

(Summary Published in The Morning Sun on February 15th, 2013)

ORDINANCE NO. G-1177

AN ORDINANCE amending Sections 2-273, 10-73, 42-31, 42-33, 42-39, 42-40, 42-203 (b) and (c), 42-275, 70-122, 70-124, 70-126, 70-127 (3) and (4), 74-126, 82-32 (a) and (b), 82-33, 82-51, 82-52, 82-53, 82-54, 82-56, 82-57, 82-82, 82-83; 82-84 (a) and (b), 82-116, 82-117, 82-119, 82-283, 82-284, 82-285, 82-286, 82-290 and 82-291 (c) of the Pittsburg City Code in order to change the references therein from the Department of Finance and Administration to the Department of Finance.

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

Section 1. Section 2-273 of the Pittsburg City Code is amended to read as follows:

Sec. 2-273. - Payment.

All fees charged under this division shall be paid to the custodian of the records inspected and/or copied unless the requestor has established an account, for purposes of billing and payment, with the City. All fees received shall be paid to the Department of Finance whenever the amount of fees collected totals \$20.00, but not less than monthly.

Section 2. Section 10-73 of the Pittsburg City Code is amended to read as follows:

Sec. 10-73. - License; rabies inoculation.

(a) It shall be unlawful for any person to own, keep or harbor any dog within the corporate limits of the City without first having obtained a dog tag from the Department of Finance and without having paid the yearly registration fee:

- (1) Neutered male or spayed female dog the sum established by ordinance, proof thereof to be made at time of obtaining license.
- (2) Fertile male or female dog the sum established by ordinance.

Such registration shall expire December 31 of each year.

(b) It shall be the duty of the owner or person harboring a dog within the corporate limits of the City to have such dog inoculated against rabies. Persons owning or harboring a dog shall not be issued a license or dog tag as provided in this Section, unless the applicant exhibits an unexpired certificate by a licensed veterinarian showing compliance with the provisions of this Section. The metal plate or tag issued by the Department of Finance for the current year for such dog, as provided by subsection (d) of this Section, shall be deemed to have been inoculated for rabies.

(c) Penalties.

(1) The registration fee shall be increased by an amount established by ordinance on March 1 each year, the total registration fee, including penalty, to be as follows:

- a. An amount established by ordinance on a neutered male or spayed female dog; and
- b. An amount established by ordinance on a fertile male or female dog.

(2) The registration fee shall be increased an additional amount as established by ordinance on June 1 each year, the total registration fee including penalty to be as follows:

- a. An amount established by ordinance on a neutered male or spayed female dog; and
- b. An amount established by ordinance on a fertile male or female dog, to any person who has failed to register any dog; provided, however, that any person who acquires a dog after March 1 each year shall not be subject to the increased license fee as provided in this Section and shall pay only the yearly fee otherwise required upon furnishing the Department of Finance an affidavit showing the date on which such dogs were born or brought into the City.

(d) Such license tax shall be paid to the Department of Finance, and such department shall keep a record thereof and issue a receipt therefore giving the date of payment, a description of the dog and the name of the person paying such tax. On receipt of the payment of the license tax for any dog, the Department of Finance shall deliver to the person paying such tax a metal plate or tag on which shall be stamped the year for which the license tax has been paid, and the number of the receipt for the license tax. The

Department of Finance shall authorize the animal control officer to collect such license tax and furnish a metal tag on impounded dogs and from owners of dogs in answer to a complaint.

Section 3. Section 42-31 of the Pittsburg City Code is amended to read as follows:

Sec. 42-31. - Required.

It is unlawful for any person, either as principal or agent, to carry on, engage in or pursue any of the trades, occupations, businesses or professions set out in this chapter without first paying the license fee as prescribed in Section 42-41, and obtaining a license from the Department of Finance for each occupation, business or profession engaged in or pursued.

Section 4. Section 42-33 of the Pittsburg City Code is amended to read as follows:

Sec. 42-33. - Application required.

Before the Department of Finance shall issue any license, an investigation shall be conducted so as to confirm that the applicant is qualified under the ordinances of the City to receive such license. The department may require a sworn written application, prepared in duplicate on a form to be supplied by the department, which shall, among other things, give the following information:

- (1)The name and description of the applicant;
- (2)The permanent home address and full local address of the applicant;
- (3)A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;
- (4)If employed, the name and address of the employer, together with credentials establishing such relationship;
- (5)The length of time which business is proposed to be carried on;
- (6)The place where services are to be performed or where the goods or property are proposed to be sold or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- (7)Whether the applicant, or any partner, member of or stockholder of the applicant, has had a previous business license revoked by the City;

(8) Whether the applicant, or any partner, member of or stockholder of the applicant, has ever been convicted in court of an offense against the laws in the State of Kansas or ordinances of the City of Pittsburg regulating the applicants profession, business or occupation;

(9) Whether the applicant, or any partner, member of or stockholder of the applicant, has ever been convicted in any court of any offense against the laws of the State of Kansas or ordinances of the City involving dishonesty, fraud or moral turpitude.

Section 5. Section 42-39 of the Pittsburg City Code is amended to read as follows:

Sec. 42-39. - Change of address.

The licensee is required to notify the Department of Finance of any change of address during the period of the license.

Section 6. Section 42-40 of the Pittsburg City Code is amended to read as follows:

Sec. 42-40. - Revocation.

Except as otherwise provided in this Code, no license may be issued by the Department of Finance, and any license issued under the terms and provisions of this chapter may be revoked by the Governing Body for any of the following reasons:

(1) If a licensee has fraudulently obtained the license by giving false information in the application therefor.

(2) If the licensee has violated any of the provisions of this article or any rule or regulation made by the Governing Body of the City regulating the conduct of the particular profession, business or occupation covered by such license.

(3) If a licensee has become ineligible to obtain a license under this article.

(4) For the nonpayment of any license fees payable under this article.

(5) For permitting any gambling or any violation either of the intoxicating liquor laws of the state or of this Code upon the licensed premises.

(6) For the conviction of the licensee in any court for the violation of any laws of this state or ordinances of the City regulating such profession, business or occupation.

(7) For conviction of the licensee in any court of any offense against the laws of the state or ordinances of the City involving dishonesty, fraud or moral turpitude.

Where any profession, business or occupation licensed under this chapter is governed by a specific Section of this Code containing an express provision for the revocation of such license, the terms of such specific Section containing any express provision for the revocation of such license, if there be a conflict, shall supersede and take precedence over the revocation provisions contained in this article. In case a license is revoked on any of the grounds set out in this Section, no new license to carry on such profession, business or occupation shall be issued under the provisions of this chapter to the former licensee, or any business in which the former licensee has any interest as owner, partner, member or stockholder.

Section 7. Section 42-203 (b), (c) of the Pittsburg City Code is amended to read as follows:

Sec. 42-203. - Investigation and issuance.

(b) If, as a result of such investigation, the Chief of Police is of the opinion that the application should be denied for the protection of the health, morals, safety, or welfare of the citizens, the Chief of Police shall state his reasons for the same, and return the application to the Department of Finance, who shall notify the applicant that his application is denied and that no permit and license will be issued.

(c) If, as a result of such investigation, the Chief of Police determines the applicant should be issued a license and permit, he shall endorse on the application his approval, execute a permit in the name of the applicant, and return such permit, along with the application to the Department of Finance, who shall, upon payment of the prescribed license fee, and filing the required bond, deliver to the applicant the permit and issue a license. The license shall contain the signature of an authorized employee from the Department of Finance, and shall show the name, address and photograph of the such licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle or conveyance used in such peddling or soliciting. The Department of Finance shall keep a permanent record of all licenses issued.

Section 8. Section 42-275 of the Pittsburg City Code is amended to read as follows:

Sec. 42-275. - Fcc.

Before the issuance of the license provided for in Section 42-274, the applicant for such license shall pay to the Department of Finance a license fee as specified in Section 42-41.

Section 9. Section 70-122 of the Pittsburg City Code is amended to read as follows:

Sec. 70-122. - Application.

Each person required by this article to be licensed to collect or remove solid waste within the City shall file with the Department of Finance an application for such license in such form as shall be prescribed.

Section 10. Section 70-124 of the Pittsburg City Code is amended to read as follows:

Sec. 70-124. - Issuance of license.

The Department of Finance, upon recommendation of the Police Department, shall issue a license to persons qualified under the provisions of this article to collect or remove solid waste within the City in the manner and upon the conditions of this article.

Section 11. Section 70-126 of the Pittsburg City Code is amended to read as follows:

Sec. 70-126. - Registration licenses for vehicles.

Upon issuance of a license to collect or remove solid waste within the City required under the provisions of this article, the Department of Finance shall deliver to the licensee a registration license bearing the number of the particular license. The license shall be securely attached to the dash of the vehicle by the licensee in such a position and manner that it shall be at all times clearly visible upon visual inspection of the dash of the vehicle.

Section 12. Section 70-127 (3), (4) of the Pittsburg City Code is amended to read as follows:

Sec. 70-127. - Transfer.

(3)The sum established by ordinance as a fee for the transfer of registration of such vehicle shall be paid by the licensee to the Department of Finance.

(4)If the vehicle to be registered is of a greater gross weight rating than the vehicle originally registered, the licensee shall pay to the Department of Finance an additional sum to equal the fee as prescribed in Section 70-125.

Section 13. Section 74-126 of the Pittsburg City Code is amended to read as follows:

Sec. 74-126. - Charge for refilling and resurfacing by the City.

When any refill, repaving or resurfacing is made by the City within the driveway portion of any street, avenue or alley, the person to whom the permit was issued or the person making such excavation shall be charged with and shall pay to the Department of Finance for the credit of the general improvement fund, the actual cost of making the refill, replacement, repaving or resurfacing. The cost or charges made by the City for such refill, replacement, repaving and resurfacing shall be made known to the person liable therefor within ten days after performance of the work by the City. If any charge so made remains unpaid after the tenth day of the following month, no further permit for any excavating shall be issued to such person until the delinquent charges have been paid. If water leaks or other unusual circumstances have soaked or damaged the subbase or base of the surface paving, the cost or charge made by the City for such refill, replacement, repaving and resurfacing shall be the fair reasonable amount necessary to restore the street, avenue or alley.

Section 14. Section 82-32 (a), (b) of the Pittsburg City Code is amended to read as follows:

Sec. 82-32. - Billing; charge for delinquency; discontinuance and hearing procedure.

(a) Bills for water and sewage system services shall be due on the date shown on such bill, and at the option of the City, the charges for sewage system services may be billed on the statement rendered for payment of water bills. If the total bill is not paid by the due date on such bill, such bill shall be considered delinquent and ten percent shall be added to the amount thereof as an administrative charge and fee. If the bill is not paid by the due date, a termination notice, including the ten percent charge, shall promptly be sent. This termination notice will include the following notice:

"TERMINATION NOTICE"

Water service will be disconnected for nonpayment of the account within ten days from the original due date unless:

(1) The account is paid in full or satisfactory payment arrangements are made with the Department of Finance prior to the end of the ten-day period; or

(2) Within seven days from the original due date you serve a written demand with the Department of Finance at City Hall, 4th and Pine, Pittsburg, Kansas, for a hearing to contest the proposed termination of water service."

(b) If a written demand for hearing is received, the hearing officer designated in Resolution No. 554 shall notify the user of the time, date and location thereof; which hearing shall be held within seven days following the receipt of the written demand by the Department of Finance.

Section 15. Section 82-33 of the Pittsburg City Code is amended to read as follows:

Sec. 82-33. - Estimating charges.

If it is impossible to read a meter or any meter becomes inoperative so as not to properly register the quantity of water passing through the same or water has been unlawfully taken from the system, the Department of Finance shall have the right to estimate the quantity of water consumed per month upon average consumption for the two-month period immediately preceding. If there has not been previous consumption or such previous average is immaterial, the consumer shall pay a reasonable sum to be fixed by the Department of Finance.

Section 16. Section 82-51 of the Pittsburg City Code is amended to read as follows:

Sec. 82-51. - Applications and deposits for water.

If the applicant for water service is the owner of the premises to which the service is to be supplied, no security deposit is required. If the applicant is not the owner of the premises to which service is to be supplied, the applicant shall make an initial deposit to be known as the "customer's deposit" in the minimum sum established by ordinance for normal domestic consumption where the premises are inside the corporate limits of the City; and in the minimum sum established by ordinance for normal domestic consumption where the premises are outside the corporate limits of the City; and in such additional amount as may be fixed by the Department of Finance if it can be reasonably anticipated that the average monthly quantity of water to be consumed will be in excess of that normally used by the average domestic consumer, which deposit shall be in addition to the deposit for service.

Section 17. Section 82-52 of the Pittsburg City Code is amended to read as follows:

Sec. 82-52. - New sewer connection; deposit required.

Applications for new sewer system service to premises never before connected shall be made to the Department of Public Utilities, accompanied by a sewer connection report by the Building Inspector. The cost of all connections with the sewer system of the City shall be borne by the consumer. Every application for sewer system service, if not by the owner of the premises served, shall deposit with the application a sum equal to the average sewer system charge for like customers for a period of two months, but not less than an amount established by ordinance if inside the City; or if outside the City the deposit shall not be less than an amount established by ordinance. Such deposit shall be in addition to the deposit required for water service and shall be delivered to the City's Department of Finance.

Section 18. Section 82-53 of the Pittsburg City Code is amended to read as follows:

Sec. 82-53. - Refund of deposit.

If the person desiring water and sewer service as a renter has owned a home inside the City within 12 months of applying for service as a renter, and the Director of Finance has certified that such person had a good payment history for 18 consecutive months immediately preceding the sale of the person's home, the Department of Finance

may not require a deposit from that person. Further, upon certification by the Director of Finance that a water and sewer customer has paid a deposit for service and [had] a good payment history for at least 18 consecutive months, the Department of Finance may refund such deposit to the customer.

Section 19. Section 82-54 of the Pittsburgh City Code is amended to read as follows:

Sec. 82-54. - Department of finance responsibilities and interest on accounts.

It shall be the responsibility of the Department of Finance to keep a record of all deposits made by water and sewer utility consumers; which record shall disclose the name of the depositor, the address thereof, and the date and amount deposited. All such deposits shall be accounted for and maintained separately from other utility resources. Each deposit shall bear an annual interest rate, which will be reviewed each November, at a rate determined by the state corporation commission pursuant to K.S.A. 12-822, as amended. The interest accrued shall be credited annually on January 1.

Section 20. Section 82-56 of the Pittsburgh City Code is amended to read as follows:

Sec. 82-56. - Return of deposit upon termination of consumption.

Any consumer who shall have made a deposit in accordance with the foregoing provisions, and who shall have paid all water and sewer service charges for fees and penalties and entitled to a return by the Department of Finance of the deposit so made, together with the interest thereon and in accordance with the provisions set forth in this Section. Deposits left after discontinuance of service shall cease to draw interest from the date of discontinuance of service.

Section 21. Section 82-57 of the Pittsburgh City Code is amended to read as follows:

Sec. 82-57. - Return of deposit upon consumer acquiring title to premises supplied.

If a consumer, after having made a consumer's deposit, acquires title to the premises to which water is being supplied, and can make due proof thereof, such consumer shall, on request, be entitled to a return by the Department of Finance of any utility deposit previously made, together with the accumulated interest thereon; provided, however, that such deposit shall not be returned to the depositor so long as any bill, fee or charge for water or sewer services remains unpaid.

Section 22. Section 82-82 of the Pittsburgh City Code is amended to read as follows:

Sec. 82-82. - Monthly reading of meters.

As nearly as practicable all water meters shall be read at least once each month; provided, however, that the failure of the Department of Finance to take a reading each

month shall not invalidate or in any way diminish the total charges shown by delinquent or combined readings.

Section 23. Section 82-83 of the Pittsburg City Code is amended to read as follows:

Sec. 82-83. - Supplying of meters.

The Department of Finance shall furnish water meters to all future individual installations at actual cost. The cost of the water meter shall be paid to the Department of Finance by a licensed plumber. All meters on service pipes larger than five-eighths-inch disc size shall be approved as to size and type of setting by the Public Utilities Department. The individual consumers presently having water meters requesting a large disc size meter shall pay the cost as provided for new consumers, except such user shall be entitled to a 20 percent credit from the cost for the meters as now in place.

Section 24. Section 82-84 (a), (b) of the Pittsburg City Code is amended to read as follows:

Sec. 82-84. - Repairing and replacing meters.

(a) The repair or replacement of any meter, meter yoke and immediate connection made necessary as a result of back pressure, overheating, the driving of a motor vehicle over the meter tile or any other intentional or negligent act of the consumer, his family, guests or licensees, shall be the duty and responsibility of the consumer, and when repaired by the Department of Finance, the cost of making such repairs or replacement shall be charged to the consumer and may be shown upon the regular water bill. Failure to pay such charge shall constitute grounds for termination of services the same as though such consumer had refused or neglected to pay the normal charges for water consumed.

(b) It shall be the duty and responsibility of the Department of Finance to keep in proper repair, without charge to the consumer, the repair of all master meters or individual meters.

Section 25. Section 82-116 of the Pittsburg City Code is amended to read as follows:

Sec. 82-116. - Turn-on charge for restoration of interrupted service.

If water service is turned off or terminated for default in the payment of any bill, fee or charge, then there shall become due and owing to the Department of Finance upon restoration of service a reconnect fee of \$25.00.

Section 26. Section 82-117 of the Pittsburg City Code is amended to read as follows:

Sec. 82-117. - New service charge.

If the water is for new service, there shall become due and owing to the Department of Finance a turn-on charge of \$5.00 if the premises supplied are inside the City, and a turn-on charge of \$10.00 if the premises supplied are outside the City.

Section 27. Section 82-119 of the Pittsburg City Code is amended to read as follows:

Sec. 82-119. - Time for payment and billing charge for delinquency.

The water consumers of the City shall be divided into three zones. The Department of Finance of the City shall, in zone one render a statement on or about the 15th day of each month; in zone two shall render a statement on or about the 25th day of each month; and in zone three shall render a statement on or about the fifth day of each month, for all water supplied and measured by meter since the last meter reading date. The bill or charge for water as shown by the statement rendered by the Department of Finance shall be paid within 20 days after mailed. A ten percent administrative charge and fee will be added to all water bills or charges not paid within 20 days after such statement has been mailed. The Department of Finance does not assume the responsibility for speedy and safe delivery of, or failure to receive, a bill; a duplicate may be obtained by calling in person at the office or by telephone.

Section 28. Section 82-283 of the Pittsburg City Code is amended to read as follows:

Sec. 82-283. - Right to enter premises and read meters.

Authorized personnel of the Department of Finance shall have the right to enter upon and into any building or premises for the purpose of reading the water meter therein. It shall be the duty of the owner, or his agent or tenant, to provide free access to the meter reader.

Section 29. Section 82-284 of the Pittsburg City Code is amended to read as follows:

Sec. 82-284. - Inspections.

Any duly authorized agent or employee of the Department of Finance shall have the right, at all reasonable hours and times, to enter upon any building or premises to which water is supplied by the City and to make inspections for the purpose of ascertaining the condition of the water pipes, fixtures, and the use of water upon the premises to determine if the provisions of the ordinances of the City with reference to the supply and distribution of water from the water system are being complied with.

Section 30. Section 82-285 of the Pittsburg City Code is amended to read as follows:

Sec. 82-285. - Applications for water service.

Every person desiring water service and the right to receive and use water from the City water system shall make written application for each separate metered location

and/or address, including the signature of the individual responsible for payment of the account, to the office of the Department of Finance. Applications may be accepted initially by phone, provided that the deposit for water and sewer service is secured by a credit card and the written application form signed by the applicant, along with pay for such deposit, is promptly sent to the City's Department of Finance. The applicant shall state fully all the purposes for which water is to be used and confirm that the applicant will be responsible for the payment of all charges for water and sewer, including penalties and fees imposed pursuant to the terms of the ordinances of the City.

Section 31. Section 82-286 of the Pittsburg City Code is amended to read as follows:

Sec. 82-286. - Advance payment of turn-on fee.

When the supply of water is turned on to any new consumer, there shall be a service charge added to the first water bill, which fee will become due and payable on or before the due date of the water bill. The turn-on fee of \$5.00 applies if the premises to be supplied are inside the City; and there shall be a turn-on fee of \$10.00 if the premises to be supplied are outside the City. The Department of Finance shall make no charge for transferring of an account from one person to another unless a service call is required to be made.

Section 32. Section 82-290 of the Pittsburg City Code is amended to read as follows

Sec. 82-290. - Terminating service for failure to repair.

The failure of any consumer to keep any part of his water system in proper repair and maintenance shall be authority for the Department of Finance to immediately terminate the supply of water from the City water system.

Section 33. Section 82-291 (c) of the Pittsburg City Code is amended to read as follows:

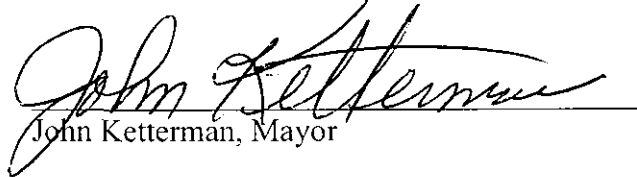
Sec. 82-291. - Fire hydrant location, maintenance and use.

(c) It shall be unlawful for any person, except authorized employees of the Department of Finance, Fire Department or the Public Utilities Department, to turn off or on any fire hydrant or fireplug; provided, however, that the City Manager, after consulting with the Fire Chief and the Director of Public Utilities, may authorize other cities or rural fire departments to turn off or on or use any fire hydrant or fireplug but only for the purpose of filling the water tanks on the trucks and not to pump water directly from any hydrant or plug and only pursuant to the terms and conditions of a written permit executed by the City Manager. In the event of another City or rural fire department violating any of the provisions of this Section or the terms or conditions of such permit, the permit shall be revoked by the City Manager, and such authorization shall cease immediately.

Section 34: This ordinance shall take effect and be in force from and after its passage and

publication in the official city paper.

PASSED AND APPROVED BY THE GOVERNING BODY OF PITTSBURG,
KANSAS, this 12th day of February, 2013.


John Ketterman, Mayor

ATTEST:


Tammy Nagel, City Clerk

(SEAL)

