

## **ORDINANCE NO. 245**

### **AN ORDINANCE ESTABLISHING REQUIREMENTS FOR CONNECTION TO THE PUBLIC WATER SYSTEM IN THE CITY OF LINN VALLEY, KANSAS.**

#### **IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF LINN VALLEY, KANSAS:**

Section 1. **SUPERINTENDENT OF WATER AND SEWAGE.** The general management, care, control, and supervision of the city water system shall be in the superintendent of water and sewage or other designee who shall be appointed by the mayor with the consent of the governing body.

Section 2. **REGULATIONS.** The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this ordinance.

Section 3. **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.

#### **Section 4. SERVICE CONNECTIONS REQUIRED.**

(a) The owner of properties with existing water or sewer tanks, 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 within one hundred feet of 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.

(c) All water tanks existing on properties making connection to the public water main must be decommissioned. Decommissioning of tanks shall be at the owner's expense. Decommissioned tanks shall be completely disconnected from all plumbing systems on the premises and in no way connected to the new water system. The city reserves the right to inspect decommissioned tanks for compliance. Decommissioning of tanks must be done in accordance with local, state, and federal laws.

#### **Section 5. 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) State the size of tap required;
- (3) State the size and kind of service pipe to be used;
- (4) State the full name of the owner of the premises to be served;
- (5) State the purpose for which the water is to be used;

- (6) State the anticipated water demand if the purpose is other than residential (flushing toilets, showers, residential laundry, washing dishes, etc.);
- (7) State whether the property will include any sprinkler systems for fire protection or irrigation;
- (8) State any other pertinent information required by the city clerk;
- (9) Be signed by the owner or occupant of the premises to be served, or 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 7.

Section 6. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. The City will have control over the installation of their assets in lieu of the owners plumber making the install. The Connection Fee should include the cost to buy the materials and perform the work listed below.

Section 7. CONNECTION FEES. The fees for connection to the city waterworks system shall be set by resolution.

Section 8. CHECK VALVES. The City codes department will determine when backflow check valves and backflow prevention are required.

Section 9. 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.

Section 10. METERS.

- (a) All water furnished to customers shall be metered.
- (b) Meters shall be located between the edge of the roadway and the property line. Meters may also be located within the front utility easement of the property. City staff shall determine the location of the meter.
- (c) The city's responsibility stops downstream of the water meter.

Section 11. 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, set by resolution, will be made to the customer.

Section 12. 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 on or off.

Section 13. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass 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 14. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by resolution, 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.

Section 15. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit to secure payment of accrued bills or bills due on discontinuance of service.

Section 16. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.

Section 17. PROHIBITED ACTS. It shall be a violation of this ordinance 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 employed 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.

Section 18. 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 19. 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.

Section 20. RATES. The rates per month for the use of water in the city shall be set by City Resolution.

Section 21. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the fourteenth (14<sup>th</sup>) day of the month following the service. For any billing not paid when a late charge will be assessed.

Section 22. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges.

Section 23. 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.

Section 24. 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.

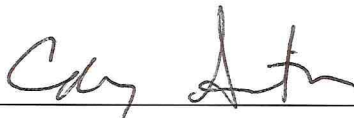
Section 25. PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating 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 superintendent.

Section 26. INSPECTION. The city utility superintendent 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.

Section 27. PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent 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 city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply.

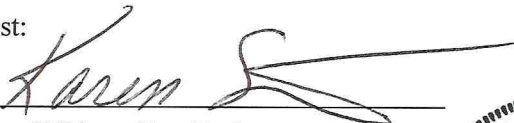
Section 28. This ordinance shall take effect and be in force from and after its publication of summary in the official newspaper of the City and publication of the entire ordinance on the official website [www.linnvalleyks.com](http://www.linnvalleyks.com) for one week following the aforesaid newspaper publication.

ADOPTED AND PASSED by the governing body of the City of Linn Valley, Kansas on this Thirteenth day of February 2023.



Cindy Smith, Mayor

Attest:



Karen Siffring, City Clerk

