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ORDINANCE NO. 707

AN ORDINANCE PROVIDING FOR THE OPERATION OF THE MUNICIPAL WATER SYSTEM OF THE CITY OF GARDEN PLAIN, KANSAS. PRESCRIBING RULES AND REGULATIONS GOVERNING THE SYSTEM, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. The rules and regulations hereinafter set forth shall constitute and be considered a part of the contract with every person and company, firm or corporation supplied with water from the municipal water system of the City. Every person, company, firm or corporation, hereinafter sometimes called consumer, who accepts and utilizes water or requests the use of water shall be held to have consented to be bound hereby.

Section 2. **SERVICE/PRESSURE 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, and power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. The city does not guarantee any specific water pressure for its services. The city shall not be liable for any damages done or accidents due to the lack of pressure, or insufficient water supply or break in the mains, or the shutting off of the water supply, or the failure of power or other energy used for pumping.

Section 3. **RATES.** The rates for all persons and entities receiving water from the public water system of the City of Garden Plain, Kansas shall be established pursuant to a rates schedule enacted by Resolution of the governing Body of the city of Garden Plain, Kansas.

Section 4. **FIRE HYDRANTS.** In the event a consumer files a written request with the city clerk of Garden Plain requesting that the city install one or more fire hydrants at or near a designated premises, and said fire hydrant, or hydrants, due to their location will facilitate fire protection to said consumers premises only, or requesting that the city allow said consumer to connect a fire protection sprinkler system on said premises to the water system of the City of Garden Plain, and said fire hydrant or hydrants, or said sprinkler system, are installed on said premises, then the following charges shall be made for same:

\$75.00 per month per each fire hydrant within city limits.

\$150.00 per month per each fire hydrant outside city limits.

\$75.00 per month per each premises with a fire protection sprinkler system within city limits.

\$150.00 per month per each premises with a fire protection sprinkler system outside city limits.

PROVIDED, at such time that the fire hydrant or hydrants installed by the city at a consumers request within the city commence to facilitate fire protection to premises other than the premises of the consumer who made such request, then the above stated monthly charge for each said fire hydrant or hydrants shall terminate, if in the opinion of the city council it would be fair and equitable to the city-at-large to do so. Otherwise, said monthly charge shall be apportioned providing that the owners of the properties additionally served agree in writing with the city for the apportionment of such charge. Provided, further, when such fire hydrant or hydrants are located outside the city, then the above stated monthly charge for said fire hydrant or hydrants shall be apportioned providing that the owners of the properties additionally served agree in writing with the city for the apportionment of such charge.

Section 5. CONNECTION FEES. Anyone making application for and desiring to connect with the water system of the City of Garden Plain shall pay the following amounts for a connection fee:

\$1,000 for applicants inside the city limits.

\$1,500 for applicants outside the city limits of Garden Plain.

Said payment shall include the costs of a single ¾" meter. The additional cost of any larger meter shall be borne by the consumer, together with all costs incidental to the installation of said meter and bringing water to it. Should the applicant's connection require boring into the street, applicant shall also pay the actual cost of the boring. Should the applicant's connection require opening a street then applicant is responsible for all costs of street repair by city contractor. If a consumer is outside the city limits of The City of Garden Plain, lines can only be run within ¼ mile each side of main line, said consumer shall pay the additional expense of installing a water line to the premises.

Section 6. APPLICATION FOR WATER SERVICE AND CONSENT TO ANNEXATION. All applications for water service shall be made in writing on a form provided by the city in such form as shall, from time to time, be prescribed by the governing body. Each application for service shall be accompanied by payment of fees and/or costs as specified herein. A plumbing permit shall be required for new service and no service shall be provided until inspection is made.

All applicants for water service outside the city shall agree to consent to, petition and request the annexation of such lands by the City of Garden Plain at such time as the city determines appropriate (as contemplated in K.S.A. 12-519, et seq.). Until such time as the annexation occurs, the applicants shall agree they will not seek incorporation as a separate city nor annexation to any other city of the land or any part thereof. Upon initial service request, customers requesting service outside the city will be required to sign a form and restrictive covenant to this effect.

Applications shall be maintained until service is terminated and all outstanding balances have been paid.

Section 7. UTILITY DEPOSIT. (a) Any applicant for water services for property occupied or to be occupied by a tenant, shall deposit with the City Clerk a \$100.00 security deposit. A deposit shall be assessed on nonresidential customers equal to the projected largest two (2) months bills.

(b) All deposits herein shall be maintained and administered by the city in accordance with the Kansas Statues.

(c) "Tenant" means a person or persons entitled, under a written or oral agreement concerning the use and occupancy of a dwelling, to occupy a dwelling unit to the exclusion of others.

Section 8. NEW CONSTRUCTION SERVICE CONNECTIONS REQUIRED. The owner of all newly constructed 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 public water mains, is hereby required at his or her own expense to make connection to such public water main. No building permit shall be issued for new construction until said water hookon fee has been paid.

Section 9. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavation made, corporation cocks inserted, pipes installed from main to meter box to which the service pipe is to be connected by city employees or their designated contractors only.

Section 10. TRENCHING/BACKFILLING. Any excavation made by a plumber in the easement or public right-of-way shall not be kept open longer than is necessary to make connection. Barriers and guards shall be placed adjacent to the open ditch or excavation to protect the public. Excavations shall be backfilled with suitable compacted material and left in a condition satisfactory to the city. Where such excavation or backfilling is made in an unsatisfactory manner, the city shall cause it to be corrected and the cost thereof shall be charged to the consumer.

Section 11. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system as provided for by the Uniform Plumbing Code.

Section 12. UNIFORM PLUMBING CODE. No person, firm or corporation shall violate the provisions of the Uniform Plumbing Code, Chapter 10, Water Distribution.

Section 13. UNAUTHORIZED USE OF HYDRANTS. No person, firm or corporation, unless authorized by the city council, shall take or remove water from any public or private hydrant plug, street, wash, draw, cock, hose, pipe, fountain, except for fire purposes, or in any way use or take any water for private use without paying for same as herein provided. Water necessary for municipal uses, such as fire control, may be obtained from fire hydrants by the city.

Section 14. CROSS CONNECTIONS PROHIBITED, No person, company, corporation or institution shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private water supply, or any source of contamination may enter the regular public water supply of the City of Garden Plain, unless said source is approved by the City Council of the City of Garden Plain, and the Kansas Department of Health and Environment.

(a) **PROTECTIVE BACKFLOW PREVETERS REQUIRED.** Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where there is a hazard of contamination of the potable water supply system.

(b) **INSPECTION.** The City of Garden Plain or other designate of the City Council of the City of Garden Plain shall have the right on entry into any building or premises in the City as frequently as necessary in

order to ensure that plumbing has been installed in a manner as to prevent the possibility of contamination of the public water supply of the City of Garden Plain, Kansas.

(c) **PROTECTION FROM CONTAMINATE.** Pursuant to the authority given under Home Rule Powers and KSA 65-263a, the City of Garden Plain, may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the City. IN addition, the City may immediately terminate water service to a premises where a backflow or backsiphonage condition exists which may be hazardous to the health of customers served by this public water supply system of the City of Garden Plain.

(d) **INCORPORATION BY REFERENCE.** There is hereby incorporated by reference for the purpose of regulating cross connections between the public water supply and any sources of contamination that certain manual adopted by the Governing Body of the City of Garden Plain known as, "MANUAL OF REGULATIONS REGULATING BACKFLOW AND BACKSIPHONAGE OF CONTAMINANTS DUE TO CROSS CONNECTIONS FOR THE CITY OF GARDEN PLAIN PUBLIC WATER SUPPLY". A copy of said manual shall be marked or stamped, "Official Copy, as adopted by Ordinance No. 706", and to which shall be attached and be open to inspection and available to the public at all reasonable hours.

Section 15. SERVICE REFUSAL/CONTAMINATION. The water department, pursuant to the provisions of the Kansas Statutes may refuse to deliver water to any premises whereon any condition exists which might lead to a contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied.

Section 16. SERVICE INTERRUPTION. In instances where the public health, safety or welfare so requires, the water department shall have the right to shut off the flow of water in its mains without notice, but will endeavor, insofar as possible and practical, to notify consumers affected by the intention to so interrupt the service. Interruption of service under such conditions, or in the event of activities and actions beyond the control of the city, shall not give rise to any claim on the part of any consumer against the water department or the city.

Section 17. METERS/SERVICE LINES. The installation of meters and service lines shall be in accordance with the following specifications and requirements:

(a) All water furnished to customers shall be metered. One water line and meter box shall be installed in the city for each premise with sanitary sewer facilities. Additional meters, water service lines and other appurtenances may be installed as approved by the city council and all such additional costs shall be borne by the applicant unless otherwise determined by the city council.

(b) Meter shall be located between 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. The city's responsibility stops at the meter.

(c) The maintenance of the meter shall be the sole responsibility of the city, provided, however, the consumer shall give the city ample and reasonable written notice of any defects in or to the meters. The consumer shall not damage, destroy, tamper with or enter into the meter or meter boxes, and the

consumer shall keep same free from dirt, debris and trash so that access may be readily had at all times to the meter and service pipe.

(d) All meters in service and hereafter installed shall remain the sole property of the City of Garden Plain. It shall be unlawful for any person to obstruct access thereto by the city.

(e) Each and every unit, business or place of business, shall be on a separate water line and meter. The city shall permit no master metering of water except for the following conditions.

1. Fire protection as provided in Section 4.
2. Any other structure or structures, public or private, where due to unusual Circumstances approval is given by the City of Garden Plain.

Where water has been supplied through one service to more than one premises, the city may, at its discretion, refuse to furnish water until separate services are provided. "Premises" shall mean an inhabited building or buildings on a tract of land.

Section 18. METER 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 with two (2) percent, the meter will be deemed correct and a charge of \$50.00 will be made to the customer. If the meter is found to be inaccurate, the city shall make adjustments on no more than the prior three (3) months usage.

Section 19. METER TAMPERING/UNAUTHORIZED SERVICE. 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, other than duly authorized city employees, to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the city clerk after approval of the governing body.

Section 20. RIGHT OF ENTRY. The water superintendent, or other authorized city employees, shall have, at all reasonable hours, access to any premises supplied with water to make necessary examination of plumbing or water fixtures, and for the purpose of reading the meters, termination of water service, for the purpose of making repairs, and for other necessary purposes.

Section 21. LEAKS PROHIBITED/PENALTY. All leaks occurring in the service line at any point beyond the meter must be repaired at the expense of the consumer of the premises. If not done, or in the event the consumer fails to properly maintain the service line in good repair and in a proper manner and after twenty-four (24) hour notice, the water service may be discontinued until such repairs are made. A charge of \$50.00 will be made for turning on the water and in addition, the consumer and owner of the property shall immediately pay any city costs of making repairs. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has passed through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive.

Section 22. 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 23. WATER RATIONING. 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 use 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. Water usage will be restricted or prohibited first for uses in the following priority:

- (a) Water lawns, gardens, trees, shrubs, plants and water outside dwellings for such Purposes as car, boat, or trailer washing or washing exterior dwellings.
- (b) Industrial uses of water, including but not limited to car wash operations and packing Plant operations:
- (c) Business use, other than industrial:
- (d) Home uses other than those set forth in subsection (a)

Section 24. PAYMENT OF BILLS. All water bills for the previous month shall be paid on or before the 25th day of the month following the service. For any billing not paid when due, a late charge of 2% will be added to the bill.

Section 25. ADJUSTMENTS TO BILLS. The city shall make adjustments for overcharges or billing errors on only the prior three (3) months bills after notification by customer.

Section 26. INSUFFICIENT FUNDS CHECK. In the event that the city receives more than one (1) insufficient funds check from a customer in payment of their bill, then the customer shall in all future payments be required to make payment in cash or by cashier's check. Receipt of such insufficient funds check shall cause the customer's account to be treated as unpaid.

Section 27. RECONNECT CHARGE. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest and penalty thereon, and the reconnection charge. The fee shall be \$50.00 if located within the city limits and \$100.00 if outside the city limits.

Section 28. ADDITIONAL RULES. It shall be the duty of the governing body to formulate and enforce such additional rules, not inconsistent herewith, as may be necessary from time to time for the proper conduct of the water department and the same shall be binding upon the city and its customers upon such approval.

Section 29. VALIDITY. In the event any provision of this ordinance shall be held invalid for any reason, said invalidity shall not affect the remaining parts, but this ordinance shall be construed and enforced as if the invalid provisions had never been inserted.

Section 30. PENALTY. Any person, firm or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not to exceed \$500.00.

Section 31. REPEAL. This ordinance repeals Ordinance Nos. 400, 432, 668, and 688, and all previous ordinances conflicting herewith.

Section 32. EFFECTIVE DATE. This ordinance shall take effect and be in full force after its passage and publication once in the official city paper.

PASSED AND APPROVED by the Governing Body of the City of Garden Plain, Kansas, this 5th day of June, 2019.



Kevin Hammond
Kevin Hammond, Mayor

Kimberly McCormick, CMC
Kimberly McCormick, CMC
City Clerk