

Chapter 700

GENERAL PROVISIONS

Note – The city has adopted by resolution no. 2009-5, an identity theft prevention program which is on file in the city offices.

ARTICLE I

Utility Systems Combined

Section 700.005. Utility Facilities In City Rights-Of-Way. [Ord. No. 1149 §24, 8-19-2002; Ord. No. 1465 § 1, 3-21-2016¹]

Except as specifically provided by State law, no cable, telephone, telecommunications, internet, broadband, wireless, electric, or other utility company, except a City-owned utility, shall construct, place, or have located any pole, tower, or other telecommunications equipment within any City right-of-way or utility easement except pursuant to the express provisions of a current, valid franchise agreement with the City for provision of said services within the corporate limits of the City. All users and franchisees shall pay uniform fees to utilize any City poles and City structures, as set forth in Section 100.240.

Section 700.010. Merger of Utility Systems. [Ord. No. 997 §§1 – 2, 11-6-1995; Ord. No. 1125 §1, 7-15-2002]

- A. The City hereby merges the electric and waterworks utility system, the sewer utility system and the stormwater management system of the City and such combined system shall be known as the Electric, Waterworks and Sewer Utility System of the City of Mulvane, Kansas (the "System").
- B. *1991 Prior Lien Bonds.* The 1991 bonds shall constitute a first and prior lien on the net revenues of the electric and waterworks system.

ARTICLE II

Utility Services

Section 700.020. Application for Service. [CC 1985 §11-301; Ord. No. 733, 11-21-1983]

- A. Any property owner or resident requesting the right to attach municipal utility services to a residential or commercial structure shall make application through the office of the City Clerk. The form for application shall contain a statement of the nature and use to be made of the sewer or utility connection, a legal description of the property to be connected, a complete description of the type of the materials proposed to be used in making such

1. Editor's Note: Ord. No. 1465 also changed the title of this Section from "Pole Fees" to "Utility Facilities In City Rights-Of-Way."

connections and any other pertinent data necessary for the proper administration of the connection by the City or any owner or owners of such real property after being connected to the municipal utility services. The applicant shall not be permitted to make utility connections until:

1. All appropriate charges have been paid to the City;
2. The Building Official has approved the connection; and
3. Deposit shall have been made to cover the estimated cost to the City for making the connection with any unused amounts being returned to the applicant or additional sums being paid by the applicant.

The City shall have no obligation to make the connection for services upon an application regarding real property which either has not been included in a benefit district or is not within the limits and boundaries of the City as a whole.

Section 700.030. Access. [CC 1985 §11-302; Ord. No. 733, 11-21-1983]

The City's employees and officials shall have access to any of the premises served by municipal utilities for the purpose of inspecting the same and gathering data concerning the operation of the utility system at all reasonable times and dates, upon reasonable notice to the owner or tenant.

Section 700.040. Connection Assessment. [CC 1985 §11-303; Ord. No. 733, 11-21-1983; Ord. No. 1190 §1, 1-5-2004]

- A. When no assessment has been made for the lateral sewer against the property to be connected to the City sewer, upon approval of the application for connection by the City, the assessment fee for allowing connection to the municipal sewer utility shall be designated by City staff in writing. The assessment fee shall be the pro rata cost as determined by taking the average of the three (3) most recent sewer utility projects within the City and applying to the applicant's property the same method of assessment, whether per lot or otherwise, said calculation to utilize the three (3) most recent projects' total cost assessed in making the calculations.
- B. Separate and apart from, and in addition to, the above assessment fee, regardless of whether an assessment has been made for lateral sewer or an assessment fee paid pursuant to Subsection (A) above, where property is located within a sewer basin, a sewer basin connection fee shall be paid by the owner of any property proposing to connect to City sewer. As used herein, "*sewer basin*" shall mean an area of land specifically designated by the Governing Body of the City of Mulvane to benefit from a previously established interceptor sewer line, sewer main or other related improvement. The "*sewer basin connection fee*" shall be the fee specifically established by the City for each sewer basin based upon:
 1. Total costs to the City at large for the sewer line or related improvements benefitting the sewer basin (including, but not limited to, construction, excavation and material costs as well as legal, administrative, fiscal, engineering, finance and interest costs directly related to the improvement), and

2. The relationship that the total area of the property proposing to connect to the City sewer (inclusive of streets, parks, reserves and other public dedications) bears to the total land area within the sewer basin from which the City intends to recoup its expenses.
- C. Subject to Subsection (D), the sewer basin connection fee shall be due for any property within a sewer basin proposing to connect to the City sewer service upon either of:
1. The approval of the application for connection, or
 2. The acceptance of a petition for special assessment for sewer improvements necessitating a connection, as the case may be.

If the sewer basin connection fee is not timely paid, the City Clerk of said City shall from time to time and not less often than annually, certify to the County Clerk of the appropriate County, the legal description of the real property to which said services were provided, along with the sum of such delinquent charges, including penalty and interest accrued, to be placed upon the tax rolls for collection. Upon such certification said charges shall become a lien against the property upon which they are certified, subject to the same penalties and collected in the same manner as taxes levied against the property are by law collectible.

- D. As an alternative to paying the sewer basin connection fee at the time of approval of application or acceptance of the special assessment petition as provided in Subsection (C) above, the owner of one hundred percent (100%) of the property to be served may request, and the City in its sole discretion may provide, the sewer basin connection fee be divided into ten (10) equal annual installments and placed upon the tax rolls for collection. Said installments shall include interest at the average yield borne by the City's most recently issued general obligation bonds. Upon such certification said charges shall become a lien against the property upon which they are certified, subject to the same penalties and collected in the same manner as taxes levied against the property are by law collectible.
- E. The procedure outlined above shall be construed as being in accordance with the laws of the State of Kansas and any provision herein deemed or finally determined to be contrary to the laws of Kansas shall be void provided that in such event the remaining provisions of this Section shall remain in full force and effect.

Section 700.050. Payment of Fees and Charges – Returned Payment – Monies Received. [CC 1985 §11-305; Ord. No. 733, 11-21-1983; Ord. No. 1410 §2, 2-18-2013]

- A. *Payment Of Fees And Charges.* All payments of fees and charges due to the City under this Title shall be made by cash, check, money order, wire transfer, automated clearing house transfer, electronic check, credit card, debit card, or any other form of payment acceptable to the City; provided however, that no payment in cash may include more than two dollars (\$2.00) in coins for each invoice or monthly bill.
- B. *Returned Payment.* In the event any payment by a person for fees and charges due under this Title is returned to the City as not payable (e.g., a "worthless check", insufficient funds, stop-payment, refused automatic debit), the City shall impose a returned payment service charge as set forth in Section 100.160 upon such person and shall accept only

verified, immediately available funds (e.g., cash, money order) from such person for payments of fees and charges due to the City under this Title for the twelve (12) months following such return.

- C. *Monies Received.* All monies received as connection fees or payments for municipal utilities shall be placed into a Municipal Utility Fund. This fund shall be maintained separate and apart from General Fund monies and shall be utilized as directed by the Governing Body.
- D. *Waiver Of Available Funds Requirement.* For good cause shown upon satisfactory proof, the City Clerk may waive the requirement of payment in verified, immediately available funds whenever exceptional circumstances are shown. In the event this waiver is granted by the City Clerk, the City Clerk shall enter in the official records of the City an explanation of the circumstances under which the waiver was granted.

Section 700.060. Sewer Tap Fee. [Ord. No. 1149 §25, 8-19-2002]

The sewer tap fee for connecting to the City sewers shall be as set forth in Section 100.240.

Section 700.070. Connection Fees for Water. [CC 1985 §14-102; Ord. No. 523, 6-21-1976; Ord. No. 1064, 8-16-1999; Ord. No. 1149 §26, 8-19-2002]

- A. The parties desiring water service, in front of whose premises there is a main water line, shall pay a service connection fee at the time application is made, according to the size of pipe required, as set forth in Section 100.240.
- B. In addition to the connection fee heretofore specified, where pipe larger than one (1) inch in size is required or the connection is made under unusual circumstances involving greater than normal costs, the parties shall, as soon as the work has been completed, pay any excess of the cost of the labor and material over the connection fee paid at the time the application was made.

Section 700.080. New or Transferring Customers – Connection Fee – New Developments. [CC 1985 §14-307; Ord. No. 567, 12-5-1977; Ord. No. 1149 §27, 8-19-2002; Ord. No. 1347 §1, 6-7-2010; Ord. No. 1481 § 1, 11-21-2016]

- A. Existing Service Connection Fee. There shall be a connection fee for any and all new and transferring utility customers of pre-existing service connections as set forth in Section 100.240. Unless same day service is requested, new and transfer connections shall occur the next business day.
- B. Additional Fees. In addition to the connection fee, there shall be charges as set forth in Section 100.240 for same day service calls.
- C. New Development Distribution Connection Fee. There shall be, in addition to all other fees prescribed by this Code, an installation fee for electric distribution facilities necessary to serve the anticipated load of each new residential subdivision in the City. Such fee shall be computed: (1) on a per lot basis for each new single-family buildable lot of a size less than five (5) acres, and (2) on a per meter basis for each new multi-family residential living unit not requiring any special or unusual components (herein "conventional residential

distribution systems"). Such fee shall be payable prior to the initial construction of any distribution system necessary to serve any designated phase of a platted or planned unit development with the City. Such fee shall be billed at the rate set forth in Section 100.240.

- D. **Unconventional Residential Development And Commercial Development.** The Utility Distribution Director shall be responsible for the calculation of any differential in cost between a conventional residential distribution system described in 700.080(C) and a more specialized distribution system necessary to serve a commercial development or unconventional residential development (including any additional or specialized lines, phase, distribution configuration, transformers or poles). Any such differential shall be due and owing at the same time as the new development distribution connection fee required by Section 700.080(C). Any person aggrieved by the Utility Distribution Director's determination in this regard may appeal the decision to the City Council.

Section 700.090. Deposits. [CC 1985 §14-203; Ord. No. 176 §4, 1-17-1955; Ord. No. 1058 §700.090, 5-3-1999; Ord. No. 1149 §28, 8-19-2002]

- A. Security deposits required for guarantee of payment of utility bills shall be according to the size of meter required. Such deposits shall bear interest at the rate as set by the State Corporation Commission and will be refunded to the customer whenever the utility service is discontinued; provided that if any amount shall be due and unpaid for at the time service is discontinued, or the meter furnished shall be damaged in any way except by ordinary wear, the whole of such deposit or so much thereof as is necessary to pay the amount due the Utility Department shall be deducted from said deposit. The deposit required shall be as set forth in Section 100.240.
- B. *Meter Deposit Refund.* After making either an initial or additional deposit as hereinabove provided, if a customer makes satisfactory timely payments by the due date for twelve (12) consecutive months following the payment of said deposit, then the customer may make written request upon a form provided by the City for the return of either the initial or additional deposits.

Section 700.100. Permits Issued by City Clerk. [CC 1985 §14-104; Revised, 1961]

The City Clerk, upon receiving an application as hereinbefore provided, if the same is in proper form, and receiving the required connection fees and advance payments and the customer's deposit as provided in this Code, shall issue a permit to the person or persons applying for the same to connect with the municipal water system or electric system.

Section 700.110. All Water and Electricity to Be Metered – Temporary Provision of System Services. [R.O. 1924 §93; CC 1985 §14-105; Ord. No. 1388 §1, 1-16-2012; Ord. No. 1481 § 2, 11-21-2016]

- A. **Metering Requirement.** Except for certain private unmetered security lights described below and temporary construction meters, all water and electricity furnished by the municipal water and electric systems of this City to private persons or businesses shall be measured by meters furnished by the City for that purpose.
- B. **Temporary System Service; Procedure And Fees.** Where system services with respect to a

given electric and/or water meter have been disconnected such that there is not a current established customer for such meter(s), a request may be made, in writing, to the City for the establishment of temporary service on one (1) or more meters, not to exceed four (4) hours. The purpose of such temporary provision of system services shall be limited to property inspections or other similarly limited purposes in which the consumption of any utility is restricted to that required to be used in connection with the specified limited purpose. Any request for such service must be made, in writing, at least one (1) full business day prior to the requested connection, and must specify:

1. The meter or meters to be connected,
2. The date and time of the connection, and
3. The anticipated necessary duration of the connection (not to exceed four (4) hours).

As a prerequisite to any temporary connection of the requested system services, a per-meter fee (including any applicable taxes) shall be charged and collected by the City as set forth in a fee schedule available at the City offices (as allowed by item YY of Section 100.240 of the Code), which may, from time to time, be amended by the City. Further, should any measurable consumption of any system service occur during the requested temporary connection, the person requesting the service shall be billed for such usage at the current commercial rates.

- C. Security Lights. Citizens may request a private unmetered security light be placed upon poles on or adjacent to their property, provided the same are deemed feasible by the Utility Distribution Director. Such security lights shall be billed to utility customers on a monthly basis at the rates and charges from time to time in effect and as set forth in Section 100.240.

Section 700.120. City to Make Connections. [R.O. 1924 §94; CC 1985 §14-106]

All taps shall be driven, street excavations made, corporation cocks inserted, pipes installed from main to curb, curb cock installed in an iron box to which the service pipe is to be connected, meters and switches installed and connections made with wires by the City employees only.

Section 700.130. Every Premises to Have Separate Connection. [CC 1985 §14-107; Ord. No. 586, 8-21-1978]

Unless special permission is granted by the Superintendent of the water and electrical plant, each premise shall have a separate and distinct service connection, and where permission is granted for branch services, each service must have a cut-off; provided however, that in the event the Superintendent of the water plant grants special permission, a minimum water charge and sewer fee shall be charged for each individual cut-off installed on properties zoned and utilized as commercial or businesses.

Section 700.140. Services to Be Installed by Licensed Operators. [R.O. 1924 §96; CC 1985 §14-108]

No one except regular employees of the Water and Electric Departments of this City or persons licensed as plumbers or electricians shall do any plumbing or wiring work on any pipes or wires connected or to be connected to the municipal water or electric systems.

Section 700.150. Trenching and Backfilling. [R.O. 1924 §97; CC 1985 §14-109]

No excavation made by a plumber in public ground shall be kept open longer than is absolutely necessary to make the connections required and while open, shall be protected by suitable barriers, guards and lights as provided in the ordinances of this City, and backfilling shall be thoroughly compacted and left in a condition satisfactory to the Street Commissioner. Where such excavation is in an unsatisfactory condition, the Street Commissioner shall repair it and the cost thereof be charged to the plumber, and his/her license will be suspended unless said sum is paid.

Section 700.160. Character of Pipe for Service Connections. [R.O. 1924 §98; CC 1985 §14-110]

All service pipes in this City shall be in conformance with the current Plumbing Code in force in the City.

Section 700.170. Character of Electrical Service Connections. [R.O. 1924 §99; CC 1985 §14-111]

All electrical service connections shall be made in the manner and form prescribed by the current Electric Code in force in the City.

Section 700.180. Cost of Installation Borne by Consumer. [R.O. 1924 §103; CC 1985 §14-115]

The cost of original installation of all plumbing and wiring services and devices and all extensions hereafter made to such services as well as all repairs to the same shall be borne entirely by the consumer although such services and devices shall at all reasonable times be subject to inspection by duly authorized officials of the Water and Electric Departments of this City. Repairs found to be necessary by such officials shall be made promptly by the consumer or the City will discontinue service.

Section 700.190. Service Where No Water Line. [CC 1985 §14-116; Ord. No. 176 §3, 1-17-1955]

Parties desiring water service in front of whose premises there is no water line shall assume the cost of running a pipe line from a service tap as made by the Water Department to their premises in addition to the connection fees and advance payments herein provided.

Section 700.200. Meters. [R.O. 1924 §104; CC 1985 §14-117; Ord. No. 176 §3, 1-17-1955]

Every consumer shall provide a suitable place where a meter can be installed. All water and electric meters shall be located outside of buildings except in those cases where it is more advantageous to the City that the meter be located at a point determined by the City. The City shall install and maintain the same, and if at any time the consumer desires to have the meter tested for accuracy, the same shall be done by the City and a fee of thirty-five dollars (\$35.00) charged therefor to the consumer if the meter registered ninety-seven percent (97%) or more accurate. If the meter registers less than ninety-seven percent (97%) accurate, it shall be replaced and repaired before installation on another service, and no charge shall be made.

Section 700.210. Reading Meters – Gate Lock Fee for Locked Premises. [R.O. 1924 §105; CC 1985 §14-118; Ord. No. 1149 §29, 8-19-2002]

- A. For the purpose of reading meters, duly authorized employees of the Water and Electric Departments of this City may legally enter upon any premises at any reasonable hour.
- B. Whenever any user fences or otherwise encloses the electric meter, he/she shall purchase a gate lock from the City at a rate as set forth in Section 100.240.

Section 700.220. Discontinuance of Service. [CC 1985 §14-120; Ord. No. 701, 10-18-1982; Ord. No. 716, 5-16-1983; Ord. No. 1058 §700.220D, 5-3-1999; Ord. No. 1149 §30, 8-19-2002; Ord. No. 1245, 12-4-2006; Ord. No. 1347 §2, 6-7-2010]

- A. The City hereby reserves the right to discontinue service to any or all customers of municipal water, sewer and electrical systems without notice when the same is necessary for the repair of the system.
- B. Billing shall be mailed on or before the twenty-fifth (25th) day of each month or the next business day thereafter for the previous month's service. Payment of utility billings shall be due upon the close of business on the fifth (5th) day of the month following the date of mailing. To the extent not otherwise provided by this Code, a one-time five percent (5%) late fee will be charged and become due and owing on the unpaid balance of any utility account for which payment is received after close of business on the fifth (5th) day of the month following the ordinary billing cycle. If the City does not receive a customer's payment within five (5) days of the billing due date (prior to the tenth (10th) of the month), the City shall mail such customer a delinquency and termination notice. If the City does not receive a customer's payment prior to 8:00 A.M. on the tenth (10th) day after the date of the mailing of such delinquency and termination notice (prior to 8:00 A.M. on the twentieth (20th) of the month) or the next business day thereafter if the twentieth (20th) is not a business day (the "disconnect date"), the City shall terminate and disconnect such customer's utility service for which payment is past due.
- C. The delinquency and termination notice mailed subsequent to the identification of delinquent bills shall provide the customer of record with the following information:
 - 1. Name and address where service is being provided;
 - 2. Account number;
 - 3. Amount past due;
 - 4. Notice that service shall be terminated upon failure to pay the delinquent billing prior to the disconnect date and that payment after 8:00 A.M. on the disconnect date will not avoid termination or related fees;
 - 5. Notice of the utility administrative fee due if payment is not received by the City prior to the disconnect date;
 - 6. Notice that the customer may request, no later than the close of business three (3) business days prior to the disconnect date, a hearing with respect to its past due bill.
- D. If the City does not receive a customer's payment on its past due utility bill prior to the disconnect date, such customer shall be charged an additional utility administrative fee in the amount set forth in Section 100.240. If a customer's utility service is disconnected for

non-payment and a customer requests reconnection to occur before 8:00 A.M. or after 5:00 P.M. on any business day or anytime on Saturday, Sunday or holidays, such customer shall be charged an additional after hours reconnection fee in the amount set forth in Section 100.240. Payments received after 5:00 P.M. on any business day shall be deemed to require after hours reconnection unless such customer specifically requests reconnection to occur between 8:00 A.M. and 5:00 P.M. on the next regular business day. Upon the issuance by the City of a customer's second (2nd) disconnection order for non-payment within a twelve (12) month period and upon each subsequent disconnection order, such customer shall deposit with the City (in addition to any applicable utility administrative fee and after hours reconnection fee) an additional deposit in an amount equal to the highest residential or commercial deposit (as appropriate) currently being charged by the City as set forth in Section 100.240. With respect to residential customers, the City shall collect such additional deposits until such time as the customer's total deposit amount on record reaches one thousand two hundred dollars (\$1,200.00). This deposit cap shall not apply to commercial utility accounts which shall have no such cap. All delinquent bills, service charges, fees and deposits shall be paid before any disconnected utility service will be reconnected.

- E. Any customer whose utility bill is past due may request a hearing with respect to such past due bill. The request for hearing must be made no later than the close of business three (3) business days prior to the disconnect date. Such hearings will be conducted by two (2) or more of the following representatives:
1. Utility Distribution Director;
 2. Utility Billing Clerk;
 3. City Clerk;
 4. City Administrator;
 5. Mayor;
 6. Other representative as may be appointed by the Mayor.

If a hearing is requested under this Section and such hearing cannot be held by the City prior to the disconnect date, the representatives to preside over such hearing may, in their sole and absolute discretion, postpone termination of service despite such customer's continued utility bill delinquency. No such extension may exceed fifteen (15) days from the disconnect date.

- F. Utility departments of the City are hereby authorized to discontinue and disconnect utility services to any customer who shall be delinquent in payment of utility bills. Customers shall remain responsible for furnishing the departments and the City with the correct address for billing purposes.

Section 700.230. Regulations for Drilling Private Water Wells and Providing for a Permit Thereof.
[CC 1985 §14-121; Ord. No. 642, 10-20-1980; Ord. No. 1149 §31, 8-19-2002]

- A. Any person, association, corporation or partnership desiring to drill a private water well within the City limits of the City of Mulvane or those not within said City but connected to

the municipal water utilities services shall first secure a permit from the City Clerk for drilling said well. Said permit shall disclose the exact location of said well and the avowed purposes for said well.

- B. In the event said well furnishes water to any portion of the residence or building within the City limits wherein City water is used, an appropriate check valve as hereinbefore specified shall be utilized. There shall be a permit fee as set forth in Section 100.240 for any person, association, corporation or partnership desiring to drill said well.

Section 700.240. Adjustment of Water Bills. [CC 1985 §14-124; Ord. No. 974, 8-15-1994]

- A. Where the monthly water bill of any user of the public water of Mulvane, Kansas, is above normal due to a consumer leak, the head of the Water Department may allow an adjustment based on the previous twelve (12) month average. Upon establishing a twelve (12) month average, the consumer is obligated to pay their own average based on the current rates established. The consumer is also obligated to pay for the additional water usage over their established average at the current City rate. Any difference in the amount to be paid by the consumer and the amount billed for the billing period shall be the credit adjustment allowed.
- B. If the consumer has not established a twelve (12) month average any adjustment shall be based on the City average water usage. The consumer is obligated to pay the City average based on the current rates established. The consumer is also obligated to pay for the additional water usage over the City average at the current City rate. Any difference in the amount to be paid by the consumer and the amount billed for the billing period shall be the credit adjustment allowed.
- C. No adjustments shall be made until a representative of the Water Department determines that the excessive bill was due to a consumers leak and said leak has been satisfactorily repaired; provided however, that no adjustment shall be made where water-cooled air-conditioning equipment is used.
- D. In individual cases where the indicated consumption for one (1) billing period is abnormally high, and the Water Department can find no possible explanation for such consumption, the head of the Water Department may allow an adjustment through the best practical method.
- E. No bill adjustment shall be extended to the same customer more than once during a twelve (12) month period.

Section 700.250. Proration of Residential Charges. [CC 1985 §14-125; Amended Ord. No. 783, 3-17-1986]

Any residential subscriber who moves from one residential address within the City to another residential address within the City during the same calendar month shall be, upon application to the Superintendent, entitled to pro-rate the utility charge for such month for utility services delivered to any two (2) such locations within that month and such residential subscriber shall not be liable for double payments.

Section 700.255. Level Monthly Payment Plan For Residential Users. [Ord. No. 1525, 4-20-2020]

Notwithstanding the monthly utility billing requirements for all residential users of: (1) water under Section 700.260, (2) electricity under Section 700.290, (3) sanitary sewer under Section 715.040, and (4) storm water sewer under Section 720.015 (or such other similar or replacement provisions of the Code applicable to residential customers), the Governing Body of the City may from time to time (but shall not be required) to approve, in writing, a system of monthly payments aimed at "averaging" or "leveling" the monthly costs for residential users. Any such programs shall be in writing and shall require that such payment imbalance (when compared to the otherwise ordinarily required payments) shall be brought current to a balance of "zero" at least once each calendar year. Such system shall otherwise be subject to such participation requirements that are from time to time outlined, established or adjusted by the City's Governing Body.

Section 700.256. Waiver Of Utility Late Fees And Charges In An Emergency. [Ord. No. 1525, 4-20-2020]

Upon the occurrence of a declared national, State, or local emergency by the President of the United States, Governor of the State of Kansas, or Mayor of the City, the Governing Body of the City may temporarily relieve, discontinue or temporarily forgive any and all late fees or charges and additional deposits otherwise establish by this Code and otherwise collected by the City to secure payment for its utilities, including, but not limited to: (1) utility late fees established by Subsection (B) of Section 700.220 of the Code, (2) utility late payment notice administrative fees established by Subsection (D) of Section 700.220 of the Code, (3) additional utility deposits required for multiple disconnections by Subsection (D) of Section 700.220 of the Code, (4) gross monthly bill electric charges established by Subsections (E) and (F) of Section 700.290, Subsections (C) and (D) of Section 700.300, and Subsections (F) and (G) of Section 700.310, (5) sewer penalty fees incorporated by Section 715.050, and (6) storm drainage late charges incorporated by Subsection (C) of Section 720.015. Nothing in any of this Section shall be deemed to waive or relieve any such fees or charges for an individual or group of utility users in the absence of the express approval of the Governing Body of the City.

**ARTICLE III
Water Rates**

Section 700.260. Monthly Rates. [CC 1985 §14-201; Amended Ord. No. 924; Ord. No. 1109, 9-17-2001; Ord. No. 1211, 3-7-2005; Ord. No. 1338, 12-7-2009]

- A. Monthly rates for water and water services to be charged to consumers using water furnished by the City of Mulvane, Kansas, prior to the January 2010 billing shall be as follows:

| | | |
|--|---|--------|
| Minimum monthly charge: | | |
| | Up to 2,000 gallons of water per month | \$9.00 |
| | Over 2,000 gallons of water per month, per each 1,000 gallons | \$4.70 |
| <i>Incremental Charge.</i> In addition, each customer's monthly rate (calculated above) will be increased five percent (5%) above the rate calculated above. | | |

B. Monthly rates for water and water services to be charged to consumers using water furnished by the City of Mulvane, Kansas, on and after the January 2010 billing (mailed on or about February 25, 2010 and thereafter) shall be as follows:

| | |
|------------------------|--------|
| Minimum monthly charge | \$5.25 |
| Per each 1,000 gallons | \$4.94 |

Section 700.270. Relocation Charge. [CC 1985 §14-205; Ord. No. 566, 12-5-1977]

In the event a water meter is changed at the request of a customer or any builder, there shall be charged therefore sufficient funds to pay the cost of labor and the material cost as may be determined by the Superintendent of said Water Department.

Section 700.280. Temporary Water Connections. [CC 1985 §14-207; Ord. No. 478, 1-20-1975; Ord. No. 1149 §32, 8-19-2002]

For each building site, repair site or construction site wherein water is temporarily required by the building contractor or his/her representative, a fee as set forth in Section 100.240 in addition to any permanent fees set out in the preceding Sections shall be paid. No temporary hookups of water may be transferred to other sites. If a permanent water hookup is not effected within ninety (90) days from the date of the original permit, then an additional fee as set forth in Section 100.240 will be charged for each ninety (90) days or portion thereof.

ARTICLE IV
Electrical Rates

Section 700.290. Residential Rates. [CC 1985 §14-310; Ord. No. 669, 6-1-1981; Amended Ord. No. 790, 5-19-1986; Ord. No. 977 §§1,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §1, 8-6-2012]

A. *Availability.* In all territory served by the City for which no specific schedules are provided.

B. *Application.*

1. The residential rates shall apply to electric service for all domestic purposes in single-family residences and individually metered apartments when supplied at one (1) point of delivery. All service is measured through one (1) watt-hour meter, except where the customer elects to take another rate. Where a portion of a residence unit is used for non-residential purposes, the appropriate general service schedule is applicable to all service. However, if the wiring is so arranged that the service for residential purposes and for non-residential purposes can be metered separately, this schedule will be applied to the residential service.
2. Service to hotels, multi-family dwellings having more than three (3) living units, recognized rooming or boarding houses or to the halls, basements or other common use portions of an apartment building will not be supplied under this schedule. There shall be no obligation on the part of the City of Mulvane to render service under that Section of the net monthly rate applicable to permanently installed electric space

heating equipment in the absence of written notice from the customer that he/she has permanently installed and is using electric space heating equipment in accordance with the specifications set forth in the net monthly rate.

- C. *Character Of Service.* Alternating current at approximately sixty (60) cycles, single-phase, and at such voltage as the City of Mulvane may have available for the service required.
- D. *Net Monthly Rates.* The net monthly rate for residential service shall be: [Ord. No. 1504, 10-2-2017]
 - 1. *Minimum customer charge.* Seven dollars ninety-five cents (\$7.95).
 - 2. *Energy charge.* For all general use billing:
 - a. During the months of September through May: \$.0741 per kwh.
 - b. During the months of June, July and August: \$.0741 per kwh for the first five hundred (500) kwh. \$.0841 per kwh for all additional kwh.

When permanently installed electric space heating equipment is in regular use to supply the entire space heating requirements in the home, all kwh used in excess of 500 kwh per month shall be billed at \$.0530 per kwh during the winter heating season. Application of this Section to bills rendered in the months of November through May is interpreted as covering the winter heating season.

- 3. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "Base Cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the Base Cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below Base Cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.
- 4. (Reserved)²
- E. *Gross Monthly Bill.* The net monthly bill, computed in accordance with the net monthly rate plus five percent (5%) on the balance thereof.
- F. *Payment.* The net monthly bill is due and payable when rendered; when not paid by the fifth (5th) of the following month, the gross monthly bill applies. Payments will be applied to the oldest balance first.

Section 700.300. General Service – Commercial. [CC 1985 §14-301(A); Ord. No. 669, 6-1-1981; Ord. No. 997 §§2,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §2, 8-6-2012]

- A. *Net Monthly Rate.* The net monthly rate for general service – commercial shall be: [Ord. No. 1504, 10-2-2017]

2. Editor's Note: Former Subsection (D)(4), regarding parallel generation charges, was repealed 8-16-2021 by Ord. No. 1546. See now Section 700.361 herein.

1. For bills incurred during the months of September through May, bill is at:
 - a. Seven dollars ninety-five cents (\$7.95) minimum customer charge.
 - b. Four dollars eighty-five cents (\$4.85) per kw for each kw in excess of five (5) kw of demand.
 - c. \$.0873 per kwh for first one thousand (1,000) kwh.
 - d. \$.0559 per kwh for all additional kwh.
 - e. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "Base Cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the Base Cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below Base Cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.

 2. For bills incurred during the months of June through August, billing is at:
 - a. Seven dollars ninety-five cents (\$7.95) minimum customer charge.
 - b. Five dollars seventy cents (\$5.70) per kw for each kw in excess of five (5) kw of demand.
 - c. \$.0873 per kwh for first one thousand (1,000) kwh.
 - d. \$.0559 per kwh for all additional kwh.
 - e. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "Base Cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the Base Cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below Base Cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.

 3. (Reserved)³
- B. *Demand.* The average kw supplied during the fifteen (15) minute period of maximum use during the month.
- C. *Gross Monthly Bill.* The net monthly bill, computed in accordance with the net monthly rate plus five percent (5%) on the balance thereof.

3. Editor's Note: Former Subsection (A)(3), regarding parallel generation charges, was repealed 8-16-2021 by Ord. No. 1546. See now Section 700.361 herein.

D. *Payment.* The net monthly bill is due and payable when rendered; when not paid by the fifth (5th) of the following month, the gross monthly bill applies. Payments will be applied to the oldest balance first.

Section 700.310. Large General Service. [CC 1985 §14-301(B); Ord. No. 669, 6-1-1981; Amended Ord. No. 790, 5-19-1986; Ord. No. 997 §§3,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §3, 8-6-2012]

A. *Availability.* In all territory served by the City of Mulvane.

B. *Application.* To all electric service supplied to any customer contracting for forty (40) kw or more at one delivery point.

C. *Character Of Service.* Service is at approximately sixty (60) cycles and at such phase and voltage as the City may have available for the service required.

D. *Net Monthly Rate.* The net monthly rate for large general service shall be: [Ord. No. 1504, 10-2-2017]

1. Four hundred forty-five dollars (\$445.00) for the first forty (40) kw of demand.

2. Eight dollars forty-seven cents (\$8.47) per kw for all additional kw of demand.

3. \$.0417 per kwh for the first twenty thousand (20,000) kwh.

4. \$.0398 per kwh for the next five hundred eighty thousand (580,000) kwh.

5. \$.0388 per kwh for all additional kwh.

6. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "Base Cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the Base Cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below Base Cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.

7. (Reserved)⁴

E. *Demand.* The average kw supplied during the fifteen (15) minute period of maximum use during the month.

F. *Gross Monthly Bill.* The net monthly bill, computed in accordance with the net monthly rate plus five percent (5%) of the balance thereof.

G. *Payment.* The net monthly bill is due and payable when rendered; when not paid by the fifth (5th) day of the following month, the gross monthly bill applies. Payment will be applied to the oldest balance first.

4. Editor's Note: Former Subsection (D)(7), regarding parallel generation charges, was repealed 8-16-2021 by Ord. No. 1546. See now Section 700.361 herein.

Section 700.320. City Rate. [Ord. No. 1504, 10-2-2017]

The net monthly rate for City service shall be:

| | |
|-------------------------|-----------------|
| Minimum customer charge | none |
| Energy charge | \$.0674 per kwh |

Section 700.330. Combination of Residential and Commercial Enterprise. [CC 1985 §14-301(C); Ord. No. 669, 6-1-1981; Ord. No. 997 §§4,7, 9-19-1994]

Any combination of residential and commercial enterprise on one (1) premises when served through one (1) meter is considered as commercial and will be served only on General Commercial Rate. If the wiring of the residential portion of the premises is entirely separate from the business portion and service to each is rendered through a separate meter, the Residential Service Rate will be applied to the residential portion and the Commercial Rate to the business portion, each to be considered as a separate customer.

Section 700.340. Athletic Fields – Rates – Demand. [CC 1985 §14-301(E); Ord. No. 669, 6-1-1981; Amended Ord. 790, 5-19-1986; Ord. No. 977 §§5,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §4, 8-6-2012]

- A. The demand provision of this Article shall be applicable to all athletic fields until the Governing Body of said athletic field or fields have paid to the City of Mulvane the cost of all transformers, installation, wires, lights, labor and other charges that might be associated with the installation of said service or until said Governing Body or the owner of said athletic field has installed at its cost by its own duly authorized person the transformer, wires, poles, lights or other necessary appurtenances for the purpose of lighting said athletic field or fields.
- B. In the event that the conditions set out in Subsection (A) have been satisfactorily met, then the following rates shall be applicable: [Ord. No. 1504, 10-2-2017]
 - 1. *Minimum customer charge.* Seven dollars ninety-five cents (\$7.95).
 - 2. *Energy charge.* For general use billing is:
 - a. \$.0843 per kwh for the first one hundred (100) kwh.
 - b. \$.0711 per kwh for all additional kwh.
 - 3. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "Base Cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the Base Cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below Base Cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.

4. (Reserved)⁵

- C. The provisions of Section 700.310 above pertaining to the availability, application, character of service, gross monthly bill, and method of payment shall be applicable to this Section.

Section 700.350. Temporary Electrical Connections. [CC 1985 §14-303; Ord. No. 656, 2-16-1981; Ord. No. 1149 §33, 8-19-2002]

For each building site, repair site or construction site wherein electricity is temporarily required by the building contractor or his/her representative, a fee as set forth in Section 100.240 in addition to any permanent fees set out in the preceding Sections shall be paid. No temporary installation of electricity may be transferred to other sites. If a permanent electrical connection is not effected within ninety (90) days from the date of the original permit, then an additional fee as set forth in Section 100.240 will be charged for each ninety (90) days or a portion thereof; provided however, the above charges stated shall not apply to mobile homes.

Section 700.360. Public Utility Regulatory Policies Act. [CC 1985 §14-308; Ord. No. 727, 10-17-1983]

- A. The City of Mulvane hereby undertakes to comply with all lawful regulations of the Federal Energy Regulatory Commission (FERC) codified in Subpart C of 18 CFR, Part 292, dealing with arrangements with qualifying cogeneration and small power production facilities under Section 210 of the Public Utility Regulatory Policies Act 1978 (PURPA).
- B. The City Administrator/City Clerk and the City Attorney are jointly and severally authorized and directed to file with the FERC a copy of this Section reflecting the City's compliance with 18 CFR, Section 292.401(c).

Section 700.361. Parallel Generation Charges. [Ord. No. 1546, 8-16-2021]

The following charges are hereby added to the electric rate for customers of the City's electric utility: (i) Any residential customer of the City's electric utility that installs an energy producing system that is an appropriately sized renewable generator (i.e., that does not exceed the customer's peak demand) with a capacity of twenty-five (25) kilowatts or less, or (ii) any commercial customer of the City's electric utility that installs an energy producing system that is an appropriately sized renewable generator (i.e., that does not exceed the customer's peak demand) with a capacity of two hundred (200) kilowatts or less, may upon request of such customer, enter into a contract with the City for parallel generation whereby such customer may attach or connect to the City's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the City's electrical system and compensation therefore. Such contract shall comply with the requirements of K.S.A. 66-1, 184 et seq., as amended. The cost of any equipment required to be installed for such attachment or metering and installation shall be the sole responsibility of the customer and such equipment shall not cause damage to the City's electric system or equipment or present an undue hazard to City personnel.

⁵. Editor's Note: Former Subsection (B)(4), regarding parallel generation charges, was repealed 8-16-2021 by Ord. No. 1546. See now Section 700.361 herein.

This Section shall only apply to the customers described in Sections (i) and (ii) as set forth above and as referenced in K.S.A. 66-1, 184(b)(2).

ARTICLE V
Sewage Service Charge – Rates

Section 700.370. Residences Not Connected to City Water System. [CC 1985 §11-205; Ord. No. 765; Amended Ord. No. 766, 7-15-1985]

Any residence not connected to the City water system but having a sewer connected to the City sewer system of the City of Mulvane, Kansas, shall pay a monthly sewage service charge equal to the monthly sewage service as set by the residential customers of the City sewer system as set each year.

Section 700.380. Commercial Establishments Not Connected to City Water System. [CC 1985 §11-206; Ord. No. 516, 4-5-1976]

All commercial establishments having a sewage connection directly or indirectly with the sewage disposal system of the City of Mulvane, Kansas, which are not connected to the City water system shall be required to install a good and sufficient water meter of the type and kind to be approved by the City Water Department Supervisor and to measure the amount of water actually used (from whatever source other than the City water system) in said establishments. The connection of such establishments to the City Sewage Disposal system shall be deemed to be an authorization by such establishments to City employees to inspect the required meter and an authorization to come upon the premises at all reasonable hours to read the said meter. Based upon the average monthly gallons used, such establishment shall pay the sewer charge for commercial users.

Section 700.390. Industrial Establishments Not Connected to City Water System. [CC 1985 §11-207; Ord. No. 516, 4-5-1976]

All industrial type establishments having a sewage connection directly or indirectly with the sewage disposal system of the City of Mulvane, Kansas, and discharging therein sewage of such volume, type and character as shall place an unusual burden upon the City Sewage Disposal System and which are not connected to the City water system shall be required to install a good and sufficient water meter of a type and kind to be approved by the City Water Department supervisor and to measure the amount of water actually used (from whatever source other than the City water system) in said establishments. The connecting up of such establishments to the City sewage disposal system shall be deemed to be an authorization by such establishments to City employees to inspect the required meter and an authorization to come upon the premises at all reasonable hours to read the said meter. Based upon the average monthly gallons used, such establishments shall pay a sewage service charge rate that shall be determined by negotiation between the user and the City.

Section 700.400. Damaging System – Unlawful Connection. [CC 1985 §11-211; Ord. No. 516, 4-5-1976]

It shall be a misdemeanor for any person to deface, injure, destroy or in any manner limit the use or availability of any part of the sewage disposal system of the City or to tamper with such

system or any part thereof or to make any connection therewith or to reconnect sewer service when such service has been disconnected for non-payment of a bill unless such bill has been paid in full including any reconnection fees remaining unpaid or to reconnect sewer service when such service has been disconnected for any reason.

Section 700.410. Lien on Real Estate. [CC 1985 §11-212; Ord. No. 205, 2-18-1957]

Any unpaid sewage service charges imposed pursuant to the provisions of this Article shall constitute a lien upon the real estate served by the connection to the City's sanitary sewer system and shall be certified by the City Clerk to the County Clerk of Sumner County or Sedgwick County, Kansas, as the case may be and shall be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are collectible by law.

Section 700.420. Use of Revenues. [CC 1985 §11-218; Ord. No. 205, 2-18-1957]

All revenues derived from sewage service charges shall be deposited in the City Treasury and credited to a separate fund to be known as the Sewage Disposal Fund. Such revenues shall be used exclusively in the manner and for the purpose specified in Section 12-631(l) of the Supplement to the General Statutes of Kansas.