

## Water Ordinance 2012-1

### ORDINANCE NO. 2012-1

AN ORDINANCE REPEALLING ORDINANCE NO. 56 AND ESTABLISHING THE RULES AND REGULATIONS PROVIDING FOR THE CONTROL AND OPERATION OF THE CITY WATER WORKS SYSTEM FOR THE CITY OF MANCHESTER, KANSAS INCLUDING THE INSTALLATION OF METERS; OPERATION OF THE SYSTEM; AND PROHIBITION OF CERTAIN ACTS DECLARED AS MISDEMEANORS.

Now, Therefore, Be it Ordained by the Mayor and Council of the City of Manchester, Kansas,

#### Section 1. Engineer.

The Mayor and Council shall appoint a water works engineer whose duty it shall be to have charge of the pumping station of the City waterworks and to operate the same under the direction of the Mayor and City Council. The engineer shall serve at the discretion of the Mayor and Council and receive such salary for services as shall be mutually determined.

Section 2. Regulations. The furnishing of water to customers by the City through its waterworks system shall be governed by the regulations set out in this ordinance. The rules, regulations and rates herein mentioned and fixed shall be considered a part of the contract with every person, firm or corporation supplied with water by the water works system of the City of Manchester, and every person, firm, or corporation applying for and using such water shall be held to the terms of the ordinance and shall be considered as consenting to these terms by submitting an application for water or continuing to use the City's water system.

Section 3. Meters: Ownership; Testing Fee. All water furnished to customers shall be metered, and the meters installed shall be owned and maintained by the City. Any consumer desiring to have a meter tested shall make application to the City Clerk accompanied by a fee of \$10.00. If the meter is found defective, the fee shall be returned. If the meter is found to be correct, the applicant shall forfeit the testing fee.

Section 4. Tapping by City. The water mains and pipes of the City of Manchester shall be tapped only by its officers or employees. The City, by its officers and employees, shall install all service pipes from the mains to the property line, meters and curb cocks, and shall make all excavations in the public streets which shall be necessary in the premises. The costs of making such connections, as established by City ordinance, shall be paid by the applicant.

Section 5. Rates; Reinstatement Charges; Accounts. The City shall furnish water to consumers only upon metermeasure in accordance with the rates and terms established by ordinance. The ordinance shall also establish the terms of payments and late fees.

Whenever the City receives a request from a customer for termination of water service a disconnection charge of \$50.00 shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the

delinquent bill, interest penalty thereon, and a reconnection charge of \$50.00.

Water accounts will be carried in the name of the owner of the property supplied; provided that such accounts may be carried in the name of tenants when a deposit of \$50.00 is made and maintained to secure the payments of said accounts.

Section 6. Utility Deposit. At the time of making application for water service, the property owner or customer may be required to make a deposit established by the City to secure payment of accrued bills due upon discontinuance of service.

Section 7. Rules. The following miscellaneous rules shall be applied:

Rule 1. Service connections shall be made in the numerical order in which applications for service are made to the City Clerk and shall be completed within a reasonable time as determined by the City Council. Payments for making connections shall be made after completion of the work.

Rule 2. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the City abutting on any street, alley, or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main. Prior to making connection, an application must be made to the City Clerk upon the form established by and available from the City. The fee designated for such service by the City shall accompany the application. The City Clerk shall file applications with the City Treasurer on the first day of each month and pay to the City Treasurer all money collected for such applications at that time.

Rule 3. All users of water shall install attachments and appurtenances necessary to carry the water from the property line at their own expense. All such attachments and appurtenances shall be kept in good repair, be open to inspection by the City and be of sufficient strength to withstand a hydrostatic pressure of 200 pounds per square inch.

Rule 4. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the water works engineer.

Rule 5. Water shall not be turned into any house, building or private service line except by authorized employees of said City or written order of the Mayor and City Council. Plumbers are prohibited from turning water into any service pipes except in accordance with such an order.

This rule shall not prevent any plumber from admitting water for testing purposes only.

Rule 6. Any inspector or authorized agent of the City Council shall have access at all reasonable hours to the premises supplied with water for the purpose of making any desired examination of the plumbing or water fixtures installed or anything that is in connection with the use of water.

Rule 7. The City reserves the right at all times to shut off the water mains for the purpose of making repairs, extensions, and any other purposes it deems necessary.

Rule 8. The City will not be responsible or liable for any damage by reason of collapse or explosion of any plumbing, fixtures or other water appliance caused by the shutting off of the water supply.

Rule 9. The City does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains are in good working order, and the supply of water is sufficient for the usual demand of its consumers.

Rule 10. It is hereby expressly stipulated between the City of Manchester and all water users that no claim shall be made against the City on account of the breaking or bursting of mains or service pipes or attachments of the City water works system, or for any accidental failure of the supply of water.

Rule 11. For the purposes of fire protection, on April 1st of each year the City shall pay into the water works fund \$5.00 for each city hydrant or fire plug.

Rule 12. The City Clerk shall provide suitable books for keeping accurate accounts of all funds received and expended in connection with the water works system. The City Clerk shall also prepare a quarterly report of receipts and expenditures for the Mayor and Council.

Rule 13. Any person desiring to discontinue the use of City water shall provide the City Clerk written notification. No user shall be relieved of liability to pay for water until such notice has been served.

Rule 14. Pursuant to the City's constitutional home rule authority and K.S.A. 65 163a, the City by its water works engineer may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system. The City may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the engineer may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the engineer, an emergency danger of contamination to the public water supply.

Rule 15. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter, in good condition at their own expense. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has passed through the meter. Every customer shall, however, have the right to appeal to the City from water bills or meter readings considered excessive.

Section 8. Misdemeanor; Specifically Prohibited Actions. Anyone convicted of violating this ordinance shall be guilty of a misdemeanor punishable by a minimum fine of \$100 and up to a maximum fine of \$500 per violation. Convicted offenders shall also be subject to court costs as established by City ordinance. Whenever any of the adopted rules are violated, the City shall have the right to shut off the water supply of the person guilty of such violation. Water services shall not be reinstated without the written order of the City Council and only upon payment of all imposed fines, court costs, outstanding balances and the established reconnection fee.

The following actions are specifically prohibited by this ordinance:

It shall be unlawful for any person to use or take, or to authorize the use or taking of, water from any part of the City's water works system without a license or permit authorized by the City.

It shall be unlawful for a person or owner to take water from the City water system to use for another property or residence outside the City limits of Manchester.

It shall be unlawful for a person or owner to supply water to other persons, families other entities except under emergencies circumstances for a very limited time.

It shall be unlawful for any person, firm or corporation, other than the authorized employees or officers of the City, to tap any of the water mains of the City of Manchester,

It shall be unlawful for any person, firm or corporation, unless authorized by the City in writing, to install, alter or change the installation of any water connections, meters, service pipes, curb-cocks between the mains and the property line of the users of City water unless such person is employed by the City.

It shall be unlawful for any person, firm or corporation, unless authorized by the City in writing, to perform any work upon the pipes or appurtenances of the City's waterworks system beyond a private property line unless such person is employed by the City.

It shall be unlawful for any person, firm or corporation, unless authorized by the City in writing, to open or hitch to, dig out, cover up, or remove any fire plug, or hydrant stop-cock, valve, valve box or other fixture appertaining to the water works system unless such person is employed by the City.

It shall be unlawful for any person, firm, or corporation, other than duly authorized City officials or employees, to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner.

It shall be unlawful for any person, firm, or corporation, other than duly authorized City officials or employees, to remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the City.

It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the City may be used or wasted without being metered.

It shall be unlawful for any person to establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply, other than the regular public water supply of the City, may enter the supply and distributing system of the City without written approval of the City and the Kansas Department of Health and Environment.

Section 9. Prima Facie Evidence. That at the time of the official closing of any water service by the City or its agent, it is hereby made the duty of the water works engineer or other City official, to record in the City's water book the exact registration of the meter when such closing was made. Any additional registration on such meter shall be prima facie evidence of the violation of this ordinance. This ordinance shall be not be construed as to interfere with any officer or agent of the City in properly discharging official duties.

Section 10. Repeal; Effective. This ordinance serves to repeal and replace the City of Manchester Ordinance No. 56. This ordinance shall be in effect from and after its passage, adoption and publication in the Abilene Reflector Chronicle.

PASSED AND ADOPTED THIS 09 DAY OF 2012. THIS ORDINANCE WILL TAKE EFFECUT UPON ITS PUBLICANTION.

MARVIN FLORA  
MAYOR

ATTEST:  
MARGARET JAMISON  
City Clerk

(Seal)