

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15 (UTILITIES), ARTICLE 3 (SEWER SERVICE CHARGES), SECTION 15-303 (RATES), SUBSECTION (a) OF THE CODE OF THE CITY OF CANEY, KANSAS, PROVIDING FOR RATES FOR SEWER SERVICE IN THE CITY OF CANEY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANEY, KANSAS, AS FOLLOWS:

Section One. That Chapter 15 (Utilities), Article 3 (Sewer Service Charges), Section 15-303 (Rates), Subsection (a), of the Code of the City of Caney, Kansas, be and is hereby amended as follows:

15-303 (a) **RATES.** For all users or patrons for whom service is available within the City of Caney, except for those charged under subsection (b) of this section, the minimum base rate shall be \$36.00 per month for each billing cycle ending on or prior to March 31, 2023, and \$40.00 per month for each billing cycle ending on or after April 1, 2023; and for all users or patrons for whom service is available outside of the City of Caney limits, except for those charged under subsection (b) of this section, the minimum base rate shall be \$42.00 per month for each billing cycle ending on or prior to March 31, 2023, and \$46.00 per month for each billing cycle ending on or after April 1, 2023. In addition to the base rate, a usage rate shall apply at the rate of \$2.00 (prior to April 1, 2023 billing cycle) and \$3.00 (on and after April 1, 2023 billing cycle) per 100 cubic feet of water usage per month for customers within the City of Caney and \$2.35 (prior to April 1, 2023 billing cycle) and \$3.35 (on and after April 1, 2023 billing cycle) per 100 cubic feet of water usage per month for customers outside of the City of Caney limits. In cases where multiple dwelling units (e.g., apartment buildings) are connected through a single water meter, the base rate shall not apply to a vacant dwelling unit, from and after its 31st day of vacancy, so long as the owner/manager of the unit makes application for cessation of charges with the City. Cessation of charges shall not be applied retroactively. It shall be the duty of the owner/manager to notify the City when the unit is re-occupied. Failure to notify the City of such re-occupation within seven (7) days shall result in an assessment equal to three (3) months of base charges applying to the dwelling unit.

(1) The average monthly water usage for each customer shall be calculated from the customer's three normal billing cycles occurring during the monthly periods from October 15 to November 15, November 15 to December 15, and December 15 to January 15 of each year. The basis so established shall be used in rendering sewage service bills beginning the 15th day of February following the establishment of the basis, payable March 1 and thereafter, and shall be used until the following February 15. A new basis shall be established each year from the customer's three normal billing cycles during the months of October, November, December and January, as above provided.

- (2) The basis for those residential customers not having three normal billing cycles at their current service account occurring during the months of October, November, December and January from which to calculate the average monthly water usage shall be the average monthly water usage for all residential accounts during the preceding October, November, December and January as calculated by the office of the city clerk. Such basis shall be used until the customer's own basis is established from the next three normal billing cycles occurring during the months of October, November, December and January.
- (3) The basis for those commercial and industrial accounts not having three normal billing cycles at their current service account occurring during the months of October, November, December and January shall be determined and estimated by the office of the city clerk to be approximately equivalent to the average monthly water usage which can be reasonably anticipated to be used by the particular applicant. Any applicant may appeal such determination to the mayor who shall investigate the circumstances and fix the required deposit. Any applicant may thereafter appeal the mayor's determination to the governing body, which shall consider the applicant's proposed basis, the mayor's determination, and fix the required deposit. Such basis shall be used until the customer's own basis is established from the next three normal billing cycles during the months of October, November, December and January.

Section Two. Except as amended hereby, all remaining provisions of Section 15-303, including all subsections, shall remain in force and effect.

Section Three. This Ordinance shall take effect upon its publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF CANEY, KANSAS, this ____ day of _____, 2023.

Joshua Elliott, Mayor

Attest:

Amber Dean, City Clerk