

1 (Published in the Topeka Metro News June 14, 2006)

2
3 ORDINANCE NO. 18650

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding
6 hydrant meters, fire hydrants, and rates and charges, amending
7 Topeka City Code Chapter 146, Article II, Division 5 and §§ 146-95,
8 146-105, 146-106, 146-107, 146-119, 146-123, 146-145 and 146-146,
9 specifically repealing said original sections, and specifically repealing
10 the following sections 146-98, 146-104, and 146-118.

11
12 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

13 Section 1. That City of Topeka Code Chapter 146, Article II, Division 5, Meters, is
14 hereby amended by addition of City of Topeka Code § 146-95, Reserved, to read as
15 follows:

16 **Reserved. Definitions.**

17 The following words and phrases, when used herein, shall have the meanings
18 respectively ascribed to them:

19 Meter shall mean a device, connected to a water main, used to measure and record
20 the rate of water flow.

21 Hydrant meter shall mean the meter and appurtenances connected to a fire hydrant
22 for the temporary use of water.

23 Section 2. That City of Topeka Code § 146-98, Rental, is hereby specifically
24 repealed.

25 **Rental.**

26 ~~When the installation of a temporary meter is requested, such meter may be~~
27 ~~temporarily installed and the water division shall install such meter at cost and charge the~~
28 ~~following monthly rental therefor:~~

29 ~~Meters one inch and smaller.....\$1.00~~

30 ~~1 1.....2-inch disc meters.....1.50~~

31 ~~Two-inch disc meters.....2.00~~

32 ~~Two-inch meters.....2.50~~

33 ~~Three-inch meters.....3.00~~

34 ~~Four-inch meters.....5.00~~

35 ~~Six-inch meters.....10.00~~

36 ~~Eight-inch meters.....15.00~~

37 ~~Ten-inch meters.....20.00~~

38 Section 3. That City of Topeka Code § 146-104 is hereby specifically repealed.

39 **~~Flushing meter—Definitions.~~**

40 ~~The following words and phrases, when used herein, shall have the meanings~~
41 ~~respectively ascribed to them:~~

42 ~~*Flushing meter* shall mean the meter and appurtenances installed on a fire hydrant~~
43 ~~for the temporary use of water.~~

44 Section 4. That City of Topeka Code § 146-105, ~~Same—Permit required,~~ is
45 hereby amended to read as follows:

46 **~~Same—Permit required.~~ Hydrant meter—Permit required.**

47 A flushing meter permit is hereby required before the installation of a flushing meter.
48 ~~The permit shall be issued by the distribution section, water division upon a showing by the~~
49 ~~permit applicant of need for temporary water service and payment of the applicable~~
50 ~~deposits and fees.~~

51 ~~For purposes of illustration only a flushing meter may be installed in the following~~
52 ~~situations:~~

- 53 ~~(1) — Temporary water service at stationary construction sites;~~
54 ~~(2) — Temporary water service at non-stationary construction sites such as mill and~~
55 ~~overlay products; and~~
56 ~~(3) — Temporary water service for special events such as carwashes, railroad~~
57 ~~days.~~

58 A hydrant meter permit is hereby required before installation of a hydrant meter.
59 The permit shall be issued by the water division after the following conditions are met by
60 the permit applicant:

- 61 (1) submit completed hydrant meter permit application, and
62 (2) provide payment in full of the applicable deposits and fees, and
63 (3) provide payment in full of any delinquent amounts due to water division for
64 customer's account.

65 Section 5. That City of Topeka Code § 146-106, Same--Deposit, is hereby
66 amended to read as follows:

67 **Same—Deposit required.**

68 ~~A refundable deposit will be required and held without interest. The cost of damage~~
69 ~~to a meter will be deducted from the deposit.~~

70 ~~One-inch disc meters.....\$200.00~~

71 ~~Three-inch turbine meters.....\$650.00~~

72 Hydrant meter deposit amounts shall be established by the water superintendent, as
73 approved by the public works director, and set forth on a schedule maintained by the water
74 superintendent. Such fees shall be based upon the size of the hydrant meter, and cost for
75 the water division to replace the hydrant meter and hydrant wrench.

76 A refundable deposit shall be required and held without interest. Upon request from
77 customer, deposit shall be refunded after hydrant meter is returned to water division and
78 any cost of damage to meter, meter appurtenances and delinquent amounts due to water
79 division for customer's account have been paid in full.

80 Section 6. That City of Topeka Code § 146-107, Same—Fees, is hereby
81 amended to read as follows:

82 **Same—Fees.**

83 ~~Monthly fees for flushing meters shall be calculated as follows:~~

84 ~~One-inch disc meters.....\$20.00~~

85 ~~Three-inch turbine meters.....\$50.00~~

86 ~~In no event shall the above described fee be prorated on a monthly basis. For~~
87 ~~purposes of calculating the required fee, one day shall be considered the same as one~~
88 ~~month. For billing purposes, a month shall be defined as starting on the day of checkout~~
89 ~~and last for 30 consecutive days.~~

90 ~~All water consumed shall be billed at the established in-city commercial rate.~~

91 Hydrant meter rental fee amounts shall be established by the water superintendent,
92 as approved by the public works director, and set forth on a schedule maintained by the
93 water superintendent. Such fees shall be based on operating costs for issuing and
94 maintaining hydrant meters.

95 Customers shall be charged rental fees on a monthly basis, with a minimum charge
96 of one month's rental. Under no circumstances shall fees be prorated.

97 Customers shall be assessed, when applicable, administrative fees such as:
98 annual testing fee, manual meter reading and consumption estimation fee, and

99 delinquent account fee.

100 Administrative fee amounts shall be established by the water superintendent, as
101 approved by the public works director, and set forth on a schedule maintained by the water
102 superintendent. Such fees shall be based on operating costs for testing and billing for
103 hydrant meters and may be waived when customers comply with testing and billing
104 requirements.

105 Section 7. That City of Topeka Code § 146-118, Opening, is hereby specifically
106 repealed.

107 **~~Opening.~~**

108 ~~It shall be unlawful for any person except members of the fire department and the~~
109 ~~department of public works for the purpose of repairing hydrants, to have in their~~
110 ~~possession a fire hydrant key, wrench, or connections to use hydrants, for the purpose of~~
111 ~~opening and closing hydrants.~~

112 Section 8. That City of Topeka Code § 146-119, Use by street division, is hereby
113 specifically amended to read as follows.

114 **~~Use by street division.~~ Use by city departments and divisions.**

115 ~~When it is necessary for the division of streets to use fire hydrants to procure water,~~
116 ~~the foreman of the division or the person in charge of street work or workers shall be~~
117 ~~permitted a fire hydrant regulation wrench and special connection with valve to control~~
118 ~~water use and shall be permitted the use of fire hydrants for the purpose mentioned.~~
119 ~~Regulation wrench and connections shall be procured from the chief of the fire department,~~
120 ~~and a record kept of all hydrants used, and by whom used. The foreman or person in~~
121 ~~charge of work shall make a daily report in duplicate, one copy to be given to the water~~

122 superintendent and one copy to the superintendent of streets, stating the number and
123 location of any fire hydrants opened and closed during the day.

124 Water used by all city departments and divisions from a fire hydrant shall be
125 measured by a method acceptable to the water superintendent. The fire department shall
126 submit a report monthly to the water division stating estimated water usage for firefighting.
127 All other city divisions or departments shall report to the water division the amount of water
128 used by their department or division.

129 Section 9. That City of Topeka Code § 146-123, Use of a fire hydrant without a
130 city approved hydrant meter, is hereby amended to read as follows:

131 **Use of a fire hydrant without a city approved flushing meter** **Illegal use of a fire**
132 **hydrant.**

133 ~~Use of a fire hydrant without a city approved flushing meter by other than authorized~~
134 ~~city divisions shall be deemed a violation of city ordinance and may be prosecuted in~~
135 ~~municipal court.~~

136 (1) It shall be unlawful for any person to use a fire hydrant without a city-
137 approved hydrant meter. Provided; however, this subsection shall not
138 apply to authorized city employees' use of a fire hydrant.

139 (2) It shall be unlawful for any person, other than authorized city fire
140 department employees, to use any fire hydrant identified as a
141 "firefighting use only" hydrant.

142 (3) Penalty. Any person violating this section may be punished by;

143 a. fine of not more than \$499.00; and/or

144 b. imprisonment in jail for not more than 179 days.

145 Section 10. That City of Topeka Code § 146-145, Rates for water only, is hereby
146 amended to read as follows.

147 **Rates for water only.**

148 The rates set out in this division are the rates established for the payment for water.
149 Surcharges shall be added by township or other legal entities for the payment of
150 outstanding bonds, principal and interest, as required by bond covenants. ~~Other charges~~
151 ~~may be negotiated between the city and township boards for hydrant rental or such other~~
152 ~~charges as the township board may deem necessary and expedient.~~

153 Section 11. That City of Topeka Code § 146-146, Rates for street division and fire
154 department, is hereby amended to read as follows:

155 ~~**Rates for street division and fire department.**~~ **Rates for water consumed from**
156 **fire hydrants.**

157 ~~Water used by the city street division and the city fire department, for purposes other~~
158 ~~than fighting fires, shall be measured by a method acceptable to the water superintendent,~~
159 ~~and shall be paid for at the rate charged to other water users within the city limits.~~

160 All water consumed from a fire hydrant located within the city shall be billed at the
161 established inside city commercial rate. All water consumed from a fire hydrant located
162 outside the city shall be billed at the established outside city commercial rate. The fire
163 department shall not be billed for any water consumed from a fire hydrant for firefighting or
164 fire training purposes.

165 Section 12. That original City of Topeka Code Chapter 146, Article II, Division 5
166 and §§ 146-95, 146-105, 146-106, 146-107, 146-119, 146-123, 146-145 and 146-146 are
167 hereby specifically repealed.

168 Section 13. This Ordinance shall take effect and be in force from and after its
169 passage, approval and publication in the official city newspaper.

170 PASSED and APPROVED by the City Council June 6, 2006.

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William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk