

(Complete Ordinance published at [www.andoverks.com](http://www.andoverks.com) on February 26, 2022)

ORDINANCE NO. 1825

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS REPEALING AND REPLACING CHAPTER XVI, ARTICLE 8 OF THE CODE OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, the City of Andover, Kansas (the “City”) has previously adopted Chapter XVI, Article 8 of the Code of the City of Andover, Kansas (the “Code”), which contains provisions regarding sewer service charges; and,

WHEREAS, the City finds it necessary and advisable to repeal and replace Chapter XVI, Article 8 of the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Chapter XVI, Article 8 of the Code shall be repealed and replaced, as follows:

16-801. Purpose.

- A. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City to collect charges from all users who contribute wastewater to the City’s sanitary sewer system. The proceeds of such charges so derived shall be used for the purpose of operating, maintaining, and replacing the sanitary sewer system.

16-802. Establishment of sewer service charge.

- A. That for the purpose of establishing just and equitable sewer service charges for the provision of sanitary sewer service by the wastewater utility of the City, there is imposed a sewer service charge for each separate user of the sanitary sewer system. Said sewer service charge shall be determined using a base rate to be set and amended from time to time by separate Resolution of the Governing Body.

- 1. Residential (Inside City Limits): Each residential dwelling unit located within the corporate limits of the City of Andover, Kansas that is connected to the sanitary sewer system shall be assessed the inside city limits base rate per month.

- 2. Residential (Outside City Limits): Each residential dwelling unit located outside of the corporate limits of the City of Andover, Kansas that is connected to the sanitary sewer system shall be assessed the outside city limits base rate per month.

3. Non-Residential (Inside the City Limits): All non-residential users located within the corporate limits of the City of Andover, Kansas shall be charged based on the average monthly water usage of the previous calendar year excluding the months of May through August. The charge shall be the inside city limits base rate for each 6,000 gallons of water used per month.

4. Non-Residential (Outside the City Limits): All non-residential users located outside the corporate limits of the City of Andover, Kansas shall be charged based on the average monthly water usage of the previous calendar year excluding the months of May through August. The charge shall be the outside city limits base rate for each 6,000 gallons of water used per month.

5. Initial Non-Residential: Non-residential users with no established average monthly water usage from the previous calendar year excluding the months of May through August, shall be charged the applicable base rate for each estimated 6,000 gallons of water used each month until such time that actual usage is available during the City's annual review of the previous calendar year's consumption for all non-residential users.

a. The Director of Public Works & Utilities or his/her designee shall have the authority to require the reasonableness of the provided estimated monthly water use to be verified by a qualified professional.

B. If a non-residential user has a consumptive use of water, or in some manner uses water which is not returned to the sanitary sewer system, the service charge for that user may be based on a wastewater meter or one or more separate water meters approved by the City and installed and maintained at the user's expense.

C. In addition to the other charges established within this section, users contributing wastewater, the strength of which is greater than normal domestic wastewater, shall pay a surcharge for operation, maintenance, and replacement of the sanitary sewer system. The Director of Public Works & Utilities, or his/her designee, shall establish the surcharge upon evaluation of available data and information specific to the user.

D. Any user discharging any hazardous or toxic substance which causes an increase in the cost of management of effluent or sludge generated by the wastewater treatment facility, and any user discharging any substance which along or by interaction with any other substance or substances causes an identifiable increase in the cost of operation, maintenance, or replacement of the sanitary sewer system or equipment shall pay, in addition to any other charges established by this section, the actual increase in such costs. The charge attributable to each such user shall be determined by the Director of Public Works & Utilities or his/her designee.

- E. Because certain expenses are incurred and certain benefits are derived through the use of the City's sanitary sewer system regardless of usage rate, the base rate shall constitute the minimum fee charged to any property connected to the sanitary sewer system.
- F. Nothing herein shall be construed as to prohibit the Governing Body from entering into special contractual arrangement with new users for the payment of sewer service charges in such event that the Governing Body so deems it necessary to do so for the joint benefit of the wastewater utility and/or the City-at-large.

16-803. Billing and collection.

- A. All users shall be billed monthly. Billings for any month shall be made within fifteen days after the end of that month. Payments are due when billings are made, and any payment not received within fifteen days after the billing is made shall be delinquent.
- B. Use of the sanitary sewer system for any calendar month, or for any portion of a calendar month, shall entitle the City to said sewer service charges for the full month.
- C. A late payment penalty of ten percent of the service charge will be added after the billing date as indicated on the bill. The due date shall not be less than ten days after the bill is mailed. When any bill is sixty days delinquent, the charges shall constitute a lien upon the real estate served by the connection to the sewer. The Chief Financial Officer, or his/her designee, shall certify the accumulated charges and penalties to the county clerk to be placed on the tax rolls for collection.
  - 1. The Governing Body is hereby authorized to refuse the delivery of water until such time as delinquent sewer service charges are fully paid. The City shall provide written notice of its intention to cause such water connection to be disconnected at least ten (10) days in advance of a hearing to be held by the Governing Body. Said notice shall include the date, time, and place of such hearing.

16-804. Review of sewer service charges.

- A. The City shall review the sewer service charges regularly and revise as necessary to ensure that the system generates adequate revenues to pay the costs of operation, maintenance, and replacement of the sanitary sewer system.
- B. The City Administrator, or his/her designee, shall ensure that an audit of individual accounts and the assessed sewer service charges is completed biennially, at minimum.

SECTION 2. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor and publication one time in the City's official newspaper.

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ADOPTED AND APPROVED by the Governing Body of the City of Andover, Kansas  
on the 22nd day of February, 2022.



CITY OF ANDOVER, KANSAS

By   
Ronnie Price, Mayor

ATTEST:

By   
Lance A. Onstott, Deputy City Clerk