



City Council Meeting
MAY 13, 2025



Comprehensive Water Code Revision

Why a refresh of the Water Code?

- **Increase the transparency of City processes**
 - **The Utility Department impacts almost every citizen**
 - **This is the first step to wide-scale Code improvement**
- 

But it looks like this??

Why so many changes?

16.1.1. Establishing rates by resolution.

The City Council will establish City Water Utility Rates ~~will be established by Resolution of the Governing Body through Such Resolution may be established at any time by~~ a specific resolution pertaining to water rates. ~~Water rates may also be established as part of the City's annual Fee Schedule Resolution. Any~~ Rates set by ~~such~~ a separate resolution shall be incorporated into the ~~next annual Master Fee Schedule Resolution if not further modified at that time as soon as practicable. Any fees so established are incorporated and made a part of the Chapter as though set forth herein.~~

So this . . .

City Water Rates will be established by Resolution of the Governing Body. Such Resolution may be established at any time by a specific resolution pertaining to water rates. Water rates may also be established as part of the City's annual Fee Schedule Resolution. Any rates set by separate resolution shall be incorporated into the next annual Fee Schedule Resolution if not further modified at that time. Any fees so established are incorporated and made a part of this Chapter as though set forth herein.

**can become this, with
the same meaning**

The City Council will establish City Water Utility Rates through a resolution specifically pertaining to water rates. Rates set by such a separate resolution shall be incorporated into the Master Fee Schedule as soon as practicable.

Making expressions simpler

BEFORE

- “Person or entity to be responsible for charges on the water service account”
- “the terms of the provisions of water service”
- “disconnect fee and reconnect fees . . . and an additional disconnect fee”

AFTER

- “Account holder”
- “service account obligations”
- “administrative fees”

Making sentence structure more clear

BEFORE

- “Voluntary termination of service will be effective only upon written notice from the account holder to the City made at the office of the City Clerk on a form provided by the City Clerk.”

AFTER

- “An account holder may voluntarily terminate municipal water service by completing and delivering to the office of the Utility Department the form the office provides.”

Improving due process for customers

BEFORE

- Each day of certain violations is currently considered to be a new, additional offense.
- Water service fees can be set by separate resolution or inside the Master Fee Schedule.

AFTER

- Eliminated. This follows EPA regulations for continuing pollution. It does not apply when the City has the power to shut off the water to the account holder.
- Water service fees are set only by separate resolution to encourage public engagement and notice.

Implementing industry best practices

BEFORE

- Currently no clear guidance on how estimated bills are to be handled when meters are not accessible for reading
- No current requirement for new connections to terminate alternative water sources

AFTER

- The revision would provide uniform procedures for estimated billings with a fixed upcharge percentage followed by reconciling the account in the subsequent billing
- Before City service is provided, the account holder must permanently disconnect existing wells from domestic systems

Using available enforcement tools

BEFORE

- “No recipient of temporary water service may be open for business while using temporary water service.”

AFTER

- “The City will not issue an occupancy permit until the service location has a fully functioning commercial municipal water service connection and the commercial account holder has established municipal water service for that location.”

Improving equity for citizens

BEFORE

- Currently all fees are the same for all account holders, despite significant differences in demand on City services
- Account holders who don't generate unusual costs subsidize the few account holders who do so

AFTER

- Setting use fees through City Council action keeps the system-wide delivery costs the same for all
- Setting account holder-specific fees administratively allows for cost recovery from those few who generate unequal service burdens

Eliminating redundancies

BEFORE

- [*the duty to remain connected runs to account holders who are also*]
“... connected to or shall be connected to the sewer system and sewage disposal facilities of the City.”
- “... In conformance with this chapter.”

AFTER

- The quoted language is simply stricken.

All account holders are required to connect to municipal water and sewer services at the same time.
- Again, simply stricken as filler language.

Improving service delivery processes

BEFORE

- “Appointments for voluntary termination of service shall be made by the account holder to disconnect water service no less than 24 hours before such service is expected.”
- Any additional inspections shall be assessed to the account at the rate of \$40 per inspection.

AFTER

- “City staff shall have two full business days after the account holder submits the termination notice in which to satisfy the request.”
- Any additional inspections shall be assessed to the account at the rate established by the Utility Department director to obtain, on a department-wide basis, cost recovery for this service.

Adding due process protections

BEFORE

- “The enforcing officer and /or service agent contracted by the City are hereby authorized to enter upon private property at all reasonable hours for the purpose of enforcing the provisions of this Chapter.”

AFTER

- “The Enforcing Officer is authorized to enter upon private property at all reasonable hours for the purpose of enforcing the provisions of this Chapter. Before entering any residence, the Enforcing Officer shall obtain consent to such inspection from a person of suitable age and discretion present in the residence or in control of the residence.”

Article 1 substantive changes

- This Article addresses setting and collecting water rates and fees
- 16.1.1 Water rates are set only by separate resolution
- 16.1.3 Application fees are set by the City Manager at administrative cost recovery
- 16.1.8 Delinquency fees are set the by City Manager at administrative and finance cost recovery
- 16.1.9 Terminations for non payment are subject to a 5-day cure period and include a 2-day hearing request requirement; fees and interest still accrue
- 16.1.11 Reconnection fee is set by the City Manager at administrative and labor cost recovery

Article 2 substantive changes

This Article addresses new accounts on existing service, new connections on existing mains, and extension of service mains

- 16.2.1 Connection to City service requires private wells to be permanently disconnected
- 16.2.2 City staff have 2 business days to complete a voluntary service shut-off
- 16.2.3 The Department of Community Development handles requests for initial service connections to existing City mains
- 16.2.4 Temporary permits are approved by the Utility Department

Article 2 substantive changes

- 16.2.4 the Code Enforcement Officer sets the conditions for the temporary water use permit
- 16.2.4 Temporary permits have a two-week duration. Any extension requires re-application, re-inspection and the new permit could contain new terms
- 16.2.4 The permit fee is set by the City Manager at administrative cost recovery. The City Engineer sets the installation/connection fee based on actual costs for each project
- 16.2.4 Occupancy permits are issued only after permanent connections are established
- 16.2.5 Applicants for service outside the City must irrevocably apply for annexation before the Council will consider the connection request

Article 3 substantive changes

This Article addresses metering, service leaks and responsibility for charges generated by intentional and unintentional use.

- 16.3.4 Failure to install or use emergency shut-off valves, or their malfunction does not excuse responsibility for water use charges
- 16.3.5 Defines the requirements to appeal an unusually high charge due to a water leak
- 16.3.6 2 business days are allowed for a meter re-read, and staff costs, including repairs, are allocated between the City and the account holder
- 16.3.7 Repairs of nuisance water flows require City inspection before water service is restored

Article 3 substantive changes

- 16.3.8 The City disclaimer from liability for operations, maintenance and repairs is strengthened
- 16.3.10 Inaccessible meters are assessed an estimated usage with an upcharge, followed by a subsequent account reconciliation in future billings
- 16.3.13 Hearings must be requested within 2 business days if due to termination for failure to repair a water leak
- 16.3.15 Commercial meter installation by City staff requires pre-payment by the account holder with subsequent account reconciliation
- 16.3.17 Hydrant use permit fee is set by the Utility Department Director at administrative and labor cost recovery

Article 4 substantive changes

This Article addresses system cross connection and backflow devices. It is technical in nature, and its requirements are supported by the City's Plumbing Code.

- 16.4.6 The City Manager sets the backflow device test report filing fee at the level required for administrative cost recovery
- The City Engineer guided the numerous other changes in this Article to definitions and description of processes. Staff's goal was to improve accuracy, and not to alter current practice or policy

Article 5 substantive changes

This Article sets out the City's powers under water emergency situations.

- All of the substantive changes to this Article are presented to bring it into conformity with the City's 2025 Municipal Water Conservation Plan
- That Plan and the provisions of Article 5 are now consistent
- Because the City Council's policy expression on this matter is so recent, staff proposes no other changes

Article 6 substantive changes

This Article sets the framework for enforcement of violations of the prior five articles.

- 16.6.2 The Enforcing Officer is required to get consent to enter residences
- 16.6.4 Municipal Court violations only pursued on approval of the City Attorney
- 16.6.5 Detailed service of notice procedure added
- 16.6.6 Administrative review requests must be made within 2 business days
- 16.6.11 City liability disclaimed arising from regulatory inspections

Next steps

- Address any content questions today
- Obtain City Council's approval of the changes
- Obtain City Council's direction to present these changes in ordinance form, including the repeal of preceding, related ordinances
- Set approval of the enacting ordinance on a future agenda



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BEL AIRE, KANSAS

