

(Published in The Wichita Eagle on August 15, 2014)

ORDINANCE NO. 49-806

A ORDINANCE OF THE CITY OF WICHITA, KANSAS (THE "CITY"), AMENDING SECTIONS 17.12.040 AND 17.12.061 OF THE CODE OF THE CITY OF WICHITA, KANSAS, TO ALLOW PAYMENT OF PLANT EQUITY FEES AND CONNECTION FEES BY RESIDENTIAL CUSTOMERS WITH ONE-INCH METERS IN FIVE ANNUAL INSTALLMENTS IN CERTAIN CIRCUMSTANCES.

WHEREAS, the City of Wichita, Kansas (the "City") has recently taken steps to provide for the emergency extension of water mains to serve residents in an environmentally contaminated area in west Wichita; and,

WHEREAS, several residents who are located near, but not actually within, the said environmentally contaminated area have expressed interest in connecting to the new water mains via service lines and one-inch meters, but would like to be allowed to pay the plant equity fees and connection fees required as a condition of establishing service over a period of several years; and,

WHEREAS, the City's Governing Body is willing to accommodate such requests by the new residential customers connecting to the new water mains extended into the contaminated area, provided the owners of the benefited properties are willing to consent to appropriate liens on the property to secure the payment of the future installments;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;

SECTION 1. Section 17.12.040 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

Sec. 17.12.040. Requirements of applicants for new service.

If an application is for water service to premises not previously served, the following requirements shall be met:

- (a) **Meter Settings and Service Lines in Areas Served by Existing Water Mains.** In areas where water mains exist adjacent to property to be served, the applicant, upon submission of information to the department as to the location and nature of the premises, will be provided with information as to the proposed location of the meter setting. If the customer's service line has been installed prior to the application for service, it shall be the applicant's responsibility to clearly mark the location thereof. The department shall have sole jurisdiction, however, to determine the location of the department service line, and the feasibility of a connection to the customer's service line. It shall be the applicant's responsibility at his/her own expense to run his/her service line from the premises being served to the meter setting at or near the curb line. The department service line meter setting and meter shall be placed within public right-of-way or such other locations as determined by the Director of Public Works & Utilities, and will be installed and maintained by the department and kept within its exclusive control.
- (b) **Areas Not Served by Existing Water Mains.** Applications for service in areas not served by existing water mains shall be governed by the provisions of Section 17.12.270.
- (c) **Installation and Maintenance of Customer's Service Line.** The customer shall be responsible for the maintenance, repair, and any leakage in the piping from the meter to place of use. Installation of the customer's service line shall be done by a master plumber and in accordance with the building code and the plumbing code of the city.
- (d) **Size of Meters.** The department shall determine the size of the meter to be installed, based upon information furnished by the applicant. Any change in meter size requested by a customer after the initial meter installation shall be granted insofar as is reasonable but the entire cost shall be borne by the customer unless determined otherwise by the Director of Public Works & Utilities. In cases of dispute as to meter size, the department shall have sole jurisdiction.
- (e) **Size of Department Service Line.** The size of the department service line shall be determined by the department, based upon information furnished by the applicant. However, in no case shall the department service line be the same size or any greater size than the water main to which it is connected. Any change in size or location of the department service line after the original installation shall be done at customer's expense unless determined otherwise by the Director of Public Works & Utilities.
- (f) **Special Vaults to House Meters—Cost of Construction; Location of Meter Settings and Vaults.** In cases where the size of the meter is one and one-half inches or larger, or other special circumstances make it necessary to construct a special vault in which to house the meter, all costs of construction of such vault shall be borne by the applicant. Outside building meter settings and vaults shall be installed whenever possible and inside building meter installations must be approved in writing by the Director of Public Works & Utilities or his/her representative.
- (g) **Same—Responsibility of Customer for Installation, Maintenance, etc.** With respect to all premises served by the department, whether located within or without the corporate limits of the city, it shall be the responsibility of the customer to install or have installed thereon, such special vaults as are prescribed by the department according to and in conformity with specifications and drawings which shall be furnished the applicant by the department. All such special vaults so constructed and installed on the customer premises, adjacent to the property line shall be the property of the customer. The customer shall be responsible for all maintenance and adjustment to grade of the special vault.

In instances where circumstances necessitate the location of special vaults in a public right-of-way for street, alley or similar public uses, the construction and installation of the special vault shall be accomplished by the customer at locations approved by the city engineer. All such special vaults, however, located in public rights-of-way shall be wholly and exclusively owned by the city through its water department and it shall be solely responsible for all maintenance, repair and relocation as may be necessary.

(h) Connection Fees. Except as otherwise provided in (i), below, prior to the installation of a standard service, the applicant shall pay in advance a connection fee for the installation by the department of the standard service line. The connection fee shall be determined by the Director of Public Works & Utilities, and shall be based on the actual costs of similar installation work.

For a standard service line four inches or larger, the connection fee will be based upon an estimate of cost prepared by the department.

(i) In cases where the applicant is seeking to establish service through a one-inch meter, by connecting to a new water main the City has extended into a contaminated area to address problems with groundwater quality due to the proximity of the contamination, the applicant may be permitted to pay the connection fee in five (5) equal annual installments, to be billed on the March water bill, provided the owner of the property to be served shall execute and deliver a note and mortgage in favor of the City, with a due-on-sale provision, to secure payment of the annual installments.

SECTION 2. Section 17.12.061, of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 17.12.061. Payment of plant equity fees for connection of water service.

Each customer requesting a new service connection to the water distribution system shall pay a plant equity fee prior to connection (or shall agree, prior to connection, to pay such fee as otherwise provided below) as part of the approval process for new service connections.

Such plant equity fees shall be determined on the basis of the equity existing system customers have accumulated in the system as determined on the basis of a detailed analysis of plant assets and shall constitute a system buy in fee assessed to new connections. The meter size on which the fee schedule is based shall be in reference to the associated water meter size.

The schedule of said plant equity fees shall be as follows:

Meter Size	2007 & Beyond
1" or less	\$1,520
1½"	3,040
2"	4,860
3"	9,120
4"	15,200
6"	30,400
8"	48,640
10"	69,920
12"	130,720

Given the variations in uses which may accrue to services eight inches or larger in size, fees charged in relation to such service sizes may be adjusted by the Director of Utilities upon receipt of detailed estimates of projected usage characteristics supplied by the applicant for service.

At the discretion of the City Council, the above fees may be waived and/or modified in relation to economic development projects, which, due to their unusual nature or magnitude, offer extraordinary benefits to the community. Further, in cases where the applicant is seeking to establish service through a one-inch meter, by connecting to a new water main the City has extended into a contaminated area to address problems with groundwater quality due to the proximity of the contamination, the applicant may be permitted to pay the plant equity fee in five (5) equal annual installments, to be billed on the March water bill, provided the owner of the property to be served shall execute and deliver a note and mortgage in favor of the City, with a due-on-sale provision, to secure payment of the annual installments.

Property owners required to make a payment for connecting to the water system as provided above may apply for a deferral of such payment on the basis that such payment would work an economic hardship on the owner(s). The criteria for the granting of such a deferral shall be the same as described in Sections 2.24.070 and 2.24.075 of the Code. All other terms and conditions of any deferral hereunder shall be governed by the provisions of [Sections] 2.24.070 and 2.24.075 except as otherwise noted herein. A deferral hereunder may be granted to owners of property located outside the City limits.

SECTION 3. Sections 17.12.040 and 17.12.061 of the Code of the City of Wichita, as they hitherto existed, are hereby repealed and replaced with the amended versions set forth above.

SECTION 4. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of August, 2014.

CITY OF WICHITA, KANSAS

By _____
Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to Form:
