

Article 1. Water Rates, Fees

16.1.1. Establishing rates by resolution.

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.

16.1.2. Rate classification.

A. A residential account is defined as a one utilizing water to service a property improved by a single-family or multi-family residential structure. Typically, those properties located within areas zoned as residential will be designated residential water accounts, including the common areas maintained by Homeowners' Associations. Home-based businesses, special uses, conditional uses, and nonconforming uses are some but not all of the justifications for assigning commercial account status to a property located within a residential zoning area. An account classification can be altered following the Utility Department's administrative review, subject to an additional City Manager review if requested within 20 days of an adverse decision. The classification decision will be based upon the character of the property use and the percentage of water being utilized through the account for purposes other than traditional domestic purposes.

B. A commercial account is defined as one utilizing water to service a property improved by any structure which has a primary function of commercial, industrial or any other activity not of a residential nature, including water service to unimproved properties. Medical care facilities and schools shall be assigned commercial account status regardless of zoning classification.

16.1.3. Establishing water service.

A. A new account application for municipal water service to a property where a service connection is in place shall be made at the office of the Utility Department. The application shall be made on a form provided by the Utility Department. The City will only accept applications which request connection to both municipal water and sanitary sewer services. Applications for water service to a property which does not have an existing service connection are governed by Article 16.2 of this Code.

B. Municipal water service accounts are tied to the properties they serve (service location), and cannot be transferred to other properties. The person or entity responsible for utility billings on an account (account holder) is obligated to terminate the service account upon vacating the property, and will be responsible for all charges incurred on the account until the account holder completes the termination. Upon occupying the residence (residential account holders) or the facility intended for commencing operations (commercial account holders) at a new location within the City limits of Bel Aire, the account holder must pay a new, non-refundable service connection fee and apply for a new service account that will commence service at the new location.

C. At the time of making application for municipal water service, the person or entity to be the account holder shall pay a non-refundable administrative service fee. This charge applied to all new accounts shall be set and adjusted as needed by the City Manager based on his or her assessment of the cost recovery needed to handle the administrative burden of establishing a new account.. Any person or entity intending to be responsible for multiple service accounts who applies for a new service account must pay the unpaid balance owing on and close the former service account(s) or affirmatively renew the obligation

on any existing service account to keep it active at the time the new service account is commenced. Upon that affirmation, the person or entity becomes the account holder of multiple municipal water service accounts.

D. At least one account holder shall acknowledge in the service account application sole responsibility for all utility billings from the City including all charges, interest and fees for such municipal water service account. The service account application may include a co-account holder, such as a spouse, when such co-applicant also signs the application agreeing to all service account obligations, including joint and several liability for all charges until the municipal water service account is terminated.

16.1.4. Duty to maintain current information.

Account holders have a continuing duty to keep current all account information during the term of the service account. The City will rely upon the information provided by the account holder within the water service application, and any subsequently provided information, in addressing any issue associated with such water service account, including account notices. The account holder may designate in writing an alternate address for billing and notice delivery from the address receiving municipal water service.

16.1.5. Water protection fee; clean drinking water fee.

All municipal water service accounts serviced by the City shall be assessed those fees imposed by the State of Kansas Water Protection Act. The City will collect these fees in such amount as mandated by the State of Kansas, and remit the same to the State of Kansas as provided by Statute.

16.1.6. Notation on bill.

A separate notation may be made on each account holder's utility bill to informing the account holder of the purpose and amount of each charge or fee assessed.

16.1.7. Full payment; exception.

The account holder's payment for charges resulting from the water provided to the service location is due upon the account holder's receipt of the monthly bill. The account holder is obligated to pay all outstanding water charges set out in each month's bill, as well as any interest any fees assessed for late payment and any administrative fees. Account holders with payment delinquencies may be able to pay these charges under a payment plan if the conditions described in section 16.1.12 apply.

16.1.8. Delinquent payments.

Account holders whose utility bill balances are not paid by the 10th of each month by 4:00 p.m. will incur a late fee for each account that is delinquent. If the 10th of the month falls on a weekend or City-observed holiday, account holders may deposit their payment in the City drop-off box no later than 8:00 am of the first City business day following the 10th of the month to avoid assessment of a late fee. Account holders accept the risk of late delivery, whether due to US Mail, bank automatic draft error or other means of delivery. The City Manager will establish a late fee to be applied to the service account in addition to the delinquent amount, interest and current charges in the next utility bill generated by the City.

16.1.9. Service disconnection for nonpayment.

The City will attempt to notify the account holder of the overdue status of the service account prior to disconnecting water service to a service location for non-payment by sending a “Notice to Stop Service” to the account holder using the notification method the account holder has on file with the Utility Department. The City will also send notice to the service location to the attention of occupant in instances when the City is aware of a tenancy in place, but the City has no affirmative obligation to discern occupancy which may differ from the identified account holder. Such notice will include a reminder that the account holder must remit full payment or make arrangements for a payment plan to avoid disconnection of service on a date set no less than 5 business days from the termination notice date. The notice will also inform of the right to request a hearing before a Utility Department official if a written request is received by the Utility Department within 2 business days prior to the service termination date.

Account holders may request notices be sent by text, e-mail, or regular mail, and may request notices be sent to an alternate address. If an account holder does not opt-in to text or e-mail notification systems or designate an alternate location all notices will be sent by regular mail to the water service location.

Any request for extension of time to make payment is a payment plan, and payment plans must be agreed in writing by the account holder and the City Manager and such plans must adhere to the conditions described at section 16.1.12 before becoming effective. Until a payment plan is approved, the account holder will continue to incur the administrative charges, fees and interest. An approved payment plan returns the account affected to current status, but does not eliminate or reduce the financial obligations on the account. Should an account holder fail to follow the terms of the approved payment plan, the agreement will be breached, the account will go back into delinquent status and be subject to additional late fees, interest and disconnection of service.

All municipal water service accounts that are in delinquent status will be placed upon the water service disconnection list. All service accounts on the water service disconnection list at 8:00 a.m. on the last Tuesday of each month will be considered to be disconnected from water service by the City and will be assessed the water service administrative fee established by the City Manager. This firm deadline is not affected by the time when the Utility Department actually schedules disconnection of water service. The water service disconnection fee shall be uniform across all account holders falling into disconnection status and shall not be varied based on the scheduling of service disconnections in the field.

16.1.10. Abandonment of service; nonpayment.

If an account holder moves out of a structure without making full payment, the City may place a lien on the service location property, submit the unpaid balance to the Kansas Set-off Program, submit the balance to a collection agency, or take any other action as authorized by law, including prosecution for theft of services. These remedies shall be cumulatively available to the City until all account obligations are satisfied.

16.1.11. Reconnection of Water Service.

The City shall assess an administrative fee established by the City Manager for reconnecting water service to an account holder’s service location after water service has been disconnected for non-payment of the utility bill. This fee is set to obtain cost recovery on a department-wide basis for administrative and field worker efforts.

To reconnect municipal water service the account holder must contact the Utility Department to request reconnection of service. Upon the account holder's payment of all overdue water account charges, late fees, interest, and all administrative fees, the Utility Department will schedule the work to reconnect the water service. The City will not reconnect water service to a vacant structure unless the City can confirm that an accessible valve outside of the structure controls water supply to the structure.

16.1.12. Payment plan arrangements.

The City Manager may approve a written payment plan to allow an account holder to pay delinquent account obligations.. The City Manager may use this authority to address a one-time emergency situation. The 10% late fee shall not be assessed to outstanding charges included within an approved payment plan on which the account holder is current. Charges incurred subsequent to the payment plan may accrue late fees if they become delinquent, and such delinquent charges will breach the payment plan, causing the Utility Department to renew disconnection action. Neither multiple nor serial payment plans for an account holder will be allowed.

Article 2. Water Service and Water System Connection.

16.2.1. Municipal water service.

All improved properties within the City of Bel Aire shall be connected to municipal water service, unless there is no water main and sewer main to which connections can be made, as determined by the City Engineer. Alternatively, the owner of a given property may apply to be exempted from this section by specific action of the City Council. Properties within the City utilizing any alternative source for water service shall connect to municipal water service when such service becomes available to the property. At the time of connection to municipal water service any existing private well shall be permanently disconnected from any domestic or commercial use. Such private wells may be maintained thereafter only for landscape irrigation.

16.2.2. Voluntary termination of service.

An account holder may voluntarily terminate municipal water service by completing and delivering to the office of the Utility Department the form that Department provides for that purpose. No other voluntary termination notice will be effective. No one other than the account holder may discontinue municipal water service, except a legal agent of such account holder may terminate water service upon presentation of proper written legal authority.

City staff shall have two full business days after the account holder submits the termination notice in which to satisfy the request. The account holder will be responsible for payment for all services rendered through the earlier of actual service termination or the passage of the two, full business days after the account holder completes the written termination notice.

16.2.3. Application for initial connection to municipal water system and sewer tap.

Before the City shall initially serve any premises with water, the owner of the premises shall complete and deliver an application for a connection to the municipal water system to the Department of Community Development using the form provided by that Department for this purpose. If the application is accepted, the City will grant the single individual or entity designated on the application form with the status of account holder, and that person or entity will be responsible for payment of all municipal water and sewer system services rendered to the service location until the account holder terminates the account.

16.2.4. Temporary commercial water service.

A. Commercial users, including contractors, builders, and others requiring water where no permanent municipal water service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a building, may apply to receive a non-transferable permit in the name of a single individual permit holder for such service. Upon the issuance of such commercial temporary permit the responsible individual shall be identified as the permit holder. The permit holder shall be responsible for maintaining compliance with the terms of this section and the permit.

B. The application for temporary permit shall be in such form as adopted by the Utility Department. Such application shall be completed and signed by the individual to be identified as the permit holder. Prior to approval of such application the individual shall submit the non-refundable fee established for the service to the Utility Department Director. The fee shall, on a Department-wide basis, provide cost recovery for

the administrative and field work necessary to provide commercial temporary, limited-scope municipal water service to permit applicants. The Code Enforcement Officer will inspect the proposed permit site for safety and policy concerns. The Code Enforcement Officer will set out any necessary conditions and limitations that will apply to the specific permit. If the site is approved by the Code Enforcement Officer the Utility Department will issue a temporary water service permit and provide water to the permitted service location. Requests to extend the term of the commercial temporary permit shall be completed in person in the office of the Utility Department prior to the expiration of the existing permit term.

C. The City will provide a permit holder with initial commercial temporary water service for up to 4 weeks as set out in the permit. The permit holder must reapply at the Utility Department for commercial temporary water service at least two full business days before the expiration of the permit term using the same procedures as the original application. The Code Enforcement Officer shall re-evaluate the permit and advise the Utility Department if continued commercial temporary water service is warranted to permit time to complete the project, and if warranted, any change in terms or conditions of the permit to be required. If approved by the Code Enforcement Officer, the Utility Department will allow for commercial temporary water usage according to the new permit conditions for a maximum of a 2-week additional period. This process can continue in 2 week increments, with timely re-application, re-inspection and re-evaluation until the project is considered complete by the City Engineer. The City will disconnect commercial temporary water service upon the end of the term of the permit, if no subsequent permit has been approved. Because no permit or extension of any permit for commercial temporary water service is presumed, the City will not provide notice for disconnection of such water service.

D. The permit application fee covers anticipated costs to provide the temporary connection. However unanticipated circumstances or field conditions may create significant additional costs for the City. The City will provide a permit holder with commercial temporary water service only after the permit holder pays the City for the estimated additional costs associated with making the temporary connection on the permit holder's specific service location. Where practicable such water service shall be metered as a temporary measure and charges imposed in accordance with such use. When metering is not possible, the Utility Department shall estimate the anticipated water consumption and the permit holder shall pay in advance the commensurate charges for the estimated water usage. The City will immediately terminate commercial temporary water service if the permit holder fails to timely pay all water costs accrued during the billing cycle associated with such commercial temporary water service. No notice, other than that provided in the temporary service permit, shall be provided prior to discontinuing temporary water service.

E. No commercial temporary water service location may be open for business while using commercial temporary water service. The City will not issue an occupancy permit until that service location has a fully functioning commercial municipal water service connection and a commercial account holder has established municipal water service for that service location. Failure to adhere to this limitation is a violation of any commercial temporary water service permit and shall result in immediate termination of commercial temporary water service. Additionally, violation of this section is grounds for revocation of an occupancy permit.

16.2.5. Water service outside city/agreement for annexation.

The owner of property located outside the limits of the City of Bel Aire may apply to the Department of Community Development for such property to be served by the municipal water and sewer systems in conjunction with a written application for the property to be annexed into the City. The City Council may act on the requests separately if it so desires, and the property owner's request for annexation cannot be contingent upon the City Council's potential approval of the request for municipal water service.

16.2.6. Extension or enlargement of waterworks system.

Whenever a property owner desires water and sewer mains to be extended to furnish municipal water service to such property for residential or commercial use, the property owner shall apply for such extension to the Department of Community Development using the form provided by that Department for this purpose. The request will be reviewed by the Planning Department to determine how it may integrate with the current street plan. The request will also be reviewed by the City Engineer to determine the appropriate grade and location of installations to avoid interfering with existing or planned infrastructure. These departments shall transmit to the Department of Community Development any conditions or limitations necessary to protect the public interest for the application to be approved

For extension to single properties, upon approval by the City Council, the property owner shall make a deposit in cash or cash equivalent, of the estimated cost of providing such service extensions as determined by the City Engineer. When the City Engineer determines the actual cost for the main extension work after it is completed, the City shall promptly refund any excess deposit to the property owner. If that deposit is insufficient to cover the full installation cost, the property owner shall promptly pay the balance due to the City, or shall complete payment as otherwise allowed by the Department of Community Development in its discretion. The City will not commence municipal water service until the property owner has become an account holder, and has fully paid all extension and installation costs or has Department of Community Development approval based upon a written payment plan. For services to be provided to multiple properties, including housing developments and subdivisions, extension of the municipal water and sewer system shall be in conformance with City infrastructure development policy and bond procedures, all as directed by the Department of Community Development.

16.2.7. System tap-on and connection fees; equity fee; impact fee.

A. The actual costs of connecting a property to the City's existing water and sewer mains shall be borne by the property owner requesting such connections, and those costs shall include any Rural Water District buy-out costs. The Department of Community Development shall require prepayment of a reasonable estimate of such costs prior to installation, and will administer a reconciliation of that deposit with all actual costs for the completed work.

B. All residential and commercial property initially tapping into existing mains will be assessed a Utility Equity fee. The City Engineer determines the appropriate Utility Equity fee as part of the construction permitting process. This fee is based on size of the subject property as well as use of the structure on the property to be newly served, and reflects a portion of the costs of existing infrastructure from which the newly-built property benefits.

C. Certain account holders may be assessed an impact fee related to the nature of the demand placed on City infrastructure by the account holder's use of the municipal water and sewer systems. Such fees shall be assessed as part of an identified benefit district.

16.2.8. Duty to maintain connection with water system.

Any dwelling unit or commercial building which is or shall be connected to municipal water service shall maintain the connections with the City's water and sewer systems as long as such service is available from the City. The property owner shall remain liable for the payment of minimum water and minimum sewer fees and charges as established by the Governing Body, whether or not the property is occupied.

16.2.9 Transfer to subsidiary account.

Any person or entity which leases or sub-leases a property that is connected to the municipal water service may establish a subsidiary account for that property using the procedures set out in 16.2.3. The subsidiary account will be charged for water and sewer usage during the term in which that subsidiary account holder has the legal right to possess the property. The subsidiary account holder must follow the procedures of section 16.2.2 in order to terminate service. After the City initiates the subsidiary account, it will bill all charges for water and sewer usage to the subsidiary account. When the Department of Community Development receives a service termination application for which there is an underlying primary account, City staff will revert financial responsibility for the water and sewer usage to the property owner who is the primary account holder. The subsidiary account holder will be responsible for all unpaid charges due on the subsidiary account and all account termination fees. Any future tenant or sub-tenant who initiates a new subsidiary account will be responsible for connection fees and all subsequent charges bill to the new subsidiary account. The primary account holder will remain responsible for any unpaid charges billed to a terminated subsidiary account, including unpaid termination fees, and these must be paid or a payment plan arranged that covers these unpaid charges and fees before municipal water service will be commenced at the same service location for a new subsidiary account holder.

Article 3. General Water Service Regulations

16.3.1. Water meters owned by City.

Water meters are owned by the City and they shall not be damaged, tampered with or the seal broken except by a duly authorized employee of the City Utility Department.

16.3.2. Water meter installation.

The City will install, maintain and replace residential water meters regulating a service connection to the municipal water system. City installation services will include a pigtail on the account holder's side of the meter to connect the account holder's service line to the structure to be served, when necessary. The account holder's plumber shall attach the service line to the meter and/or pigtail. The service line and all connections shall be tested by the plumber, inspected and approved by the City before the service line is available for use.

16.3.3. Water meter; division of responsibility.

The water meter defines the division of ownership and responsibility between the City and the account holder. The City provides municipal water service access and is responsible for maintaining the piping from the meter to the water main and for maintenance of the water meter. The account holder is responsible for maintaining all equipment and service lines on the account holder's side of the water meter.

16.3.4. Water shut-off valve.

Each property connected to municipal water system must have an operational shut-off valve installed and maintained between the water meter and the account holder's first water outlet. This shut-off valve can serve as an emergency shut-off when there is a water service concern associated with the property. The City shall not be liable for any damages associated with a failure to install a shut-off valve, incorrect installation of the valve, incorrect use or failure to use the valve. No account holder will be relieved from the obligation to pay for water use charges avoidable by the use of a properly installed and functioning shut-off valve.

16.3.5. Water leak liability.

The account holder will be billed and is responsible to pay for all water that passes through the water meter, whether that water is intentionally used, negligently used, or its use results from leaks or defective equipment.

An account holder may dispute the amount of or the responsibility for payment of charges for water that passed through such account holder's water meter by submitting written documentation to the Utility Department within 10 business days of the date of the billing in dispute. The documentation should explain the account holder's position and provide any available factual support. In order to justify financial relief, the account holder must demonstrate why the disputed usage is in error, and also that the account holder could not have reasonably mitigated the situation. The Utility Department will submit the account holder's documentation along with the Utility Department's recommendation to the City Manager for review based

on the standard of reasonable discretion. The City Manager may agree with or deny the request, and with his or her written determination will provide supporting rationale for that determination within a commercially reasonable time. All determinations of the City Manager associated with water account adjustments shall be retained by the Utility Department for three years.

16.3.6. Meter rereads and leak detection.

Upon the written request of an account holder made to the Utilities Department staff, City personnel will be available within two (2) business days to reread a water meter to confirm the accuracy of the meter reading, or to inspect the account holder's property for possible leaks. The account holder will not be relieved of responsibility for the charges for water used nor will the City be responsible for any personal injury or property damage, even though City staff are not successful in finding any water leak.

The City will pay the costs associated with one (1) reread service per calendar year done at the account holder's request if the reread confirms the accuracy of the initial meter reading. For all subsequently requested water meter rereads in the same calendar year, the account holder will pay the staff time and materials cost required to check the accuracy of a water meter. This fee will be set by the Utility Department director to obtain, on a department-wide basis, cost recovery for this service. However, in any case that the meter is pulled, tested and found to be in error and in need of repair, the testing costs leading to the repair as well as the repair or replacement of the water meter will be borne by the City.

The City will cooperate with the account holder and/or such account holder's plumber or contractor to assist in detecting a leak in the account holder's system. The City does not provide repair or maintenance service to the account holder of the meter. The City will pay the costs associated with one (1) water system inspection per year on the account holder side of the meter to determine possible leaks. 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.

16.3.7. Public safety.

The City has the right to disconnect water service without notice if a leak has been discovered and water is flowing beyond the property line, creating a public safety hazard. A notice of repair shall be issued to the account holder. Water service shall not be reconnected until the leak has been repaired, and the repair inspected and approved by City staff. The City will not charge the account holder disconnect/reconnect fees for the emergency disconnection.

The City also has the right to refuse to provide municipal water service under circumstances in which the operability or the safety of a portion or all of the municipal water system has been compromised. Such instances include power failure, mechanical breakdown, biological or chemical contamination or other hazards.

16.3.8. No damages for service disruption.

The City reserves the right at any time to shut down all or any portion of the municipal water system to make repairs, construct extensions or for any other reasonable purpose. The City shall not be liable for any personal injury, property damage or other liability loss arising out of or resulting from the manner of system operation, maintenance, breakage or repair of any pipes or other fixed assets that are a part of the

municipal water system, nor for personal injury, property damage or other liability loss arising out of or resulting from the diminution or stoppage of the flow of water in the municipal water distribution system.

16.3.9. Water meter maintenance; cost of installation.

After a water meter is installed, the City or its subcontractor shall maintain and replace residential water meters as the City deems necessary. The City shall replace defective residential water meters at no cost to the account holder. If a residential account holder requests replacement of a functioning water meter during the normal life span of the meter all costs associated with the replacement shall be charged to the account holder.

16.3.10. Water meter accessibility.

Water bills are read monthly but are not required to be read on a precise schedule. The account holder must provide City staff access to the water meter to allow the water meter to be read. City employees unable to access the water meter shall estimate the account holder's water use for the pending billing cycle as that amount of water consumed during the previous billing cycle plus a 10% increase over the previous reading. After the next actual reading of the water meter the account holder will be billed for the actual charges incurred during the estimated and the verifiably read billing cycles, with a credit given for the estimated charges, if paid. No account holder shall be permitted to have two consecutive estimated meter readings. The City shall disconnect municipal water service pending the account holder's arrangement for a verified read of the water meter. After all past usage has been verified, the City shall reconcile the account. All fees and costs associated with obtaining access to a water meter shall be charged to the account holder, as well as all applicable disconnect and reconnect fees.

16.3.11. Private water leaks.

Water leaks in water service lines between the water meter and the account holder's points of water use are hereby declared to be a nuisance. It is unlawful for any account holder to fail to repair a water service line leak. Failure of the account holder to repair such a leak shall result in the abatement of such leak by the City in accordance with the City's nuisance abatement procedures. All costs and fees be assessed against the account holder in accordance with nuisance abatement procedures.

16.3.12. Private water leaks notice.

Upon discovery of a leak existing within that portion of an account holder's water distribution system connecting the account holder's service location, the City may immediately disconnect service pursuant to 16.3.7, or may serve a notice to repair the leak to the account holder by the method and at the location indicated in the account holder's records, or by posting a physical notice at the service location from which the water leak arises. If such a notice to repair is issued, the account holder shall cause the leak to be repaired within seven (7) days of the date on the notice. The City will disconnect municipal water service if the account holder fails to repair the leak within seven (7) days as directed. Municipal water service shall not be reconnected until the leak is repaired, and the repair has been inspected and approved by City staff and the account holder has paid all administrative fees.

16.3.13. Private water leaks hearing process.

Any account holder wishing to contest a notice of repair has the right to submit a written request for administrative review no later than two business days prior to conclusion of the seven-day deadline for repair. Such administrative review shall be informal, and may include written documentation, photographic evidence, and verbal testimony.

Upon review of the information and within one full business day after the hearing the City Manager shall provide a written determination to the account holder. All written determinations associated with such administrative reviews shall be retained by the Utility Department for three years.

16.3.14. Specific water pressure.

The City does not guarantee its system will maintain any specific water pressure and no account holder shall have a valid claim for any damage or loss attributable to fluctuation in water pressures in the municipal water system.

16.3.15. Commercial meters/special meters.

All commercial water meters shall be purchased, installed and repaired or replaced by the City at the cost of the commercial account holder. The account holder shall pay the City Engineer's estimate of all such expenses prior to meter purchase, and the account holder shall pay the reconciliation amount between the estimate and actual cost, if any, prior to connection of municipal water service. Any excess estimated payment will be credited toward the account holder's first consumption charges.

16.3.16. Damage to Utility Department property.

It shall be unlawful for any person to remove, obstruct, alter, or damage any fire hydrant, pipe, valve, valve box or cover, or in any manner damage any building, machinery, or other equipment belonging to the municipal water system of the City.

16.3.17. Taking water from fire hydrants.

It shall be unlawful for any person or persons unauthorized by the City to take water away from any watering places or plugs, draw cock, or hose pipes except for fire suppression purposes, or in any way use or take away any water from publicly accessible points for private use without first paying the Utility Department and receiving receipt.

Water use from a hydrant requires the purchase of a permit which will be valid for no more than 90 days from the date of issuance. The water user shall install or have installed a meter provided by the City that will measure the use of all water. The water user shall pay a consumption charge per 1000 gallons, or parts thereof, as set forth within the City's Master Fee Schedule. Payment of the non-refundable permit fee established by the Utility Department Director, as set forth within the City's Master Fee Schedule is required prior to issuance of the permit. The permit fee shall cover the City's administrative and equipment costs, including the City's meter. The water user shall pay for the water consumption charges upon return of the meter and the calculation of the water used, or such amount may be assessed upon a water user's interim billing statements.

Government and not-for profit agencies in need of hydrant water for non-emergency purposes, including the fire department shall use only a designated hydrant pre-fitted with a meter to determine usage.

16.3.18. Swimming pools.

The City will not allow water from fire hydrants to be used to fill private swimming pools.

Article 4. Backflow and Cross Connections Control

16.4.1. Definitions.

The following words and phrases when used in this Article have the meanings ascribed to them in this subsection except when the context otherwise requires:

A. Agency: the Utility Department of the City of Bel Aire, Kansas which is invested with the authority and responsibility for the enforcement of this Article.

B. Airgap: the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

C. Approved: accepted by the Agency as meeting an applicable specification stated or cited in this Article, or as the Agency determines to be suitable for the proposed use.

D. Auxiliary Supply: any water source or system other than the municipal water system supply that may be available in the building or premises.

E. Backflow: the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of backflow.

F. Backflow preventer: a device or other means used to prevent backflow.

G. Backsiphonage: backflow resulting from negative pressures in the distributing pipes of a potable water supply.

H. Barometric loop: a loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

I. Check valve: a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

J. City Engineer: the individual retained by the City to serve in the capacity of City Engineer or such Engineer's designee.

K. Contamination: See Pollution.

L. Cross-connection: any physical connection between a Potable Water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any Potable Water supply outlet which is submerged or can be submerged in waste water and/or any other source of Contamination, therefore subject to potential Backflow and Backsiphonage.

M. Drain: any pipe that carries waste water or waterborne wastes in a building drainage system into the municipal sewer system or to the building's exterior environment.

N. **Fixture**: any installed plumbing receptacle, device, or appliance supplied with water or that receive or discharge liquids or liquid-borne wastes to or from any Drain.

O. **Flood-level rim**: the edge of the receptacle from which water overflows.

P. **Health Hazard**: any condition or device, in the municipal water system supply or practice engaged in for operation of that system which creates, or, in the reasonable judgment of the City Engineer, may create a danger to the health and safety of the account holder and any water consumer. An example of a health hazard is a structural defect in the municipal water system, whether of location, design, or construction, that regularly or occasionally may prevent satisfactory purification of the municipal water system supply or cause it to be polluted.

Q. **Hydro-pneumatic tank**: a pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

R. **Inlet**: the open end of the water supply pipe through which water is discharged into the Fixture.

S. **Non-potable Water**: Water that is not safe for human consumption or that is of questionable potability.

T. **Plumbing Hazard**: any arrangement of a building's Plumbing System whereby a cross-connection is created.

U. **Plumbing System**: the municipal water system supply line and the distribution pipes, Fixtures, and traps; soil, waste, and vent pipes; building Drains and building drainage systems including their respective connections and devices within the property lines of the account holder's premises; and any attached water-treating or water-using equipment within that premises. The Plumbing System of a building includes separate Potable Water supply and drainage systems.

V. **Pollution**: the presence of any foreign substance (organic, inorganic, radiological, or biological) in water or in any medium surrounding or supporting the Plumbing System that tends to degrade water quality so as to constitute a Health Hazard or impair the usefulness of the water.

W. **Potable Water**: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological and chemical quality of Potable Water shall conform to the requirements of the Federal Drinking Water Standards and to the regulations of the City Engineer.

X. **Reduced Pressure Principal Backflow Preventer**: an assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere designed to prevent backflow.

Y. **Surge Tank**: the receiving, non-pressurized vessel forming part of the airgap separation between the municipal water supply system and an auxiliary water supply.

Z. **Vacuum**: any pressure less than that exerted by the atmosphere.

AA. **Vacuum breaker, non-pressure type**: designed so as not to be subjected to static line pressure.

BB. **Vacuum breaker, pressure type**: designed to operate under conditions of static line pressure.

16.4.2. Responsibilities of the City Engineer.

The City Engineer, in his or her capacity as the Director of the Department of Utilities shall inspect the Plumbing System in every building or premises in this City as frequently as may be necessary to ensure that such Plumbing System has been installed in such a manner as to prevent the possibility of Pollution of the municipal water system of the City.

The City Engineer shall notify in writing the account holder, and if known to be a separate person or entity, the owner or authorized agent of the owner of any such building or premises to correct, within a reasonable time set by the City Engineer, any defect in the Plumbing System installed or existing contrary to or in violation of the Code of this City.

16.4.3. Inspection.

The City Engineer shall have the right to enter any property and any building during business hours or other reasonable hours to inspect the Plumbing Systems installed in such building or premises. Before entering any residence the City Engineer shall obtain consent to such inspection from a person of suitable age and discretion present in the residence or in control of the residence.

16.4.4. General requirements.

A. The Potable Water supply component of a building's Plumbing System shall be designed, installed, and maintained in such manner as to prevent Contamination from Non-potable Water and other liquids, solids, or gases introduced into the Potable Water supply through one or more cross-connections.

B. Cross-connections between Potable Water systems and the building drainage system or other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the City Engineer, suitable protective devices such as the Reduced Pressure Zone Backflow Preventer, or an alternative approved Backflow Prevention Device, are installed, tested, and maintained to insure proper operation on a continuing basis.

C. Interconnection between two or more public water supplies shall be permitted only with the approval of the City Engineer.

D. Cross-connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the City Engineer.

E. Potable Water connections to boilers shall be made through an Airgap or provided with an approved Backflow Preventer.

F. Connection to the Potable Water supply component of a building' System for the following Fixtures is prohibited unless protected against Backflow in accordance with the Plumbing Code of this City, or as set out herein.

1. Bidets.
2. Operating, dissecting, embalming, and mortuary tables or similar equipment; in such installation the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments.

3. Pumps for non-potable water, chemicals, or other substances; priming connections may be made only through an airgap.
4. Building drainage, sewer, or vent systems.
5. Refrigerator condensers or cooling jackets
6. Any other Fixture reasonably determined by the City Engineer to be of similar hazard.

Except where Potable Water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at 5 psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

G. A Potable Water system shall be protected against Backflow and Backsiphonage by providing and maintaining at each outlet an airgap between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source or contamination, or backflow preventer. The minimum required airgap shall be measured vertically from the lowest end of the fixture or receptacle into a potable water outlet to the flood rim or line which it discharges. The minimum required airgap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required airgap shall be three times the effective opening of the outlet.

H. Before any device for the prevention of Backflow or Backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the City Engineer. Devices installed in a Potable Water supply component of a building's Plumbing System for protection against Backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

Vacuum breakers shall be installed with the critical level at least six (6) inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be treated as the flood level rim but a check valve shall be installed on the discharge side of the vacuum breaker.

A reduced pressure principal type backflow preventer may be installed subject to full static pressure.

Where a Potable Water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of a diameter not less than provided by the Plumbing Code, the overflow pipe shall be provided with an airgap as close to the tank as possible.

The Potable Water outlet to the tank or vat shall terminate a distance not less than 1.5 times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the airgap overflow outlet closed.

I. Approved devices to protect against Backflow and Backsiphonage shall be installed at all Fixtures where Backflow and/or Backsiphonage may occur and where a minimum airgap as set by the Plumbing Code cannot be provided between the water outlet to the Fixture's flood-level rim.

J. Where a water connection is not subject to backpressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. Conditions requiring protective devices of this kind and method of installation are as provided by the Plumbing Code.

K. Where a Potable Water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an airgap cannot be installed, the City Engineer may require the use of an approved reduced pressure principal backflow preventer.

L. For Potable Water supply connections for which an actual or potential Backsiphonage hazard exists a Barometric Loop may be installed in lieu of devices specified by the Plumbing Code. Barometric Loops shall precede the point of connection.

M. The City Engineer may authorize installation of approved, double check-double gate valve assemblies with test cocks as protective devices against Backflow in connection between a Potable Water system and ether fluid systems which present no significant Health Hazard in the judgment of the City Engineer.

N. When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to ether outlets.

16.4.5. Maintenance requirements.

It shall be the responsibility of the account holder to maintain all Backflow Preventers and Vacuum Breakers within the building or on the premises in good working order and to ensure no one makes any piping or other arrangements for the purpose of bypassing or removing Backflow Preventers.

Backflow Preventers shall be inspected annually, any necessary overhaul or repairs made, and a backflow device test report filed with the City of Bel Aire, Kansas. Lawn sprinkler systems shall be equipped with an approved backflow prevention device and tested at least every other year, before the first day of June on even years, beginning in 2020. The inspection and testing shall be by a plumber or tester/repair technician certified by the Sedgwick County Health Department and or the City of Bel Aire, and licensed in Bel Aire. Testing procedures shall be in accordance with the manufacturer's instructions and approved by the City Engineer. Backflow prevention devices shall be rebuilt or replaced upon testing failure or the City Inspector's determination that the system poses a significant/imminent risk to public health.

Backflow systems not in use. The annual inspection requirement may be waived if and only if the subject water connection point is no longer being utilized, has been completely disconnected from the water system and has been capped off. These abandoned systems are required to be reported to the City for inspection by the City Engineer and shall be recorded. Upon return to use, the account holder shall be responsible for installing a backflow prevention device and resuming testing/inspection in accordance with this Code.

The filing fee to file a backflow device test report with the City of Bel Aire, Kansas shall be set by the City Manager at administrative cost recovery.

16.4.6. Disconnection of water service/prosecution.

Upon failure of the account holder to have the defective backflow prevention device corrected within the specified time, the City Engineer may, if in the Engineer's judgment an imminent health hazard exists, cause the water service to the building or premises to be disconnected. Additionally, or in lieu thereof, the Engineer may cause a citation to be issued to such account holder for violation of the City's Nuisance Code. All prosecutions for violation of this Article shall be to the City's Municipal Court.

Article 5. Water Drought/Emergency

16.5.1. Purpose.

The City of Bel Aire is governed by water restriction regulations imposed by the City's purchased Water supply vendors, the City of Wichita and Chisholm Creek Utility Authority. These jurisdictions must protect their ability to supply water to Bel Aire and their other customers during all levels of Water supply conditions and they require their customers' contractual compliance with conservation regulations as a condition of providing a Water supply. Accordingly, the City will address Water shortage problems through variable use restrictions to be applied in stages based on water supply conditions. Each stage is more restrictive than the previous stage as water supply conditions deteriorate. As Water supply conditions improve, restrictions may be removed using the same staged process. The City Manager is authorized to declare a Water watch, warning or emergency, and to implement voluntary and mandatory water conservation measures throughout the City when the trigger thresholds are reached for a watch, warning or emergency as set out in this ordinance, the Municipal Water Conservation and Emergency Water Supply Plan.

16.5.2. Definitions.

A. Water, as the term is used in this Article, shall mean Water available to the City of Bel Aire for treatment and distribution by virtue of its water rights or any treated Water from other jurisdictions introduced by the City into its municipal water system, including water offered for sale at any coin-operated site.

B. Customer, as the term is used in this Article, shall mean the account holder(s) using Water for any purpose from the City's water 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.

C. Waste of Water, as the term is used in this Article is the use of Water in a nonproductive manner, and 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.

D. Municipal Water Conservation Plan, as the term is used in this Article, is the organized set of policies and procedures which the City uses to address Water supply shortages. That Plan must comply with the requirements of K.A.R. 28-15-18.

E. The following classes of uses of Water are established:

1. Class 1: Water used for public or private outdoor irrigation of gardens, lawns, trees, shrubs, plants, parks, playing fields, swimming pools or other recreational areas; non-commercial washing of motor vehicles, boats, trailers, or washing the exterior of any building or structure.
2. 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.

3. Class 3: Domestic Water usage, other than that which would be included in either Class 1 or 2.
4. Class 4: Water use as necessary to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

16.5.3. Declaration of Water watch.

A. Whenever the City Manager deems that conditions indicate that the probability of a drought or some other condition causing a major Water supply shortage is rising, he or she may declare that a Water watch exists and to require that City staff inform the public of the Water watch and ask for voluntary reductions in Water use through local media. The Water watch will continue until it is declared by the City Manager to have ended. If not already issued, a Water watch notification would be issued under conditions triggering Stage 1 of the Municipal Water Conservation Plan.

B. The Water Watch Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage has fallen below 70% capacity and has a slower than normal recovery rate
2. Demand for any single day is in excess of 1.6 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 1 Water Watch.

16.5.4. Declaration of Water warning.

A. Whenever the City Manager finds that drought conditions or some other condition causing a major Water supply shortage are present and Water supplies are starting to decline, he or she will declare that a Water warning exists, will recommend restrictions on nonessential uses while the Water warning is in effect and will require City staff to inform the public through local media. The Water warning will continue until it is declared by the City Manager to have ended. A Water warning notification would be issued under conditions triggering Stage 2 of the Municipal Water Conservation Plan.

B. The Water Warning Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage cannot be maintained above 60% capacity
2. Demand for any single day is in excess of 1.8 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 2 Water Warning.

16.5.5. Declaration of Water emergency.

A. Whenever the City Manager finds that a Water emergency exists due to a shortage of Water supply needed for essential uses, he or she shall declare that a Water supply emergency exists and will impose mandatory restrictions on Water use during the period of the emergency. The City Manager will

require City staff to notify the public of the mandatory restrictions through local media. The Water emergency will continue until it is declared by the City Manager to have ended. A Water emergency notification would be issued under conditions triggering Stage 3 and Stage 4 of the Municipal Water Conservation Plan.

B. The Water Emergency Stage is triggered by any one of the following conditions:

1. The City's municipal water system storage cannot be maintained above 50% capacity
2. Demand for any single day is in excess of 2.0 million gallons per day (mgd)
3. Any of the City's purchased Water vendors has issued a Stage 3 Water Emergency
4. Emergency conditions related to municipal water system repairs or Water supply quality control

16.5.6. Voluntary conservation measures.

A. Upon the declaration of a Water Watch as provided in Section 16.5.3 the City Manager shall request all Water Customers to employ voluntary Water conservation measures to limit or eliminate Class 1 Water uses including, but not limited to:

1. Curtailing of some outdoor water use
2. Employing efficient use of indoor water, i.e. wash full loads, take short showers, don't let faucets run, etc.

B. Upon the declaration of a Water Warning as provided in Section 16.5.4, the City Manager shall request all Water Customers to employ voluntary water conservation measures to limit or eliminate Class 1 Water uses and to mandate appropriate Water Use limitations on Class 1 and 2 Water uses including, but not limited to, the following:

1. A City-wide lawn watering schedule applied through the use of designated zones
2. Any mandatory restrictions required by any of the City's Water supply vendors

16.5.7. Mandatory conservation measures.

A. Upon the declaration of a Water Emergency as provided in Section 16.5.5 the City Manager shall 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. Rationing upon any of the following criteria will be per se reasonable: a percentage of normal use; per capita based on Customers or restrictions per account holder
5. Complete or partial bans on the Waste of Water; and
6. Any combination of the foregoing measures

B. The City will adopt and enforce as its own act any Water use restrictions contractually required of the City by any Water supply vendor resulting from a Water supply shortage experienced by that vendor.

C. Violation of any mandatory Water conservation measures shall be enforced through the City's municipal court as violations of this Code in conformance with the City's general penalty clause.

16.5.8. Emergency water rates.

A. Upon the declaration of a Water Emergency as provided in Section 16.5.5, the City Council shall have the power to adopt emergency Water rates by Resolution. Such temporary emergency Water rates should be designed to encourage conservation of the Water supply.

B. 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. additional charges in excess of a specified level of water use (excess demand surcharge).

16.5.9. Emergency regulations.

During the effective period of any Water emergency, the City Manager is empowered to promulgate such regulations as may be necessary to carry out the provisions of this Article, any Water supply emergency Resolution, or emergency Water rate Ordinance.

16.5.10. Notice of disconnection for violation of regulations.

If the City Manager or other city official charged with implementation and enforcement of this Article or a Water Emergency Resolution learns of any violation of any Water use restrictions imposed pursuant to Section 16.5.7 or Section 16.5.9 of this Article, a written notice of the violation shall be affixed at the service location where the violation occurred and the account holder, any other person known to the City who is responsible for the violation or its correction, and any tenant of the premises known to the City, shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated within such specified time as the City determines is reasonable under the circumstances. Such notice shall also advise that failure to bring such condition or process into compliance within five business days of the delivery of such notice will subject the account holder to disconnection of municipal water service with no further notice. Proceeding in accordance with this Section shall not bar City staff from issuing citations for any violation as otherwise provided in this Chapter.

16.5.11. Disconnection (shut-off).

A. Upon verification that an account holder who was issued a Notice pursuant to Section 16.5.10 has failed to correct, cure or abate the identified violations of emergency Water regulations, the City may shut-off Water service to the service location upon which the violation(s) occurred until the City's code enforcement official verifies that the defect resulting in the disconnection has been cured.

B. City disconnection of Water service for failure to follow emergency Water regulations is subject to the following procedures:

1. After the City has given the customer notice as set out in 15.5.10 the account holder shall have the opportunity to appeal the termination by requesting a hearing scheduled before a hearing officer designated by the City Council within five business days from the expiration of the five business day cure period.
2. If such a hearing is requested by the account holder charged with the violation, he or she shall be given an opportunity to be heard before termination is ordered; and
3. The hearing officer shall make findings of fact and order whether service should continue or be terminated.

16.5.12. Reconnection.

The account holder shall pay a fee for reconnection of any municipal Water service disconnected pursuant to this Article. For a first violation that fee shall be \$50.00. The reconnection fee shall be \$200 for a second violation, and \$300 for any subsequent reconnection following disconnection for violations of the City's emergency Water conservation regulations. Standard disconnection fees will also apply and all disconnection and reconnection fees must be paid in full before the City reinstates municipal water service.

16.5.13. Emergency termination.

Nothing in this Article shall limit the ability of any authorized City official from terminating the supply of Water to any account holder or tenant upon the determination of such City official that emergency termination of Water service is required to protect the health and safety of the public.

Article 6. Enforcement and Penalties

16.6.1. Enforcement officers; jurisdiction.

Enforcement of this Chapter within the boundaries of the City shall be by the City Engineer, Building Inspector, or other designated code enforcement official(s) or contracted agent of the City (Enforcing Officer), and jurisdiction for prosecution of any violations of this code shall be in the Bel Aire Municipal Court.

16.6.2. Right of entry.

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.

16.6.3. Unlawful interference.

It shall be unlawful for any person to interfere or attempt to interfere with, or to prevent or attempt to prevent, the Enforcing Officer from entering upon any property to carry out the duties described in this Chapter.

16.6.4. Enforcement; enforcement actions not exclusive.

A. Upon failure of the account holder to have a water distribution defect or other violation of this Chapter corrected within the time provided in the violation notice, the Enforcing Officer may cause the municipal water service to the service location to be disconnected. All applicable administrative fees and provisions shall be enforced.

B. Violation of any provision of this Chapter is grounds for prosecution of the property owner, resident, account holder, permit holder, or any other responsible party, but only upon review and approval of the City Attorney.

C. The prosecution and/or imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Chapter or to collect fees and charges in a civil or administrative action, and specific authority for such is hereby granted to take any action or impose any penalty allowed by the State law, this Chapter or any provision of this Code.

D. Violation of those sections of this Chapter associated with the installation, permitting, connection, or tap-on to the water system, is grounds for immediate revocation of an occupancy permit by the City.

16.6.5. Notice of violations.

A. Notice of violation associated with the service location detailing any violations of this Chapter shall:

1. Be in writing;
2. Describe the violations alleged to exist or to have been committed;

3. Provide a reasonable time for the correction of the violations described;
4. Be served upon the account holder and any tenant or other occupant of the service location known to the City. Service of the notice can be accomplished by one or more of the following methods: personal service upon a occupant of the service location property of lawful age, posting upon the property, door hanger, regular mail, publication or as otherwise requested in the account application. Notice to account holders at the address provided in the account application or as subsequently modified by the account holder's written request is deemed completed. Failure of the account holder to receive notification which the City provides by using the current account information will not alter the effectiveness of the notice.

B. All notices required by this Chapter which may be served upon tenants shall also be served upon the record owner of title to the property. Should there occur a change in the record title owner subsequent to the giving of notice pursuant to this section, the City may not recover any costs of abatement or levy an assessment for costs of abatement unless the new record title owner of such property has been provided notice as required by this Chapter, which may include notice of assessment filed with the appropriate agencies of Sedgwick County. Additionally, notices under this Chapter may be sent to prospective purchasers associated with any property in violation of this Chapter which is under a pending contract.

16.6.6. Administrative hearing/review.

Any person wishing to contest a notice to correct a violation has the right to an administrative review by the City Manager. Such review must be requested in writing and the request must be received at the office of the Utility Department no later than two (2) business days prior to the deadline for correction. The format of the administrative review shall be a review of all written and photographic documentation submitted by the party requesting such review, all documentation maintained by the Enforcement Officer. When appropriate, the City Manager may request that the parties meet with him or her informally to provide oral testimony to supplement such written information. Such meetings need not conform to any rules of evidence or judicial procedure.

The decision of the City Manager shall be final and any further appeal of such decision shall be to the Eighteenth Judicial District Court of the state of Kansas under the provisions of K.S.A. 60-2101(d).

16.6.7. Uniform complaint and notice to appear.

In addition to the notice provided for in section 16.5.5, the Enforcing Officer may commence prosecution of such violation by issuing to the account holder, tenant or occupant a uniform complaint and notice to appear charging a violation of any section of this Chapter.

16.6.8. Violations, penalties.

Violation of any provision within Article 6 of this Chapter is a misdemeanor.

16.6.9. Abatement; assessment of costs.

A. If within the time allowed for abatement or cure in the violation notice the account holder, or known tenant or occupant of the service location premises fails to comply with the directives contained in

the notice, and further fails to timely file a request for administrative review, the Enforcing Officer may reasonably abate any violation. The City and its agents shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the service location property. If the account holder is a nonresident as shown on the account application on file, and the violation does not endanger public health, safety and welfare, abatement shall only take place either five days following the date of receipt provided on a return receipt of delivery, or ten days following the date of publication in an official City newspaper, whichever date is first.

B. The costs incurred by the City for any action undertaken by the Enforcing Officer pursuant to or incidental to this section of this Chapter shall be reported in detail and in writing by said Officer to the City Clerk. The City Clerk shall keep an account of such costs, as well as all costs of notices, service and/or mailing or other delivery of notices and publication of notices required by this Chapter, allocated to the associated service location. The City Clerk shall provide the report and accounting required by this section to be entered in the appropriate city record and report the same to the City Council.

C. The City Clerk shall, within ten (10) days of receipt of the Enforcing Officer's report of costs, give notice to the account holder, and any other known owner, occupant or agent in charge of the property of the costs required to be reported by subsection B of this section and such notice shall include a statement requiring payment of the costs to the City within thirty (30) days following receipt of such notice. Should the account holder and any other known owner, occupant or agent in charge of the property refuse to take delivery of the notice and return is made to the City indicating such refusal, the City Clerk shall send to the account holder and any known owner, occupant or agent in charge of the property, by first class mail, the notice previously sent and receipt by the account holder and any other addressees shall be deemed to have occurred upon such mailing. The City Clerk shall maintain records detailing the method and time of sending and receipt of such notice.

D. Should the costs remain unpaid after thirty (30) days of receipt of the notice provided for in this Chapter, the City Clerk shall, at the time required by law for certification of other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property which includes the service location.

E. In addition to levying a special assessment against the property upon which the violation(s) was/were located as provided for in this section, the City may also elect to collect the unpaid portion of the costs provided for in herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, and may pursue such remedy without limiting its ability to levy special assessment, but only until such time as the full costs and interest have been paid in full.

16.6.10. Authorization to contract for services.

In the event the account holder or known tenant or occupant fails to comply with a violation notice and it becomes necessary for the Enforcing Officer to remove and abate the violation(s), such Officer is authorized to contract with a service vendor to complete the violation abatement.

16.6.11. Liability.

The City provides inspections for regulatory purposes only, and not to determine the functional effectiveness or safety of any installation or condition. Such inspection do not impose on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property, any injury to any person or other liability loss arising out of or resulting from defective installation or natural, inherent or constructed condition or any other reason.