

Chapter 13.04

WATER SERVICE SYSTEM

Sections:

- 13.04.010 Administration.
- 13.04.020 Water accounts.
- 13.04.030 Water service, lines and equipment property of City.
- 13.04.040 Application and contract for service connection.
- 13.04.050 Deposits.
- 13.04.060 Extension of mains.
- 13.04.061 Annexation.
- 13.04.070 New water service installation.
- 13.04.080 Owner's water pipes.
- 13.04.081 Notice and inspection.
- 13.04.090 Owner's duties.
- 13.04.100 Separate service lines.
- 13.04.110 Meters.
- 13.04.120 Access to property.
- 13.04.130 Service not guaranteed.
- 13.04.140 Right to restrict use.
- 13.04.150 Shutting off mains.
- 13.04.160 Unlawful taking of water.
- 13.04.170 Tampering.
- 13.04.180 Check valves.
- 13.04.190 Special or temporary service.
- 13.04.200 Payment of bills.
- 13.04.210 Water rates.
- 13.04.220 Nonessential use.
- 13.04.230 Violation—Penalty.

13.04.010 Administration.

The ordinances, rules and regulations adopted by the Governing Body, relative to the waterworks plant of the City, as a part of the Water and Electric Department, shall be administered by the City Manager, who shall

manage and supervise the operation of the plant. (Ord. 1091 § 1, 1982)

13.04.020 Water accounts.

In accordance with the rules of the Department, the City Clerk shall collect accounts due the City for water service and prepare monthly bills therefor from meter readings made by employees of the Department; and the City Clerk shall keep a separate account for each customer as to such service. (Ord. 1091 § 2, 1982)

13.04.030 Water service, lines and equipment property of City.

Upon the effective date of the ordinance codified in this chapter and henceforth the City shall be the owner of and have exclusive supervision and control over the water service lines, taps, meters, meter boxes and all other equipment and facilities necessary to supply water to any and all premises and properties within the City with water, from the established water mains of the City to a point at or near the property line of the premises or property to be served. As to any premises or properties not now being supplied with water, whenever such water service line is to be furnished, the City shall furnish the labor, material and equipment necessary or proper therefor and install the same from the established main to the property line, or near thereto, at the cost of the customer as hereinafter set out and the same shall remain the property of the City and be under its exclusive supervision and control. (Ord. 1228 § 1, 1991; Ord. 1091 § 3, 1982)

13.04.040 Application and contract for service connection.

Before any water service shall be installed (where such service is not in place) an appli-

cation for such service shall be made in writing by the owner of the premises to be serviced (or by his or her or its authorized representative) at the office of the City Clerk on forms to be supplied by the City. The application shall disclose the location of the premises to be served, the name of the owner, the number of consumers to be served, the purposes for which service is desired and such other information as may be necessary for the purpose of this chapter. If there is no available main or distributing line to which the water service may be connected, the conditions for extending such mains or lines shall first be satisfied before the installation shall be authorized by the City. The application and its acceptance shall constitute a contract between the owner and the City for the installation of the water service. After the contract for the new installation shall have been made, the owner shall pay to the City such fees or charges for making such installation as may be provided by ordinance before water service shall be supplied to such premises. (Ord. 1091 § 4, 1982)

13.04.050 Deposits.

A. 1. Each person, firm, or corporation applying for water service shall deposit with the City Clerk at the time of application an amount estimated by the City Clerk to be equal to the applicant's average water bill for a period of two months, but in no case less than twenty-five dollars (\$25.00). Said deposit shall be conditioned to hold the City free from loss occasioned by the customer's failure to pay any bill legally rendered for water used.

2. In lieu of a cash deposit as required in subsection (A)(1) of this section the application for water service may be accompanied by a letter from the last previous public or private

utility from which the applicant had obtained utility services covering each month of the last twelve (12) months of the period during which such services were furnished to applicant. If such letter or other proof shows a history of prompt payment by the applicant of bills for such service, satisfactory in the judgment of the City Manager or Clerk of the City of Larned, to show applicant's credit reliability, said letter or other proof may be accepted in satisfaction of the foregoing deposit requirement.

B. Deposits, Interests and Refunds. The deposit hereinbefore required shall be made to the City Clerk and the City Clerk shall keep a separate account, including the date on which such deposit is received within the water utility fund. The City shall pay interest on the deposit at the rate and in the manner required by law. Upon discontinuance of service at the demand of the depositor, the deposit required hereunder, with accrued interest, shall be refunded upon surrender of the original receipt, less any amount due and owing to the City for services furnished prior thereto.

C. Application of Deposit. In the event a customer shall for any reason fail to pay an account rendered for services used, connection or reconnection charges, repairs, penalties incurred, if any, or other payments required by ordinance, it shall be the duty of the City Clerk to immediately apply said deposit to the payment of the account then due; provided, however, the application of such deposit shall not in any way prevent discontinuance or disconnection of service to any customer. Upon resumption of service the depleted security deposit shall be restored in accordance with subsection A of this section, and every customer reconnected or resuming service after a deposit has been applied to payment of accrued bills or otherwise refunded, shall make

a deposit as in the case of an original application.

D. Consumer Deposit Refund After One Year of Prompt Payment. The deposit required in subsection A of this section, together with accrued interest as required by law, shall be refunded upon surrender of the original receipt, if the customer has paid his or her bill by the fifteenth of each month continually for a period of one year. In the event a customer has been refunded a deposit and fails to make prompt payment on or before the fifteenth of the month for the present billing period, the City Manager shall require a deposit in accordance with subsection A of this section. (Ord. 1397 § 1, 2004; Ord. 1317 § 1, 1997; Ord. 1266 § 1, 1994; Ord. 1091 § 5, 1982)

13.04.060 Extension of mains.

The City may extend its water mains or distribution lines within or without the City by new construction or purchase of existing lines when application has been made or agreements entered into with owners along the proposed extension which will produce a revenue in the judgment of the Governing Body sufficient to pay interest on the cost of such extension and the operating costs of the services to be supplied; provided, that the City may at any time extend such mains within the City without special contracts for such extensions when the judgment of the Governing Body the same may be financed from the waterworks fund or by other means provided by law; provided, however, that the City may require any proposed customer (owner) situated outside the City limits to whom it may decide to supply water to construct the necessary water lines to a water main within the City in accordance with the City's specifications and subject to inspection by the City, and to maintain the same at

such customer's own expense for the purpose of receiving water service; provided, further, that in the event any premises so served, or the water mains serving the same, shall be brought within the City, the City may acquire title to and maintain such lines which shall be located within any street or public grounds of the City, the price thereof to be at its salvage value. (Ord. 1091 § 6, 1982)

13.04.061 Annexation.

Any extension of water services beyond the City limits of Larned must be approved by the Governing Body of the City and shall be contingent upon each affected real estate owner(s) entering into a written agreement with the City of Larned which conditions the delivery or extension of water services to the owner's real estate on consent of the owner(s) to future annexation of the affected real estate, and the consent of the owner(s) to special assessments that may be imposed upon the affected real estate for the purpose of paying the cost of constructing infrastructure for such water services. The written agreement provided for by this section shall also contain the agreement of the affected real estate owner(s) to comply with all ordinances of the City pertaining to water services.

Pursuant to KSA 12-534, the written agreement provided for by this section shall be filed with the office of the Register of Deeds of Pawnee County, Kansas, within thirty (30) days of execution by all parties, and shall be deemed to be a sufficient consent to annexation under KSA 12-520 and amendments thereto by the owner(s) and any successors in interest of the affected real estate. (Ord. 1428 § 1, 2005)

13.04.070

13.04.070 New water service installation.

Upon satisfaction of the requirement for a new water service installation, the City shall tap the main, insert a corporation cock and run the water service pipe from its connection with the corporation cock to the property line of the property to be serviced and set the water meter at such point; provided, that the City shall at no time furnish more than one hundred (100) feet of such service pipe and in computing the length of the service pipe to be furnished by the City the water main will be assumed to lie in the center of the street regardless of its actual location. The service pipe shall be not less than one inch in size and laid not less than three feet below the surface of the ground or pavement. All service lines shall be copper or approved plastic, at the option of the City. The City shall perform all labor and furnish all materials and apparatus necessary for such installation, and the applicant shall pay the City the charges or fees imposed for installation of water service as set forth in Section 13.04.220. (Ord. 1266 § 2, 1994; Ord. 1091 § 7, 1982)

13.04.080 Owner's water pipes.

Owners shall, at their sole expense furnish such materials and labor as may be necessary to service their premises with water in addition to that supplied or furnished by the City. All owner water pipes shall be laid underground, not less than three feet below the surface of the ground. All owner water pipes shall be of such materials and sizes as may be required by the City Plumbing Code. All owner water pipes shall include and owners shall maintain a stop valve at the meter on the customer side of the line so that water may be cut off and building pipes completely drained. All owner water pipes that do not have the

*add'n to
13.04.070
stop valve at sale
12-11-07*

stop valve required by this section shall be required to install a stop valve at the meter as provided herein whenever owners' water pipe or pipes are repaired, upgraded, repeated shut-offs are required by the City, or in the event of sale of the owner's real estate. All newly installed water pipes will be required to have installed a stop valve as provided in this section. In the event the owner fails to install such a stop valve, the City will install one at the time the water pipe is constructed, repaired, upgraded or in the event of repeated shut-offs and bill the owner for the cost of installation of such stop valve. (Ord. 1426 § 1, 2005; Ord. 1387 § 1, 2003; Ord. 1266 § 3, 1994; Ord. 1091 § 8, 1982)

13.04.081 Notice and inspection.

All owners shall give written notice to every purchaser of any interest in any real estate located within the City limits of Larned, Kansas, prior to closing of any sale of the requirement for a water stop valve required pursuant to this section for the water pipeline serving the real estate that the owner proposes to sell. Water service will not be provided to any water lines that do not have the water stop valve when required by this section. (Ord. 1426 § 2, 2005)

13.04.090 Owner's duties.

All owner water lines or equipment shall be replaced at the owner's expense within twenty-four (24) hours of such owner obtaining knowledge, by observation or from notification by the City Manager or designated representative, of an unusual amount of leakage and wastage of water due to injury, destruction, defects or failures in owner's piping or equipment which cannot be remedied by ordinary repairs. In all events it is the duty of owners to keep their piping and necessary

equipment in serviceable condition to prevent loss to the City or damage to the public. Upon an owner's failure to do so the City may cut off or discontinue water service to such owner's premises until the neglect is remedied and the cost of all water theretofore supplied to such premises, as shown by the meter reading, is paid in full. (Ord. 1266 § 4, 1994; Ord. 1091 § 9, 1982)

of the amount of water actually measured, the previous water bill based on the last previous reading of the meter shall be corrected accordingly and the testing fee deposited as required above shall be refunded to the consumer. Should the meter be found to be registering more than one hundred (100) percent of the

13.04.100 Separate service lines.

Each premises shall have a permanent service connection, a separate service line, and each service line shall have its own water meter; provided, however, that in exceptional cases where it is impracticable because of the location of the premises with respect to the water main, the City Manager may grant exceptions to the above requirements. If more than one residence or commercial building is furnished water through the same meter, the rates to be charged shall be adjusted as provided in Section 13.04.210. (Ord. 1091 § 10, 1982)

13.04.110 Meters.

A. All water furnished by the municipal water system, except as hereinafter provided, shall be measured by meters.

B. Any authorized City employee assigned to the City's municipal water system shall have access at all reasonable times to all water meters operating on the water system.

C. No person unless duly authorized by the City Manager, or designated representative, shall remove, repair or install any water meter.

D. Any consumer may have a meter tested by depositing with the City Clerk the sum of fifteen dollars (\$15.00) to pay the cost of testing. Should the test show the meter is registering one hundred three (103) percent or more

water actually measured but less than one hundred three (103) percent thereof, no correction shall be made in the bill and the test fee shall be retained by the City. (Ord. 1266 § 5, 1994; Ord. 1091 § 11, 1982)

13.04.120 Access to property.

The City Manager, and designated representative, shall have free access at all reasonable hours to any premises where it may be necessary to ascertain the reading of water meters, location or condition of water meters or other fixtures attached to the City's municipal water system, or to shut off or turn on water from or to any premises, or from or to any hydrant pipe or other attachment, or for the purpose of seeing that the rules and regulations of this chapter are observed, or for any purpose that the City Manager may deem essential for the operation of the City's municipal water system, prevention of waste or protection of revenue from the system. Upon the refusal, neglect or failure of any customer, consumer, or owner to abide by this provision, water service to the premises involved may be discontinued upon twenty-four (24) hours' notice. (Ord. 1266 § 6, 1994; Ord. 1091 § 12, 1982)

13.04.130 Service not guaranteed.

The City of Larned 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 and service connections are in good working order, and the supply of water sufficient for the usual demands of the consumers. The City shall not be liable for any damage done or accident incident to the lack of pressure, or insufficient water supply or break in main, or the shutting off the water supply or failure of

energy used for pumping. (Ord. 1091 § 13, 1982)

13.04.140 Right to restrict use.

If at any time the Governing Body shall deem it necessary to limit the use of water on account of shortage in the supply from any cause whatsoever, the City Manager, by direction of the Governing Body, shall publish a notice in the official newspaper, which notice shall set out the uses of water that are to be prohibited or restricted and shall designate the time and duration thereof; and the use of the City water contrary to the requirements set forth in said published notice shall be deemed a violation of the provisions of this chapter. (Ord. 1091 § 14, 1982)

13.04.150 Shutting off mains.

The City reserves the right at any time without notice to shut off the water in the mains for the purpose of making repairs or extensions, or for other purposes. (Ord. 1091 § 15, 1982)

13.04.160 Unlawful taking of water.

A. It is unlawful for any person, firm, or corporation to take water from the municipal water system except through a meter installed by the City, or through a service connection authorized by the City, the use of which has been authorized by the City prior to the taking of water. It is further unlawful for any person, firm, or corporation to take water from any premises without permission of the owner thereof, or in any way to damage or interfere with the supply of water, or to open any valve or hydrant of the water system located on streets, alleys or public grounds or to connect to or take water from the system except as prescribed by this chapter.

B. In any prosecution under this section, taking of water through a tampered meter, taking of water through a service connection not authorized by the City, taking of water from any premises without permission of the owner, or taking of water from the unauthorized opening of any valve or hydrant in any manner so that water supplied by the City may be used or wasted without being supplied under the terms provided for in this chapter shall be prima facie evidence of intent to violate the provisions of this section by the person, firm, or corporation using or receiving the direct benefit from the use of water from a tampered meter, from an unauthorized service connection, from any premises without permission of the owner or from the unauthorized opening of any valve or hydrant. (Ord. 1415 § 1, 2005; Ord. 1091 § 16, 1982)

13.04.170 Tampering.

It is unlawful for any person or persons except a duly authorized employee of the Department, or someone authorized by the Department, to turn on or turn off any curb cock, or other valve regulating the flow of water in the City's mains or laterals. (Ord. 1091 § 17, 1982)

13.04.180 Check valves.

Check valves are required on all connections to steam boilers and also on any like connection if determined by the Department to require protection against back syphoning. Safety or relief valves shall be placed on all boilers or other steam apparatus connected to the water system where the steam pressure may be raised in excess of forty (40) pounds per square inch. (Ord. 1091 § 18, 1982)

13.04.190 Special or temporary service.

The City Manager or designated representative may authorize temporary water connections for the use of contractors and other persons having use for water for building or other purposes. The City Manager or designated representative may authorize the furnishing of a portable meter for measuring water used through such temporary connection and the charges therefor shall not be less than the minimum monthly charge prescribed in Section 13.04.210 plus the actual cost of making such temporary connection. Where such temporary use of water cannot be metered the City Manager or designated representative shall base the charge on the estimate of water used. (Ord. 1266 § 7, 1994; Ord. 1091 § 19, 1982)

13.04.200 Payment of bills.

A. All bills for water service shall be due on the first day of the month following the reading of meters or following the ascertainment of charges as provided in Section 13.04.210. All accounts for water services shall be paid at the City Clerk's office on or before the fifteenth day of the month; provided, however, governmental units or private firms with established credit and general offices outside the City of Larned, may be granted additional time for the payment of their account pursuant to their established or mandated procedures. There shall be added to any bill not paid when due, as specified above, a late fee in an amount equal to two percent of the total of the bill. The fee shall be included in the amount of the total bill then due and must be paid in full before continuation of the service or the restoration thereof if terminated prior to payment.

B. Termination of Service Due to Non-payment. In the event payment of the water utility account of a customer is not made on or before the fifteenth day of the month in which the account is due, the City may, after mailing or hand delivering a written notice advising of the pending termination of water service, terminate the service if the overdue account, plus any additional charges accrued, is not paid on or before the twentieth of the month.

C. Restoration of Terminated Service. Water service of a customer who does not also purchase electricity from the City and who has been disconnected due to the nonpayment of account will be resumed upon payment in full of the delinquent account and the further sum of ten dollars (\$10.00) to reimburse the City for expenses incurred in the disconnection and

B. Termination of Service Due to Non-payment. In the event payment of the water utility account of a customer is not made on or before the fifteenth day of the month in which the account is due, the City may, after mailing or hand delivering a written notice advising of the pending termination of water service, terminate the service if the overdue account, plus any additional charges accrued, is not paid on or before the twentieth of the month.

C. Restoration of Terminated Service. Water service of a customer who does not also purchase electricity from the City and who has been disconnected due to the nonpayment of account will be resumed upon payment in full of the delinquent account and the further sum of ten dollars (\$10.00) to reimburse the City for expenses incurred in the disconnection and reconnection of the water service; provided, however, thirty dollars (\$30.00) shall be charged if the reconnection is made, at the request of the user, at a time other than during normal City Hall business hours. In all instances where notice of termination is hand delivered before disconnection the City shall charge an additional ten dollars (\$10.00) for the expense of such delivery. (Ord. 1317 § 2, 1997; Ord. 1266 § 8, 1994; Ord. 1091 § 20, 1982)

13.04.210 Water rates.

A. The rates to be charged for water measured by meters and furnished to consumers within the City limits, shall be in the following amounts per month for each customer.

1. First three thousand (3,000) gallons, ten dollars (\$10.00);

2. For each one thousand (1,000) gallons or portion thereof over the first three thousand (3,000) gallons, one dollar and thirty cents (\$1.30); provided, that the minimum rate per month shall be ten dollars (\$10.00) and pro-

vided further, that a joint water service may be authorized when the property being serviced does not abut the street along which the water main is laid.

B. Each separately occupied portion of a premises occupied as a duplex, an apartment house, or multiple-dwelling unit, or occupied in conjunction with a commercial building or other building which receives water service from a single-service-metered line shall pay the minimum charged in subsection A of this section.

C. Charges for water measured by meters and furnished to consumers outside the City limits shall be at the rate of one hundred fifty (150) percent of charges for consumers within the City limits, computed as provided by subsection A of this section.

D. The State-mandated water protection fee of three cents (\$0.03) for each one thousand (1,000) gallons of water sold at retail by the City of Larned, Kansas, as required by KSA 82a-954 shall be listed as a separate line item on the City's billing statements for water furnished consumers. Funds so collected shall be maintained by the City in a special account and remitted quarterly to the Kansas Department of Revenue as required by law.

E. The rates specified above in subsections A through D of this section or this shall apply in computing all billing for water consumed from and after October 1, 2006. (Ord. 1453 § 1, 2006; Ord. 1266 § 9, 1994; Ord. 1208 § 1, 1989; Ord. 1206 § 1, 1989; Ord. 1091 § 21, 1982)

13.04.220 Nonessential use.

A. Whenever the City Manager, or in his absence, the City Water Superintendent, shall deem that an emergency exists by reason of a shortage of water supply or inadequate water pressure, and it is necessary in order to prop-

erly protect and fully utilize the supply of water for essential uses such as fire protection, household consumption, maintenance of health and sanitation facilities and the operation of essential business, the City Manager shall have the power to declare an emergency, and the City Council shall have the power to prohibit during the period of emergency the use of water from the city water supply. Such emergencies shall be deemed to continue until the City Council declares the emergency to be ended.

B. For the purposes mentioned in subsection A above, the City Water Superintendent under the direction and authority of the City Manager may prohibit or restrict any of the following uses of water from the City water supply during an emergency:

1. The sprinkling or watering of shrubbery, trees or grass through the use of a hose or otherwise; provided, that nurseries shall be allowed to use a minimum amount of water to keep their present stock, shrubbery or trees alive;

2. The washing of automobiles, trucks or any other type of mobile equipment;

3. The washing of sidewalks, porches, filling station aprons, or floors and interiors of buildings or trucks; provided that the City Water Superintendent may permit the reasonable use of water to maintain sanitation and may permit the reasonable use of water for the washing of filling station aprons and floors essential to public safety and the prevention of fire hazards;

4. Air conditioners or evaporative cooling systems designed and used to reduce room temperature for the comfort of persons using such room except in hospitals and nursing homes;

5. The use of water in fountains, wading pools, swimming pools, fish ponds, golf course or any recreational grounds.

C. The City Council may make such other limitations, restrictions, prohibitions, or variances upon, the use of water as it deems, necessary in order to respond to emergency situations. (Ord. 1369 § 1, 2001)

13.04.230 Violation—Penalty.

A. Any person, firm or corporation who violates any of the provisions of this chapter shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and imprisoned not more than thirty (30) days or both such fine and imprisonment.

B. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage incurred by the City by reason of such violation. (Ord. 1369 § 2, 2001)