

Chapter XV. Utilities

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this Chapter, the following words and phrases shall mean:
- (a) Billing Address - Address where the services are utilized or an address where the customer may reasonably expect to receive said bills.
 - (b) Customer - The utility services account holder of record.
 - (c) Collecting Agent - The City Clerk of the City of Ozawkie.
 - (d) Curb Cock - A device located between the water main line and the water meter (not a part of the meter) used to shut off the water to an individual dwelling, for maintenance or as a method of disconnecting the utilities.
 - (e) Delinquency - Being late on payment.
 - (f) Disconnect - To terminate the utility service from a dwelling.
 - (g) A Disconnect and Reminder Notice - The method by which the City notifies a customer of pending termination of services (water and/or sewer). See also: delinquency.
 - (h) Hearing Officer - The Mayor or his designated representative.
 - (i) Meter (water) - A mechanical device used to measure the amount of water passing from the City main into the service line of the customer. While installation of the meter, along with a meter pit and meter base/meter set, is paid for by the customer, the meter remains the property of the City.
 - (j) Meter Base / Meter Set - A device used to (1) attach the water meter to and (2) a device that raises the water meter above the level of the outgoing and incoming water lines. (Note: Property of the City) The Meter Base/Meter Set will usually have a shut off valve on the inlet side of the base/set, near the connection to the water meter. This acts as a second shut off if the Curb Cock is not accessible.
 - (k) Meter Pit - A construction of metal or plastic, that surrounds and protects the meter and, if it is included, the meter base/meter set. This structure makes it possible to routinely read the water meter.
 - (l) Service Line - That portion of the water line that extends from the final terminal connection of the water meter or meter base / meter set, to the customer's residence. (Responsibility of the homeowner) The City's final responsibility ends at the fitting and/or gasket where it joins the customer's service line.
 - (m) Termination - That utility services shall be severed and no longer provided by the City.
 - (n) Utility Services - The sanitary water service and the sanitary sewer service.

(Code 2007)

- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 2007)

15-103. REMINDER AND DISCONNECT NOTICE. The following shall apply to all persons, firms, corporations, City Departments, The United States, The State of Kansas and any organization whose premises are connected or may hereafter be connected to the Sanitary Water and or the Sanitary Sewer System of the City of Ozawkie, Kansas.

- (a) In order to ensure the prompt payment of Utility Service fees, the following procedure for Service Charges, Reminder and Disconnection Notices, are hereby established by the City of Ozawkie:
 - (1) A \$25.00 fee will be added to existing bill, if full payment is not received by the last day of the month in which the billing statement was issued.
 - (2) Utility Services may be terminated for failure to make all appropriate payments. No termination shall go into effect until the following conditions have been met.
- (b) REMINDER and DISCONNECTION NOTICE: The person(s) responsible for payment of any bill, which is delinquent for at least ten (10) calendar days shall be sent, by USPS mail and affixed to residence, a reminder and disconnection notice.
 - (1) All outstanding fees, Reminder disconnect notice fee \$25.00 and a \$100.00 reconnection fee.
 - (2) The Mayor or his designated representative shall order the Public Works Supervisor or his designated representative to restore said utility services.
 - (3) Restoration of services shall be made and acknowledged by the customer, within 24 hours of the Mayors order to reconnect.

(Code 2007; revised 01-11-2011)

- (d) Repealed 1-11-2011.
- (e) Repealed 1-11-2011.
- (f) Repealed 1-11-2011.
- (g) Repealed 1-11-2011.
- (h) Repealed 1-11-2011.

15-104. SAME: HEARINGS.

- (a) When any customer feels that he or she has not received due consideration in regards to a disconnect notice, the customer may request a hearing to address all concerns.
- (b) Application for a request for a hearing must be in writing and filed with the city clerk no later than five (5) business days prior to the date of termination of services. The request shall contain a reason the customer is unable or unwilling to pay for the services that have been rendered. (EXAMPLE; In the situation cited above, the request for a hearing might have to be received by the 27th of June.
- (c) The Hearing Officers first responsibility shall be to determine if there is sufficient cause to allow the hearing to be scheduled. The Hearing Officer shall have two (2) business days to make his determination on whether or not a hearing is justified.

- (d) If the Hearing Officer agrees to hold a hearing, the city clerk shall advise the customer of the date, time and place of the hearing. Said hearing shall be held within three (3) business days following receipt of the request. (EXAMPLE; Following the previous examples, the hearing could be set for the 30th of June.)

(Code 2007)

15-105.

SAME; FINDINGS.

- (a) Following the hearing, if the Hearing Officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk.
- (b) If the officer finds that service should be terminated, an order shall be issued terminating services five (5) business days after the date of the order. (EXAMPLE; In the ongoing example, this would mean that services could be terminated on July the 5th, unless an extension is granted.)
- (c) The customer shall be notified either in person or by “certified mail” sent to the last known address or the address where the services are provided. Return receipt is necessary in order to implement the termination. After verifying that the U.S. Postal Service has attempted three (3) times to deliver the “certified mail” and has left notice that said “mail” is at the local post office, the order to disconnect shall be implemented.
- (d) If the order is made at the hearing and in the presence of the customer, no further notice need be given.
- (e) The hearing officer has the right, for good cause, to grant an extension, not to exceed ten (10) calendar days, for the termination of services. (EXAMPLE: In the ongoing example, an extension would mean that the shut off procedures would be enacted on July the 10th.)
- (f) No portion of this Ordinance shall be construed as restraining any individual from pursuing actions in a competent court.

(Code 2007)

15-106.

RECONNECT PROCEDURES.

- (a) The following procedures shall be followed in order that services may be reconnected to a dwelling where they have been disconnected for cause:
- (1) The customer shall have paid all delinquent bills, all late fees, all fines, all reconnect fees, and be current in his utility bills.
 - (2) The Mayor or his designated representative shall order the Public Works Supervisor or his designated representative to restore said utility services.
 - (3) Restoration of services shall be made and acknowledged by the customer, within 24 hours of the Mayors order to reconnect.

(Code 2007)

15-107.

GENERAL PUBLIC POLICY.

- (a) It is not the intent of the City of Ozawkie to cause any hardship for any person, firm or corporation utilizing the services of the City of Ozawkie.
- (b) It is recognized that the City of Ozawkie does not have the staff, the experience or the funds to assist those citizens having difficulty in meeting their financial responsibilities, the Mayor and/or the City Clerk may make a “good faith effort” in resolving this matter and in directing such persons to any possible assistance
- (c) Repealed 1-11-2011

ARTICLE 2. WATER

- 15-201. **KANSAS CERTIFIED WATER AND WASTE WATER OPERATOR.** The general management, care, control and supervision of the city water system shall be the responsibility of the certified operator, who shall be appointed by the mayor with the consent of the governing body. (Code 2007)
- 15-202. **REGULATIONS.** The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 2007)
- 15-203. **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. (Code 2007)
- 15-204. **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, and a fee of \$75.00 be paid prior to connection.
- (Code 2007)
- 15-205. **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) to be served;
 - (3) State the size of tap required;
 - (4) State the size and kind of service pipe to be used;
 - (5) State the full name of the owner of the premises to be served;
 - (6) State the purpose for which the water is to be used;
 - (7) State any other pertinent information required by the city clerk;
 - (8) Be signed by the owner or occupant of the premises to be served, or
 - (9) his or her authorized agent.
 - (c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207.
- (Code 2007)
- 15-206. **CITY TO MAKE CONNECTIONS.** All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to a meter setter / meter base and the meter installed in a meter box to which the service pipe is to be connected by city employees or contracted representatives only. (Code 2007)

- 15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be determined by a fee schedule ordinance. (Code 2007)
- 15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main. (Code 2007)
- 15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the public works supervisor. 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. (Code 2007)
- 15-210. 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 cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body.
(Code 2007)
- 15-211. METERS.
a. All water furnished to customers shall be metered.
b. Meters shall be located at the convenience of the city.
c. The city's final responsibility ends at the fitting or gasket which joins the customer's service line.
(Code 2007)
- 15-212. 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 two percent, the meter will be deemed correct and a charge as set by a fee schedule ordinance will be made to the customer. (Code 2007)
- 15-213. 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 to turn any curb cock/supply line on or off.
(Code 2007)
- 15-214. 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. 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.
(Code 2007)
- 15-215. SAME; APPEALS PROCESS. The appeals process to adjust for water lost thru leaks shall be as follows:
(1) The customer shall send a letter, within thirty (30) calendar days of the apparent water loss, requesting a hearing in reference to the same. The City Clerk may take an appeal request directly (at the office) or by telephone. It is understood that due to monthly billing, the suspected loss may have occurred as much as forty-five (45) calendar days earlier. (Amended 11-8-2010)

- (2) The customer shall give his name, address, telephone number and the approximate dates covering the loss. An estimate of said dates may only be "implied" by the numbers on the utilities billing statement.
- (3) A Hearing Officer shall be appointed to hear the appeal. The hearing officer shall have available to him no less than the previous twelve (12) month's billing records. He shall also have available any testimony from the Public Works Supervisor and or the Meter reader.
- (4) Decisions shall be returned either by mail (to the customer) or if a decision is made during the hearing, he may be notified immediately.
- (5) The Hearing Officer shall have the power to abate all or part of the cost of the lost water or may determine that the customer is liable for all costs.
- (6) No portion of this ordinance should be construed as restricting any person of availing himself of the remedies of a competent court.

(Ord. 15-104, 15-219: Code 2007)

15-216. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge.
(Code 2007)

15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.
(Code 2007)

15-218. PROHIBITED ACTS. It shall be a violation of this article 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 authorized 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;
- (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.

(Code 2007)

15-219. 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.
(Code 2007)

15-220. 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. (Code 2007)

15-221. DETERMINATION OF ORIGIN. The city shall have the right to discover, by any means, the origin of any leak, where the origin is indeterminate. (Code 2007)

- 15-222. RATES. The rates per billing period for the use of water in the city shall be set by a fee schedule ordinance (Code 2007)
- 15-223. USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 2007)
- 15-224. 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. (Code 2007)
- 15-225. 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 public works supervisor. (Code 2007)
- 15-226. SAME; INSPECTION. The public works supervisor 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. (Code 2007)
- 15-227. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by the authority of the mayor, or his or her representative, 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 certified water treatment operator may, with the concurrence of the Mayor or designated representative, terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the operator, an emergency danger of contamination to the public water supply. (Code 2007)