

**WATER
RULES AND REGULATIONS
OF THE
CITY OF SPRING HILL**

**FIRST EDITION
2021**

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WATER RULES AND REGULATIONS
FIRST EDITION, 2021
SPRING HILL, KANSAS

SECTION 16-101 PURPOSE: The purpose of these revised and amended Rules and Regulations as here promulgated, adopted and put into effect shall be to establish, manage, purchase, construct, operate, maintain and to exclusively control the water supply and distribution facilities of the City of Spring Hill, in the State of Kansas and for the further purpose of safe, economical, efficient establishment, operation, maintenance and management of such water supply and distribution system and to govern the use of water and the connecting of water mains with the mains of such water supply and distribution system and the issuance of permits to connect, improve, extend or make additions to any such water mains, all pursuant to and in accordance with the provisions of the Water Supply and Distribution Districts Act of the State of Kansas.

SECTION 16-102 DEFINITIONS: In the use of words, terms and phrases in these Rules and Regulations of said City of Spring Hill the following definitions shall apply.

Applicant - Any prospective customer making application for the construction of a new service connection or use of existing service connection.

Board - See Governing Body of the City of Spring Hill.

Business Hours - The hours between 8:00 a.m. and 5:00 p.m. on any day from Monday through Friday when the principal office of the City is open for the normal conduct of business. City Hall will not be open to transact business during those times when National Holidays and other designated holidays or closures are observed by the City. Online transactions are accepted twenty-four (24) hours per day, seven (7) days per week.

City - The City of Spring Hill, Johnson/Miami County, Kansas.

Cross-Connection - Any physical connection either direct or indirect that will permit or may possibly permit the flow of non-potable water into a conduit or receptacle containing potable water, that is water suitable for drinking or domestic use under recognized and acceptable standards of the Kansas State Department of Health. A direct connection consists of a continuous conduit leading or making it possible to lead non-potable water into the potable water supply. An indirect connection consists of a gap or space across which non-potable water may fall or be sucked, blown, or otherwise made to enter the potable water supply.

Customer - Any person, partnership, association, firm, corporation, municipality, school district or other subdivision of the State of Kansas, a department, division, or an agency of the Federal Government supplied with water by the City of Spring Hill of Johnson/Miami County (Kansas).

Customer Accounts - Each address with a City of Spring Hill water meter will have an assigned customer account containing the applicant information and account billing and usage information and history.

Customer Service Line - The water pipe extending from the City's point of delivery at the customer's property line to the point of use and generally located on the customer's private property.

Date - A referenced specific date, such as "the 15th", shall mean a period beginning at 8:00 A.M. on the specified date and ending at 5:00 P.M. of that same business day.

District - See City of Spring Hill of Johnson/Miami County, Kansas.

Domestic Service Connection - The water pipe extending from the City's mains to the customer's property line including fittings, valves, curb boxes, meters, meter vaults and meter setters; all of which generally are located in the public right-of-way or in a utility easement.

Employee - Any individual or person hired or employed by the Governing Body of the City of Spring Hill.

Extensions - See Water Main Extensions.

Fire Service Connection - The connection made at the City's mains for the purpose of providing water service to a fire service line. The fire service connection includes only tapping sleeve and valve at the water main and is located in the public right-of-way or in a utility easement.

Fire Service Line - The water pipe extending from the fire service connection at the city's mains into the customer's private fire hydrant(s) and/or interior fire protection system.

The Fire Service Line must be constructed with a water flow detection device; during annual backflow preventer testing, the meter/water flow detection device shall be read, and the meter reading recorded on the backflow testing report.

Irrigation Meter – A device or instrument used for measuring and recording the quantity of water delivered to a customer for exterior irrigation of landscaping, lawns, vegetation, or other exterior plantings. This meter service will be subject to "non sewer" billable water.

Management - The Director of Public Works or his designee are hired by the City of Spring Hill to administer and operate the physical properties and operation of the water supply and distribution properties of the City within and without the city.

Meter - See Water Meter.

Petitioner - Any prospective customer or interested party requesting extension of the City's distribution mains or requesting extension of the boundaries of the City.

Rates - See Water Rates.

Raw water – Water drawn from a source such as a lake or river and considered non-potable and not of drinking water quality.

Service Connection - See Domestic Service Connection and Fire Service Connection.

Service Line - See Customer Service Line and Fire Service Line.

System - See Water Supply and Distribution System.

System Development Charge - A charge made for every new Domestic Service Connection for the cost of additional investment required for the development of water supply, treatment, and transmission facilities.

Turn-on/Connect Fee- There shall be a non-refundable charge for a turn-on/connect fee.

Water Board - The governing body of the City of Spring Hill, Kansas.

Water Main Extensions - Extensions of water lines to serve additional customers, not including Domestic Service Connections.

Water Meter - A device or instrument used for measuring and recording the quantity of water delivered to a customer.

Water Rates - Schedule of charges in money for water service applicable to the service rendered or to be rendered to the customer.

Water Supply and Distribution System - All of the water supply and distribution properties within and without the City of Spring Hill.

Water System - See Water Supply and Distribution System.

SECTION 16-103 GENERAL:

1. PURCHASE OF POTABLE WATER FOR DISTRIBUTION: The City of Spring Hill does not own or maintain a water treatment plant. Water distributed through the City of Spring Hill supply and distribution system is purchased from Miami County Rural Water District #2 and transported through water lines owned by two or more rural water districts.
2. QUALITY OF WATER: It shall be the intent of the City of Spring Hill to always deliver a quality of water that meets the standards of the Kansas Department of Health and Environment and the Safe Drinking Water Act (PL 93-532), as amended. It is an inherent characteristic of a water distribution system that over a period of time deposits will accumulate due to corrosion and sedimentation, and that these deposits will "sluff-off" and may be discharged to the customer's service connection. This discharge will be particularly evident following shut-down periods and reversals of flow of water due to emergency repairs or improvements being made to the distribution system. The City shall take reasonable safeguards to prevent or minimize the occurrence of such a condition but shall not be responsible for damages resulting therefrom to customer's property. Upon discovery of such a condition, the customer is requested to notify the City and the City shall investigate and remedy the condition. The administration of such necessary above normal quantities of treatment chemicals during such times, although not harmful for human consumption, might prove harmful to certain vegetation, fish, or fowl life. The city will not be responsible for any such harmful effect or loss under such conditions.
3. CONTINUITY OF SERVICE: It is the intention of the City to notify its customers of the necessity of shutting off water service, but an emergency may at times not permit doing so. Therefore, the city reserves the right at all times without notice to the customer to shut off the water in a main for the purpose of making repairs or extensions or for any other necessary purpose, and all customers having boilers or tanks within their premises depending upon pressure to keep them filled or any other type machinery or equipment depending on a water supply for its safe and efficient operation are hereby cautioned against any danger resulting from inadequate water pressure and the city shall not be responsible or liable to anyone to any extent for any damages or loss of any kind resulting

from shutting off mains or any water service for the purpose of making repairs of any kind or extensions or for the any other purpose.

4. **CONSERVATION OF WATER:** For the purpose of conserving the supply of water which may be available for distribution to its customers during emergency and/or peak-load periods, the city shall have the right to require each and every customer whom it serves to comply at all times with such limitations and restriction as to hours, days or periods for the use of water in sprinkling or irrigating lawns, gardens, shrubs, plants or trees, or any use not essential to the health and general welfare of people as the city may when occasion warrants declare to be in force, effect and operation. Such limitation and restrictions shall apply uniformly to all customers within any prescribed area where in the judgment of Governing Body such conservation of water may be deemed necessary to provide as near adequate a supply as possible for domestic and commercial use by all customers in such area; and for this purpose the Governing Body may prescribe staggered or alternate days, hours or periods during which time certain groups or designated number of classes of customers may or may not use water in the order of such uniform allocation for such purposes.

- A. **Discontinuance for Violation:** The city shall have the right, upon refusal of any customer to comply fully with any such limitations or restrictions of the use of water as may be declared and notice thereof given to such customer by the city to immediately discontinue all service and furnishing of any water for any purpose to such customer until the city is assured of compliance therewith.
- B. **Exceptions for Substantial and Permanent Property Loss:** Customers claiming that the restriction would impose substantial and permanent property loss shall submit a written affidavit to the city clerk setting forth the facts distinguishing their situation from the inconveniences and hardships of the city's customers generally. The City Administrator may grant exceptions to the restriction upon such terms as he deems to be reasonably necessary to avoid substantial and permanent property loss. Denial of such applications may be appealed to the Governing Body of the City of Spring Hill.

5. **WATER DROUGHT/EMERGENCY PROCEDURE:**

Declaration of WATER WATCH, WARNING, or EMERGENCY.

Whenever the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare that a WATER WATCH, WARNING, or EMERGENCY, exists and that it will recommend restrictions on water uses during the period of declared hazard stage. The City shall use reasonable efforts to publicize the emergency provisions of this section.

The declaration of a water watch or water warning or water emergency as provided in Sections C and D, and E shall be performed by the Mayor or the City Administrator. He or she is authorized to declare the beginning and ending of the water hazard and shall be effective immediately.

- A. **Purpose:** The purpose of this section is to provide for the declaration of a water supply WATCH, WARNING or EMERGENCY and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.

B. Definitions:

- (1) "Water," as the term is used in this section, shall mean water available to the City of Spring Hill, Kansas for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- (2) "Customer," as the term is used in this section, shall mean the customer of record using water for any purpose from the City's water distribution 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.
- (3) "Waste of water," as the term is used in this section, includes, but is not limited to:
 - (a) permitting water to escape down a gutter, ditch, or other surface drain; or
 - (b) failure to repair a controllable leak of water due to defective plumbing.

C. Stage 1 - Declaration of Water Watch. Whenever the Spring Hill City government finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by the Mayor or City Administrator that a water watch exists and that it shall take reasonable steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by the Mayor or City Administrator to have ended.

Voluntary Conservation Measures. Upon the declaration of a water watch as provided in this Section, the Mayor or the City Administrator are authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (1) Sprinkling of water on lawns, shrubs, or trees (including golf courses).
- (2) Washing of automobiles.
- (3) Use of water in swimming pools, fountains, and evaporative air conditioning systems.
- (4) Waste of water.

The public press release posted by the City Government declaring the existence and end of a water watch shall be effective immediately.

D. Stage 2 - Declaration of Water Warning. Upon the declaration of a water warning as provided in this Section, the Mayor or the City Administrator are authorized to call on all water consumers to employ voluntary and mandatory water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

Partial Mandatory Conservation Measures

1. An odd-even watering system will be imposed on residences and businesses Spring Hill water users. Residences and Businesses having odd numbered addresses shall water on odd days and even addresses will water on even days.
2. Outdoor water usage including lawn watering and car washing will be restricted to before 9:00 a.m. and after 9:00 p.m.
3. Golf Courses will restrict watering to tees and greens until after sunset.

4. Re-filling of swimming pools will be allowed one day per week after sunset.
5. Waste of water will be prohibited. [see B. 3]
6. Limit or eliminate all other nonessential water uses.

E. Stage 3 - Declaration of Water Emergency. Upon the declaration of a water emergency as provided in this Section, the Mayor or the City Administrator are authorized to call on all water consumers to employ mandatory water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

Full Mandatory Conservation Measures. Upon the declaration of a WATER SUPPLY EMERGENCY as provided in this section, the Mayor or the City Administrator are also authorized to 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 including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
5. Waste of water will be prohibited; and
6. Any combination of the foregoing measures.

Class 1:

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure; or for decorative fountains and pools, private and public.

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. Examples of such uses include:

- Commercial car washes
- The washing of demonstrators and customers' cars by Automobile Dealers
- Automobile Dealers as to new and used car preparation for display or customer delivery
- Chemical landscaping treatment
- Commercial lawn irrigation
- On-site construction
- High water consumption manufacturing - concrete plant
- Non-dairy beverage processing and bottling
- Nurseries, green houses, and truck gardens as to in-ground planting
- Recreation facilities, theaters
- Private and commercial laundering – non-clothing
- Retail establishments

- Hotels, motels, restaurants, private clubs
- Greenhouses, nurseries, and retail store sales of containerized plants
- Household and commercial laundries
- Groceries, dairies, drug store
- Agricultural livestock
- Cooling and domestic consumption

Class 3:

Domestic usage, other than that which would be included in either class 1 or 2.

Class 4:

Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

F. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section E, the governing body of the City shall have the power to adopt emergency water rates by resolution designed to conserve water supplies. 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) extra charges in excess of a specified level of water use (excess demand surcharge).

G. Regulations. During the effective period of any water supply emergency as provided for in Section E, the mayor (or city administrator or director of public works) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this section, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

H. Violations, Disconnections and Penalties.

(1) If the Mayor, City Administrator, Director of Public Works, or other city official or officials charged with implementation and enforcement of this section or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Subsections G or I of this section, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

- (a) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity, within 10 days, to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
- (b) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(c) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(2) A fee shall be established by resolution for the reconnection of any water service terminated pursuant to subsection (1). In the event of subsequent violations, the reconnection fee for the second reconnection and any additional reconnections shall be established by resolution.

I. Regardless of whether any customer has received notice or a copy of the Resolution, or has actual knowledge of the prohibition, if a prohibition is being violated or the affected customer is permitting a prohibited use, the city may cause such customer's water service to be cut off during the period of prohibition after posting a special notice of violation in a conspicuous place upon the premises where such violation has occurred.

J. Emergency Termination. Nothing in this section shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

K. Severability. If any provision of this section is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the section and its applicability to other persons and circumstances shall not be affected thereby.

6. INFORMATION AVAILABLE TO CUSTOMERS: The city shall furnish to the customer during Business Hours any reasonable request for information regarding the service rendered including the following:

A. Rules and Regulations: A copy of the Rules and Regulations of the city shall be kept available at all times in the principal office of the City Clerk for the customer's perusal.

B. Characteristic of Water: Chemical analysis and pressure information.

C. Rates: A schedule of rates for water service applicable to the service to be rendered to the customer.

D. Meter Reading: Information about method of reading meters.

E. Bill or Consumption Analysis: A statement of the customer's account of consumption of water for any immediate past period not to exceed one (1) year.

SECTION 16-104 CONTRACTS FOR SERVICE:

1. WRITTEN CONTRACTS: Withdrawal of water from any part of the city's distribution system shall constitute an acceptance of the city's Rules and Regulations. All withdrawal of water shall be pursuant to contract with the city regardless of whether an account has been previously established. Use or withdrawal of water not furnished under an existing written contract subjects the person or entity withdrawing or using such water to an unwritten agreement to pay for the same and to otherwise comply with the Rules and Regulations of the city regardless of the absence or delay in acknowledging or formalizing any expressed written contract. All water used must be metered.

2. **CUSTOMER'S AGENT**: Requests to initiate or discontinue water service by any person, corporation, or other entity as an agent for another as the principal party to the implied or express contract with the city shall only be accepted upon condition that such purported agent shall be a guarantor for all indebtedness incurred for the services furnished and in the event there shall be any default in such payment or other violation of these Rules and Regulations with respect to such agency, the purported agent shall indemnify and otherwise hold harmless from any loss or damage the city may sustain from non-payment, loss or damage regardless of whether such agency was authorized or the acts of the agent were within the scope of any agency.
3. **OTHER CONDITIONS**: Customer contracts shall be for a duration of not less than one (1) month. The terms and conditions of every contract for the supply of water to customers within the city shall be pursuant to the existing Rules and Regulations of the city. The terms and conditions of contracts with wholesale customers shall be in writing and as determined and approved by the Governing Body of the City of Spring Hill.
4. **CHARGE FOR "TURN-ON/ CONNECT FEE/TRANSFER FEE"**: There shall be a non-refundable charge for a turn-on/connect fee/transfer fee for all customers. The charge shall be established by resolution.
5. **NUMBER OF BUILDINGS SERVED**: Only one (1) building and its directly related adjuncts shall be served through a single meter. Exceptions must seek approval through the permitting process.
6. **LANDLORD RESPONSIBILITY**: If water is to be supplied to several parties in apartments, duplexes, offices or stores, all located in a single building and supplied through one (1) meter, the city shall contract only with the landlord as customer for the supply of water and he shall be responsible to the city for the water service and the payment of bills.
7. **CUSTOMER PRESENT FOR "TURN-ON"**: Water service will not be "turned-on" unless there is someone on the premises to inspect the plumbing for open faucets and leaks.
8. **METER READING NECESSARY**: A meter reading must always be taken by an employee of the city at the time any "turn-on" or "turn-off" service is performed.
9. **RESALE PROHIBITED**: Customers shall not be permitted to sell water to other persons without a written permit from the City.
10. **ACCESS TO PROPERTY**: The city shall have access to meters, service connections and any other water works property on customer's premises for purposes of installation, maintenance, operation, inspection, meter reading or to initiate or discontinue water service at all times.
11. **REFUSAL TO SERVICE**:
 - A. Conditions: The city may refuse to serve an applicant or customer under the conditions and circumstances prescribed in Section 16-115.

SECTION 16-105 BILLING AND BILL PAYMENT, COLLECTIONS

1. BILLING PERIOD:

- A. **Monthly Bills:** Bills for single-family residential accounts, all commercial accounts, occasional or temporary-use accounts, and wholesale accounts shall be prepared and rendered monthly upon inspection and reading of the meter by an employee of the City of Spring Hill.
- B. **Bills Due:** Bills shall be due and payable when rendered to the customer. The amount due shall be based on the rates established by the Governing Body of the City of Spring Hill for all water consumed as shown by the register of the water meter. Should the meter become defective or fail to register correctly, as determined by a test of the meter, the quantity of water used shall be determined by the amount or average amounts of water used during the preceding comparable billing periods or any other basis which may be pertinent and equitable.

2. **ESTIMATED BILLS:** If, due to weather conditions or other causes, the city is not able to gain access to the customer's meter at regular route reading time, the city shall estimate the reading on the basis of consumption experienced in previous billing periods unless the city has information pertinent to the consumption, which would make a duplication of the previous billing period consumption unreasonable. Upon subsequent actual reading of the meter by a city employee, the customer's account shall be adjusted, if necessary, so the total water consumed between meter readings shall be allocated on a reasonable monthly consumption basis and billed accordingly.

Special Effort to Read Meter: The city shall make a reasonably special effort to gain access to the meter and obtain an actual meter reading after two (2) consecutive estimated bills to a customer and at each "turn-on" or "turn-off" service performed for any reason.

3. RETURNED PAYMENTS:

- A. If a customer's payment, received by the City for payment of a current or delinquent account balance, is returned unpaid to the city, the amount of such returned payment will be charged back to the customer's account and the account will remain unpaid.
- B. When a returned payment has been charged back to a customer's account that account will be subject to normal city collection charges and collection procedures prescribed in paragraph 4 of this section.
- C. Notice of the returned payment and account payment reversal will be mailed to the customer stating that the account is subject to normal city collection procedures and may become subject to delinquency discontinuance of service. (See Paragraph 4 of this section.)
- D. If an analysis of the customer's account discloses a history of returned payments, the City may require payment for any returned payment be made in the form of cash, money order, or credit card.
- E. When a returned payment is charged back to a customer's account, an insufficient funds fee, in addition to any applicable collection charges, will be added to such

account to reimburse to City for costs incurred in processing and handling the returned payment. The returned payment charge shall be established by resolution.

- F. When a customer delivers two payments that are returned unpaid to the city within the twelve (12) month period immediately preceding the date of receipt of the second returned payment on the customer's account, the City shall demand that payments on the account be made in the form of cash, money order, or credit card.

4. **PARTIAL PAYMENT, DELAYED PAYMENT CHARGE, COLLECTION CHARGE AND DISCONTINUANCE OF SERVICE:**

- A. **Partial Payment of Balance:** When a customer's payment received by the city is for an amount less than the accumulated balance in said customer's utility account, his payment shall be applied to satisfy charges represented in the utility account balance in the order of their origination.
- B. **Delayed Payment Charge:** Payment of charges for water service is due on or before the 15th day of each month and is in default thereafter. If payment for the charge for current water service, or any portion thereof, is not received in the city office on or before the date indicated on the bill, a Delayed Payment Charge, established by resolution, will be added thereto, following which the city shall institute uniform collection procedures and may finally discontinue water service to such customer in default.
- C. **Minimum Payment of Delinquent Water Accounts:** In the event a customer water account has a past due balance as of the 20th day of any month, the City may elect not to institute discontinuance of water service if the customer has paid by the 20th day of the month, a minimum payment equal to the sum of the following:
 1. An amount equal to the current water service charges attributable to the current monthly consumption (hereafter referred to as current water monthly charge).
 2. An amount equal to the outstanding balance due on the account (excluding the current monthly water charge).
 3. The City Administrator, or designee, is authorized to approve alternate payment plans upon finding that the circumstances would be in the best interest of the City and customer.
- D. **Discontinuance of Service:** In the event a customer water account has a past due balance as of the 20th day of any month, the City may discontinue water service to customer based on the default of payment.
- E. **Charge for Restoration of Service:** A charge will be made for restoring water service for the customer turned off for nonpayment of bill and is established by resolution. See Section 16-115 paragraph 7.
- F. **No Liability to City:** The city shall not be liable for any damages which the customer may sustain following discontinuance of water service due to nonpayment of delinquent amounts due the city.

G. Exceptions: Subdivisions of the State of Kansas, the Federal Government, and charitable organizations under IRS Code Sec 501(c)(3) shall not be subject to the delayed payment charge.

5. MINIMUM BILL: In the event no water is used, the customer shall be liable for the payment of a minimum monthly bill which shall include the Monthly Service Charge.

SECTION 16-106 OCCASIONAL OR TEMPORARY WATER USE:

1. If temporary water service is required for construction, irrigation, filling swimming pools, tank truck service, or other non-residential uses, such water service may be supplied through a temporary service connection or fire hydrant. Individual temporary or occasional use water accounts will be established by the city when customers' applications have been approved and permits have been issued. Such service shall be billed on a calendar month basis at the rates established by the Governing Body of the City of Spring Hill for this type of water customer. Each occasional or temporary water use account shall receive a monthly water bill consisting of a monthly service charge, for each month or fraction thereof so long as the permit remains in force, together with a charge for the metered or estimated volume of water used.
2. METERED SERVICE: Service construction work and other occasional and temporary water uses shall normally be rendered through a meter. The meter shall be read and such service billed monthly at the rates established by the Governing Body of the City of Spring Hill for this type of water customer.
 - A. Cost of Temporary Installation. If a temporary installation is required for such services, the customer shall pay all expenses of such materials, installation, and removal.
 - B. Hydrant Meter. There shall be a deposit charge for a hydrant meter. The charge shall be established by resolution.
3. DELAYED PAYMENT CHARGE: All charges and costs for service performed by the city under this Rule becoming delinquent and unpaid shall be subject to a Delayed Payment Charge which shall be established by resolution.

SECTION 16-107 WATER RATES:

1. RATE CLASSIFICATIONS: Customer accounts shall be classified in four (4) categories of use designated as:
 - All accounts
 - Senior Citizen
 - Residential Outside City Limits
 - Raw Water

The uses determinative of the classifications for each customer account are designated in section 16-102 under the definition of "Customer Accounts". The City shall classify each account according to the apparent use as described by the definitions.

2. BILLING PERIOD: All accounts shall be billed monthly.

3. **STANDBY CAPACITY CHARGE:** If a customer requests temporary discontinuance of water service at a permanent connection for any purpose a standby capacity charge will be incurred monthly during the period of non-use. Such standby capacity charge shall consist of the appropriate monthly service charge based upon the customer's classification.
4. **MONTHLY WATER RATE SCHEDULES AS ESTABLISHED BY RESOLUTION:**

A. **All accounts**

1. Monthly Service Charge is established by resolution and based on meter size.

Meter Size

5/8	inch
1	inch
1 ½	inch
2	inch
3	inch
4	inch

2. Additional Monthly Consumption is established by resolution and billed per 1,000 gallons.

B. Senior Citizens. All senior citizens sixty-five (65) years of age or over who have water meters in their name at their residence shall be entitled to a ten percent (10%) discount of that part of the bill applying to water quantity used. Neither the monthly service charge nor any other part of the bill shall be discounted.

C. Residential Outside City Limits. For customers receiving water for said system outside the corporate limits of the city: water rates for customers outside the corporate limits of the city will be the same for customers within the corporate limits, however, a surcharge will be added to the non-city users and is established by resolution.

D. **Raw Water Service Rate**

1. Monthly Service Charge is established by resolution and based on meter size.
2. Additional Monthly Consumption is established by resolution and billed per 1,000 gallons.

SECTION 16-108 DOMESTIC, FIRE SERVICE, AND IRRIGATION CONNECTIONS AND TAPS:

1. **PAYMENT AND INSTALLATION:** If a prospective customer's premises can be served by a standard domestic water and/or fire service connection with an existing city main, the city shall accept an application for a service connection. The customer shall pay an amount based on the costs as set out in Section 16-111.

- A. Refusal to Accept Application: The city may refuse to accept an application if that applicant owes the city any amounts for delinquent water bills at any location served by the city; such delinquent accounts being in or having been in the name of such applicant or any other amounts owed the city for any maintenance, repairs, materials or labor performed by the city as a result of acts of or damages caused by agents or subcontractors or the employees thereof of the said applicant.
- B. Inspection of Service Connections: All new service connection installations shall be inspected by the city to determine installation conformance per the city specifications.
 - 1. Preliminary Inspection: The city shall conduct a preliminary inspection of a new service installation only at such time as the service is completely installed to the stop and waste valve while still completely exposed.
 - 2. Final Inspection: The city shall conduct a final inspection of a new service installation only after final site grading and sodding (or resurfacing) has been completed.
 - 3. Failure to Pass Inspection: Upon failure of a new service installation to pass final inspection, the city shall notify the customer and the customer shall proceed immediately to correct the fault. Should the customer fail to correct the fault within ten (10) days from such notification, the city may discontinue water service through the installation until the fault is corrected or the city may correct the fault and charge the customer for costs incurred in such correction.
 - a) Costs incurred by the city for correction to a new service installation and charge to the customer, that become delinquent and unpaid may be transferred to an account for water service to such customer at any other location served by the city and if such transferred liability of the customer remains unpaid, the water service at the location where transferred shall be subject to delinquency shut-off of service.

C. REFUND OF SERVICE CONNECTION CHARGES:

- 1. Installations Not Started: The service connection application shall be canceled, and service connection charge paid by the applicant shall be refunded if delivery of new service materials has not been requested and the new service installation has not been made within twelve (12) months from the date of the service connection application. Upon later reapplication for a service connection, the applicant shall pay the appropriate service connection charge according to the applicable schedule of service connection charges then in effect.
- 2. MAKING CONNECTIONS OR DISCONNECTIONS: Only a licensed plumbing contractor through Johnson or Miami Counties, with an approved City permit, may make any connection or disconnection, either temporary or permanent, to any water main of the City of Spring Hill.
- 3. OWNERSHIP AND MAINTENANCE OF SERVICE CONNECTIONS:
 - A. The domestic water service, including irrigation, connection shall include the service saddle, corporation stop or valve at the water main, meter setter, the meter, and the "shut-off" valve , and appurtenances thereto at the customer's property line. Such

service connection shall after installation by the customer and upon inspection and approval by the City, become the property of the City and shall be maintained by the city as such maintenance and replacements become necessary. If the customer should desire a service replaced with one of a different size, such service replacement costs shall be paid by the customer and thereafter the new service shall become the property of, be maintained by and replaced by the City. Moneys received for service connections, in part, help support water system development.

- B. The fire service connection shall include only tapping sleeve and valve at the water main. Such service connection shall after being installed by the contractor or authorized agent become the property of the City and shall be maintained by the City as such maintenance becomes necessary.
- 4. **CHOICE OF WATER MAIN FOR SERVICE:** If there is more than one water main adjacent to the premises to be served, the city shall have the sole decision as to which main is to be tapped for service connection.
- 5. **INSTALLATION SEPARATE FROM GAS, SEWERS, UNDERGROUND POWER AND COMMUNICATIONS LINES:** Service connection between the water main and the customer's property line on into the customer's building shall be laid in a trench separate from gas trench, underground power trench, communication lines trench and sewer trenches in conformance with specifications of the city.
- 6. **MULTIPLE METERS - SINGLE SERVICE CONNECTION:** Single service connections for multiple meters may be made with the approval of the City when separate curb stops and/or valves can be installed which shall individually control the meters and service lines.
- 7. **MAINTENANCE OF SERVICE LINES:**
 - A. Domestic service lines on the customer's property from the curb stop, valve or meter pit to the customer's point of use shall be installed, owned, and maintained by the customer.
 - B. Fire service lines including fire hydrants connected to said fire service lines from fire service connection valve to the customer's point of use shall be installed, owned, and maintained by the customer including that portion on public or common rights-of-way.
 - C. Irrigation service lines for "non-residential applications" on the customer's property from the curb stop, valve, or meter pit to the customers point of use shall be installed, owned, and maintained by the customer.
- 8. **PAYMENT FOR WATER LOST ON SERVICE LINE LEAKS:** If a leak should develop on the customer's service line, the customer is responsible for the cost of all water lost due to the service line leak. In instances where the leak is extremely great, the City may discontinue service immediately. (See also Section 16-115 (2), APPARENT OR OBVIOUS UNATTENDED LEAKS.) **EXCEPTION:** Appeals regarding water service charges based upon water service line leaks may be granted by the City Administrator, or his designee. To administer the appeals, the City Administrator is authorized to adopt policies, standards and practices relating to adjustments to the monthly water user charges based upon the circumstances of the water leak.

9. **NON-RESIDENTIAL APPLICATION FOR IRRIGATION USE:** If the customer is currently served with a domestic water service, the customer has the option to install a separate water "irrigation" service to the property.
 - A. System Develop Charge not required if customer has existing service.
 - B. The City will provide all necessary materials as outlined in "Ownership and Maintenance of Service Connections and customer shall pay for costs for materials.
 - C. The service shall be an independent and separate service from the existing domestic service.
 - D. New Construction: the meters for both domestic and irrigation must be installed in same meter pit. Each service shall be constructed with a backflow preventer device. System Development Charges are applicable to all "new construction" water services.

SECTION 16-109 METERS:

1. **SUPPLIER:** The City shall provide the meters, the cost of which shall be included in the System Development Charge (See Section 16-111).
2. **METER SIZES:**
 - A. **City Approval:** Meter sizes necessary for various customer needs shall be determined by the applicant or his agent. The City of Spring Hill reserves the right to approve sizing of the meter based upon average instantaneous demands, average pressures or other pertinent data and information made available by the applicant.
 - B. **Limitation:** For the purpose of regulating excessively high hourly demands on the water distribution system during peak-demand period, a single-family residential customer shall be limited to a meter size at not more than one and one-half (1 ½) inches.
 - C. **Maintenance and Replacement Costs:** In all instances where meters are installed that are not in conformance with the city's specifications and/or approval, the customer shall assume all meter maintenance and replacement costs.
3. **LOCATION OF METER:** Meters shall be installed in meter pits or vaults at the customer's property line nearest the water main. Meters may be installed at alternate locations only with the approval of the City of Spring Hill.
 - A. **Access to Meter:** The customer being served shall keep the meter accessible to city personnel at all times.
 - B. **Requirement to Relocate:** If due to changes or conditions within or to a building or area, the meter is no longer reasonably accessible, or is subject to freezing, or creates a safety or property damage hazard, the city may require the customer to move the meter to a more suitable location at the customer's expense.
4. **METER HOUSING CONSTRUCTION:** Meter pits and vaults subject to vehicular traffic or other abnormal loading must be constructed to withstand imposed loads. The city shall provide engineering standards for meter pits and vaults of various sizes.

5. OWNERSHIP OF METERS:

A. Meters Owned by The City of Spring Hill: All meters installed in new service connections shall be city owned when the service connection has passed final inspection.

6. REPAIRS:

A. Meters Owned by the City: If any water meter owned by the city is found not to be in accurate working order, such meter shall be repaired or replaced by the City at no expense to the customer. If the need for repairs, recalibration or replacement was cause by negligence or abuse by the customer, or by those under his control or direction, the cost of such repair, recalibration or replacement of the meter including labor, materials, or equipment costs incurred by the city, shall be paid by the customer.

7. AUTHORIZED HANDLING: No person except a duly authorized employee of the city, or other person duly authorized by the city shall set, change, remove, interfere with, or bypass any water meter.

8. TESTING: All tests and inspections of water meters shall be made in accordance with the procedure recommended by the American Water Works Association.

A. Periodic Tests: The city shall conduct periodic tests and inspections of water meters when necessary in order to maintain a high standard of accuracy. If a meter is found to be defective and repair or recalibration is necessary, the city shall pay the costs of repairs or replace the meter.

B. Request Tests: In addition to the regular periodic tests, the city shall make a test of the accuracy of any water meter free of charge upon request of a customer; providing

1. The meter does not test within the standards recommended by the American Water Works Association.
2. The meter has not been tested within twelve (12) months prior to such request.
3. If the meter does test within the standards recommended, then the customer will be charged the cost of the meter testing.

SECTION 16-110 EXTENSION OF WATER MAINS: Water main extensions are addressed through improvement agreements with the Developer.

SECTION 16-111 SYSTEM DEVELOPMENT CHARGE: For every new Service Connection Application received on and after July 25, 1983, such new service connection shall be subject to a System Development Charge for the cost of additional investment required for the development of water supply, treatment, and transmission facilities.

1. Purpose. A systems development charge is imposed for the purpose of creating a source of funds to assist in paying for the installation and construction of increased capacity in public facilities. This charge shall be collected at the time of development of properties that contribute to the need for extra capacity facilities.

2. **System Development Charge**. System Development Charge shall be established by resolution and are based on the size of water meter installed for both residential and non-residential uses.

Meter Size

5/8	inch
1	inch
1½	inch
2	inch
3	inch
4	inch

The cost of the water meter shall include the water meter, meter well and all fittings is included in the System Development Charge.

3. **WATER METER INSTALLATION**: The City of Spring Hill, Kansas, upon payment of the System Development Charge shall issue a permit allowing installation of the water service line.
4. On multiple-metered service connections, the System Development Charge shall be based upon the size of the supply pipe or branch to the individual meter. Service connection sizes greater than four (4) inches shall be reviewed individually and the charge determined by the city.
5. The System Development Charge shall be refunded if delivery of new service materials has not been requested and the new service installation has not been made within twelve (12) months from the date of the service connection application, or if, for any other reason, the service connection application has been canceled. Upon later reapplication for a service connection, the applicant shall pay the appropriate System Development Charge, according to the applicable schedule of System Development Charges then in effect.

SECTION 16-112 CROSS-CONNECTIONS:

1. **PROHIBITION**: No person, company, corporation or institution shall establish or permit to be established, or maintain or permit to be maintained, any cross-examination or and other condition which might lead to the contamination of the regular public water supply of the City of Spring Hill. Any connections to private, auxiliary or emergency water supplies and the method of connection and the use of such supplies shall be approved by the City Engineer of the City of Spring Hill and by The Kansas Department of Health and Environment. (See Definitions: Cross-Connections) K.S.A. 65-1636
2. **RESPONSIBILITY OF CUSTOMER**: It shall be the duty and responsibility of each, every and all water customers, whether they be owners, lessees or merely occupants of any property served by the city, that have any private, auxiliary or emergency water supply used or useful on such property to furnish the City all pertinent information as to such private, auxiliary or emergency water supply, and the Director of Public Works or his (or its) duly authorized representative shall have the right to enter at any respectable time any property served by a connection to the distribution system of the city for the purpose of inspecting the pipe system or systems thereof. The failure or refusal of any water customer to give and furnish such information shall within the discretion of Water Superintendent be deemed sufficient cause to assume the presence of improper connections as hereinbefore stated in this Section.

3. **INSPECTIONS:** The Director of Public Works of the City of Spring Hill shall have authority and may at any time cause surveys and investigations to be made of any property or properties served by the City's public water supply where private, auxiliary or emergency water supplies are known to exist or where such supplies are likely to exist. Said Water Superintendent shall also cause surveys and investigations to be made of all properties where piping installations are likely to exist that may result in the contamination of the water supply of the city. Such surveys and investigations shall be made a matter of city record and shall be repeated as often as the Water Superintendent shall deem necessary or advisable.
4. **DISCONTINUANCE OF SERVICE:** The Director of Public Works of the City of Spring Hill is authorized and directed to discontinue in his own discretion with or without notice the water service to any property whereon any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary or advisable to eliminate any danger of contamination of the city's public water supply. Water service to such property shall not be restored until such connections or connections shall have been eliminated or corrected, in compliance with the provisions of this section. Attention is called to Section 65-163, 163a and 163b, Kansas Statutes Annotated.

SECTION 16-113 COMPLAINTS:

1. **INVESTIGATIONS:** Upon complaint to the City of Spring Hill by customers, either at its office or in writing, the management shall make or cause to be made prompt and complete investigation and it shall keep a complete record of all substantial complaints which shall show the name and address of the complaint, the date and nature of the complaint or complaints and the adjustment or disposition thereof.
2. **DELAY IN PAYMENT OF DISPUTED BILL:** A delay not to exceed thirty (30) days in the payment of a disputed bill may be granted the customer who having complained to the City Hall of the City of Spring Hill, did not in his opinion receive satisfactory adjustment; provided, he then by written request within ten (10) days following such complaint to the City Hall states the basis of his objection and his intention to appear before the City Administrator. The bill in dispute shall not be subject to collection charges or the service subject to "turn-off" until after the hearing and decision by the City Administrator.
3. **APPEAL PROCEDURE:** Disposition by the City Administrator of customer complaints, the interpretation or application of any of the Rules and Regulations herein or customer objection to any of the Rules and Regulations may be appealed and presented to the City Governing Body by stating such objection in writing by mailing or delivering the same to the City Clerk of the City at the City Hall of the City and otherwise complying with the appeal procedure as is set out in Section 16-115.

SECTION 16-114 DISCONTINUANCE OF SERVICE BY THE CUSTOMER:

1. **NOTICE:** Prompt notice must be given the city when the premises are to be vacated or there is a change of owner, occupancy, or agent. The customer may have service discontinued by giving at least twenty-four (24) hours' notice to the city during its Business Hours. Final bill for service shall become due and payable upon receipt.

2. **TEMPORARY DISCONTINUANCE OF WATER SERVICE:** A customer may request temporary discontinuance of water service. If the water service connection provides water for normal domestic household needs, it shall be subject to the normal charge as specified on the water rates schedule during such period of discontinuance. See Section 16-107 (3).
3. **CHARGE FOR RECONNECTION OF SERVICE:** If a customer requests temporary discontinuance of the water service provided for normal domestic household needs, a Reconnection Charge will be made upon resumption of water service. The charge is established by resolution.

SECTION 16-115 SUSPENSIONS, DISCONTINUANCE AND REFUSAL TO SERVE:

1. The City of Spring Hill may refuse to serve an applicant or, after due notice has been given discontinue or suspend water service to a customer under the following conditions and circumstances:
 - A. If the applicant or customer has knowingly failed to comply with the Rules and Regulations of the city in force and effect.
 - B. If the intended use of the service is of such a nature that it will adversely affect the normal service to any existing customer.
 - C. If in the best judgment of the Director of Public Works, the applicant's or customer's installation for utilizing the service is hazardous or of such a nature that satisfactory service cannot be rendered.
 - D. If the service connection installation has not been approved by the city.
 - E. If the applicant or customer has not made the required security deposit in full.
 - F. If any amount is due the city for water service, maintenance, or job work of any nature at any location.
2. **APPARENT OR OBVIOUS UNATTENDED LEAKS:** Whenever any city water employee shall find indication through inspection, consumption record comparisons or otherwise, that water is flowing through metered service to a premise at such a rate as might be or obviously is causing substantial waste, loss or damage to the premises, or any other form of unintended consumption by the customer, and there is apparently and presently no occupant or other person with authority to enter the premises to investigate or remedy the apparent or obvious leak, the city may but is not obligated to shut off service to the premises. If a city water employee or agent discovering the condition determines that the leak is obvious, the water service may be shut off immediately and thereupon a written notice of the leak shall be posted upon the main or front door of the premises which will include notification that water service has been temporarily suspended to avoid further loss, damage or unintended consumption due to an unattended leak and that service will be resumed promptly upon request. If no occupant or other person with authority to enter the premises can be found after discovery of an apparent leak, the city may cause a written notice of an apparent leak to be posted upon the main or front door of the premises which will include notification that the water service will be shut off within twenty-four (24) hours of posting if an occupant or other person with authority to enter the premises does not notify City Hall not to suspend service. Without such notification within twenty-four (24) hours, the city may then suspend service by simultaneously posting a second replacement notice

upon the same front or main door of the premises that water has been temporarily suspended to avoid further loss, damage or unintended consumption due to a possible unattended leak and that service will be resumed promptly upon request. Nothing herein shall impose the duty or obligation upon the city to suspend service regardless of the existence of an obvious or apparent leak. Neither shall the city be liable for any damage or loss sustained by any customer or other person for either failure to suspend service or for suspension of service, regardless of whether a leak did or did not actually exist.

3. **UNAUTHORIZED WATER USE:** The City of Spring Hill may discontinue service immediately without benefit of notice if any employee discovers any use of water which is bypassing the appropriated metering device or will otherwise escape the application of the applicable rates of charge for its use to the appropriate account.
4. **THEFT OF WATER:** No person or company shall have the right to connect to The City of Spring Hill's water mains, service connections or fire hydrants nor the water on or off from any premise or pipe line without the express written consent of the city. Attention is called to Sections 19-2621 and 2622 of the Kansas Statutes Annotated making this a criminal offense. The city to protect itself against an increase in its operating expense or loss of revenue through theft of water by customers may discontinue service at once upon discovery of such conditions and in addition physically sever the service if deemed necessary. Any arrangement of pipe or tampering with the meter which will allow the passage of water to the premises of the customer without registering the amount of such flow on the meter and which condition is reasonably evident may be regarded as theft of water. Before restoring service to the offender, the city may require reasonable safe guards against a recurrence of the offense and may collect payment sufficient to cover actual or reasonably estimated lost revenue plus the expense incurred by the city in having the conditions corrected. The amounts involved shall be determined by estimates on the basis of records and evidence disclosed.
5. **METHODS:** Normally, discontinuance of water service will be by turning off the meter, locking the meter, or by removing the meter. In those instances, wherein the water service to a customer has been discontinued for violation of the City of Spring Hill's Rules and Regulations and the customer has restored service without permission, the city may disconnect the service connection.
6. **REFUSAL TO RESTORE SERVICE:** When water service has been discontinued by any method because of default in payment of charges due the city or violation of a Rule or Regulation by the customer the city shall not restore service until the reason for the default or violation has been corrected.
7. **CHARGES FOR RECONNECTION OF SERVICE:** When the default or violation has been corrected, the city shall restore water service. If it is necessary to reconnect a service connection, the customer shall pay a fee for each time it has been necessary for city personnel to visit the site to disconnect or lock up the meter. The charge for restoration of service shall be established by resolution.
8. **RIGHT OF APPEAL:** When an applicant or customer is refused service or upon termination of service under any provisions of these Rules and Regulations, the City Clerk shall notify such applicant or customer promptly in writing of the reason for the refusal to serve, citing the Rules and Regulations violated or for which there has been non-compliance, such notice to be mailed to the applicant's or customer's last known mailing address. Such notice shall also inform the applicant or customer of the right of appeal to

the City Administrator of the decision to refuse service pursuant, to the appeal procedure as set out in Section 16-116 paragraph 1.

SECTION 16-116 APPEAL PROCEDURE:

1. **GENERAL APPEAL PROCEDURE** Disposition by City staff of customer complaints, rulings and hearings, the interpretation or application of any of the Rules and Regulations herein, or customer objection to any of the Rules and Regulations may be appealed by delivering a written Notice of Appeal to the Office of the City Clerk of the City of Spring Hill at the principal office of the City. Upon receipt of such written notice of appeal, the City Clerk, shall schedule the hearing of such appeals before the City Administrator, or designee, within five days of receipt of Notice. In those situations where the water service of the customer has been interrupted, the hearing shall be scheduled within 24 hours of receipt of Notice. The person delivering such objection shall then be immediately notified of the time and place for the hearing. At the hearing, the customer may appear in person or by Agent or Counsel and may present witness or other evidence to support the complaint. The City may also present a response and evidence thereon at the conclusion of the customer's presentation and evidence. The decision of the City Administrator shall be rendered at the conclusion of the hearing. Such ruling shall be controlling and will be final. Pending the hearing, the discontinuation of water service may be imposed by the City consistent with its good faith interpretation of the provisions of paragraphs number 3 and 4 of Section 16-103.

SECTION 16-117 POWERS, AUTHORITY OF CITY ADMINISTRATOR. The City Administrator, or designee, shall establish, maintain, and update policies and procedures related to the supply, billing, and use of water. The City Administrator shall have the power and authority to grant deviations from the Water Rules and Regulations. Further, the City Administrator is granted the power and authority to waive some or all of the requirements of the Water Rules and Regulations for:

1. Emergencies;
2. City Administrator determines that a waiver is in the best interest of the city and not in violation of Federal, State, or local law.