

1 (Published in the Topeka Metro News July 23, 2008)

2  
3 **ORDINANCE NO. 19129**

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5 AN ORDINANCE introduced by Councilmember John Alcala, amending City of  
6 Topeka Code § 146-17 concerning the utility franchise fee refund  
7 program and specifically repealing said original section.  
8

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

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11 Section 1. That section 146-17, Utility franchise fee refund program, of The  
12 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Utility franchise fee refund program.**

14 (a) *Established.* There is hereby established a utility franchise fee refund  
15 program in the City of Topeka. Subject to the terms and conditions established herein,  
16 eligible gas and electric utility ratepayers in the City of Topeka may receive a refund of  
17 gas and electric franchise fees paid by the ratepayer for property located within the city.

18 (b) *Eligibility.* Commencing for the tax year of 2006 only those ratepayers  
19 who fit the income, age, dependents and other requirements of the State of Kansas  
20 Homestead Property Tax Refund law, as amended from time to time, and actually  
21 receive a refund from the State of Kansas Homestead Property Tax Refund program, as  
22 provided in K.S.A. § 79-4501 et seq., (as amended), may receive franchise fee refunds  
23 as provided herein.

24 (c) *Refund procedure.* Franchise fee refunds shall be issued pursuant to the  
25 following procedure:

26 (1) Application for a franchise fee refund shall be processed if received  
27 by the city on or before September 5 for refunds of franchise fees paid for the  
28 preceding calendar year~~made by July 15 of 2006 and of each subsequent year~~  
29 ~~for the preceding calendar year paid franchise fees.~~

30 (2) Applications shall be made on a form approved by the City of  
31 Topeka Director of Administrative and Financial Services and shall be  
32 accompanied by the following documents and information:

33 a. Copy of the ratepayer's homestead property tax refund claim  
34 form or verification obtained by the City of Topeka Director of  
35 Administrative and Financial Services for the preceding calendar year for  
36 the residence for which gas and electric utility franchise fees have been  
37 paid.

38 b. Proof of payment or approval of a homestead property tax  
39 refund for the preceding calendar year for the residence for which gas and  
40 electric utility franchise fees have been paid.

41 c. Proof in a form acceptable to the City of Topeka Director of  
42 Administrative and Financial Services that franchise fees in the claimed  
43 amount have been paid by the ratepayer for the identified residence.

44 (3) Upon receipt of the required application, documents and  
45 information, the City of Topeka Director of Administrative and Financial Services  
46 shall, within 30 days, either issue a refund of the claimed franchise fees to the  
47 ratepayer or, if the refund application is rejected for any reason, notify the  
48 ratepayer of the reason for the rejection.

49 (4) A ratepayer whose application is rejected may appeal the rejection  
50 to the City of Topeka City Manager whose decision on the matter shall be  
51 deemed final and unappealable.

52 Section 2. That original section 146-17 of The Code of the City of Topeka,  
53 Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council July 15, 2008.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk