

**WATER RULES AND  
REGULATIONS  
OF THE  
CITY OF SPRING HILL**

**FIRST EDITION  
2009**

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Chapter XVI.

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**WATER RULES AND REGULATIONS  
FIRST EDITION, 2009  
SPRING HILL, KANSAS**

**SECTION 16-101 PURPOSE:** The purpose of these revised and amended Rules and Regulations as here promulgated, adopted and put into effect shall be to establish, manage, purchase, construct, operate, maintain and to exclusively control the water supply and distribution facilities of City of Spring Hill, in the State of Kansas and for the further purpose of safe, economical, efficient establishment, operation, maintenance and management of such water supply and distribution system and to govern the use of water and the connecting of water mains with the mains of such water supply and distribution system and the issuance of permits to connect, improve, extend or make additions to any such water mains, all pursuant to and in accordance with the provisions of the Water Supply and Distribution Districts Act of the State of Kansas.

**SECTION 16-102 DEFINITIONS:** In the use of words, terms and phrases in these Rules and Regulations of said City of Spring Hill the following definitions shall apply.

Applicant - Any prospective customer making application for the construction of a new service connection, or use of existing service connection.

Board - See Governing Body of the City of Spring Hill.

Business Hours - The hours between 8:00 a.m. and 5:00 p.m. on any day from Monday through Friday when the principal office of the City is open for the normal conduct of business. The City Hall will not be open to transact business during those times when National Holidays and other designated holidays are observed by the City.

City - The City of Spring Hill, Johnson/Miami County, Kansas.

Cross-Connection - Any physical connection either direct or indirect that will permit or may possibly permit the flow of nonpotable water into a conduit or receptacle containing potable water, that is water suitable for drinking or domestic use under recognized and acceptable standards of the Kansas State Department of Health. A direct connection consists of a continuous conduit leading or making it possible to lead nonpotable water into the potable water supply. An indirect connection consists of a gap or space across which nonpotable water may fall or be sucked, blown or otherwise made to enter the potable water supply.

Customer - Any person, partnership, association, firm, corporation, municipality, school district or other subdivision of the State of Kansas, a department, division or an agency of the Federal Government supplied with water by the City of Spring Hill of Johnson/Miami County (Kansas).

Customer Accounts - Customer accounts shall be classified as follows:

Single-Family Residential Account - One (1) residential living unit served solely by one (1) water service connection.

Multi-Family Residential Account - Two (2) or more residential living units contained within one (1) building or structure and served solely by one (1) service connection.

Small Commercial Account - General business, industry, school, church, governmental office and other type of kind of non-residential users of water not otherwise classified and served through a meter size of one inch (1") or less.

Large Commercial Account - General business, industry, school, church, government office, swimming pool, golf course, park, common areas for lawn and landscaping and housing

development, irrigation systems, nursery, greenhouse, clubhouse or other facilities with showers for outdoor recreational activities and other type or kind of nonresidential uses of water not otherwise classified and served through a meter size of 1-1/2" or larger.

Commercial - Temporary or Occasional Use Account - Construction, irrigation, swimming pool, tank truck service or other non-residential users supplied through a fire hydrant or a temporary service connection.

Wholesale Account - School district, state agency or department or other political subdivision of the State of Kansas, the Board of County Commissioners of any county, township, Rural water district or municipality all to be outside the boundaries of City of Spring Hill.

Customer Service Line - The water pipe extending from the City's point of delivery at the customer's property line to the point of use and generally located on the customer's private property.

Date - A referenced specific date, such as "the 15<sup>th</sup>", shall mean a period beginning at 8:00 A.M. on the specified date and ending at 7:59 A.M. the following business day.

District - See City of Spring Hill of Johnson/Miami County, Kansas.

Domestic Service Connection - The water pipe extending from the City's mains to the customer's property line including fittings, valves, curb boxes, meters, meter vaults and meter setters; all of which generally are located in the public right-of-way or in a utility easement.

Employee - Any individual or person hired or employed by the Governing Body of the City of Spring Hill.

Extensions - See Water Main Extensions.

Extension Deposits - Amounts of money deposited by developers or other interested parties to cover the cost of connection and installation of water main extensions. (This deposit has no relationship to customers' deposits for service connections, security deposits or system development charges.)

Fire Service Connection - The connection made at the City's mains for the purpose of providing water service to a fire service line. The fire service connection includes only tapping sleeve and valve at the water main and is located in the public right-of-way or in a utility easement.

Fire Service Line - The water pipe extending from the fire service connection at the city's mains into the customer's private fire hydrant(s) and/or interior fire protection system. The fire line proper is not metered.

Management - The Director of Public Works or his designee are hired by the City of Spring Hill to administer and operate the physical properties and operation of the water supply and distribution properties of the City within and without the city.

Meter - See Water Meter.

Petitioner - Any prospective customer or interested party requesting extension of the City's distribution mains or requesting extension of the boundaries of the City.

Rates - See Water Rates.

Service Connection - See Domestic Service Connection and Fire Service Connection.

Service Line - See Customer Service Line and Fire Service Line.

System - See Water Supply and Distribution System.

System Development Charge - A charge made for every new Domestic Service Connection for the cost of additional investment required for the development of water supply, treatment and transmission facilities.

Turn-on/Connect Fee- There shall be a non-refundable charge for a turn-on/connect fee.

Water Board - The governing body of the City of Spring Hill, Kansas.

Water Main Extensions - Extensions of water lines to serve additional customers, not including Domestic Service Connections.

Water Meter - A device or instrument used for measuring and recording the quantity of water delivered to a customer.

Water Rates - Schedule of charges in money for water service applicable to the service rendered or to be rendered to the customer.

Water Supply and Distribution System - All of the water supply and distribution properties of the City within and without the city.

Water System - See Water Supply and Distribution System.

#### SECTION 16-103 GENERAL:

1. QUALITY OF WATER : It shall be the intent of the City of Spring Hill to at all times deliver a quality of water that meets the standards of the Kansas Department of Health and Environment and the Safe Drinking Water Act (PL 93-532), as amended. It is an inherent characteristic of a water distribution system that over a period of time deposits will accumulate due to corrosion and sedimentation, and that these deposits will “sluff-off” and may be discharged to the customer’s service connection. This discharge will be particularly evident following shut-down periods and reversals of flow of water due to emergency repairs or improvements being made to the distribution system. The City shall take reasonable safeguards to prevent or minimize the occurrence of such a condition, but shall not be reasonable for damages resulting therefrom to customer’s property. Upon discovery of such a condition, the customer is requested to notify the City and the City shall investigate and remedy the condition. The City may from time to time be compelled to administer necessary treatment chemicals in excess of normal amounts due to abnormal conditions of turbidity, pollution, hardness or any other impurity in its raw or finished water supply to safeguard the public health. The administration of such necessary above normal quantities of treatment chemicals during such times, although not harmful for human consumption, might prove harmful to certain vegetation, fish or fowl life. The city will not be responsible for any such harmful effect or loss under such conditions.
2. CONTINUITY OF SERVICE: It is the intention of the City to notify its customers of the necessity of shutting off water service but an emergency may at times not permit doing so. Therefore, the city reserves the right at all times without notice to the customer to shut off the water in a main for the purpose of making repairs or extensions or for any other necessary purpose, and all customers having boilers or tanks within their premises depending upon pressure to keep them filled or any other type machinery or equipment depending on a water supply for its safe and efficient operation are hereby cautioned against any danger resulting from inadequate water pressure and the city shall not be responsible or liable to anyone to any extent for any damages or loss of any kind resulting from shutting off mains or any water service for the purpose of making repairs of any kind or extensions or for the any other purpose.

3. CONSERVATION OF WATER: For the purpose of conserving the supply of water which may be available for distribution to its customers during emergency and/or peak-load periods, the city shall have the right to require each and every customer whom it serves to comply at all times with such limitations and restriction as to hours, days or periods for the use of water in sprinkling or irrigating lawns, gardens, shrubs, plants or trees, or any use not essential to the health and general welfare of people as the city may when occasion warrants declare to be in force, effect and operation. Such limitation and restrictions shall apply uniformly to all customers within any prescribed area where in the judgment of Governing Body such conservation of water may be deemed necessary to provide as near adequate a supply as possible for domestic and commercial use by all customers in such area; and for this purpose the Governing Body may prescribe staggered or alternate days, hours or periods during which time certain groups or designated number of classes of customers may or may not use water in the order of such uniform allocation for such purposes.

A. Discontinuance for Violation: The city shall have the right, upon refusal of any customer to comply fully with any such limitations or restrictions of the use of water as may be declared, and notice thereof given to such customer by the city to immediately discontinue all service and furnishing of any water for any purpose to such customer until the city is assured of compliance therewith.

B. Exceptions for Substantial and Permanent Property Loss: Customers claiming that the restriction would impose substantial and permanent property loss shall submit a written affidavit to the city clerk setting forth the facts distinguishing their situation from the inconveniences and hardships of the city's customers generally. The City Administrator may grant exceptions to the restriction upon such terms as he deems to be reasonably necessary to avoid substantial and permanent property loss. Denial of such applications may be appealed to the Governing Body of the City of Spring Hill.

4. WATER DROUGHT/EMERGENCY PROCEDURE:

A. Purpose: The purpose of this section is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.

B. Definitions:

(1) "Water," as the term is used in this section, shall mean water available to the City of Spring Hill, Kansas for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

(2) "Customer," as the term is used in this section, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(3) "Waste of water," as the term is used in this section, includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.

(4) The following classes of uses of water are established:

Class 1:

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational

areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure; or for decorative fountains and pools, private and public.

Class 2:

Water used for any commercial or industrial, including agricultural, purposes: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment. Examples of such uses include:

- Commercial car washes
- The washing of demonstrators and customers' cars by Automobile Dealers
- Automobile Dealers as to new and used car preparation for display or customer delivery
- Chemical landscaping treatment
- Commercial lawn irrigation
- On-site construction
- High water consumption manufacturing - concrete plant
- Non-dairy beverage processing and bottling
- Nurseries, green houses and truck gardens as to in-ground planting
- Recreation facilities, theaters
- Private and commercial laundering – nonclothing
- Retail establishments
- Hotels, motels, restaurants, private clubs
- Greenhouses, nurseries and retail store sales of containerized plants
- Household and commercial laundries
- Groceries, dairies, drug store
- Agricultural livestock
- Cooling and domestic consumption

Class 3:

Domestic usage, other than that which would be included in either classes 1 or 2.

Class 4:

Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

- C. Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take reasonable steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective immediately.
- D. Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. The City shall use reasonable efforts to publicize the emergency provisions of this section. Such a warning shall be deemed to continue until it is declared by resolution of the

governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective immediately.

- E. Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. The City shall use reasonable efforts to publicize the emergency provisions of this section. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective immediately.
  
- F. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in Sections C and D, the mayor (or the city administrator) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:
  - (1) Sprinkling of water on lawns, shrubs or trees (including golf courses).
  - (2) Washing of automobiles.
  - (3) Use of water in swimming pools, fountains and evaporative air conditioning systems.
  - (4) Waste of water.
  
- G. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section E, the mayor (or the city administrator) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:
  - (1) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
  - (2) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
  - (3) Restrictions on the sales of water at coin-operated facilities or sites;
  - (4) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
  - (5) Complete or partial bans on the waste of water; and
  - (6) Any combination of the foregoing measures.
  
- H. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section E, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (1) higher charges for increasing usage per unit of use (increasing block rates); (2) uniform charges for water usage per unit of use (uniform unit rate); or (3) extra charges in excess of a specified level of water use (excess demand surcharge).
  
- I. Regulations. During the effective period of any water supply emergency as provided for in Section E, the mayor (or city administrator or director of public works) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this section, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.
  
- J. Violations, Disconnections and Penalties.
  - (1) If the mayor, city administrator, director of public works, or other city official or officials charged with implementation and enforcement of this section or a water supply

emergency resolution learn of any violation of any water use restrictions imposed pursuant to Subsections G or I of this section, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

- (a) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
  - (b) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
  - (c) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
- (2) A fee shall be established by resolution for the reconnection of any water service terminated pursuant to subsection (1). In the event of subsequent violations, the reconnection fee for the second reconnection and any additional reconnections shall be established by resolution.
- (3) Violations of this section shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal court of violating the provisions of this section shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine established by resolution. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine shall be established by resolution. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.
- K. Regardless of whether any customer has received notice or a copy of the Resolution, or has actual knowledge of the prohibition, if a prohibition is being violated or the affected customer is permitting a prohibited use, the city may cause such customer's water service to be cut off during the period of prohibition after posting a special notice of violation in a conspicuous place upon the premises where such violation has occurred.
- L. In distribution areas where the City of Spring Hill furnishes wholesale water, the distribution areas' governing bodies shall be required by written notice of the invocation of this procedure section which notice shall include designation of the categories of uses to be initially curtailed or prohibited, delivered to the person in charge of the principal Administrative Office for the distribution area, or if such office or a person in charge cannot be found, then to any member of such governing body of the distribution area, to immediately adopt and impose these or comparable provisions in order to accomplish uniform prohibitions throughout the area being furnished water for distribution by city of Spring Hill. If any other distribution area does not adopt or enforce these or comparable prohibitions within twenty-four (24) hours of the delivery of such written notice, the City of Spring Hill may limit the quantities of water furnished to such other distribution areas as are reasonable estimated by the City Council to be comparable to

the consumption of such other distribution area as if such prohibitions have been adopted and enforced.

- M. Any customer or any governing body of a distribution area being furnished wholesale water by the city may appeal the substance, form, classification or enforcement of the foregoing emergency rule.
  - N. Emergency Termination. Nothing in this section shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.
  - O. Severability. If any provision of this section is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the section and its applicability to other persons and circumstances shall not be affected thereby.
5. INFORMATION AVAILABLE TO CUSTOMERS: The city shall furnish to the customer during Business Hours any reasonable request for information regarding the service rendered including the following:
- A. Rules and Regulations: A copy of the Rules and Regulations of the city shall be kept available at all times in the principal office of the City Clerk for the customer's perusal.
  - B. Characteristic of Water: Chemical analysis and pressure information.
  - C. Rates: A schedule of rates for water service applicable to the service to be rendered to the customer.
  - D. Meter Reading: Information about method of reading meters.
  - E. Bill or Consumption Analysis: A statement of the customer's account of consumption of water for any immediate past period not to exceed one (1) year.

#### SECTION 16-104 CONTRACTS FOR SERVICE :

- 1. WRITTEN CONTRACTS: Withdrawal of water from any part of the city's distribution system shall constitute an acceptance of the city's Rules and Regulations. All withdrawal of water shall be pursuant to contract with the city regardless of whether an account has been previously established. Use or withdrawal of water not furnished under an existing written contract subjects the person or entity withdrawing or using such water to an unwritten agreement to pay for the same and to otherwise comply with the Rules and Regulations of the city regardless of the absence or delay in acknowledging or formalizing any expressed written contract. All water used must be metered.
- 2. CUSTOMER'S AGENT: Requests to initiate or discontinue water service by any person, corporation, or other entity as an agent for another as the principal party to the implied or express contract with the city shall only be accepted upon condition that such purported agent shall be a guarantor for all indebtedness incurred for the services furnished and in the event there shall be any default in such payment or other violation of these Rules and Regulations with respect to such agency, the purported agent shall indemnify and otherwise hold the harmless from any loss or damage the city may sustain from non-payment, loss or damage regardless of whether such agency was authorized or the acts of the agent were within the scope of any agency.
- 3. OTHER CONDITIONS: Customer contracts shall be for a duration of not less than one (1) month. The terms and conditions of every contract for the supply of water to customers within the city shall be pursuant to the existing Rules and Regulations of the city. The terms and conditions of contracts with wholesale customers shall be in writing and as determined and approved by the Governing Body of the City of Spring Hill.

4. CHARGE FOR "TURN-ON/ CONNECT FEE/TRANSFER FEE": There shall be a non-refundable charge for a turn-on/connect fee/transfer fee for all customers. The charge shall be established by resolution.
5. NUMBER OF BUILDINGS SERVED: Only one (1) building and its directly related adjuncts shall be served through a single meter.
6. LANDLORD RESPONSIBILITY: If water is to be supplied to several parties in apartments, duplexes, offices or stores, all located in a single building and supplied through one (1) meter, the city shall contract only with the landlord as customer for the supply of water and he shall be responsible to the city for the water service and the payment of bills.
7. CUSTOMER PRESENT FOR "TURN-ON": Water service will not be "turned-on" unless there is someone on the premises to inspect the plumbing for open faucets and leaks.
  - A. Under extenuating circumstances, the customer by written release of any liability of the city, may have service "turned-on".
8. METER READING NECESSARY: A meter reading must always be taken by an employee of the city at the time any "turn-on" or "turn-off" service is performed. In those instances wherein one customer orders the water "turned-off" and a new customer orders the water "turned-on" on approximately the same date at the same location but the city employee is unable to gain access to the meter to obtain a meter reading, the city may discontinue service until such time as the new customer makes arrangements for a meter reading to be obtained.
9. RESALE PROHIBITED: Customers shall not be permitted to sell water to other persons without a written permit from the City.
10. ACCESS TO PROPERTY: The city shall at all reasonable hours have access to meters, service connections and any other water works property on customer's premises for purposes of installation, maintenance, operation, inspection, meter reading or to initiate or discontinue water service.
11. REFUSAL TO SERVICE:
  - A. Conditions: The city may refuse to serve an applicant or customer under the conditions and circumstances prescribed in Section 16-115.

## SECTION 16-105 BILLING AND BILL PAYMENT, COLLECTIONS

1. BILLING PERIOD:
  - A. Monthly Bills: Bills for single-family residential accounts, all commercial accounts, occasional or temporary-use accounts, and wholesale accounts shall be prepared and rendered monthly upon inspection and reading of the meter by an employee of the City of Spring Hill.
  - B. Monthly Bills: Bills shall be due and payable when rendered to the customer. The amount due shall be based on the rates established by the Governing Body of the City of Spring Hill for all water consumed as shown by the register of the water meter. Should the meter become defective or fail to register correctly, as determined by a test of the meter, the quantity of water used shall be determined by the amount or average amounts of water used during the preceding comparable billing periods or any other basis which may be pertinent and equitable.

2. ESTIMATED BILLS: If, due to weather conditions or other causes, the city's meter reader is not able to gain access to the customer's meter at regular route reading time, the city shall estimate the reading on the basis of consumption experienced in previous billing periods unless the city has information pertinent to the consumption, which would make a duplication of the previous billing period consumption unreasonable. Upon subsequent actual reading of the meter by a city employee, the customer's account shall be adjusted, if necessary, so the total water consumed between meter readings shall be allocated on a reasonable monthly consumption basis and billed accordingly.

A. Special Effort to Read Meter: The city shall make a reasonably special effort to gain access to the meter and obtain an actual meter reading after two (2) consecutive estimated bills to a customer and at each "turn-on" or "turn-off" service performed for any reason.

3. RETURNED CHECKS:

A. If a customer's check is received by the city a full payment for a current or delinquent account balance is returned unpaid to the city, the amount of such returned check will be charged back to the customer's account and the account will remain unpaid.

B. When a returned check has been charged back to a customer's account, that account will be subject to normal city collection charges and collection procedures prescribed in paragraph 4 of this section.

C. Returned checks will be delivered promptly to the payer together with a notice stating that the amount of the returned check has been added back to the customer's account, and further stating that the account is subject to normal city collection procedures and may become subject to delinquency discontinuance of service. (See Paragraph 4 of this section.)

D. If an analysis of the customer's account discloses a history of returned checks, the city may require payment for any returned check be made in the form of cash or money order.

E. When a returned check is charged back to a customer's account, a charge of thirty dollars (\$30.00) in addition to any applicable collection charges will be added to such account to reimburse to city for costs incurred in processing and handling the returned check. The returned check charge shall be established by resolution.

F. When a customer delivers two checks that are returned unpaid to the city within the twelve (12) month period immediately preceding the date of receipt of the second returned check on the customer's account, the city shall demand that payments on the account be made in the form of cash or a money order.

4. PARTIAL PAYMENT, DELAYED PAYMENT CHARGE, COLLECTION CHARGE AND DISCONTINUANCE OF SERVICE:

A. Partial Payment of Balance: When a customer's payment received by the city is for an amount less than the accumulated balance in said customer's water account, his payment shall be applied to satisfy charges represented in the water account balance in the order of their origination.

B. Late Payment Charges:

1. Charge: Payment of charges for water service is due on or before the 15<sup>th</sup> day of each month, and is in default thereafter. If payment for the charge for current water service, or any portion thereof, is not received in the city office on or before the date indicated on the bill, a Delayed Payment charge of ten percent (10%) of the unpaid current water amount will be added thereto, following which the city shall institute uniform collection procedures and may finally discontinue water service to such customer in default.
- C. Minimum Payment of Delinquent Water Accounts: In the event a customer water account has a past due balance as of the 20<sup>th</sup> day of any month, the City may elect not to institute discontinuance of water service if the customer has paid by the 20<sup>th</sup> day of the month, a minimum payment equal to the sum of the following:
  1. An amount equal to the current water service charges attributable to the current monthly consumption (hereafter referred to as current water monthly charge).
  2. An amount equal to ten percent (10%) of the outstanding balance due on the account (excluding the current monthly water charge) or Twenty-Five Dollars (\$25.00, whichever is greater).
- D. Discontinuance of Service: In the event a customer water account has a past due balance as of the 20<sup>th</sup> day of any month, the City may discontinue water service to customer based on the default of payment.
- E. Charge for Restoration of Service: A charge will be made for restoring water service for the customer turned off for nonpayment of bill. See Section 16-115 paragraph 7.
- F. No Liability to City: The city shall not be liable for any damages which the customer may sustain following discontinuance of water service due to nonpayment of delinquent amounts due the city.
- G. Exceptions: Subdivisions of the State of Kansas and the Federal Government, public and charitable institutions, churches and schools shall not be subject to the ten percent (10%) collection charge.
- H. Transfer of Customers Liabilities: Charges relating to providing service to a customer at any location served by the city that are delinquent and unpaid may be transferred to an account for water services to said customer at any other location served by the city and upon such transfer if such delinquent and unpaid charges remain unpaid, the water service at the location where transferred shall be subject to delinquency discontinuance of service.

SECTION 16-106 OCCASIONAL OR TEMPORARY WATER USE:

1. If temporary water service is required for construction, irrigation, filling swimming pools, tank truck service, or other non-residential uses, such water service may be supplied through a temporary service connection or fire hydrant. Individual temporary or occasional use water accounts will be established by the city when customers' applications have been approved and permits have been issued. Such service shall be billed on a calendar month basis at the rates established by the Governing Body of the City of Spring Hill for this type of water customer. Each occasional or temporary water use account shall receive a monthly water bill consisting of a monthly service charge, for each month or fraction thereof so long as the permit remains in force, together with a charge for the metered or estimated volume of water used.
2. METERED SERVICE: Service construction work and other occasional and temporary water uses shall normally be rendered through a meter. The meter shall be read and such service billed monthly at the rates established by the Governing Body of the City of Spring Hill for this type of water customer.

- A. Cost of Temporary Installation: If a temporary installation is required for such services, the customer shall pay all expenses of such installation and removal. If the city supplies the materials and/or installation of a temporary service, the customer shall pay a reasonable rental on such materials.
- B. There shall be a deposit charge for a hydrant meter. The charge shall be established by resolution.
3. TANK TRUCK SERVICE: If service for construction work cannot be conveniently metered and the water is taken by tank truck, an estimate of the amount of water consumed shall be made based upon the quantity of each load and the number of loads taken.
4. FIRE HOSE SERVICE - DITCHES: If service for construction work cannot be conveniently metered and water is taken by fire hose from a fire hydrant for the jetting of a newly back-filled trench, an estimate of the amount of water so used shall be the amount equivalent to one-half (1/2) of the volume of the trench.
5. FIRE HOSE SERVICE - SWIMMING POOLS: If service is required for the filling of a swimming pool by fire hose from a fire hydrant, the customer must supply the hose and pay for an estimate of the water so used based upon the size of the pool.
6. CITY EMPLOYEE PRESENT - CITY PERMIT: In addition to the amount billed for water used in tank truck service or fire hose service, the customer shall pay the cost incurred by the city in providing a city employee to operate the fire hydrant and observe water usage. No tank truck or fire hose service shall be extended without benefit of the presence of a city employee or satisfactory permit granted by the city.
7. TRANSFER OF DELINQUENT CHARGES: All charges and costs for service performed by the city under this Rule becoming delinquent and unpaid shall be subject to a ten (10%) Delayed Payment Charge.

**SECTION 16-107 WATER RATES:**

1. RATE CLASSIFICATIONS: Customer accounts shall be classified in four (4) categories of use designated as:

- Wholesale Raw Water
- Residential Outside City Limits
- All other accounts
- Senior Citizen

The uses determinative of the classifications for each customer account are designated in section 16-102 under the definition of "Customer Accounts". The City shall classify each account according to the apparent use as described by the definitions.

2. BILLING FREQUENCY: All accounts shall be billed monthly.
3. STANDBY CAPACITY CHARGE: If a customer requests temporary discontinuance of water service at a permanent connection for any purpose a standby capacity charge will be incurred monthly during the period of non-use. Such standby capacity charge shall consist of the appropriate monthly service charge based upon the customer's classification.
4. MONTHLY WATER RATE SCHEDULES AS ESTABLISHED BY RESOLUTION:

A. All other accounts

Monthly Service Charge  
(No water use included)

<u>Meter Size</u>	<u>Monthly Charge is established by resolution</u>
5/8 inch	
1 inch	
1-1/2 inch	
2 inch	
3 inch	
4 inch	

Additional Monthly Quantity Charge Is Established by Resolution

All consumption - per 1,000 gallons

B. All senior citizens sixty-five (65) years of age or over who have water meters in their name at their residence shall be entitled to a ten percent (10%) discount of that part of the bill applying to water quantity used. Neither the monthly service charge nor any other part of the bill shall be discounted.

C. For customers receiving water for said system outside the corporate limits of the city: water rates for customers outside the corporate limits of the city will be the same for customers within the corporate limits, however, a surcharge will be added to the non-city users.

D. Wholesale Raw Water Service Account Is Established by Resolution  
(Billed Monthly)

Basic Billing Form:

Monthly Service Charge  
(No water use included)

Additional Monthly Quantity Charge  
Charge per 1,000 gallons

Minimum Bill

In the event no water is used, the wholesale customer shall be liable for the payment of a minimum monthly bill which shall include the Monthly Service Charge.

SECTION 16-108 DOMESTIC AND FIRE SERVICE CONNECTIONS AND TAPS:

1. PAYMENT AND INSTALLATION: If a prospective customer's premises can be served by a standard domestic water and/or fire service connection with an existing city main, the city shall accept an application for a service connection. The customer shall pay a connection charge based on the costs as set out in Section 16-111 paragraph 2 and 3.

A. Refusal to Accept Application: The city may refuse to accept an application if that applicant owes the city any amounts for delinquent water bills at any location served by the city; such delinquent accounts being in or having been in the name of such applicant or any other amounts owed the city for any maintenance, repairs, materials or labor performed by the city as a result of acts of or damages caused by agents or subcontractors or the employees thereof of the said applicant.

B. Inspection of Service Connections: All new service connection installations shall be inspected by the city to determine installation conformance with the city specifications.

1. Preliminary Inspection: The city shall conduct a preliminary inspection of a new service installation only at such time as the service is completely installed to the stop and waste valve and still completely exposed.
2. Final Inspection: The city shall conduct a final inspection of a new service installation only after final site grading and sodding (or resurfacing) has been completed.
3. Failure to Pass Inspection: Upon failure of a new service installation to pass final inspection, the city shall notify the customer and the customer shall proceed immediately to correct the fault. Should the customer fail to correct the fault within ten (10) days from such notification, the city may discontinue water service through the installation until the fault is corrected or the city may correct the fault and charge the customer for costs incurred in such correction.
  - a) Costs incurred by the city for correction to a new service installation and charge to the customer, that become delinquent and unpaid may be transferred to an account for water service to such customer at any other location served by the city and if such transferred liability of the customer remains unpaid, the water service at the location where transferred shall be subject to delinquency shut-off of service.

C. REFUND OF SERVICE CONNECTION CHARGES:

1. Installations Not Started: The service connection application shall be canceled and service connection charge paid by the applicant shall be refunded if delivery of new service materials has not been requested and the new service installation has not been made within twelve (12) months from the date of the service connection application. Upon later reapplication for a service connection, the applicant shall pay the appropriate service connection charge according to the applicable schedule of service connection charges then in effect.

2. MAKING CONNECTIONS OR DISCONNECTIONS:

- A. No person except a duly authorized employee of the Public Works Department or other person duly authorized by the Director of Public Works or his designee shall make any connection or disconnection, either temporary or permanent, to any water main of the City of Spring Hill.
- B. If the owner of property served by the City determines that a service connection is no longer needed, said property owner should request that the service connection be disconnected by the city. An application to disconnect must be executed by the property owner or his duly authorized agent. No Charge will be made by the city for such disconnection.

3. OWNERSHIP AND MAINTENANCE OF SERVICE CONNECTIONS:

- A. The domestic water service connection shall include the corporation stop or valve at the water main, the meter, the tubing or pipe to the customer's property, and the "shut-off" and appurtenances thereto at the customer's property line. Such service connection shall after installation by the customer and upon inspection and approval by the City, become the property of the city and shall be maintained by the city as such maintenance and replacements becomes necessary. If the customer should desire a service replaced with one of a different size, such service replacement costs shall be paid by the customer and thereafter the new service shall become the property of, be maintained by and replaced by the city.

- B. The fire service connection shall include only tapping sleeve and valve at the water main. Such service connection shall after being installed by the City Water Department become the property of the city and shall be maintained by the city as such maintenance becomes necessary.
4. CHOICE OF WATER MAIN FOR SERVICE: If there is more than one water main adjacent to the premises to be served, the city shall have the sole decision as to which main is to be tapped for service connection.
5. INSTALLATION SEPARATE FROM GAS, SEWERS, UNDERGROUND POWER AND COMMUNICATIONS LINES: Service connection between the water main and the customer's property line on into the customer's building shall be laid in a trench separate from gas trench, underground power trench, communication lines trench and sewer trenches in conformance with specifications of the city.
6. MULTIPLE METERS - SINGLE SERVICE CONNECTION: Single service connections for multiple meters may be made with the approval of the city when separate curb stops and/or valves can be installed which shall individually control the meters and service lines.
7. MAINTENANCE OF SERVICE LINES:
- A. Domestic service lines on the customer's property from the curb stop, valve or meter pit to the customer's point of use shall be installed, owned and maintained by the customer.
- B. Fire service lines from fire service connection valve to the customer's point of use shall be installed, owned and maintained by the customer including that portion on public or common rights-of-way.
8. PAYMENT FOR WATER LOST ON SERVICE LINE LEAKS: If a leak should develop on the customer's service line, the customer is responsible for the cost of all water lost due to the service line leak. After the customer's three (3) day notice of its intention, the City may discontinue service if the repair has not been made. In instances where the leak is extremely great, the City may discontinue service immediately. (See also Section 16-115 (2), APPARENT OR OBVIOUS UNATTENDED LEAKS.) EXCEPTION: Appeals regarding water service charges based upon water service line leaks may be granted by the City Administrator, or his designee. To administer the appeals, the City Administrator is authorized to adopt policies, standards and practices relating to adjustments to the monthly water user charges based upon the circumstances of the water leak.

SECTION 16-109 METERS:

1. SUPPLIER: The City shall provide the meters, the cost of which shall be included in the service connection charge (See Section 16-111). In special cases when the applicant is permitted to furnish a meter, such meter shall be in accordance with city specifications as to make and type. Meters supplied by the applicant shall be tested by the city.
2. METER SIZES:
- A. City Approval: Meter sizes necessary for various customer needs shall be determined by the applicant or his agent. The City of Spring Hill reserves the right to approve sizing of the meter based upon average instantaneous demands, average pressures or other pertinent data and information made available by the applicant.

- B. Limitation: For the purpose of regulating excessively high hourly demands on the water distribution system of the city during peak-demand period, a single-family residential customer shall be limited to a meter size at not more than one and one-half (1 ½) inches.
  - C. Maintenance and Replacement Costs: In all instances where meters are installed that are not in conformance with the city's specifications and/or approval, the customer shall assume all meter maintenance and replacement costs.
3. LOCATION OF METER: Meters shall be installed in meter pits or vaults at the customer's property line nearest the water main. Meters may be installed at alternate locations only with the approval of the City of Spring Hill.
- A. Access to Meter: The customer being served shall keep the meter accessible to city personnel at all times.
  - B. Requirement to Relocate: If due to changes or conditions within or to a building or area, the meter is no longer reasonably accessible, or is subject to freezing, or creates a safety or property damage hazard, the city may require the customer to move the meter to a more suitable location at the customer's expense.
4. METER HOUSING CONSTRUCTION: Meter pits and vaults subject to vehicular traffic or other abnormal loading must be constructed to withstand imposed loads. The city shall provide engineering standards for meter pits and vaults of various sizes.
5. OWNERSHIP OF METERS:
- A. Meters Owned by The City of Spring Hill: All meters installed in new service connections shall be city owned when the service connection has passed final inspection.
6. REPAIRS:
- A. Meters Owned by the City: If any water meter owned by the city is found not to be in accurate working order, such meter shall be repaired or replaced by the city at no expense to the customer providing the need for repairs, recalibration or replacement was not cause by negligence or abuse by the customer being served through such meter or by those under his control or direction in which case the cost of such repair, recalibration or replacement shall be paid by the customer.
7. AUTHORIZED HANDLING: No person except a duly authorized employee of the city, or other person duly authorized by the city shall set, change, remove, interfere with or by-pass any water meter.
8. TESTING: All tests and inspections of water meters shall be made in accordance with the procedure recommended by the American Water Works Association.
- A. Periodic Tests: The city shall make periodic tests and inspections of water in order to maintain a high standard of accuracy. If a meter is found to be defective and repair or recalibration is necessary, the city shall pay the costs of repairs or replace the meter.
  - B. Request Tests: In addition to the regular periodic tests, the city shall make a test of the accuracy of any water meter free of charge upon request of a customer; providing

1. The meter does not test within the standards recommended by the American Water Works Association.
2. If the meter does test within the standards recommended, then the customer will be charged the cost of the meter testing.
3. The meter has not been tested within twelve (12) months prior to such request.

**SECTION 16-110 EXTENSION OF WATER MAINS:** When anyone or any interest desires a water main to be extended to furnish water service to any property for residential, commercial or industrial user, he, they or it shall make application therefor and deposit with the City of Spring Hill an initial payment to cover the estimated cost of such connection, improvement or extension for water service, and sign and execute a Line Extension Petition Agreement with the city. If the city is prevented from completing construction within six (6) months from the date of the approval of the Petition Agreement by reason of the Petitioner's delay, then the city may either terminate the Agreement or may require an amendment to the Agreement to increase the initial deposit to offset any increase in pipeline construction costs.

1. SPECIFICATIONS:

- A. The size, routing and points of connection of the water main or mains and the material specifications shall be determined by the city based upon a consideration of the following factors: Provision of adequate service to prospective customers; possible and contemplated future extensions of the main to be installed; and fire protection needs existing or anticipated in the area to be served. If the city desires to make the extension with pipe of a size larger than that reasonably required to serve the area to which the main is being extended, then the additional cost of the larger pipe shall be borne by the city.
- B. The terminus of the water main or mains to be installed shall be a point on the far side of the property or the last Lot being served, unless a lesser distance shall be determined adequate by the Governing Body of the City of Spring Hill.

2. ESTIMATED COSTS:

- A. The total estimated cost of the proposed main extension shall include the cost of easements, pipe, fittings, valves, valve boxes, materials necessary to restore right-of-way, labor, construction equipment, tools, supervision, inspection, engineering, insurance, permits, accounting, other overhead expenses, and fire protection. The cost of fire protection shall be based on a cost per foot of main as determined by the City Engineer, in accordance with its experience records.
- B. After the installation of such main extension has been completed and all costs have been determined, if the actual cost thereof is less than the estimated cost, a refund of the difference shall be made to the Petitioner. If the actual cost thereof is greater than the estimated cost, the Petitioner shall make an additional payment to the City for the difference. Refunds on executed Petitions and Agreements will not be made until such additional payments have been made.

3. SPECIAL CONDITIONS:

- A. In instances where one side of a street is served by another water utility, one-half (1/2) the cost of the main extension shall be borne by the city.
- B. In instances where a "dead-run" is involved in a main extension, the cost of said "dead-run" is involved in a main extension, the cost of said "dead-run" shall be borne by the city. "Dead-run" shall be defined as follows: The footage required to extend the main along the side or front of a lot or building site already served by a Water District main or mains. The footage for which the city will bear the cost for any such "dead-run" as defined just above, shall be limited to a maximum footage of two hundred (200) feet.

4. REFUND ON EXTENSION DEPOSITS:

A. Until termination of the System of Refunds, the City shall make refunds to the Petitioner on Payments made for water main extensions by one of the following plans:

1. Plan A: During the period of ten (10) years following the date of the execution of the Contract for a Particular main extension, the City of Spring Hill will make refunds after October 1<sup>st</sup> for each service connection made under the Line Extension Agreement during the preceding year. Refunds will be made at the rate of Sixty Dollars (\$60) per service connection, per year for a period not to exceed five (5) years with the total amount of such refunds not to exceed the actual amount deposited under such Line Extension Agreement with a maximum limit of refund to Three Hundred Dollars (\$300) for each service connection. At the expiration of said ten (10) year period any monies remaining shall be forfeited to the city. A service connection shall be defined to be any service connection made to such main extension through which metered water is being delivered to a customer living in the house or occupying the building being served.
2. Plan B: When large diameter mains, twelve (12) inch or greater, are needed to be extended within the city for distribution of water in the development of land areas beyond existing developed areas and which will include ultimate development of the intermediate land areas, the Governing Body may in lieu of refund provisions set forth above enter into special agreement for the construction of such mains with equitable provisions for refund of all or a portion of the cost of such mains other than those set forth in Plan A.
3. Plan C: When the Petitioner for a main extension advances the cost of a water main, less than twelve (12) inches in diameter, in front of or adjacent to property owned by other persons which may be served by the particular main extension, the city shall determine the properties that may be served, and shall collect from persons subsequently making service connections to the particular main extension the pro-rata share of the cost of the main extension and shall refund the monies so collected to the original Petitioner. The pro-rata share shall be determined by the City on the basis of either front foot costs, area costs or the number of customers served for a particular main extension. This plan may be used in lieu of the preceding Plan A.

5. LIMITATION ON REFUNDS: The sum of the refunds made by the city shall in no event exceed the amount deposited with the city for extension.

6. TITLE TO EXTENSION: An extension made under these Rules shall be and remain the property of the City of Spring Hill.

7. RIGHT TO FURTHER EXTEND: The city reserves the right to further extend the water mains from and beyond each water main extension made under these Rules. The applicant making a deposit for an extension shall not be entitled to any refund for the connection of a customer to any further extension.

8. SYSTEM IMPROVEMENTS: Nothing herein contained shall be so construed as to prohibit the city from installing at its expense transmission, fire and reinforcing mains.

9. SPECIAL AGREEMENTS: Nothing herein contained shall be so construed as to prohibit the city from entering into an agreement under special conditions in which the Petitioner contributed the entire cost of the extension.

10. EXECUTION OF AGREEMENTS: The Mayor shall have the authority to approve and execute the Line Extension Agreements on behalf of the City of Spring Hill, after approval of the Governing Body.

**SECTION 16-111 SYSTEM DEVELOPMENT CHARGE:**

1. For every new Service Connection Application received on and after July 25, 1983, such new service connection shall be subject to a System Development Charge for the cost of additional investment required for the development of water supply, treatment and transmission facilities.

A. **PURPOSE.** A systems development charge is imposed for the purpose of creating a source of funds to assist in paying for the installation and construction of increased capacity in public facilities. This charge shall be collected at the time of development of properties that contribute to the need for extra capacity facilities.

B. **DEFINITIONS.** As used in this resolution, the following words and phrases shall mean:

- 1) **DUPLEX** – A building arranged, intended or designed for occupancy by two families.
- 2) **DWELLING UNIT** – A permanently located building, or portion thereof, designed exclusively for residential occupancy, including single family, duplex, multi-family and mobile homes, but not hotels or motels.
- 3) **EXTRA CAPACITY FACILITIES** – Improvements to the public facilities of the city that provide increased capacity to serve new or expanded development as distinguished from replacement or restoration of facilities that have or may become worn or obsolete.
- 4) **MOBILE HOME** – A residential structure, assembled in total or in not more than three sections at a factory, and transported over the road by truck or temporary wheel carriage to its destination.
- 5) **MULTI-FAMILY DWELLING UNIT** – A building or portion thereof arranged, intended or designed for occupancy by three or more families on a rental or lease basis and community referred to as a triplex, fourplex or apartment building.
- 6) **NON-RESIDENTIAL USES** – Included are commercial uses, (those business, retail, institutional, governmental, office and/or professional activities which provide products and service to individuals, business or groups) industrial uses (those activities which are predominantly engaged in the assembly, finishing, processing, packaging, and/or storage of products), and irrigation systems.
- 7) **RESIDENTIAL USES** – A dwelling unit or dwelling units.
- 8) **SINGLE FAMILY DWELLING UNIT** – A detached building arranged, intended or designed for occupancy by one family.
- 9) **SYSTEMS DEVELOPMENT CHARGE** – A charge levied on development to provide revenue to finance extra capacity facilities.

C. **SYSTEM DEVELOPMENT CHARGES TO BE ESTABLISHED BY RESOLUTION.**

System Development Charges shall be established by resolution in the following categories:

Residential Uses

Single-family dwelling unit

Each duplex & mobile home dwelling unit  
Each multi-family dwelling unit

Non-Residential Uses (Based on Meter Size)

5/8 inch  
1 inch  
1½ inch  
2 inch  
3 inch  
4 inch

2. The purchase of water meters and water service in the City of Spring Hill, Kansas shall be established by resolution.

The cost of the water meter shall include the water meter, meter well and all fittings, but not the installation thereof.

3. WATER METER INSTALLATION: The City of Spring Hill, Kansas, upon payment of the water meter charge as provided in Paragraph 2 shall issue a water installation permit which shall allow the installation of the water meter to the specifications of the City and water service shall not commence until the meter installation has been inspected and approved by the City. All costs of meter installation shall be at the cost of the customer.
4. On multiple-metered service connections, the System Development Charge shall be based upon the size of the supply pipe or branch to the individual meter. Service connection sizes greater than four (4) inches shall be reviewed individually and the charge determined by the city.
5. The System Development Charge shall be refunded if delivery of new service materials has not been requested and the new service installation has not been made within twelve (12) months from the date of the service connection application, or if, for any other reason, the service connection application has been canceled. Upon later reapplication for a service connection, the applicant shall pay the appropriate System Development Charge, according to the applicable schedule of System Development Charges then in effect.

SECTION 16-112 CROSS-CONNECTIONS:

1. PROHIBITION: No person, company, corporation or institution shall establish or permit to be established, or maintain or permit to be maintained, any cross-examination or and other condition which might lead to the contamination of the regular public water supply of the City of Spring Hill. Any connections to private, auxiliary or emergency water supplies and the method of connection and the use of such supplies shall be approved by the Governing Body of the City of Spring Hill and by The Kansas Department of Health and Environment. (See Definitions: Cross-Connections) K.S.A. 65-1636
2. RESPONSIBILITY OF CUSTOMER: It shall be the duty and responsibility of each, every and all water customers, whether they be owners, lessees or merely occupants of any property served by the city, that have any private, auxiliary or emergency water supply used or useful on such property to furnish the city all pertinent information as to such private, auxiliary or emergency water supply, and the Water Superintendent of the City or his (or its) duly authorized representative shall have the right to enter at any respectable time any property served by a connection to the distribution system of the city for the purpose of inspecting the pipe system or systems thereof. The failure or refusal of any water customer to give and furnish such information shall within the discretion of Water Superintendent be deemed sufficient cause to assume the presence of improper connections as hereinbefore stated in this Section.

3. INSPECTIONS: The Director of Public Works of the City of Spring Hill shall have authority and may at any time cause surveys and investigations to be made of any property or properties served by the City's public water supply where private, auxiliary or emergency water supplies are known to exist or where such supplies are likely to exist. Said Water Superintendent shall also cause surveys and investigations to be made of all properties where piping installations are likely to exist that may result in the contamination of the water supply of the city. Such surveys and investigations shall be made a matter of city record, and shall be repeated as often as the Water Superintendent shall deem necessary or advisable.
4. DISCONTINUANCE OF SERVICE: The Director of Public Works of the City of Spring Hill is authorized and directed to discontinue in his own discretion with or without notice the water service to any property whereon any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary or advisable to eliminate any danger of contamination of the city's public water supply. Water service to such property shall not be restored until such connections or connections shall have been eliminated or corrected, in compliance with the provisions of this section. Attention is called to Section 65-163, 163a and 163b, Kansas Statutes Annotated.

#### SECTION 16-113 COMPLAINTS:

1. INVESTIGATIONS: Upon complaint to the City of Spring Hill by customers, either at its office or in writing, the management shall make or cause to be made prompt and complete investigation and it shall keep a complete record of all substantial complaints which shall show the name and address of the complaint, the date and nature of the complaint or complaints and the adjustment or disposition thereof.
2. DELAY IN PAYMENT OF DISPUTED BILL: A delay not to exceed thirty (30) days in the payment of a disputed bill may be granted the customer who having complained to the City Hall of the City of Spring Hill, did not in his opinion receive satisfactory adjustment; provided, he then by written request within ten (10) days following such complaint to the City Hall states the basis of his objection and his intention to appear before the Governing Body of Spring Hill at its next regular scheduled meeting. The bill in dispute shall not be subject to collection charges or the service subject to "turn-off" until after the hearing and decision by the Spring Hill Governing Body.
3. APPEAL PROCEDURE: Disposition by the City Administrator of customer complaints, the interpretation or application of any of the Rules and Regulations herein or customer objection to any of the Rules and Regulations may be appealed and presented to the City Governing Body by stating such objection in writing by mailing or delivering the same to the City Clerk of the City at the City Hall of the City and otherwise complying with the appeal procedure as is set out in Section 16-115.

#### SECTION 16-114 DISCONTINUANCE OF SERVICE BY THE CUSTOMER:

1. NOTICE: Prompt notice must be given the city when the premises are to be vacated or there is a change of owner, occupancy or agent. The customer may have service discontinued by giving at least twenty-four (24) hours' notice to the city during its Business Hours. Final bill for service shall become due and payable at once.
2. TEMPORARY DISCONTINUANCE OF WATER SERVICE: A customer may request temporary discontinuance of water service. If the water service connection provides water for normal domestic household needs, it shall be subject to the normal charge as specified on the water rates schedule during such period of discontinuance. See Section 16-107 (3).

3. CHARGE FOR RESTORATION OF SERVICE: If a customer requests temporary discontinuance of the water service provided for normal domestic household needs, a restoration charge will be made upon resumption of water service. The charge is established by resolution.

SECTION 16-115 SUSPENSIONS, DISCONTINUANCE AND REFUSAL TO SERVE:

1. The City of Spring Hill may refuse to serve an applicant or, after due notice has been given discontinue or suspend water service to a customer under the following conditions and circumstances:
  - A. If the applicant or customer has knowingly failed to comply with the Rules and Regulations of the city in force and effect.
  - B. If the intended use of the service is of such a nature that it will adversely affect the normal service to any existing customer.
  - C. If in the best judgment of the Director of Public Works the applicant's or customer's installation for utilizing the service is hazardous or of such a nature that satisfactory service cannot be rendered.
  - D. If the service connection installation has not been approved by the city.
  - E. If the application or customer has not made the required security deposit in full.
  - F. If any amount is due the city for water service, maintenance or job work of any nature at any location.
2. APPARENT OR OBVIOUS UNATTENDED LEAKS: Whenever any city water employee shall find indication through inspection, consumption record comparisons or otherwise, that water is flowing through metered service to a premise at such a rate as might be or obviously is causing substantial waste, loss or damage to the premises, or any other form of unintended consumption by the customer, and there is apparently and presently no occupant or other person with authority to enter the premises to investigate or remedy the apparent or obvious leak, the city may but is not obligated to shut off service to the premises. If a city water employee or agent discovering the condition determines that the leak is obvious, the water service may be shut off immediately and thereupon a written notice of the leak shall be posted upon the main or front door of the premises which will include notification that water service has been temporarily suspended to avoid further loss, damage or unintended consumption due to an unattended leak and that service will be resumed promptly upon request. If no occupant or other person with authority to enter the premises can be found after discovery of an apparent leak, the city may cause a written notice of an apparent leak to be posted upon the main or front door of the premises which will include notification that the water service will be shut off within twenty-four (24) hours of posting if an occupant or other person with authority to enter the premises does not notify City Hall not to suspend service. Without such notification within twenty-four (24) hours, the city may then suspend service by simultaneously posting a second replacement notice upon the same front or main door of the premises that water has been temporarily suspended to avoid further loss, damage or unintended consumption due to a possible unattended leak and that service will be resumed promptly upon request. Nothing herein shall impose the duty or obligation upon the city to suspend service regardless of the existence of an obvious or apparent leak. Neither shall the city be liable for any damage or loss sustained by any customer or other person for either failure to suspend service or for suspension of service, regardless of whether a leak did or did not actually exist.
3. UNAUTHORIZED WATER USE: The City of Spring Hill may discontinue service immediately without benefit of notice if any employee discovers any use of water which is bypassing the

appropriated metering device or will otherwise escape the application of the applicable rates of charge for its use to the appropriate account.

4. THEFT OF WATER: No person or company shall have the right to connect to The City of Spring Hill's water mains, service connections or fire hydrants nor the water on or off from any premise or pipe line without the express written consent of the city. Attention is called to Sections 19-2621 and 2622 of the Kansas Statutes Annotated making this a criminal offense. The city to protect itself against an increase in its operating expense or loss of revenue through theft of water by customers may discontinue service at once upon discovery of such conditions and in addition physically sever the service if deemed necessary. Any arrangement of pipe or tampering with the meter which will allow the passage of water to the premises of the customer without registering the amount of such flow on the meter and which condition is reasonably evident may be regarded as theft of water. Before restoring service to the offender, the city may require reasonable safe-guards against a recurrence of the offense and may collect payment sufficient to cover actual or reasonably estimated lost revenue plus the expense incurred by the city in having the conditions corrected. The amounts involved shall be determined by estimates on the basis of records and evidence disclosed.
5. METHODS: Normally, discontinuance of water service will be by turning off the meter or by removing the meter. In those instances wherein the water service to a customer has been discontinued for violation of the City of Spring Hill's Rules and Regulations and the customer has restored service without permission, the city may disconnect the service connection.
6. REFUSAL TO RESTORE SERVICE: When water service has been discontinued by any method because of default in payment of charges due the city or violation of a Rule or Regulation by the customer the city shall not restore service until the reason for the default or violation has been corrected.
7. CHARGES FOR RESTORATION OF SERVICE: When the default or violation has been corrected, the city shall restore water service. If it is necessary to reconnect a service connection, the customer shall pay a fee for each time it has been necessary for city personnel to visit the site to disconnect or or lock up the meter. The charge for restoration of service shall be established by resolution.
8. RIGHT OF APPEAL: When an applicant or customer is refused service or upon termination of service under any provisions of these Rules and Regulations, the City Clerk shall notify such applicant or customer promptly in writing of the reason for the refusal to serve, citing the Rules and Regulations violated or for which there has been non-compliance, such notice to be mailed to the applicant's or customer's last known mailing address. Such notice shall also inform the applicant or customer of the right of appeal to the City of Spring Hill Governing Body of the decision to refuse service pursuant, to the appeal procedure as set out in Section 16-116 paragraph 1.

#### SECTION 16-116 APPEAL PROCEDURE:

1. GENERAL APPEAL PROCEDURE: Disposition by City Staff of customer complaints, rulings and hearings, the interpretation or application of any of the Rules and Regulations herein, or customer objection to any of the Rules and Regulations may be appealed and presented to the Governing Body, City of Spring Hill by stating such objection in writing and mailing or delivering same to the City Clerk of the City at the City Hall. Except for objections to the provisions of any Rule or Regulation, or the interpretation or administration of such Rule and Regulation, an appeal from the disposition of a customer complaint or ruling on a council hearing shall be mailed or delivered to the City Clerk within sixty (60) days of the council disposition of such complaint or ruling on a council hearing. Upon receipt of such written notice of appeal, the City Clerk shall schedule the hearing of such appeal before the Governing Body no later than the next regular meeting of the City Council occurring after the expiration of ten (10) days from the receipt of such written appeal. The City Clerk shall send written notification of the hearing date of the appeal by mail to the customer's or applicant's last

known address at least five (5) days prior to such hearing date. At the hearing the customer or applicant may appear in person or by agent or counsel, and may present witness or other evidence to support the complaint. The city may also present a response and evidence thereon at the conclusion of the customer or applicant's presentation and evidence. The decision of the conclusion of the hearing or within ten (10) days, and any delayed decisions shall be in writing and mailed to the customer or applicant within ten (10) days of the conclusion of the hearing to the customer's or applicant's last known address. However, nothing herein shall preclude the Governing Body of the City of Spring Hill from changing or modifying its decision at any time with respect to changes in the Rules and Regulations for the interpretation or administration of the Rules and Regulations. Pending the hearing and disposition of any appeal timely filed, no discontinuance of water service and no delinquency charge shall be imposed upon the appealing customer or applicant until final decision of the appeal by the Governing Body of City of Spring Hill.

2. APPEAL PROCEDURE - CONSERVATION AND EMERGENCY WATER SHORTAGE RULES: Any customer, or any governing body of a distribution area being furnished wholesale water by the city may appeal the substance, form, classification or enforcement of Section 16-103, paragraph 3 number 3 (CONSERVATION OF WATER) or Section 16-103, paragraph 4 (EMERGENCY WATER SHORTAGES) by delivering a written Notice of Appeal to the Office of the City Clerk of the city of Spring Hill at the principal office of the City. Upon receipt of such written notice of appeal, the city clerk, or the person in charge of the city office at that time shall schedule the hearing of such appeals before City Administrator and at least one (1) other council person of the City of Spring Hill no later than 8:00 p.m. of the following day, unless the customer appealing or his designee delivering the written objection to the City Hall consents to such later hearing. The person delivering such objection shall then be immediately notified of the time and place for the hearing. At the hearing the customer or other appellant may appear in person or by Agent or Counsel, and may present witness or other evidence to support the complaint. The city shall furnish an employee to record the proceedings. The City may also present a response and evidence thereon at the conclusion of the customer's or other appellant's presentation and evidence. The decision of the council shall be rendered at the conclusion of the hearing. Such ruling shall be controlling and subject so enforcement as herein provided until and unless the ruling is reversed by the Governing Body of the City of Spring Hill at a duly convened Regular or Special Meeting after consideration of the record. Such review by the Governing Body may be obtained within one (1) week of the original hearing by a written request for such review filed by the customer or other appellant in the same manner as the original notice of appeal. However, nothing herein shall preclude the Governing Body from changing or modifying the effect of its decision at any time by adopting Amendments to the aforementioned Emergency Rules and Regulations. Pending the hearing and disposition of any appeal, the discontinuation of water service may be imposed by the city consistent with its good faith interpretation of the provisions of paragraphs number 3 and number 4 of Section 16-103.

#### SECTION 16-117 PUBLIC RECORDS:

1. POLICY STATEMENT: It is the policy of the City of Spring Hill that except as otherwise provided in these Rules and Regulations and subject to the restrictions imposed by the Kansas Open Records Act. (K.S.A. 1984 Supp. 45-205, et seq.) all public records of City of Spring Hill shall be open for inspection by any person as provided by said Act.
2. AVAILABILITY: Records may be inspected at the City Hall of the city at 401 N. Madison, Spring Hill, Kansas regular Business Hours as defined in Section 16-102. No inspection will be originated at any other office or facility of the city. The protection of public records from loss, damage or disorganization, and the prevention of disruption of the city's functions shall be paramount. The custodians may refuse to provide access to or to permit inspection of a public record if a request places an unreasonable burden or an unreasonable risk of loss or damage to the record or an unreasonable risk of disruption of the record keeping system.

3. DESIGNATION OF CUSTODIANS: The City Clerk is appointed as official Custodian of all city records and as such shall receive, process and coordinate all requests for access to public records. The custodian shall designate and appoint such deputy custodians as he deems necessary or expedient. Each deputy custodian shall have such duties and powers as delegated by the Custodian, but such delegation shall be consistent with the objectives, duties and powers as provided in the Kansas Open Records Act and this Rule.
4. FACILITIES FOR INSPECTION: Suitable facilities at the principal office of the City Hall, 401 N. Madison, Spring Hill, Kansas, shall be provided for the use of any person desiring to inspect or copy an open public record. Requesters of records at other facilities of the city shall be referred to the City Hall, City Clerks office. Records maintained at other facilities only shall be copied and transmitted to the principal office in response to requests. Records that cannot be copied as a practical matter may be transmitted to the principal office for inspection, or, at the discretion of the Custodian, the requester may be referred to the facility where the record is maintained or is presently located to conduct such inspection. No such referral will be made without application and processing at the City Hall.
5. PROCEDURE FOR ACCESS: The following procedures shall be applied by the Custodian and each deputy custodian with respect to each record and request for inspection or copying.
  - A. The Custodian and all deputy custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records consistent with the duties and procedures established by the Kansas Open Records Act.
  - B. The Custodian shall adopt and apply such further procedures as will ensure the protection and preservation of public records with respect to the manner in which such records are inspected and copied.
  - C. All persons requesting inspection or copying of open public records must make such request in writing and include their names, addresses and a reasonable description of the record they desire to inspect or copy. The Custodian shall provide a form for the requester's convenience. Requests by corporations or other entities which are not individual persons shall designate the name and capacity of the officer, employee, partner, or other agent of such entity and shall be signed by such requesting representative.
  - D. The Custodian and all deputy custodians shall take such necessary measures as are required to provide full public access without disruption to the essential functions of the city's office, procedures, officers and employees.
  - E. All inspections and copying of open public records shall be performed by or under the supervision of the Custodian or deputy custodian responsible for such records.
  - F. Reasonable identification of any person or representative requesting a record may be required by the Custodian and deputy custodians.
  - G. The Custodian shall prescribe reasonable fees for providing access or furnishing copies of public records which do not exceed the actual cost, including the cost of staff time required to make the information available. The Custodian or any deputy custodian may exercise personal discretion to reduce or waive any fee when such is in the public interest or for the convenience or best interest of the city. Fees may be collected at the time the application is made.
  - H. Copies of open public records requested by mail or telephone shall not be allowed except where a request by mail contains all of the information and signature as required on a request form and there is no fee charged for such requested copy or the fee is waived. Where a mailed request is otherwise adequate but a fee is to be charged for furnishing the requested record,

the responding custodian shall furnish the requester the appropriate form by mail and shall designate on the request form the fee to be charged for furnishing the record copy. The requester shall then re-submit the filled out and signed request form together with the designated fee. Upon receipt of the request form and payment of the fee, the responding custodian will then process the request. The Custodian may designate particular documents that will not be copied and furnished upon mailed request but will be furnished only upon request in person.

- I. Each request for access shall be acted upon as soon as possible, but not later than the end of the third business day following the date of the written request. If access cannot be granted within three (3) working days, the requester will be given a day, time and place that the record will be made available.
- J. A copy of this Rule and Regulation, as well as any other inspection and copying procedure promulgated by the Custodian, shall be made available to the public at the facility provided for the processing of requests.
- K. Mechanical reproduction of a record shall not be undertaken when, in the judgment of the Custodian or deputy custodian, that any available means of reproducing the subject record is likely to cause damage to such record.
- L. If an open public record partially contains material not subject to disclosure under the Kansas Open Records Act, the Custodian or attending deputy custodian shall separate or delete such material and make available to the requester only that part which is subject to disclosure. If the record refers to an identifiable individual, the Custodian shall delete the identifying portions of the record, including such information that would lead to identification or otherwise permit ascertainment of identification, and make available the remaining portions which are subject to disclosure.
- M. The custodians shall not disclose any records or information not required to be disclosed as provided in K.S.A. 1983 Supp. 45-211. The custodians shall be particularly attentive to prevent disclosures of the subject matter relating to security information on City facilities and to lists of identifiable residential customers.

6. DENIAL OF REQUESTS: The custodians shall deny requests for inspection and copying where the requested record is not required to be disclosed by the Kansas Open Records Act. The custodians may also deny requests where disclosure would create an unreasonable burden upon the city or where the request was made with the intent to disrupt the functions or procedures of the city or its employees' performances. Denials of disclosure shall be in writing delivered to the requester. The custodians will also document for the city records, which shall also be available to the requester, the specific provision of the Kansas Open Records Act that authorizes the denial and the basis for a conclusion that the request was made with the intent to disrupt, including the number and dates of repeated requests and designation of the essential functions that would have been disrupted. Denials shall be furnished to the requester not later than the end of the third business day following submission of the request.

#### Appeal Hearing

1. Presentation by City Administrator or designated alternate of grounds for termination notice.
  - A. Introduction of billing statements as exhibits.
  - B. Introduce all correspondence as exhibits.
2. Cross examination by Appellant.
3. Evidence by Appellant.
4. Cross examination by staff and City Attorney and later further questions by council members.
5. Rebuttal by staff.
6. Closing statements.
  - A. Staff
  - B. Appellant
  - C. Staff
7. Issue defined by City Attorney
8. Executive session by City Governing Body for deliberations, if needed.
9. Announcement of decision or the taking of the appeal under further advisement.