

ORDINANCE NUMBER 580

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, AMENDING ORDINANCE NUMBER 339 OF SAID CITY, AND SPECIFICALLY AMENDING SECTION FIFTEEN OF SAID ORDINANCE NUMBER 339, AND REPEALING ORDINANCE NUMBER 458, RELATING TO THE FEES CHARGED FOR CONNECTING TO THE WATERWORKS SYSTEM OF SAID CITY.

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

SECTION ONE: That Section Fifteen of Ordinance number 339 of the City of Highland, Kansas, be and the same is hereby amended to read as follows:

SECTION FIFTEEN: WATER SERVICE CONNECTIONS. In areas where water mains exist adjacent to the property to be served to which a connection can be made, there shall be a uniform charge for any new water service connection, or for any connection that is moved and reinstalled at the request of the landowner, from the City waterworks system to a water line on any lot within the City of Highland, such connection fee shall be in the following amounts:

- (a) For each 3/4 (or smaller) connection, a fee of \$500.00.
- (b) For each connection larger than 3/4 inch and not larger than 1 inch, a fee of \$600.00.
- (c) For each connection larger than 1 inch, but not larger than 1 1/2 inches, a fee of \$1,000.
- (d) For each connection larger than 1 1/2 inches, but not larger than 2 inches, a fee of \$2,000.
- (e) For each connection larger than 2 inches, but not larger than 3 inches, a fee of \$3,000.
- (f) In any event, the City reserves the right to charge a fee not less than the sum of the City's cost of the installed meter and other materials, employee labor, usage of city-owned equipment, service fees and equipment rental, in the event those costs exceed the above list of fees.
- (g) A written application for service shall be filed with the City Clerk, requesting permission to install a connection to the water system of the City prior to beginning work, on such forms as shall be provided by the City from time to time. Said application shall contain a diagram, drawn to scale, of the location of the proposed connection. In the event any such connection is made prior to the payment of the above-stated fee, an additional fee of \$250.00 will be added to the above schedule of fees.
- (h) Said fees shall be payable, in advance, to the City Clerk and shall be credited to the water fund of the City. The city's cost for the installed meter and other materials, employee labor, usage of city-owned equipment, service fees and equipment rental shall be estimated and, if it exceeds the standard fee, shall be provided to the customer, and any adjustment shall be made following installation. Any person performing said water service connections, prior to the time of application and payment as hereinbefore provided, shall be in violation of this ordinance and subject to penalties as herein provided.

(i) In areas within the corporate City limits where water mains do not exist adjacent to the property to be served to which a connection can be made, and an extension of existing water mains would be necessitated, an application for a proposed extension shall be submitted, in writing, to the City Clerk, who shall provide the same to the Water Committee for review and consideration. Any such proposal can be made by the Mayor, the Water Committee, or by any contiguous landowner or their agent or representative and shall include a design and cost estimate provided by a licensed engineer, contractor or other qualified person. If the application is made by or on behalf of a landowner, the applicant may either deposit in cash the estimated cost of extending such main or may request an extension in accordance with the provisions of K.S.A. 12-6a01 through 12-6a18, as amended from time to time, and according to the terms of the extension plan designated in this section; provided, however, nothing herein shall prohibit the City, in its sole discretion, for extending any such main at its sole expense, regardless of how the proposal is initiated, if it is found to be in the best interests of City and is of benefit to the general health and welfare of the citizenry. Any such extension plan shall be as follows, unless waived, in whole or on part, by the governing body:

- (1) ASCERTAINMENT OF LENGTH OF EXTENSION. The length of the requested extension shall be ascertained by actual field measurement from the terminus of the nearest water main of adequate capacity to the furthest point on the tract of land to be served, plus such additional footage as is deemed necessary by the Water Committee in order to avoid obstructions, such as culverts, trees, shrubs, etc.
- (2) DETERMINATION OF DIAMETER OF MAIN. The diameter of the main to be installed shall be determined by the Water Committee, based upon a consideration of the following factors: provision of adequate service to prospective consumers; possible and contemplated future extensions of the main to be installed; and fire protection needs existing or anticipated in the area to be served.
- (3) METHOD OF ESTIMATING COST OF PROPOSED EXTENSION. The total estimated costs of the proposed main extensions shall be determined by a field survey and detailed cost estimates based on experience records of the City Waterworks Department, reflecting labor, material and other costs of main extensions. An estimate prepared by a qualified engineer, at the cost of the landowner, can be required by the City.
- (4) CASH DEPOSIT OF ESTIMATED COST OR PROPOSED SPECIAL ASSESSMENTS. The cash deposit of the estimated cost or the proposed special assessment for each water main extension shall be based on the actual size diameter of pipe installed not to exceed a maximum size diameter of ten inches. The estimated cost shall be based on records maintained or obtained by the City Waterworks Department or as submitted to the City in the application, subject to confirmation by the City.
- (5) AMOUNT DEPOSITED OVER ACTUAL COST TO BE REFUNDED; ADDITIONAL CHARGE IF DEPOSIT IS INSUFFICIENT; ACTUAL COST USED TO DETERMINE SPECIAL ASSESSMENT. After the installation of such main extension has been completed, if the total actual cost thereof is less

than the estimated cost, on deposit, a refund of the difference shall be made to the applicant. If the actual cost is greater than the estimated cost, the applicant shall be required to make an additional deposit payment in the amount of the deficit. The actual costs shall also be used to determine all special assessments in so far as they are in accordance with K.S.A 12-6a01 through 12-6a18, as amended.

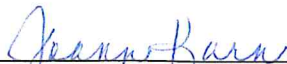
- (6) TITLE TO MAINS VESTED IN CITY. Anything to the contrary herein provided notwithstanding the full title, ownership and right of exclusive possession to all mains installed under such deposit or special assessment arrangements pursuant to the extension plan, or otherwise, shall be vested in the City through its water department.
- (7) PLANS FOR EXTENSIONS OR ENLARGEMENTS TO BE SUBMITTED TO GOVERNING BODY. In all cases, the Water Committee shall, before ordering any main extension or other enlargement of the City waterworks system, first submit plans there for to the City Council for final approval of any proposed extensions or enlargements. It shall also be the duty of the Water Committee to determine whether or not any proposed enlargement or extension of the City waterworks system would be in conformity with the zoning ordinances and subdivision regulations of the City. No extension or enlargement shall be made or approved unless it is determined by the governing body that the revenue derived from the same will be sufficient to pay interest on the cost of the extension as well as the operating costs of the service furnished, all as provided by K.S.A. 12-821, as the same may be amended from time to time.
- (8) RESPONSIBILITY OF APPLICANT TO PROVIDE ESTIMATED COSTS, PLANS, ETC. It is the sole responsibility of the applicant to provide for all estimated costs and plans in connection herewith, and none of the provisions herein shall obligate the City, financially or otherwise, to be responsible for providing any of the estimated costs or plans hereunder.

SECTION TWO: That Section Fifteen of Ordinance number 339 of the City of Highland, Kansas, is hereby amended and Ordinance number 458 is hereby repealed.

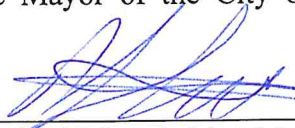
SECTION THREE: That the terms and provisions of this Ordinance shall take effect upon publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 28th day of December, 2021.

ATTEST:



Joann Karn, City Clerk



Charles N. Batchelder, Mayor
Terry J. Gibson, Council President

(Seal)