

ORDINANCE NO. 450

AN ORDINANCE RELATING TO SERVICE CONNECTION CHARGES FOR WATER, SEWER AND ELECTRICAL SERVICES PROVIDED WITHIN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF WATHENA, KANSAS; PROVIDING FOR FIRE LINE SERVICE CHARGES, PROCESSING CHARGES AND METER READING CHARGES FOR SUCH UTILITIES; AMENDING SECTION 3 OF ORDINANCE NO. 313, SECTION X OF ORDINANCE NO. 344 AND SECTION 1 OF ORDINANCE NO. 358, AND REPEALING SECTION 3 OF ORDINANCE NO. 313, SECTION X OF ORDINANCE NO. 344 AND SECTION 1 OF ORDINANCE NO. 358, AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITIONS. As used in this ordinance and the ordinances amended by this ordinance:

(a) The term "residential customer" shall mean and include any City water, sewer or electrical customer whose lot, parcel of real estate, dwelling, building, structure or portion thereof is occupied as or designed, or intended for occupancy as: (i) a residence or place of abode and the premises and improvements appurtenant thereto for a natural person or group or family of natural persons in either a single family or multi-family unit; or, (ii) All religious, charitable and benevolent organizations. The term "residential customer" shall not include a motel, hotel or inn.

(b) The term "commercial customer" shall mean and include any City water, sewer or electrical customer whose premises are devoted to the conduct and operation of any industry, manufacturing, trade, business or profession, specifically including a motel, hotel or inn, and any customers who do not fall within the definition of a "residential customer" as defined in (a) immediately above.

(c) The term "City" shall mean the City of Wathena, Kansas.

(d) The term "processing fee" means the charge imposed by the City for any clerical or administrative work performed in connection with the alteration or change of the name of the user of City utilities.

(e) The term "meter reading fee" means the charge imposed by the City for meter readings performed by City employees for any customer located outside the City limits.

(f) The term "fire line service" means water service provided by the City for use specifically and exclusively to prevent and extinguish fires, PROVIDED, HOWEVER, that it is expressly provided that fire line service does not entitle or qualify a fire line service customer to receive delivery of water from the City in any greater volume per minute or at any greater pressure or with any greater assurance of non-interruption of delivery than that which the City provides to its regular City water customers and the City makes no guarantees or warranties, expressed or implied, in connection to any fire line service customer, present or future.

(g) The term "City limits" means the boundaries of the City of Wathena, Kansas, as defined and set forth by City Ordinance.

(h) The term "new construction" shall mean and include any dwelling, building or structure erected or built after the effective date of this ordinance and to which such dwelling, building or structure City utility services had not been previously provided.

SECTION 2. PAYMENT AND DISPOSITION OF CHARGES. The charges provided for in this Ordinance shall be paid by the applicant to the City Clerk prior to the installation of the new service or performance of the requested service unless otherwise provided by ordinance. Said Clerk shall deposit all payments received for utility connection fees in the appropriate utility fund of the City and the same shall be used by the City in the operation and maintenance of said utility system. All payments received for processing fees and meter reading shall be deposited into the City's general fund.

SECTION 3. SECTION 3 OF ORDINANCE NO. 313 AMENDED. Section 3 of Ordinance No. 313 of the City of Wathena is hereby amended to read as follows, to wit:

"SECTION 3. SEWER CONNECTION CHARGES. (a) Sewer connection charges as set forth at (i) through (iv) below plus the reimbursement of expense items described in Section 1 (d) are hereby established:

(i) For residential customers in existing structures inside the City limits - \$250.00;

(ii) For residential customers in existing structures outside the City limits - \$500.00;

(iii) For commercial customers in existing structures inside the City limits - \$500.00;

(iv) For commercial customers in existing structures outside the City limits - \$1,500.00.

(b) The charges provided for herein shall be paid to the City Clerk at the time provided in Section 2 above and the payment of such sewer connection charge shall be a required condition for the completion of any connection to the sewage disposal system."

SECTION 4. SECTION X OF ORDINANCE NO. 344 AMENDED.  
Section X of Ordinance No. 344 of the City of Wathena is hereby amended to read as follows, to wit:

"SECTION X. ELECTRICAL CONNECTION CHARGES. (a) Electrical connection charges are hereby established as provided at (i) through (iv) below, the same to be paid to the City Clerk at the time provided in Section I above:

(i) For residential customers in existing structures inside the City limits - \$150.00;

(ii) For residential customers in existing structures outside the City limits - \$300.00;

(iii) For commercial customers in existing structures inside the City limits - \$150.00;

(iv) For commercial customers in existing structures outside the City limits - \$300.00.

(b) The payment of the electrical connection charges provided at (a) above shall be a required condition for the completion of any connection to the electrical distribution system. In the event underground wiring is installed the applicant shall

pay for the underground wire and trenching in addition to the connection charge provided for herein."

SECTION 5. SECTION 1 OF ORDINANCE NO. 358 AMENDED. Section 1 of Ordinance No. 358 of the City of Wathena is hereby amended to read as follows, to wit:

"SECTION 1. WATER AND SERVICE CONNECTION CHARGES.

(a) Service connection charges are hereby established as follows for water service connection for a 3/4" meter:

(i) For each new water service meter for residential customers in existing structures inside the City limits - \$250.00;

(ii) For each new water service meter for residential customers in existing structures outside the City limits - \$500.00;

(iii) For each new water service meter for commercial customers in existing structures inside the City limits - \$300.00;

(iv) For each new water service meter for commercial customers in existing structures outside the City limits - \$1,000.00.

(b) The service connection charge for a meter larger than 3/4" shall be the applicable amount provided at (a) above plus any and all additional cost incurred by the City for such larger meter."

SECTION 6. CONNECTION FEES FOR NEW CONSTRUCTION. (a) Notwithstanding individual utility connection fees provided by City ordinance to the contrary, the combined connection fee for new construction customers for sewer, water, and electrical services for which applications therefore are filed with the City Clerk shall be as follows:

(i) For new construction residential

customers inside the city limits -  
\$500.00;

(ii) For new construction commercial  
customers inside the city limits -  
\$800.00;

(iii) For new construction residential  
customers outside the city limits -  
\$1,000.00;

(iv) For new construction commercial  
customers outside the city limits -  
\$1,800.00.

(b) In addition to the fees set forth at (a) above the  
following additional costs shall be included, when applicable:

(i) Those charges imposed by the City  
for inspection and administrative  
expenses incurred by the City in  
connecting the building, premises, or  
property of any new or additional sewer  
user to a lateral or main of the City's  
sewage disposal system plus the actual  
cost, including administrative and  
engineering expense, incurred by the City  
in restoring any streets, alleys and  
other roadways damaged by cutting,  
excavation or otherwise in the completion  
of any new sewer user connection to the  
same condition (as nearly as can be) as  
the same existed immediately prior to the  
installation of any such new service.  
The sewer connection charge does not  
include any labor or building material  
used and expended in connecting any  
building, premises or property to the  
sewage disposal system and the  
responsibility and liability for all of  
such materials and labor shall be borne  
by the sewer user or the property owner,  
or both, as the case may be.

(ii) In the event underground wiring is  
installed (for electrical connection) the  
applicant shall pay for the underground  
wire and trenching.

(iii) In the event the customers water

meter shall be larger than 3/4" said fee shall include any and all additional cost incurred by the City for such larger meter.

(c) The payment of the connection charges provided in this Section 6 shall be a required condition for the completion of any connection to City utilities.

(d) In the event the customer requesting new connections shall not utilize sewer, water and electrical services, then and in that event, the connection fees provided by this Section 6 shall not be applicable and such connection fees for the remaining City utility services shall be as otherwise established by City ordinance.

SECTION 7. SEPARATE SERVICE CONNECTIONS. Each building used for residential or commercial purposes by more than one occupant shall have a separate connection, and if necessary meter for each individual occupant or tenant of said building. Each occupant or tenant shall be responsible for payment of the individual necessary connection charges as listed herein and for otherwise provided by ordinance.

SECTION 8. PROCESSING FEE. The fee for processing services shall be \$10.00.

SECTION 9. METER READING FEE. There shall be no fee for meter reading within the City limits. The fee for meter reading outside the City limits shall be \$10.00.

SECTION 10. FIRE LINE SERVICE FEES. The fees charged for fire line services outside the City limits shall be as follows:

- (a) For less than a Six inch line - \$35.00 per month;
- (b) For a Six inch line - \$50.00 per month;
- (c) For an Eight inch line - \$75.00 per month;
- (d) For a Ten inch line or larger - \$100.00 per month.

Said fees shall be due and owing each month when the utility payment for water services is due. Nonpayment of said fees shall be administered and handled in the same manner as nonpayment of

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monthly utility bills.

SECTION 11. REPEALER. Section 3 of Ordinance No. 313, Section X of Ordinance No. 344, Section 1 of Ordinance No. 358 and all ordinances and parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

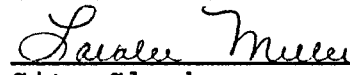
SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor on the 1st day of September, 1992.

  
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Andrew Clements, Mayor

ATTEST:

(City Seal)

  
\_\_\_\_\_  
City Clerk