

(Published in the Topeka Metro News March 5, 2012)

ORDINANCE NO. 19706

AN ORDINANCE introduced by Daniel R. Stanley, Interim City Manager, amending City of Topeka Code § 13.05.080, concerning the water and wastewater utility rate refund program and specifically repealing said original section.

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

Section 1. That section 13.05.080, Water and wastewater utility rate refund program, 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 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 city utility customer to 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~~2012, 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.

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

33 (1) Application for a water and wastewater utility rate refund shall be
34 made by September 5th ~~of 2009 and of each subsequent~~ year for the preceding
35 tax year for which the city utility customer paid water and wastewater utility rates
36 to the city of Topeka.

37 (2) Applications shall be made on a form approved by the city of
38 Topeka public works director or his or her designee and shall be accompanied by
39 the following documents and information:

40 (i) Proof that a homestead property tax refund claim form was
41 filed and that a property tax refund was issued for the preceding calendar
42 year.

43 (ii) Proof in a form acceptable to the public works director or his
44 or her designee that the water and/or wastewater utility services were
45 actually provided by the city of Topeka.

46 (3) Approval of Application.

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

(ii) 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.

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

(ii) 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~~ in accordance with the appeal provision in Chapter 2.145.

(d) Effective Date. This section shall be in effect until September 5, ~~2012~~2016.

Section 2. That original § 13.05.080 of The Code of the City of Topeka, 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.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. 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 February 28, 2012.

CITY OF TOPEKA, KANSAS

William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk