ORDINANCE NO. G-12-03

AN ORDINANCE AMENDING CHAPTER 26 (UTILITIES), ARTICLE V (STORMWATER UTILITY), OF CODE OF ORDINANCES OF THE CITY OF COFFEYVILLE, KANSAS, AND REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Chapter 26, Utilities, Article V Storm Water Utility, Section 26-103, Fee Schedule Established, Paragraph A is hereby amended as follows:

Sec. 26-103. Fee Schedule Established.

A. There is hereby assessed against all property within the City that is connected to either water or sanitary sewer systems, or both, of the City, a monthly storm water pollution prevention fee. Said fee shall also be assessed against any non-residential property located outside of the City if the property is connected to either water or sanitary sewer systems, or both, of the City. Said fee shall be charged for each meter, whether the meter is a residential, commercial, or irrigation meter, and whether the meter is active or inactive. The owner, occupant and any person who is responsible for the payment of water and/or sewer service to the property, shall all be jointly and severally responsible for the payment of said fee. Persons responsible for the payment of water and/or sewer service to the property shall include the person responsible for payment for water provided to a master meter that is then distributed to multiple users, whether or not said users are located on the same property as the master meter. The fee shall be calculated as follows:

1. All property devoted to a residential use shall be assessed a monthly fee of Three Dollars and Fifty Cents ($3.50) per month per living unit. The term "residential" shall include single-family homes, mobile homes and mobile home parks, duplexes and apartment units. The term "residential" shall not include rooming or boarding houses, dormitories and similar facilities. The term "living unit" shall mean one or more rooms in a residential building which are arranged, designed, used or intended for use by one (1) family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

2. Property devoted to any use other than residential, as set forth above, and further described as non-residential, shall be assessed a monthly fee of Ten Dollars ($10.00) per month.

B. The monthly storm water pollution prevention fees set forth above shall be included as part of the monthly bill for water and or other utility services of the City,

but shall be identified separately on said billing. Said fees shall be due at the same time as water and/or other utility services of the City charges are due and the failure to pay said fees shall be considered a failure to pay utility services of the City charges and enforceable pursuant to related provisions of the City's Code of Ordinances. In addition, any time utility services of the City are established, or re-established to a property, all fees hereunder shall be paid current, as of the date such service is established or re-established.

C. Changes in the storm water pollution prevention fees from those set forth in this Ordinance, may be established from time to time by ordinary ordinance or resolution of the Governing Body.

SECTION 2. That any and all conflicting ordinances, or parts thereof, are hereby repealed.

SECTION 3. That except as herein amended, Chapter 26, Utilities, of the Coffeyville Code of Ordinances shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect and be in full force upon its passage and publication as provided by law.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

CITY OF COFFEYVILLE, KANSAS

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David George, Mayor

ATTEST:

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Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY

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Paul Kritz, City Attorney