

ORDINANCE NO. 48-139

AN ORDINANCE AMENDING SECTION 17.12.010 AND CREATING NEW 17.12.075 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE WATER UTILITIES ASSESSMENT OF SPECIAL ACQUISITION SERVICE AREA FEES; AND REPEALING THE ORIGINAL OF SECTION 7.12.010

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

SECTION 1. Section 17.12.010 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

Sec. 17.12.010. Definitions.

Unless the context specifically indicates otherwise, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

- (a) "Customer" means a person, firm, corporation, or governmental unit furnished water by the department.
- (b) "Customer's service line" means a supply pipe installed, maintained and owned by the customer extending from the meter setting to the premises served.
- (c) "Department service line" means a pipe with appurtenances connected to a water main for the purpose of controlling the flow of water and extending from the water main to the inlet side of the meter yoke.
- (d) "Master meter" means one meter measuring the water furnished to serve two or more premises.
- (e) "Meter" means a mechanical device which measures and records the quantity of water furnished to a customer.
- (f) "Meter setting" means a box, vault or tile, with covering, containing a meter, meter yoke and connecting appurtenances.
- (g) "Premises" means an inhabited building or buildings on a tract of land.
- (h) "Special Acquisition Service Area" means any area whereby the Water Utility acquires the right to provide water and/or sanitary sewer services by purchase, release, or any other mean and in which the City or Water Utility pays compensation to another governmental, quasi-governmental, or private entity for such service area directly or indirectly through reduced rates or in-kind services.

(i) "Special Acquisition Service Area Fees" means the fees assessed to property owners or customers in a Special Acquisition Service Area in order for the City or Water Utility to recover all or part of the costs of acquiring the right to provide water and/or sanitary sewer services to the area.

(j) "Special service" means any water service that involves the installation of facilities and equipment other than designated as standard service in subsection (i) of this section or which involves a use of water other than for normal residential, commercial or industrial purposes.

(k) "Standard service" means facilities normally installed for residential, commercial or industrial usage not requiring special or unusual methods of installation, construction and engineering.

(l) "Water department" (hereinafter called department) means an administrative unit consisting of city personnel headed by a director of water designated by the city manager to conduct all operations in connection with the supplying and furnishing of water and water service by the city to customers in the city and environs pursuant to the provisions of this chapter.

(m) "Water main" means a water pipe owned by the city, located in public right-of-way or utility easement, to which department service lines may be connected.

SECTION 2. Section 17.12.075 of the Code of the City of Wichita, Kansas, shall be created to read as follows:

Sec. 17.12.075 Special Acquisition Service Areas Fees

(a) The provisions of this Section are intended to establish a Special Acquisition Service Area Fee as that term is defined in Section 17.12.010. Upon acquisition of a Special Acquisition Service Area or when a customer requests new service in such Area, the Director of Utilities will determine by appropriate calculation the Special Service Area Fees for the Area and for each customer, based upon the compensation paid for such Area and any action of the governing body in approving such acquisition. The Special Acquisition Service Area Fee shall be assessed to the property owners or customers in the Special Service Area and shall be in addition to and not a substitute for other fees or charges required by this Code. Payment or appropriate agreement for payment of the Special Service Area Fee will be a condition precedent to receiving service from the Water Utility or Sewer Utility.

(b) 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.

(c) Property owners or customers required to make a payment for connecting to the water or sewer 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 or customer. 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 2.24.070 and 2.24.075 except as otherwise noted herein. A deferral hereunder may be granted to owners of property or customers located outside the City limits.

SECTION 3. Section 17.12.010 of the Code of the City of Wichita is hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the Official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas this date December 16, 2008.

Carl Brewer, Mayor

Attest:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law