AN ORDINANCE introduced by Norton N. Bonaparte, Jr., City Manager, amending City of Topeka Code § 146-18 concerning a water and wastewater utility rate refund program for the City of Topeka.

WHEREAS, the City Council on July 8, 2008, passed Ordinance No. 19124 creating City of Topeka Code § 146-18 which established the Water and Wastewater Utility Rate Refund Program; and

WHEREAS, it is necessary to revise the language to include all residential customers of the water, water pollution control and stormwater utility of the City of Topeka, Kansas, not only those within the City limits; and

WHEREAS, individuals who receive residential water and/or wastewater utility services from the City of Topeka, are hereinafter referred to as “city utility customers.”

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 146-18 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Water and Wastewater Utility Rate Refund Program.

(a) Established. There is hereby established a Water and Wastewater Utility Rate Refund Program in the City of Topeka. Subject to the terms and conditions established herein, eligible water and wastewater city utility customers, defined as those individuals who receive residential water and/or wastewater utility services from the City of Topeka, may receive a refund of the increase in the minimum monthly rate for water and wastewater utility rates paid by the residential city utility customer for property located
within the corporate limits of the City of Topeka. The water and wastewater utility rate refund shall be the amount the minimum monthly rate exceeds that in effect for water and wastewater on January 1, 2008.

(b) **Eligibility.** Commencing January 1, 2009, only those city utility customers inside or outside the corporate limits of the City of Topeka, who during the prior tax year fit the income and other requirements of the State of Kansas Homestead Property Tax Refund Law, as amended from time to time, and actually receive a refund from the State of Kansas homestead property tax refund program, as provided in K.S.A. 79-4501, et seq., as amended, may apply for water and wastewater utility refunds as provided herein.

(c) **Refund Procedure.** Water and wastewater utility rate refunds shall be issued pursuant to the following procedure:

1. Application for a water and wastewater utility rate refund shall be made by September 5 of 2009 and of each subsequent year for the preceding tax year for which the city utility customer paid water and wastewater utility rates to the City of Topeka.

2. Applications shall be made on a form approved by the City of Topeka public works director and shall be accompanied by the following documents and information:

   A. Proof that a homestead property tax refund claim form was filed and that a property tax refund was issued for the preceding calendar year.

   B. Proof in a form acceptable to the public works director that the water and/or wastewater utility services were actually provided by the City of Topeka.
3. Approval of Application.

A. Upon receipt of the required application, documents and information, the City of Topeka public works director, or his or her designee, shall, within approximately thirty (30) days, either issue a credit in the amount which the increase in the minimum monthly rate for water and wastewater utility rates exceeds those in effect on January 1, 2008, to the city utility customer, or may, in the sole discretion of the public works director, issue a check in the amount of the refund.

B. In the event the city utility customer has any delinquent or unpaid charges, fees, administrative monetary penalties, or other charges to any department or division of the City of Topeka, the amount of the refund will be set off against such outstanding charge, fee, or penalty.

4. Rejection of Application.

A. If the refund application is rejected for any reason, the public works director, or his or her designee, shall within that same thirty (30) day period notify the city utility customer in writing of the reason for the rejection.

B. A city utility customer whose application is rejected may appeal the rejection to the City of Topeka City Manager whose decision on the matter shall be deemed final and unappealable.

(d) Effective date. This ordinance shall be in effect until September 5, 2012.

Section 2. That original section 146-18 of The Code of the City of Topeka, Kansas is hereby specifically repealed.
Section 3. This Ordinance shall take effect and be in force on and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council January 13, 2009.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk