

ORDINANCE NO. 1671

AN ORDINANCE PERTAINING TO THE PROVIDING OF ELECTRIC AND WATER UTILITIES REPEALING ORDINANCE 1471 AND ARTICLES 1, 2, 3 AND 4 OF CHAPTER 17 OF THE CODE OF THE CITY OF GOODLAND, KANSAS.

ARTICLE I

DIVISION 1. - DEFINITIONS AND GENERAL PROVISIONS

SECTION 1. - RATES

The governing body shall review annually the rates for the utilities provided by the City of Goodland. Said rates shall be set by ordinance of the governing body of said city and shall be based upon the following categories and their respective definitions.

SECTION 2. - DEFINITIONS

1. CITY shall include all departments and operations of the City of Goodland, Kansas.
2. COMMERCIAL shall include but not be limited to all businesses, government operations, commercial enterprises, dwelling complexes containing 20 or more dwelling units, offices, shops, hotels, churches, schools and institutions.
3. SMALL COMMERCIAL. Service for commercial is AC, 60 cycles, 120 volts or 120/240 volts single-phase 240 volts three-phase 3-wire, 120/240, 120/208 volts or 277/480 three-phase 4-wire, or at any of the city's standard distribution voltages as available. Customers requiring services at secondary voltages other than that already established by the city shall be required to provide suitable space for location of the city's transformation, metering and associated equipment. Secondary voltage other than that already established shall be provided by special permission of the utility. Single-phase motors and other single-phase power and heating units served under this schedule shall not exceed ten horse power and single-phase motors shall not aggregate more than 15 horse power, except by special permission of the electrical department of the City of Goodland. Service for industrial is AC, 60 cycles, single-phase or three-phase, at any of the city's standard voltage (13,800 volts or less) where the service may be supplied by a single power

transformation location. Three-phase loads shall be balanced. All motors over five horse power are to be three-phased balanced loads.

4. DWELLING. A building or portion thereof, designed exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels or motels.
5. DWELLING UNIT. A building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.
6. GOOD CREDIT. Good credit is not being delinquent, or in arrears, for any and all utility charges, more than two times in the prior 24 months.
7. LARGE COMMERCIAL shall include but not be limited to all businesses, government operations, commercial enterprises, dwelling complexes containing 20 or more dwelling units, offices, shops, hotels, churches, schools and institutions and shall have a single meter at one location meeting or exceeding 2,000 KWH for three consecutive months, and said customers metered demand meeting or exceeding 40 KW per month for the same three consecutive months.
8. LOW-INCOME shall include any household whose total annual gross income is \$18,000.00 or less. Total annual gross income shall be calculated by adding together the income of all members of said household.
9. RESIDENTIAL shall include all residential dwellings containing less than 20 individual dwelling units.
10. RESIDENTIAL ELECTRIC SERVICE. Service for residential is AC, 60 cycles, 120/240 volts, 3-wire, single-phase or 120 volt, 2-wire. Single-phase heating loads shall not aggregate over 25 KW except at the utility's option. Three-phase motors shall be on a separate meter, and may at the utility's option be assessed an additional charge.
11. RETURNED CHECK FEE. There is hereby set a fee for the return of a check to the city in the amount of \$30.00 plus the amount of the check.

12. STANDARD RESIDENTIAL ELECTRIC DROP. The standard residential electric service drop provided by the City of Goodland, Kansas, shall be above ground or overhead service within the corporate boundaries of the City of Goodland, Kansas.

DIVISION 2. – UTILITY PAYMENT

Sec. 17-103. – Billing; delinquency/termination notice

All electric, water, solid waste and sewer bills due the city shall be payable monthly and all such bills shall be paid on or before the fifteenth day of the month in which the said bill is received.

A delinquency and termination notice will be sent on the first day after the due date. Ten calendar days after the due date, service will be discontinued. The delinquency and termination notice shall provide the customer of record with the following information:

- (a) The amount due;
- (b) The type of service and the date on which said service will be terminated if the amount due is not paid, to be ten calendar days after the date of the notice hereinbefore set out.

Sec. 17-104. – Over-due penalty

All electric, water, solid waste, sewer bills or any other bills for a city-operated utility due the City of Goodland, not paid by the fifteenth day of the month of billing, shall be subject to a one-time penalty of five percent of the unpaid balance of said monthly bill. Said penalty shall be added to the bill and shall be collected with and in the same manner as the original bill.

DIVISION 3 - EXTENSION OF SERVICES

Sec. 17-105. - Conditions of service

If the governing body of the city shall deem it in the best interest of the city and its inhabitants and economically feasible, utility service from the city may

be furnished to any tract of real estate situated outside the city's corporate limits upon terms and conditions as set forth herein.

Sec. 17-106. - Application for service

- (a) Any person outside the city's corporate limits, desiring to make connection with any municipal utility service, shall first make application to the city clerk. Application shall include a plot plan, drawing and specifications completed by a licensed engineer within the State of Kansas. All plans and permits shall be in accordance with state and city specifications and be approved by the appropriate government entity. The completed application must be received by the city clerk, at least 60 days prior to the start of any proposed utility extension.
- (b) The appropriate department head shall prepare an estimated construction cost to include any service territory acquisition, and the applicant shall submit same with the application for utility extension.
- (c) Within 30 days after receiving the completed application and required documentation the city manager shall furnish to the governing body, for its review, the completed application for the proposed extension of utilities, along with the estimated construction cost. The city governing body may approve or disapprove any application for utility extensions. The governing body shall set the tap fee for any approved application.

Sec. 17-107. - Final payment of costs

The tap fee shall be paid to the city by applicant for the utility extension, prior to the construction of such utility.

Sec. 17-108. - Location of utility; easements

- (a) *Selection and approval of extension location.* The city shall select or approve the location of any utility extension to be constructed, and the applicant for such extension shall secure and provide any and all easements, in favor of the city, and in a form approved by it that may be required for such extension.
- (b) *Water extension:*
 - (1) Water meters shall be placed in accordance with city specifications and approval;

- (2) Service line taps shall be located to the closest water main that will provide adequate service;
- (3) No potable water supply line shall be installed from the city water supply to any structure outside the city limits, without a cross connection device equal to that of a reduced pressure principle backflow preventor being installed immediately after the water meter. No device shall be moved or removed, without the approval of the director of public works and the building official;
- (4) The water line extension shall not exceed a distance of one-half mile from the corporate limits of the city.

(c) *Sewer extension:*

- (1) A sewer line extension shall be designed by a Kansas licensed engineer;
- (2) A sewer extension shall extend from the nearest adequate sewer main within the corporate limits of the city;
- (3) A sewer extension shall not exceed a distance of one-half mile from the corporate limits of the city.

(d) *Electrical extension:*

- (1) All lots within a proposed development or subdivision shall have service drops installed;
- (2) An electrical disconnect shall be placed on the outside of all structures before connecting to the city's electric utility;
- (3) The electric line extension shall not exceed a distance of two miles from the corporate limits of the city.

Sec. 17-109. - Connection

Prior to the connection of any utility extension to the city's utility service, all appropriate connection fees shall be paid.

Sec. 17-110. - Rates, rules and regulations

Every person, company or corporation receiving an extension of the city's utilities shall be subject to all rates, rules and regulations governing any and all city utilities to which such extension has been granted.

DIVISION 4 - PENALTIES

Sec. 17-111. - Violations, penalties

Any person or persons, firms, partnership or corporation convicted of a violation of any provisions of this chapter shall upon conviction thereof be fined a sum of not less than \$100.00 nor more than \$1,000.00 and or confinement for a period not to exceed 30 days. Each separate day or any portion thereof, during which any violation of this chapter occurs or continues, shall be deemed to constitute a separate offense.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons found in violation shall be required to correct or remedy such violations or defects within a reasonable time.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 17-112. - Penalties for fraud

It shall be unlawful for any person or persons, firms, partnership or corporation to commit a fraud against the City of Goodland by knowingly providing false information of any kind upon the application form required hereunder and any person found guilty of furnishing false information upon said application shall be punished by a fine of not less than \$50.00 nor more than \$1,000.00 and/or confinement for a period not to exceed 30 days.

ARTICLE II. - ELECTRIC UTILITY

SECTION 1. UTILITY SERVICE FEE AND/OR DEMAND CHARGE

All users in categories of small and large commercial as defined in section 2, Article 1 of this ordinance having electrical service shall be subject to a customer charge and/or demand charge assessed and billed as set by ordinance. The users in these categories shall be subject to the following:

- a. The maximum metered, 15 minutes demand per month, to be read each month and reset.

- b. Those customers having a three-phase service to provide for but not limited to heating and or air conditioning and having a 2,000 KWH consumption for any single month shall be subject to demand metering.
- c. Accounts with a three-phase service, to provide lighting and or heating and air conditioning, with a service voltage 120/208 pr 120/240, and having KWH usage of 2,000, and a KW demand of 40 for any month shall be subject to demand billing.
- d. After a demand meter has been installed, it shall govern all future demand charges and shall not be removed or its use discontinued without approval and consent by the city governing body, unless the criteria for demand metering is not in excess of the minimums established by ordinance.
- e. All users in those categories having 199 amp service or less shall be subject to an additional customer charge or a demand metering assessment and billed according to the rates established by ordinance.

SECITON 2 MONTHLY RESIDENTIAL RATES

- a. Customer charge: \$15.00 per meter
- b. Energy charge, in city: \$0.127 per KWH
- c. Energy charge, outside city: \$0.169 per KWH

SECTION 3 MONTHLY SMALL COMMERCIAL RATE

- a. Customer charge: \$25.00 per meter
- b. Energy charge, in city: \$0.11 per KWH
- c. Energy charge, outside city: \$0.1511 per KWH

SECTION 4 MONTHLY LARGE COMMERCIAL RATE

For those customers meeting the criteria as set forth in Section 17-201 of the Code of the City of Goodland to be classified as an large commercial customer the rates for electrical service shall be as follows:

- a. Customer charge: \$15.00 per meter
- b. Energy charge, in city: \$0.09 per KWH
- c. Energy charge, outside city: \$0.1353 per KWH
- d. Metered demand charge: \$9.50 per KWH

- e. All users in this section shall be subject to a demand charge. The current monthly demand charge shall be established by the highest measured demand (corrected for power factor if required) during any 15-minute period occurring during the current billing cycle, reset monthly.

SECTION 5 OPERATIONAL COST ADJUSTMENT

A monthly cost adjustment will be added to monthly electrical utility bills for all classes of electric customer of the City of Goodland, Kansas. Said adjustment shall be known as Operational Cost Adjustment charge (OCA) and shall be calculated as follows:

- a. Calculate total monthly operating costs for electric utility.
- b. Multiply the total megawatts billed to customers for the month by the base rate of \$110.00 to obtain the total base costs. Deduct total base costs from the total monthly operating costs for the electric utility. The difference in operating costs and base costs is divided by the total number of megawatts billed for the month.
- c. The operational cost adjustment (OCA) so determined shall be added to each customer's monthly utility billing and shall be identified as CA (cost adjustment).

SECTION 6 CONNECTION FEE

There shall be a utility connection fee assessed to all city electrical customers for the connection to the electric utility of the city. The connection fee shall be due and payable at the time the connection of the utilities is requested by the customer.

There is hereby set a utility connection fee for the connection of electrical utility by the city in the amount of \$10.00 plus any applicable state and local sales tax.

SECTION 7 TAP CHARGE

- (a) *Electric tap fee.* The applicant for a new electrical service installation or the upgrade of an existing electrical service shall pay to the City of Goodland, Kansas, for a standard electric service drop, the following listed tap fee:

- | | |
|--------------------------------------|----------|
| 1. Single phase: 0—100 amp | \$125.00 |
| 2. Single phase: 101—200 amp | \$200.00 |
| 3. Single phase: 201 amp and greater | \$500.00 |

The above fees shall include costs of materials for installing service to the service connection point. Labor shall be excluded.

The applicant for a new electrical service installation or the upgrade of an existing electrical service for a three phase, 100 amp and greater, shall be responsible for the cost of materials for installing service to the service connection point. Labor shall be excluded.

The service materials installed up to the service connection point shall be owned by the city from the source to the service connection point and shall be maintained by the city at all times. The city shall supply and connect the electric meter upon final inspection and approval from the city's building official.

The property owner shall be responsible for installing service from the service connection point to the owner's place of business or residence through the property owner's contractor, at the owner's expense. The property owner shall be responsible for obtaining all easements required for the installation of electric service.

(b) *Underground electric service.* The property owner may request the City of Goodland, Kansas, to install underground electric service to the service connection point. If the city agrees, the property owner shall be responsible for all cost over and above the standard electric service drop provided by the city. All electric service at the Goodland Municipal Airport shall be underground and any person, firm, partnership or corporation leasing land at the airport shall be required at their expense to install underground electric service for any electric service requirements.

(c) *Electric service drop—Outside city limits.* Any electric service drop outside the corporate limits of the city shall be negotiated, but in no case shall the fees be less than the amount charged for the standard electric service drop as established in subsection (a) of this section. The city may require such fee to be paid prior to the construction of the service drop.

SECTION 8 OWNERSHIP OF ELECTRICAL SERVICE AND EQUIPMENT

The city retains the title to the ownership of the electrical service, electrical meters, city service line and all service equipment used in connection with the supply of electricity to any premises or building. All service lines from the point of connection to the city's service lines to any premises or building shall be installed and maintained by the user.

SECTION 9 SHUTTING OFF ELECTRICITY

The city may, at any time, shut off or require any consumer to shut off electricity for any of, but not limited to, the following reasons:

- (a) Repair, install or extend electric lines and/or equipment;
- (b) Make connections or disconnections from the city electric lines;
- (c) For a violation of the rules and requirements governing the use of the city's electric power;
- (d) For any major fire or other catastrophic incident.

SECTION 10 RIGHT OF ACCESS

Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the electric meter or servicing or inspecting electric service and/or meters.

SECTION 11 MEASURE OF ELECTRIC SERVICE TO CONSUMER:

- (a) All electrical energy or current furnished by the city to any consumer shall be measured to said consumer thereof by a meter or meters as hereinbefore set out.
- (b) Electrical meters shall be read once per month for billing purposes. If the consumer requests that the meter be read more than once per month, except as provided in section 17-217 then each additional reading shall cause a fee of \$20.00 plus any applicable state and local tax to be assessed to said consumer.

SECTION 12 SERVICE DISCONNECTION OR RECONNECTION:

Any person, firm, partnership or corporation who fails, neglects, or refuses to properly pay any electric utility charges when due, shall be deemed delinquent, and as such, service may be disconnected at the time and pursuant to the terms set forth in sections 17-103 and 17-104, as amended, and service shall be disconnected until such delinquent customers shall have paid all arrearages to the city, and if such customer then desires service he or she shall pay the city a sum as set by this article, plus any applicable state and local sales tax as a charge for reconnecting the service and he or she shall further deposit with the city an additional sum as set in this article as a guarantee that charges for electrical current or energy furnished by the city will be paid promptly when due.

It shall be unlawful for any person to reconnect electrical service or cause the same to be reconnected on any premises where electrical service has been shut off for any reason authorized under this article without the authority of the city.

There is hereby established a reconnection fee for reconnection of electrical utility for the city in the amount of \$20.00 plus any applicable state and local sales tax and an additional \$50.00 deposit for residential customers, or additional commercial deposit of twice the previous month's utility bill or \$200.00, whichever is greater.

SECTION 13 METER DEPOSIT:

All persons, firms, partnerships, corporations, contractors, subcontractors, tenants or lessees desiring or proposing to use electrical current or energy shall make a deposit in an amount as set forth in this article. Said deposit will be required by the city as guarantee for charges for electrical current or energy furnished to the customer by the city and will be paid promptly when due. Such deposits are to be made prior to service by the city and are to be returned when electrical service ceases, less any sum due for electrical currents so furnished. Customers establishing good credit with the city will have their deposit returned at the customer's request. If said customers who have established good credit, discontinue service and then subsequently request a reconnection to electrical service within 24 months of previous disconnection, then that customer shall not be charged a deposit. If said customer's account

has been delinquent, or in arrears, more than two times in the prior 24 months then the refund of the deposit shall not be returned until two years after the last date the account has been delinquent, and if a customer's account becomes delinquent after deposit has been returned for good credit or no deposit has been collected, subsequent to reconnection as hereinbefore set out, then a new deposit in an amount as set forth in the article will be required in order to re-establish service. The customer will receive interest annually on the deposit using the State of Kansas rules as a guideline.

Deposits:

- (1) Residential: \$ 50.00.
- (2) Commercial and industrial:
 - a. Initial meter: \$200.00.
 - b. Second meter: \$150.00.
 - c. Third and subsequent meters: \$100.00 per meter.

SECTION 14 METER TESTING

Any customer of electrical energy or current who believes that his or her meter is incorrect and desires the same tested shall make application to the city clerk for the inspection of the meter. It shall be the duty of the electrical department to test such meter, and if such meter is found to be more than two percent fast, the customer shall have adjustment of electric utility charges covering the period of the preceding three months and if the meter is found to be running less rapidly than is proper, the customer shall pay the proper adjustment to the city for the preceding three months; provided that before any meter shall be tested as provided in this section, the party desiring the test shall deposit with the city \$100.00 and if the meter is shown by the test to be correct within two percent the deposit shall be forfeited to the city for the cost of inspection.

SECTION 15 PLACING METERS

All meters to be used for the purpose of measuring electric current or energy, shall except by special permission of the electrical department be placed between five and seven feet from the floor or ground, and in the nearest readily accessible place outside where the wires enter the building and/or any other point of attachment. The location of all meters must be approved by the electrical department before the meter is set.

SECTION 16 LICENSED ELECTRICIANS TO DO WORK:

No person except a licensed electrician shall be permitted to install or repair electrical service connections from the city service line to the individuals main breaker box and/or disconnect.

SECTION 17 PLACING METERS:

No person shall remove, obstruct, alter, injure, damage or attempt to remove, obstruct, alter injure, or damage any electric meter, transformer, conduit, wire, pole or any other appurtenances belonging to the electric system of the city.

SECTION 18 SECURITY LIGHTS

The City will not install security lights on private property except in commercial applications. The property owner of a commercial property may request the city to install a security light or lights on the owner's property through application to the city and payment of fees as required herein.

Upon approval of the application and payment of fees, the city will install and maintain the security light. At any time fees are not paid when due, the city may remove or disconnect any security lights.

The city reserves the right to remove any security light for any reason it deems necessary and shall give property owner written notice of its intent and reason for doing so.

Fees for security lights shall be as follows:

100 watt light, per month or any part thereof	\$10.00
250 watt light, per month or any part thereof	\$20.00
400 watt light, per month or any part thereof	\$35.00
1,000 watt light, per month or any part thereof	\$52.00

SECTION 19 AFTER-HOURS RECONNECTION FEE:

There is hereby established an after-hours reconnection fee for reconnection of electrical utility outside of normal business hours for the city in the amount of \$50.00 plus any applicable state and local sales tax. This fee is in addition to existing reconnection fees and deposits.

ARTICLE III
WATER UTILITY

SECITON 1 MONTH WATER RATES:

- a. The following monthly rates are hereby established and fixed for the consumption of water from the city's water system within the city's corporate limits:

(1) Customer Charge

1"	\$20.00
1 ½"	\$40.00
2"	\$80.00
3"	\$100.00
4"	\$140.00

(2) Rates

Residential: \$1.35 per 100 cubic feet up to 4,000 cubic feet.
 \$1.50 for each 100 cubic feet over 4,000 cubic feet.

Commercial: \$1.20 per 100 cubic feet of treated water.
 Untreated water, will be 50% less than that of treated water
 (Example: \$0.60 per 100 cubic feet)

- b. The customers of water consumed outside of the corporate limits of the city from the city's water system, all rates shall be 50 percent greater than the rates set out above for the consumers of water from the system within the corporate limits of the city.
- c. The following rate is hereby established for bulk sale of water from the dispensing site established by the city:
 Each 100 gallons or part thereof.....\$0.50
 (This rate includes all applicable state and local sales tax)

SECTION 2 CONNECTION FEE:

There shall be a utility connection fee assessed to all consumers of water from the city's water system for connection to the water utility of the city. The connection fee shall be due and payable at the time connection of the utilities is requested by the consumer.

There is hereby set a utility connection fee for the connection of water utility by the city in the amount of \$10.00 plus applicable sales taxes.

SECTION 3 DEPOSIT GUARANTEE:

- (1) All persons, firms, partnerships, corporations, contractors, subcontractors, tenants or lessees desiring or proposing to use water shall make a deposit in an amount as set forth in this article. Said deposit will be required by the city as guarantee for charges for water furnished to the customer by the city and will be paid promptly when due. Such deposits are to be made prior to service by the city and are to be returned when utility service ceases, less any sum due for water so furnished. Customers establishing good credit with the city will have deposit returned at customer's request. If said customers who have established good credit discontinue service and then subsequently request a re-connection to water service, then that customer shall not be charged a deposit. If said customer's account has been delinquent, or in arrears, more than two times in the prior 24 months, then the refund of the deposit shall not be returned until two years after the last date the account has been delinquent, and if a customer's account becomes delinquent after deposit has been returned for good credit or no deposit has been collected, subsequent to reconnection as hereinbefore set out, then a new deposit in an amount as set forth in the ordinance will be required in order to re-establish service. The customer will receive interest annually on the deposit using the State of Kansas rules as a guideline.

Deposits:

Meters one inch or smaller: \$50.00 per meter.

Meters larger than one inch: \$100.00 per meter.

SECTION 4 WATER TAP CHARGE:

Applicants for new water service shall pay the following tap fees for each particular service. The fee shall include the tapping of the water main, service installation (not to exceed 100 feet), shut-off, meter box and meter. Such fees shall not include the service from the meter to the customer's or developer's building.

- (a) All services and meters shall be actual cost excluding labor.
- (b) In addition to the above schedule of fees for tapping the main, service and meter installation, the applicant for the new water service shall pay \$0.022 per square foot of property up to six acres (261,360 square feet) to defray the cost of water main installation. For property in excess of six acres, the city will figure the cost to the developer of extending the water main and will set the fee based upon the actual cost of construction; however, the minimum fee shall be the fee for six acres.
- (c) The minimum fee based upon square feet of property shall be \$137.50.
- (d) If the water main and complete service installation are constructed under an assessment district, the property within that district will not be subject to the fees under subsections (a) through (c). The phrase "complete service installation" as used in this subsection, includes installation of the water meters.
- (e) All water main installation and all service materials installed shall be owned by and maintained by the City of Goodland, Kansas. This shall include the meter and meter box but not the service from the meter location to customer's building.
- (f) The city may require an amount equal to the estimated cost for the main or service installation be paid by the customer or developer prior to the main or service work being started.
- (g) The cost of service installation exceeding 100 feet, shall be paid by the customer or developer.

SECTION 5 WATER SERVICE UNDER CONTROL OF THE CITY:

- (a) The city shall have charge of the water lines in the streets and up to and including the water meter wheresoever located, and all valves shall be under direct control of the director of public works and utilities. It shall be

unlawful for any person to manipulate any valve in the city's water lines, without orders from the director of public works and utilities.

- (b) The city shall tap the water main and supply all materials and labor for the installation of the standard water service connection, and shall run a service line to the property line, furnish and set water meter and enclose and cover the same. The city expressly retains the title to the ownership of the water service connection, the water meter, and all service equipment used in connection with the supply of water to any premises or buildings within the city. All such consumers and all other property owners whose premises are connected to the city water mains shall at their own expense repair, replace, remove all water service lines owned by them, or located on their own premises as may be required by the city in order to prevent loss or damage to the public at large.
- (c) It is expressly stipulated by the city governing body that no claims shall be made against them, the city, or any agent, or employee of the city by reason of any break of any service line or other apparatus connected with the city water works, or if from any cause the supply of water should fail, or be disconnected, or shut off.

SECTION 6 MEASURE OF WATER SERVICE TO CONSUMER

- (a) All water furnished by the city to any consumer shall be measured to said consumer thereof by a meter or meters as hereinbefore set out.
- (b) Water meters shall be read once per month for billing purposes. If the consumer requests that the meter be read more than once per month, except as provided herein, then each additional reading shall cause a fee of \$20.00 to be assessed to said consumer.

SECTION 7 SHUTTING OFF WATER

The city may, at any time, shut off or require any consumer to shut off water for any of, but not limited to, the following reasons:

- (a) Repair, install or extend water lines;
- (b) Make connections or disconnections from the city water lines;
- (c) For a violation of the rules and requirements governing the use of the city's water;
- (d) For any major fire or other catastrophic incident;

(e) Failure to repair a water leak due to defective plumbing.

SECTION 8 SEPARATE WATER SERVICE

It shall be unlawful for any person to connect more than one structure used as a dwelling unit or place of business to the same water line of the city, without having each structure properly metered by a separate meter.

SECTION 9 METER ACCESS

Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the water meter or servicing or inspecting water meters or utility service. No person shall cover, block, hide, conceal, or any other manner hinder access to any water meter. Each individual water meter reading will be the basis of charge regardless of the number of meters.

SECTION 10 CHARACTER OF WATER PIPES

All water pipes or lines connected with the water mains of the city for the purpose of conducting water from the mains, through or across any street, lot or alley, or for the purpose of connecting with any hydrant, or for any other purpose shall be of a type approved by the director of public works.

SECTION 11 NEGLIGENCE

Any consumer or person who through his or her negligence or careless disregard allows the damage of his or her water meter shall be liable for the same and shall pay to the city the cost of labor, materials and repairs for the damage plus any applicable state and local sales tax.

SECTION 12 WASTING WATER

Any person, firm, partnership or corporation that shall allow or cause any unreasonable waste or diversion of water of whatsoever sort or kind shall be guilty of a violation of this article.

SECTION 13 TAKING OF WATER FROM FIRE HYDRANTS AND OTHER SOURCES

- (a) No person or persons, except the city fire department for firefighting purposes, shall take away from any public watering place, fountain, hose pipe or fire hydrant, or in any way use or take away water for any use without the authorization of the director of public works.
- (b) If the director of public works authorizes the taking of water, as outlined herein, the person or persons desiring to use water shall make application to the city clerk for a hydrant meter to measure the amount of water used. A deposit of \$750.00 will be required, before the hydrant meter may be obtained.
- (c) After the application has been approved by the city clerk, the director of public works, or his or her designee, shall supply the hydrant needed to the applicant and record the beginning meter reading. When the person or persons have completed the use of the hydrant meter, the director of public works, or his or her designee, shall be contacted to take charge of the hydrant meter and record the final reading. The release of the deposit shall be done by the city clerk only after all charges for water usage, billed at the current water rate, and any damage to the hydrant meter have been paid in full to the city.

SECTION 14 ALTERATIONS

No addition, alteration, or change whatsoever in or about any water lines, except on the owners premises and after the water shall have passed the water meter, shall be made or caused to be made by any consumer without notice or a permit from the director of public works, and any and all additions, alterations or changes shall in all cases be made under the supervision, direction and control of the director of public works and in accordance with the ordinances of the city. No person, except the duly authorized employee of the city water department, shall tamper with any meter or break the seal of any meter.

SECTION 15 MUTILATION OF WATER PROPERTY

No person shall remove, obstruct, alter, injure, damage or attempt to remove, obstruct, alter, injure, damage any fire hydrant, valve, valve box, valve cover, water meter, water meter box, water meter cover, or in any manner injure any building, machinery, or other appurtenances belonging to the water works

system of the city, or carry off, or injure any pipe, tools, fixtures, apparatus, or property pertaining to the water works system of the city.

SECTION 16 SERVICE DISCONNECTION OR RE-CONNECTION

Any person, firm, partnership or corporation who fails, neglects or refuses to properly pay any water charge, when due, shall be deemed delinquent and as such service may be disconnected at the time and pursuant to the terms set forth in sections 17-103 and 17-104, and service may be disconnected until such delinquent customer shall have paid all arrearage to the city and, if such customer then desires service, he or she shall pay the city a sum, as set by this article, as a charge for reconnecting the service and he or she shall further deposit, with the city, an additional sum as set in this article as a guarantee that charges for water furnished by the city will be paid promptly when due.

It shall be unlawful for any person to reconnect water service or cause the same to be reconnected on any premises where water service has been shut off for any reason authorized under this article, without the authority of the city.

The city reserves the right, in lieu of disconnecting the water utility, to disconnect the electric utility and such shall remain disconnected until all fees, as specified herein, and arrearages have been paid.

There is hereby established a reconnection fee for reconnection of water utility for the city in the amount of \$20.00 plus applicable sales taxes and an additional deposit of \$50.00.

SECTION 17 METER TESTING

Any customer of the city's water utility who believes his or her meter is incorrect and desires the same to be tested shall make application to the city clerk for the inspection of the meter. It shall be the duty of the water department to test such meter and, if such meter is found to be more than two percent fast, the customer shall have adjustment of water charges covering the period of the preceding three months and, if the meter is found to be running less rapidly than is proper, the customer shall pay the proper adjustment to the city for the preceding three months; provided, that before any meter shall be tested, as provided in this section, the party desiring the

test shall deposit, with the city, \$100.00 and if the meter is shown by the test to be correct within two percent, the deposit shall be forfeited to the city for the cost of inspection.

SECTION 18 EXCAVATIONS

No person or persons shall be permitted to make any excavation in any street or alley within the corporate limits of the city for purpose of laying any pipes for water service without having first procured a permit in writing to do so from the building official of the city, nor make excavation in any street or alley within the city within six feet of any water pipe, while the ground is frozen, or to dig up, or uncover so as to expose to frost any water pipe or sewer of the city, except under the direction of the director of public works. No person or persons shall leave any excavation made in any street or alley, within the city, opened at any time without barricades and during nights warning lights must be maintained at such excavations during all the time when the same are open or partially opened and when any excavations are made in the streets or alleys, within the city, the streets, sidewalks and pavements must be restored to as good condition as they were previous to the making of the excavation by the parties making or causing the same to be made, and should any person or persons leave any street, alley, sidewalk or pavement in a condition not as good as before such excavation was made, or should the work be improperly done, or the rubbish caused thereby not properly cleared away, the director of public works and utilities shall have the right to finish or correct the work and the expense shall be charged to the permit holder.

SECTION 19 CONTRACT

The rates, rules and regulations herein set forth shall constitute and shall be considered part of the contract with every person, company or corporation who is supplied with water from the water works system of the city and every such person, company or corporation who accepts and uses water shall be held to and consent to be bound thereby.

SECTION 20 AFTER-HOURS RECONNECTION FEE

There is hereby established an after-hours reconnection fee for reconnection of water utility outside of normal business hours for the city in the amount of

\$50.00 plus any applicable state and local sales tax. This fee is in addition to existing reconnection fees and deposits.

ARTICLE IV LOW INCOME HOUSEHOLDS

SECTION 1 LOW INCOME ELECTRIC UTILITY RATE:

Any household whose total annual income is \$18,000.00 or less shall be eligible for a monthly low-income electric rate, which shall be charged as follows:

- (1) Energy charge: \$0.110 per KWH.
- (2) Customer charge: None.

SECTION 2 LOW INCOME WATER UTILITY

Any household whose total annual income is \$18,000.00 or less shall be eligible for a monthly low income water rate. The monthly low income water utility rate shall be 15 percent lower than the monthly water rates currently set out in the Code of the City of Goodland, Kansas. There shall be no meter charge for low income customers.

SECTION 3 APPLICATION

Any member of a household which qualifies hereunder may make an application with the city clerk to be approved for low income electric and water rates. Said application shall be on a form prepared by the city clerk and the city clerk shall be authorized to solicit such information on said form as may be necessary to properly evaluate said application. The annual gross income is defined to mean the full 12 calendar months immediately prior to the filing of an application with the city clerk. Said application form shall contain an authorization, to be signed by said applicant, authorizing the city clerk to verify the information set forth in said application. Said application shall be duly subscribed and sworn to by the applicant.

Upon receipt of an application, the city clerk shall have 15 days in which to approve or disapprove an application. In the event of a disagreement between the applicant and the city clerk, the applicant shall be entitled to appeal the

decision of the city clerk to the city manager, then to the city commission, which shall make a final determination upon said application.

Approval of an application shall be for a 12-month period. However, if during said 12-month period the total annual gross income from all members of a household shall exceed the sum of \$18,000.00, it shall be the applicant's responsibility to so notify the city clerk so that said household will revert to the regular electrical and water rates. At the end of the 12-month period after approval of an application, said approval shall automatically terminate, unless the applicant shall, at least 15 days prior to the end of said 12-month period, file an application for an additional 12-month period of reduced electrical and water rates, as provided herein. Upon receipt of a reapplication, the city clerk shall have 15 days in which to approve or disapprove such reapplication.

This ordinance shall be in force and take effect after its publication in the Goodland Star News and on June 1, 2015.

PASSED AND ADOPTED this 6th day of April, 2015, by the Governing Body of the City of Goodland, Kansas.

Annette Fairbanks, Mayor

ATTEST:

Mary P. Volk, City Clerk