

## ORDINANCE NO. 2019-01

### AN ORDINANCE OF THE CITY OF FRONTENAC, KANSAS, ESTABLISHING RATES AND MINIMUM CHARGES FOR WATER AND SEWER SUPPLIED TO RESIDENCES AND BUSINESSES AND REPEALING ALL PREVIOUS WATER AND SEWER ORDINANCES ESTABLISHING RATES AND MINIMUM CHARGES.

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

#### **Section One.**

All prior Ordinances establishing water and sewer rates and charges by the City of Frontenac, Kansas are hereby repealed. Specifically, City of Frontenac Ordinance 2018-01 is hereby repealed after January 7, 2019.

#### **Section Two.**

For purposes of this Ordinance "utility services" shall be for water and sewer service charges and all applicable and authorized additions and penalties with respect thereto.

#### **Section Three. Billing**

All billing for utility services shall be due and payable at the office of the City Clerk of Frontenac, Kansas on the 20<sup>th</sup> date of each month and must be paid in full by the 23<sup>rd</sup> day of that month after which date is shall be considered delinquent. A charge of 10 percent penalty will be added to said bill for utility services on the morning of the 23<sup>rd</sup> day of the month if said bill is unpaid at the close of business on the 22<sup>nd</sup> day of the month, unless the 22<sup>nd</sup> day of the month falls on a Sunday or Holiday, in which instance the next regular business day shall apply.

#### **Section Four. Delinquency**

A delinquency and termination of written notice shall be issued on the 24<sup>th</sup> day of the month or next business day if the 24<sup>th</sup> falls on a Sunday or Holiday, with respect to any delinquent and unpaid utility service bill and said delinquency and termination notice shall provide the customer with the following information, to-wit: (1) the amount due including all applicable penalties and additions with respect to the unpaid utility service bill; (2) notice that service will be terminated and disconnected within 5 days. Such notice shall be deemed sufficient if delivered personally to the utility services customer or placed or posted near the door of the residence or posted in mail, and a \$5.00 notice charge shall then be added to the bill. Termination of service will occur for unpaid account balances of \$10.00 or greater.

#### **Section Five. Establishing Service**

Any customer establishing utility services, after the date of enactment of this Ordinance and living in a rental home, shall be required to pay a deposit of \$100.00 to be paid to the City of Frontenac. This deposit will be associated with the account for the life of the account. This deposit may be partially refunded, when service is discontinued, after first being applied to a final bill. In the event it is necessary to cut or excavate the street and or alleyway to establish service, the cost shall be Four Hundred Dollars (\$400.00).

Each initial and final bill for a customer will be pro-rated if necessary. **No service will be established or re-established at a residence where an individual who has financial obligations with the city resides or at a business which they own.**

#### **Section Six. Water Rates for Residences and Businesses**

The following rates and minimum charges for water service provided to residences and businesses shall be as follows:

**RESIDENCES WITHIN THE CITY LIMITS OF  
THE CITY OF FRONTENAC, KANSAS**

- A) For all water consumed not in excess of two thousand (2,000) gallons per month, the minimum charge shall be \$17.53
- B) For each one hundred (100) gallons per month above the minimum of two thousand (2,000) gallons, the additional charge per hundred (100) gallons shall be \$.50

**RESIDENCES OUTSIDE THE CITY LIMITS  
OF THE CITY OF FRONTENAC, KANSAS**

- C) For all water consumed not in excess of two thousand (2,000) gallons per month, the minimum shall be \$22.48
- D) For each one hundred (100) gallons per month above the minimum of two thousand (2,000) gallons, the additional charge per hundred (100) gallons shall be \$.60

**BUSINESSES**

- E) For all water consumed not in excess of two thousand (2,000) gallons per month, the minimum shall be \$22.94
- F) For each one hundred (100) gallons per month above the minimum of two thousand (2,000) gallons, the additional charge per hundred (100) gallons shall be \$.5

**Section Seven. Water Fees**

On and after the effective date of the Ordinance, the following charges shall be assessed:

- A) For all new meters installed, there shall be a \$300.00 service charge, plus materials and labor costs for the installment of said meter.
- B) A disconnection-reconnection fee of \$70.00 shall be applied when it becomes necessary due to non-payment or untimely payment.
- C) In addition to the above one-time meter charges, there shall be a monthly charge of \$6.83 per meter with said fees generated to be placed in the water utility fund.
- D) All customers will pay a monthly \$.50 Water Protection Fee. This fee is charged to the City of Frontenac by the State of Kansas.

**Section Eight. Infrastructure Improvement Funding**

To finance infrastructure improvements, the following rate increases are approved for future fiscal years:

FY2020	Water – 11 %	Sewer – 8%
FY2021	Water – 9%	Sewer – 8%
FY2022	Water – 5%	Sewer – 5%

**Section Nine. Sewer Rates**

Sewer rates are averaged based upon the water usage for the months of November, December, and January. If a customer feels this average does not accurately reflect their normal usage, a request can be made to recalculate usage based upon different months which staff believe reflect “normal usage”. New customers are charged for services based upon monthly water usage until it is possible to calculate an average for the months of November, December, and January.

On and after the effective date of the Ordinance, the sewer charges shall be:

### **RESIDENCES AND BUSINESSES**

- A) Minimum charge for a sewer per month shall be \$20.44\* for the first two thousand (2,000) gallons of water used.
- B) For each one hundred (100) gallons per months, above the minimum of two thousand (2,000) gallons, the additional charge per hundred (100) gallons shall be \$.35\*

For the purpose of this section each resident, multi-family residence, mobile home, apartment, motel/hotel, rooming house, or institution shall be assessed the minimum charge for sewer per month per each unit.

\*These rate increases are included as part of the Fiscal Sustainability Plan developed by Kramer Consulting, LLC, required by KDHE, and approved by the Frontenac City Council in 2017.

#### **Section Ten. Sewer Tap Fee, Miscellaneous Provisions, and Storm Water Fee.**

- a. The City shall establish a sewer tap fee of Two Hundred Dollars (\$200.00) for a standard main sewer tap. In the event it is necessary to cut or excavate the street and or alleyway then the cost shall be Four Hundred Dollars (\$400.00). The City requires that all new and replacement sewer taps be performed by a licensed plumber and the City reserves the right to inspect the same. The City of Frontenac is not responsible for sewer taps, the sewer taps remain the responsibility of the property owner.
- b. The City will assess each customer a monthly \$1.00 Storm Water Fee. The fee's purpose is to provide funding for drainage improvements within the City.

#### **Section Eleven. Abnormal Utility Usage**

- a. When a *non-visible* leak occurs at a residence or business, a customer may request an adjustment one (1) time per twelve-month period. The leak must be documented as *non-visible* by a licensed plumber or city employee. An average water consumption total for the (3) three months of preceding will be utilized to obtain a base upon which the user charge will be computed.

#### **Section Twelve. Collection Fees**

The City of Frontenac reserves the right to assess against any customer the costs associated with the collection of any unpaid balance, including those charges and fees which may be assessed by a collection agency utilized by the City.

Any customer with a returned check will be required to pay a \$30.00 returned check fee. If a termination of service has occurred on an account a returned check, a \$70.00 disconnection-reconnection fee must be paid simultaneously with the \$30.00 returned check fee in order for service to be re-established.

#### **Section Thirteen. Conjoining the requirement for both water and sewer services**

- A) Owners of premises served by water and sewer service under this ordinance shall be liable for payment of the cost of such service account delinquency arising from services provided to such premises, regardless of whether such services were furnished upon the application and request of the owner or the lessee of the premises.

Owners or the lessee of premises which are occupied and to which water and sewer service are available within 100 ft of the property line are required to hookup to **both** the City's water and

sewer systems and use such systems for their designed use and purpose. This requirement applies both to residential and commercial properties. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

- B) Owners of leased premises served by water and sewer service furnished by the City shall be ultimately liable for payment of the cost of any such service furnished by the City to such leased premises, whether the services are furnished upon the application and request of the owner or the lessee of such premises.
- C) If water and sewer services are furnished by the City to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the owner of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the City. The owner shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.
- D) If water and sewer services are furnished to leased premises on the application at the request of the lessor of the premises, then all billings for such service furnished to such leased premises shall be made directly to the owner, and the owner shall be fully liable for the cost of service furnished.

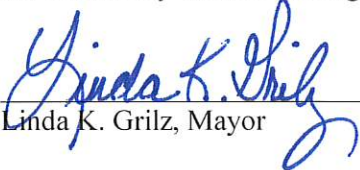
**Section Fourteen. Enforcement.**

- A) Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B) Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

**Section Fifteen. Effective Date.**

This Ordinance shall take full force and effect on the 15th day of February 2019, provided a summary has been published one time in the official city newspaper. The ordinance may be viewed in its entirety on the City's website.

ADOPTED by the governing body of the City of Frontenac, Kansas, on January 7, 2019 and signed by the Mayor.

  
Linda K. Grilz, Mayor

(SEAL)  
ATTEST:

  
Terri Kutz, City Clerk

