

ORDINANCE NO. 550

AN ORDINANCE RELATING TO WATER SERVICE CHARGES AND SEWAGE SERVICE CHARGES OF THE CITY OF WATHENA, KANSAS; ESTABLISHING RATES AND SALES PRICES FOR WATER SOLD AND DELIVERED BY THE CITY OF WATHENA TO CUSTOMERS OF SUCH CITY; ESTABLISHING SEWAGE SERVICE CHARGES FOR THE USE OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF WATHENA, KANSAS; AND REPEALING ORDINANCE NOS. 532 AND 533 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HERewith.

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

SECTION 1. DEFINITIONS. As used in this Ordinance:

- (a) "Customer" means all water customers of the City of Wathena, Kansas.
- (b) "City" means the City of Wathena, Kansas.
- (c) Sewer users are classified and defined as follows:
 - (i) "Single family user" means a dwelling, mobile home, or other premises or property used and occupied by one family unit and having one separate connection to the sewage disposal system which is used solely by such single family user.
 - (ii) "Multiple family user" shall mean and include duplexes, mobile home courts and other structures or premises designed to accommodate more than one family when all of the same are served by a common service line connecting with the sewage disposal system.
 - (iii) "Business user" means all buildings, premises and property used and occupied by a user who is engaged on such premises, either full or part time, in the offering and sale of any goods, wares or merchandise or any professional, trade or other personal services, except for Skilled Nursing Homes, irrespective of whether or not any of the same shall be with or without remuneration.
 - (iv) "School user" means any public school using the sewage disposal system.

- (v) "Skilled Nursing Home" means any Nursing Home licensed by the Board of Health of the State of Kansas as a Skilled Nursing Home.
- (vi) "Other user" means any other user of the sewage disposal system, be the same persons, firms, corporations, city departments, the United States, the State of Kansas, and its political subdivisions and all other organizations, whether civic, religious, charitable, profit or non-profit if the same shall not have been included in any of the preceding four classifications.
- (vii) "Sewer user" as such term is used in this ordinance shall mean and collectively include all users included within all six of the foregoing classes of users.

SECTION 2. RATES FOR CUSTOMERS. The following monthly rates and charges are hereby established for water delivered by the City to Customers:

- (a) A base charge of Twelve and 00/100 Dollars (\$12.00) per month; and,
- (b) For each 1,000 gallons, or fraction thereof, the sum of Three and 45/100 Dollars (\$3.45).

SECTION 3. WATER DELIVERED AT STAND PIPE. All water sold by the City in tank lots and delivered at the City stand pipe shall be sold at the rate of Five and 00/100 Dollars (\$5.00) per 1,000 gallons sold and delivered with a minimum charge of Twenty-five Cents (\$.25) for any single tank lot delivery.

SECTION 4. SEWAGE CHARGE BASED ON WATER USAGE. Each user of the City's sewage disposal system shall pay for the services of such system based on such users water usage as provided for herein.

SECTION 5. DETERMINATION OF MONTHLY WATER USAGE. Except as otherwise provided in this Section 5, monthly sewer user charges, regardless of classification, shall be based on average monthly water usage during the months of December through February. In the event a single family, business or other user has not established a December through February water usage average, such user's monthly user charge shall be based on the lesser of the following:

- (a) The actual amount of water used for the month for which a sewer charge is being assessed; or

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- (b) The median amount of water used by all sewer users of the City, excluding school users and skilled nursing home users for such month, or
- (c) The average monthly water usage for any of the months of December through February for which such user purchased water from the City.

In the event a multiple family, school, or skilled nursing home user has not established a December through February water usage average, such user's monthly user charge shall be based on the lesser of the following:

- (a) The actual amount of water used by such user for the month for which a sewer charge is being assessed; or
- (b) The average monthly water usage for any of the months of December through February for which such user purchased water from the City.

The average monthly water usage, as determined by this Ordinance, shall be modified and changed on March 1 of each year in order to reflect the average water usage for the immediately preceding months of December, January and February. Notwithstanding the provisions of this Section to the contrary, in the event water meters cannot be read due to inclement weather conditions during any one or more of the months of December, January and February as above provided, then and in that event, the water meter reading for the month of March shall be made and utilized with the remaining months such water meters were read for averaging purposes as hereinbefore provided and such average shall be utilized commencing April 1 of such year.

SECTION 6. SEWER RATES OR CHARGES. The rates to be charged by the City of Wathena to users of the sewage disposal system shall be as follows:

- (a)
 - i. A base charge of Five and 00/100 Dollars (\$5.00) per month; and,
 - ii. For all sewer users, the amount of One and 30/100 Dollars (\$1.30) for each 1,000 gallons, or fraction thereof, of such sewer user's monthly water usage charge based upon the amount of water used as determined by Section 5 hereof.
- (b) For multiple family users, there shall be a monthly minimum charge on each dwelling unit located within the structure or complex which is equal to the minimum sewer charge assessed pursuant to subsection (a) of this

Section 6 plus the charge which is based on the monthly water usage as provided for in subsections (a) and (b) of this Section 6.

- (c) Any sewer user who does not purchase City water shall pay a sewer charge of Ten Dollars (\$10.00) per month.
- (d) Usage of the sewage disposal system by any user for part of any month shall be considered and charged as usage for the full month.

SECTION 7. EFFECTIVE DATE. The rates established by this Ordinance shall be effective for all water sold, delivered and billed for by the City pursuant to all of the foregoing sections and for all sanitary sewer services furnished by the City to its customers and users from and after its passage and publication in the official City paper.

SECTION 8. REPEALER. Ordinance Nos. 532 and 533 of the City and all other ordinances and parts of ordinances of the City in conflict herewith are hereby repealed.

PASSED by the Council and APPROVED by the Mayor on the 16th day of December, 2002.



City Clerk



Mayor

(Seal)