description including street address of the property to be served;
- (2) State the size of tap required;
- (3) State the size and kind of service pipe to be used;
- (4) State the full name of the owner of the premises to be served;
- (5) State the purpose for which the water is to be used;
- (6) State any other pertinent information required by the city clerk;
- (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.

C. Each application for a connection permit shall be accompanied by a \$400 non-refundable deposit with the understanding the applicant could be billed more for the installation of services.

**SECTION 8. CITY TO MAKE CONNECTIONS.** City employees or their designee shall make all taps, install corporation stops, and install pipes from the main to a point inside the property line to a meter box, curb stop or shutoff.

**SECTION 9. SERVICE CONNECTIONS AND FEES:** Service connections shall be construed to mean: A corporation stop installed in the main pipeline; a line from the corporation stop to the approximate property line, a meter and meter-yoke, a meter box and meter cover installed at the approximate property line. The consumer shall then make his own connection from the meter to this point of usage.

- A. If a water main runs within an approximate 100 feet of a house or home site, in a straight line to the house (front, back, or on either side), city employees or their designee will extend the water line to a point just inside the owner's property line. Otherwise the property owner or agent has the responsibility for extending the main water line to a location where city employees or their designee can tap the main line and extend the new service line to a point just inside the owner's property line.
- B. All service connections shall be installed by the City and be the property of the City. The total cost of all materials used shall be the responsibility of the property owner or his or her agent. Materials (meter, components, pipe, etc.,) will be billed at the city's cost, plus 5% and applicable sales tax to the property owner or his or her agent.
- C. Where existing connections include a curb-stop and the meter is located between the curb-stop and the premises served, the City shall be responsible for maintaining the service line only from the main pipeline to the curb-stop.

- D. In all cases the City shall maintain the meter where any damage is not the fault of the customer, his agents, his employees, tenants or licensees, and where service connections are installed as first above defined, the City shall maintain the service line from the main pipeline to the meter.

SECTION 10. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the Maintenance Superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.

SECTION 11. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb stop shut off, with a key or in any other manner, without first obtaining written permission from the City's designated agent.

SECTION 12. METERS.

- A. All water furnished to customers shall be metered.
- B. Meters shall be located on the private property side of the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.
- C. The city's responsibility stops at the property line; at locations where the water meter is farther away than the city deems necessary, a curb stop will be installed and the customer's responsibility begins there.

SECTION 13. SAME; TESTING. 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 three percent, the meter will be deemed correct and a charge of \$25 will be made to the customer.

SECTION 14. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, 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. It shall be unlawful for any person except an authorized employee of the water department or city designee to turn any curb stop on or off; or if an emergency arises, customer must report same to the city office that day or on the next working day. If meter is illegally turned on following disconnection, theft of service charges will be filed and meter removed or locked.

SECTION 15. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise, after the same has passed through the meter. If a leak occurs after a curb stop on the customer's side and

is not being metered, the owner and/or tenant will be notified to make the repair within 48 hours, after which time a fine of \$20.00 per day will be assessed. Also, if repairs are not made within 72 hours following receipt of notice from the city, service will be terminated until the leak has been fixed to the city's satisfaction. The customer of record and/or property owner has the right to request a hearing before the Governing Body or their designated agent if aggrieved by the termination notice. Such request for hearing must be made within 48 hours of receipt of notice, by filing written notice with the City Clerk's Office during regular business hours.

SECTION 16. USE. Municipal water service shall be for the sole use of the premises and customer locations and its necessary appurtenances served through a single meter or a single service connection and meter, and located within the corporate limits of the City. Meters shall be listed in the name of the applicant for water service, whether owner, agent, or tenant, and such applicant shall be responsible for the safety of the meter and the payment of the water use charge. All water customers must sign an application form at the office of the City Clerk. In addition, a photo ID will be required to establish an account.

SECTION 17. WATER DEPOSIT. A meter deposit of \$200.00 shall be required from all applicants for water service.

A. A meter deposit will be held until such time as the customer has paid his/her account balance on time for twelve consecutive months.

B. A minimum of \$100.00 of said \$200.00 deposit shall be remitted before a water account can be established, with the remaining balance paid within 60 days.

SECTION 18. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.

SECTION 19. PROHIBITED ACTS. It shall be a violation of this ordinance for any unauthorized person to:

A. Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;

B. Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the Governing Body or their designated agent;

C. Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.

SECTION 20. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense.

SECTION 21. RIGHT OF ACCESS. 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 water lines.

SECTION 22. RATES. The following monthly rates are hereby established and shall be paid for water access and water furnished and sold by the City of Lyndon, Kansas:

- A. Residents whose dwelling is located within the corporate limits of the City of Lyndon, Kansas:

As of July 1, 2012

\$20 access fee for single dwelling structures

\$60 access fee for multi-dwelling structures. For purposes of this sub-section, "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$23.10 for up to the first 1000 gallons; includes access fee (\$63.10 for multi-dwelling structures)

\$9.53 per thousand for the next 2000 gallons

\$10.10 per thousand for all usage over 3000 gallons

As of January 1, 2013

\$20 access fee for single dwelling structures

\$60 access fee for multi-dwelling structures. For purposes of this sub-section, "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$26.20 for up to the first 1000 gallons; includes access fee (\$66.20 for multi-dwelling structures)

\$10.81 per thousand for the next 2000 gallons

\$11.46 per thousand for all usage over 3000 gallons

With this subsection, the term "resident" means each metered location, whether or not more than one family or dwelling is serviced by said meter.

- B. Residents whose dwelling is located outside the corporate limits of the City of Lyndon:

As of July 1, 2012

\$25.00 access fee for single dwelling structures

\$75.00 access fee for multi-dwelling structures. For purposes of this sub-section, "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$28.88 for up to the first 1000 gallons; includes access fee (\$78.88 for multi-dwelling structures)

\$12.71 per thousand for all usage over 1000 gallons

As of January 1, 2013

\$25.00 access fee for single dwelling structures

\$75.00 access fee for multi-dwelling structures. For purposes of this sub-section, "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$32.75 for up to the first 1000 gallons; includes access fee (\$82.75 for multi-dwelling structures

\$14.41 per thousand for all usage over 1000 gallons

Within this subsection, the term "resident" means each metered location, whether or not more than one family or dwelling is serviced by said meter.

- C. Unless the governing body of the City of Lyndon specifically determines otherwise, on the first day of each fiscal year starting on January 1, 2013, and until January 1, 2018, all minimum charges, unit charges and tap fees will be increased 3% over the then current rates and fees in order to account for anticipated inflation and to maintain adequate operating, equipment replacement, capital improvement, emergency and debt coverage reserves.

SECTION 23. PAYMENT OF BILLS. Water bills will be mailed on or before the 10<sup>th</sup> of the month and due by the 23<sup>rd</sup>; if the 23<sup>rd</sup> falls on a non-working day, payment is due on the next business day. Delinquent accounts shall be assessed a \$10.00 late charge. Late notices shall be mailed on the 24<sup>th</sup> or next working day, extending receipt of payment in full until noon on the 1<sup>st</sup> of the following month; if not paid by noon, services will be terminated.

SECTION 24. INSUFFICIENT FUNDS: A \$25 fee shall be assessed on checks returned as "insufficient funds" or "no account". Notice will be given to the customer giving three working days to redeem the "insufficient funds" or "no account" check; if payment has not been made by the deadline given service will be terminated.

SECTION 25. TERMINATION OF SERVICE. Accounts not paid by the 1<sup>st</sup> of the following month will be terminated without further notice.

- A. If a city employee or their designee returns to the residence to terminate service, a reconnect fee of \$25 will be required before service is restored. If there is no meter deposit on file, the customer shall be required to remit the deposit fee of \$200.00, to be held as set out in Section 17.
- B. In the event a water meter is removed due to illegal use after shut off, a penalty of \$100.00 shall be assessed. Service will not be restored until the account, including any penalties, has been paid in full. If there is no meter deposit on file, the customer shall further be required to remit the deposit fee of \$200.00, to be held as set out in Section 17.
- C. If tenant or property owner makes request to have service temporarily

discontinued, a meter removal fee of \$50 shall be paid before meter is removed. Upon re-establishment of service a re-connect fee of \$50 shall be paid prior to installation of meter. If request is not made during regular business hours, an after-hours fee will apply. Refer to Section 26.

SECTION 26. AFTER-HOURS SERVICE CALLS. A charge of \$30 per hour, with a minimum charge of \$30, shall be assessed if a city employee is requested to perform after-hours service for water or sewer line assistance.

- A. After-hours calls include Saturday, Sunday, city holidays, and after normal maintenance working hours of 7:00 A.M. to 4:00 P.M.
- B. Service requests include turning on service, shutting off service due to a water leak, or performing any plumbing or sewer work that does not fall under the city's responsibility.

SECTION 27. NOTICE AND HEARING PROCEDURE. A delinquency and termination notice shall be issued on the 24<sup>th</sup> day of the month (or next working day). The delinquency notice shall provide the customer of record with the following information:

- A. The amount remaining unpaid and giving an extension to the 1<sup>st</sup> of the following month to remit the balance.
- B. The customer's right to a hearing before the Governing Body of the City of Lyndon or their designated agent.
- C. Notice service will be terminated after 12:00 p.m. on the 1<sup>st</sup> of the following month. The request for a hearing must be made no later than three (3) working days before the date of discontinuance.

Such hearings will be conducted by the Governing Body of the City of Lyndon. The City is authorized to discontinue and disconnect water service for any customer who shall be delinquent in the payment of bills. Customers are responsible for furnishing the City with their correct address for billing purposes.

SECTION 28. DROUGHT/EMERGENCY. At such times as the governing body declares that emergency conditions exist, the city water customers shall be put on notice as defined by ordinance. Refer to Ordinance No. 596 for specific requirements.

SECTION 29. CROSS-CONNECTIONS PROHIBITED. No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body.

SECTION 30. SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the maintenance superintendent or city designee.

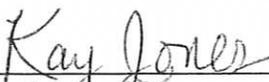
SECTION 31. SAME; INSPECTION. The city maintenance superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city.

SECTION 32. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its maintenance superintendent or city designee may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city maintenance superintendent or city designee may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the maintenance superintendent, an emergency danger of contamination to the public water supply.

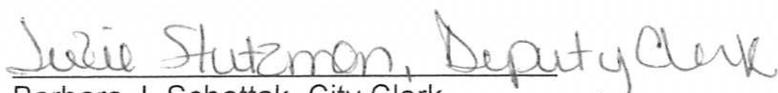
SECTION 33. Ordinance No. 694 and Ordinance No. 760 and all other ordinances in conflict herewith are hereby repealed.

SECTION 36. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official newspaper of the City, as provided by law. New rates will take effect July 1, 2012 and will be reflected on utility bills issued in August, 2012,

PASSED AND APPROVED by the Governing Body of the City of Lyndon, Kansas, this 4<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Kay Jones, Mayor

ATTEST:

  
\_\_\_\_\_  
Barbara J. Schattak, City Clerk

STATE OF KANSAS, COUNTY OF OSAGE, SS:

I, the undersigned, hereby certify that I am the duly appointed and acting City Clerk of the City of Lyndon, Kansas; that the above Ordinance was passed by the council and approved by the Mayor on the 4<sup>th</sup> day of June, 2012, and it was published on the 14<sup>th</sup> day of June, 2012, and that the record of the final vote of passage is shown in the minutes of the proceedings of the Governing Body.



*Julie Stutzman, Deputy Clerk*  
~~Barbara J. Schattak, City Clerk~~