

(Ordinance published at www.andoverks.gov on October 4, 2025)

ORDINANCE NO.1976

AN ORDINANCE AMENDING CHAPTER XVI, ARTICLE 7, SUBSECTIONS 16-701 THROUGH 16-705, 16-708, 16-710, AND 16-717 OF THE CODE OF THE CITY OF ANDOVER, KANSAS, REFLECTING ADJUSTMENT APPROVAL METHOD, APPROVED ADJUSTMENTS, AND REGULATIONS TO THE SEWER CONNECTION SURCHARGES FOR THE ANDOVER WASTEWATER UTILITY.

WHEREAS, the City finds it necessary and desires to amend Chapter XVI, Article 7, Subsections 16-701 through 16-705, 16-708, 16-710 and 16-717 of the Code of the City of Andover, Kansas to reflect such Sewer Connection Surcharges adjustment approval method, adjustments, and regulation updates for the Andover Wastewater Utility.

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

SECTION 1. Chapter XVI, Article 7, Section 16-701 of the Code of Andover, Kansas (the "Code") is hereby amended to read as follows:

16-701. Purpose.

The very nature of the wastewater utility requires the construction of excess capacity within the utility well in advance of the need. This requires substantial capital investment which results in a net equity for the utility. Each new customer who ties onto the utility's system receives the full use of his own proportionate share of the utility and thereby benefits by his own proportionate share of the utility's equity. Each new customer is, therefore, assessed a sewer connection surcharge fee equal to his own proportionate share of the utility's equity. This sewer connection surcharge fee represents the new customer's cost of buying into the utility service so that his own investment in the utility equates the investments already made by others.

SECTION 2. Chapter XVI, Article 7, Section 16-702 of the Code is hereby amended to read as follows:

16-702. Assessment.

There is hereby imposed a sewer connection surcharge (that is, a charge in addition to that levied by any other ordinance for the connection to the sanitary sewer system of said City) upon each new sanitary sewer connection hereinafter made to provide sanitary sewer service to any lot or piece of ground which has not previously been assessed said sewer connection surcharge fee. The sewer connection surcharge fee shall be set and amended from time to time by separate Resolution of the Governing Body.

(a) Residential Basis

That for the purpose of establishing just and equitable sewer connection for the provision of sanitary sewer service by the wastewater utility of said City to users both inside and outside the corporate limits of said City, the Governing Body hereby establishes that, based upon studies of water usage within said City and other data, it is determined that each residential unit (for the purpose of this Section 16-702, each separate family dwelling unit, even when within a common structure be it a duplex, triplex, condominium, or mobile home, shall be considered a separate connection and will be subject separate and individual charges) connecting to the sanitary sewer of said City, shall be assessed a sewer connection surcharge fee and that such determination is based upon an average residential use of water at the rate of 6,000 gallons per month, which fee and usage shall be referred to as "base sewer connection surcharge fee" and "base usage."

Each separate family dwelling unit of multifamily structures that consist of a minimum of four units (quadplexes) or higher (apartments), shall be assessed a sewer connection surcharge fee at 75% of the base sewer connection surcharge fee.

The residential base sewer connection surcharge fee shall be due for any residential property proposing to connect to the City sewer service upon the approval of the application for connection. In the alternative, if the subject property necessitating a connection to City sewer is part of a previously existing residential development which has thereafter become part of a benefit district now liable for special assessment for sewer improvements pursuant to K.S.A. 12-6a01 or similar provisions of state law, the governing body of the City may, in its sole discretion, defer the residential base sewer connection surcharge fee. If deferred, the residential base sewer connection surcharge fee, together with interest on the unpaid balance thereof at a rate equal to the average annual interest rate on the general obligation bonds otherwise paying the costs of the related sewer improvements, shall be levied and assessed and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the deferred residential base sewer connection surcharge fee.

The City Clerk of the City shall from time to time, as necessary, certify to the County Clerk of the appropriate county, the legal description of the real property liable for any residential base sewer connection surcharge fee, along with the sum of any delinquent charges, including interest accrued, to be placed upon the tax rolls for collection. Upon such certification, said charges shall become a lien against the property upon which they are certified, subject to the same penalties and collected in the same manner as taxes levied against the property are by law collectible. The procedure outlined in this paragraph shall be construed as being in accordance with the laws of the State of Kansas and any provision herein deemed or finally determined to be contrary to the laws of Kansas shall be void, provided that in such event the remaining provisions of this section (including the property owner's liability for the base sewer connection surcharge fee) shall remain in full force and effect.

(b) Non-Residential

Based upon such base residential sewer connection surcharge fees and base usages aforesaid, the sewer connection surcharge fee for other classifications and usages in said City is

hereby found and established to be as follows:

For each manufacturing, industrial, commercial, school, or multi-use, excepting any category or other such usage provided for hereinafter, the initial sewer service sewer connection surcharge fee shall be 75% of the base sewer connection surcharge fee for each 6,000 gallons of projected water use on the premises as determined by said City through the use of such data and information as is available at time of such connection.

That as hereinafter provided, the Governing Body may review such fees from time to time and take into consideration other matters such as quantity of industrial waste discharged into the sanitary sewer, water used and evaporated for cooling purposes, and any and all other factors which may tend to raise or lower the fees charged such classification, and direct the City Clerk to adjust or to change the fee for such user in this classification in accordance with the findings of the Governing Body.

(c) Metering.

All new users falling within a "b" classification as set forth immediately hereinabove shall be required to meter all water to be discharged to said City's sanitary sewer system and shall be forbidden to discharge any unmetered flows to said City, subject to penalty as prescribed by 16-106. Metering costs shall be borne by the owner. The meter must be available for reading by City personnel.

(d) Meter Data Interpretation.

Water use data shall be obtained for any nonresidential user known, or believed, to be using in excess of 12,000 gallons per month. The highest 50% of the meter readings shall not be used for fee assessment unless other information warrants the use of that data. The usable data shall then be converted to an average monthly usage.

(e) Subsidization of Commercial Businesses

All new users within a "b" classification as set forth immediately hereinabove shall be granted a subsidy in the amount of:

4% of the user's assessed sanitary connection surcharge fee for usage rate of 30,000-60,000 gal./mo.

8% of the user's assessed sanitary connection surcharge fee for usage rate of 60,001-90,000 gal./mo.

12% of the user's assessed sanitary connection surcharge fee for usage rate of 90,001-120,000 gal./mo.

16% of the user's assessed sanitary connection surcharge fee for usage rate of 120,001-150,000 gal./mo.

18% of the user's assessed sanitary connection surcharge fee for usage rate of 150,001-180,000 gal./mo.

20% of the user's sanitary connection surcharge assessed fee for usage rate of 180,001-210,000 gal./mo.

22% of the user's assessed sanitary connection surcharge fee for usage rate of 210,001-240,000 gal./mo.

24% of the user's assessed fee for usage rate of 240,001-270,000 gal./mo.

28% of the user's assessed fee for usage rate of 270,001-300,000 gal./mo.

30% of the user's assessed fee for usage rate above 300,000 gal./mo.

This subsidy shall be issued only in the form of a credit against the assessed sewer connection surcharge fee at the time of billing.

SECTION 3. Chapter XVI, Article 7, Section 16-703 of the Code of Andover, Kansas (the "Code") is hereby amended to read as follows:

16-703. County surcharge.

For each separate new sewer connection to the City's sanitary sewer system, outside the corporate limits of said City, where such lot or piece of ground sought to be connected has not previously been assessed and paid said sewer connection surcharge fee, the sewer connection surcharge fee according to the classification above will be assessed to the property owner.

SECTION 4. Chapter XVI, Article 7, Section 16-704 of the Code is hereby amended to read as follows:

16-704. Minimum fee.

Because certain expenses are incurred regardless of usage rate, and certain benefits are derived through the use of said City's wastewater utility regardless of usage rate and because usage rates are, in fact, highly fluctuate, the Governing Body hereby establishes a minimum sewer connection surcharge fee each new user inside the City or outside the corporate limits of said City. The minimum sewer connection surcharge fee shall be set and amended from time to time by separate Resolution of the Governing Body.

SECTION 5. Chapter XVI, Article 7, Section 16-705 of the Code is hereby amended to read as follows:

16-705. Conversion of use.

In the event that a user previously connected to the said City's sanitary sewer system, and assessed a fee based on a particular classification, convert the use of said property so as to increase the rate of water usage to an extent whereby the user would be in a classification of higher usage, the City may reclassify the user and assess a new sewer connection surcharge fee based upon the new classification minus any previous sewer connection surcharge fees paid. In the event that a user can be reclassified to a classification of lower usage, the City will not reclassify the user but will let the highest rate of usage classification preside. A change in the characteristics of wastewater discharged by the user may be constituted as a change of use.

SECTION 6. Chapter XVI, Article 7, Section 16-708 of the Code is hereby amended to read as follows:

16-708. Payment.

Upon proper application to the Governing Body of the City of Andover, Kansas, payment of the surcharge sewer connection surcharge fee shall be made at the time of filing of a building permit or other permits of the City. Payment shall be the sole responsibility of the owner of the property connected.

SECTION 7. Chapter XVI, Article 7, Section 16-710 of the Code is hereby amended to read as follows:

16-710. Billing.

Upon a determination of an assessment for the sewer connection surcharge fee for a new owner, said owner shall be notified at the time of filing a building permit or other permits of the City. In the event that an assessment has not been made at the time of connection to the sanitary sewer, the owner must pay the minimum fee at the time of connection and the balance upon receipt of the bill after the assessment is made. The owner of the property shall be solely held responsible for the payment of said fees and billings will be made to the owner solely.

SECTION 8. Chapter XVI, Article 7, Section 16-717 of the Code is hereby amended to read as follows:

16-710. Penalty.

Any person, group of persons or agents, tenants, or any one or more persons occupying lands or representing the owner or occupants of lands upon which, or to which, a sanitary sewer connection has been knowingly made in violation of the terms of this ordinance, shall be deemed guilty of a misdemeanor and assessed a penalty of not less than Five Dollars (\$5) nor more than Five Hundred Dollars (\$500) for each day that each violation aforesaid exists.

SECTION 9. 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 once in the official newspaper of the City.

Passed by the Governing Body of the City of Andover, Kansas this 30th day of September, 2025.



CITY OF ANDOVER, KANSAS

By _____
Ronnie Price, Mayor

ATTEST:

By _____
Dana Engstrom, City Clerk