

(Published in the Topeka Metro News July 25, 2011)

ORDINANCE NO. 19607

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 13.10.030 and 13.10.080 concerning the water department and creating the misdemeanor crime of trespass on the Kansas River and specifically repealing said original sections as well as repealing §13.10.110 in its entirety.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA:

Section 1. That §13.10.110, Covering Valve Control Box or Manhole Covers, of The Code of the City of Topeka, Kansas, is hereby repealed in its entirety.

Section 2. That §13.10.030, Water superintendent, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Water superintendent.

(a) Position Created. There is hereby created the position of water superintendent in the city. The water superintendent shall have the authority to manage and control the city's water utility subject to the supervision of the director of public works.

(b) Specific Duties, Responsibilities and Authority.

(1) The water superintendent is responsible for directing the total operation of the water utility; oversees the inspection and maintenance of facilities; hiring, firing and training of employees (union/nonunion); is involved in negotiating the union contract; and personally directs staff.

(2) The water superintendent initiates and supervises the development of plans for new facilities at the treatment plant; authorizes installation of water mains; oversees preparation of plans and specifications and compilation of cost

estimates; negotiates contract terms; conducts the backflow prevention and cross connection control program, and oversees plans for infrastructure reconstruction, repair or replacement.

(3) In order to protect the safety of the city's water supply, including maintaining the integrity of any water intake located on the Kansas River, the water superintendent may take appropriate measures to prohibit individuals from entering or remaining within one hundred and fifty (150) feet of such intake. Such measures may include, but are not limited to, cordoning off the area and posting signs warning of criminal penalties for trespass.

~~(34)~~ The water superintendent prepares the water division budget and administers the funds; is responsible for the internal accounting systems, combined utility billing and collection systems; and oversees all purchases.

~~(45)~~ The water superintendent coordinates the water utility operation with federal, state and other regulatory agencies and is responsible for distribution of water to all qualified customers.

~~(56)~~ The water superintendent prepares/reviews all water division ordinances and/or resolutions prior to presentation to the director of public works, screens state legislative material which might affect a water utility, serves on committees and is active in various associations within the water utility field.

~~(67)~~ The water superintendent shall have the authority to make account adjustments, settle contract disputes, and write off accounts related to the utility billing system and accounts receivable for the purpose of correcting errors, settling disputed accounts, and inducing prompt payment for any amount up to

\$10,000. Any account adjustments, write-offs, contract disputes or settlements of disputed accounts exceeding \$10,000 shall be approved by the city council.

Section 3. That section 13.10.080, Unlawful use of Reservoir, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Unlawful use of reservoir acts.

The following acts shall be unlawful and subject to criminal penalty in accordance with section 1.10.070:

(a) Reservoir. ~~It shall be unlawful for any person to bathe in, Bathing, place placing a boat on, or throw throwing~~ any substance into any reservoir, or ~~place placing~~ any foreign substance upon the grounds belonging to, connected with or under the control of the water system of the city.

(b) Covering valve control box or manhole covers. Covering up or burying any existing valve control box or manhole cover with dirt, rock surfacing, bituminous surfacing, concrete or other material, or obscuring their location so that they cannot be found or are not accessible for water maintenance. The cost of regrading or rebuilding valve control boxes or manhole covers, including resurfacing of adjacent streets or alleys, shall be charged to the person responsible for the above acts.

(c) Trespass. Entering or remaining within one hundred and fifty (150) feet of any city water intake located on the Kansas River by a person with knowledge that such person is not authorized to do so, and:

(1) Such person enters or remains in defiance of an order not to enter or to leave the area personally communicated to such person by the director of utilities and transportation or designee; or

(2) The area is cordoned off against entry or posted in a manner reasonably likely to come to the attention of such person.

Section 4. That original § 13.10.030 and § 13.10.080 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council July 19, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk