

CHAPTER XV. UTILITIES

- Article 1. General Provisions
 - Article 2. Water
 - Article 3. Electricity
 - Article 4. Sewers
 - Article 5. Solid Waste
 - Article 6. Water Conservation
-

ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 2012)
- 15-102. DELINQUENT ACCOUNTS; PARTIAL PAYMENTS. (a) Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104.
- (b) No payment shall be accepted on utility bills except for the full amount billed for all services. (Ord. 832; Code 2012)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
- (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
 - (3) Notice that the customer has the right to a hearing before the designated hearing officer;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held as soon as possible, but within 10 days following the receipt of the request. (Code 2012)
- 15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer

shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has authority, for good cause and with the approval of the city administrator, to grant an extension or in the event of a water leak may grant an allowance up to one-half of the excess amount owed and adjust the sewer rate accordingly with proof that the leak has been fixed by a licensed plumber and that there are no indications of negligence by the customer or property owner. (Code 2012)

15-105. CONNECTION FEE. All new accounts shall pay a connection fee in accordance with the city's fee schedule. Landlords opening an account at a property previously occupied by a tenant with service shall not be charged the connection fee unless the service was disconnected. All accounts transferring to another property shall pay the transfer fee in accordance with the city's fee schedule – the connection fee shall not apply unless service at the new location was disconnected and has to be reconnected. (Code 2012)

15-106. DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY. (a) In the event that any person, except the United States or the state of Kansas, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in sections 15-102:104. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.

(b) In the event that any person, except the United States or the state of Kansas, residing, occupying, using or operating on property to which utility service(s) furnished by the city is not paid, the unpaid fees or charges shall constitute a lien upon the property to which the utilities are furnished. The amount of the unpaid fees or charges shall be certified by the governing body to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law.

(c) The lien, described in subsection (b) of this section, shall not attach to property for unpaid utility fees or charges when the utility service(s) have been contracted for by a tenant and not by the landlord or owner of the property to which the utility service is provided. Under such conditions, the city may not place a lien upon the property of the landlord.

(d) If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided by the city, the application shall not be accepted until all fees or charges are paid in full.

(e) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished. (Code 2012)

15-107. LEASE REQUIREMENT. For new accounts at an address that has an outstanding balance or has been disconnected, the customer must provide a copy of the lease or rental agreement and photo identification. If the customer's name is associated with an unpaid balance from the past, the unpaid balance must be

paid prior to establishing new service. After a termination, service will be restored only to customers identified in the lease or rental agreement and whose current and past accounts are paid in full. After termination of service for customers who own the property, new accounts will not be established to avoid paying the unpaid balance associated with the property. (Code 2012)

[Balance of this page intentionally left blank.]

ARTICLE 2. WATER

- 15-201A. **WATER AND CUSTOMER DEPOSIT FUNDS.** That the city clerk of said city shall maintain a water fund and shall keep an accurate record of all water sales, installation charges, fees, penalties and all other receipts and all disbursements from the water fund and from the customer deposit fund. The clerk shall keep an accurate record of the meter readings, the amount of water consumed and total charges against the amounts paid on such customers' account or accounts. (Ord. 842; Code 2012)
- 15-201B. **BILLS.** That the city clerk shall figure all customers' bills from the meter reading reports and shall post the same and the amount consumed in a suitable record book furnished by the city. The clerk shall make out all monthly bills and supervise their collection. (Ord. 842; Code 2012)
- 15-202. **REGULATIONS.** The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 2012)
- 15-203. **SERVICE NOT GUARANTEED.** The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 2012)
- 15-204. **SERVICE CONNECTIONS REQUIRED.** (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located public water mains, is hereby required at his or her own expense to make connection to such public water main.
 (b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 1987, 13.08.010; Code 2012)
- 15-205. **APPLICATION FOR SERVICE.** (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.
 (b) The application shall:
 (1) Contain an exact description including street address of the property to be served;
 (2) State the size of tap required;
 (3) State the size and kind of service pipe to be used;
 (4) State the full name of the owner of the premises to be served;
 (5) State the purpose for which the water is to be used;
 (6) State any other pertinent information required by the city clerk;

(7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.

(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207. (Code 2012)

15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 2012)

15-207. INSTALLATION CHARGE FOR NEW SERVICE.

(a) Meter Sizes Offered: 1 inch, 2 inches, and 2 inches increments after that.

(b) Charge: Pricing of such connection will be based on the replacement price the city pays for the meter, parts and material, and labor, plus a 10% re-stocking fee for materials used. The property owner will be given a detailed invoice outlining the cost of materials believed to be needed in advance to commencement of installation.

(c) Larger sized to be based on 5/8 inches with credit given for cost of 5/8 inches meter, and additional charges as per invoice.

(d) All new services will be required to have a shut-off valve inside the house or building and a check valve (back flow preventer) at the meter. No meters will be installed until said valves are in place.

(Ord. 842; Code 2012)

15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 2012)

15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 2012)

15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials, employees or licensed contractors to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner. (Code 2012)

15-211. METERS. (a) All water furnished to customers shall be metered.

(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley.

(c) The city's responsibility stops at the property line.
(Code 2012)

15-212. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested

by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$100 will be made to the customer. (Code 2012)

- 15-213. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off. Any unauthorized water metered without an open account or in a disconnected status shall be billed to the customer at four times the current water rate. (Code 2012)
- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 2012)
- 15-215. DISCONNECTION, RECONNECTION CHARGE. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 2012)
- 15-216. RESERVED FOR FUTURE USE.
- 15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 2012)
- 15-218. PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:
- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
 - (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;
 - (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city. (Code 2012)
- 15-219. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 2012)
- 15-220. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 2012)

- 15-221. RATES. There shall be one or more classes of water users created for the purpose of establishing monthly water rates. The monthly rates shall be in accordance with the city's fee schedule. (Ord. No. 842; Ord. No. 845; Code 2012)
- 15-222. PAYMENT OF BILLS. That all water bills will be due and payable on the first day of each month. All accounts payable to the city for water and other services shall be paid on or before the tenth (10th) day of the month they are due and payable and a penalty of ten percent (10%) of the amount due shall be added to each bill not paid on or before the tenth (10th) day of each month as hereinafter provided. (Ord. 842; Code 2012)
- 15-223. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 2012)
- 15-224. ADDRESS CHANGES. There will be a \$10.00 fee charged for an account address change. (Ord. 842; Code 2012)
- 15-225. ACCOUNT TRANSFERS. No account will be transferred into another person's name unless it is paid in full. (Ord. 842; Code 2012)
- 15-226. USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 2012)
- 15-227. CROSS CONNECTIONS; GENERAL INFORMATION. Purpose. The purpose of this policy is:
(a) To protect the public potable water supply of the city from pollution or contamination due to cross connection;
(b) To prohibit and eliminate all cross connections within the public potable water supply system; and,
(c) To provide for the maintenance of a continuing effective cross connection control program and thus protect the public health. (Ord. 723, Code 2012)
- 15-228. SAME; INSPECTION; ENFORCEMENT. The certified test/repairman or the city superintendent shall be responsible for effectively conducting the cross connection control program of the city public potable water supply. If in the judgment of the person an approved backflow prevention device is required the certified test/repairman or his or her agent will give notice in writing to the customer to install the proper device. The customer shall immediately install the proper device at the customer's expense. Failure to comply shall be grounds for discontinuing water service to the customer until the device is properly installed. (Ord. 723; Code 2012)

15-229.

SAME; DEFINITIONS. (a) Agency -- The department of the municipal government or water purveyor invested with the responsibility for enforcement of this article.

(b) Air Gap -- The unobstructed vertical distance at least twice the diameter of the supply line and no less than one inch, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

(c) Approved Device -- Devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment and the city.

(d) Backflow -- The flow of water or other substances into the distribution system of a potable supply of water from any source other than its intended source. Backsiphonage is one type of backflow.

(e) Backflow Preventer -- A device or means to prevent backflow.

(f) Backsiphonage -- The flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply system due to negative pressure in the system.

(g) Contaminant -- Any substance that upon entering the potable water supply would render it a danger to the health or life of the consumer.

(h) Cross Connection -- Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains water or any substance of unknown or questionable quality whereby there may be flow from one system to the other.

(i) Double Check Valve Assembly -- A device consisting of two internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports.

(j) Dual Check Valve -- A device consisting of two internally loaded soft seated check valves. This device does not contain test ports and is acceptable for use only at the meter of residential customers.

(k) Free Water Surface -- A water surface at atmospheric pressure.

(l) Flood Level Rim -- The edge of the receptacle from which water overflows.

(m) Frost Proof Closet -- A hopper with no water in the bowl and with the trap and water supply control valve located below frost line.

(n) KDHE -- The Kansas Department of Health and Environment.

(o) Plumbing -- The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances.

(p) Pollution -- The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.

(q) Reduced Pressure Zone Backflow Preventer -- An assembly of two independently acting soft seated approved check valves together with a hydraulically operating mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved these assemblies must be

accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.

(r) Tester -- A trained technician certified in the testing and repair of backflow preventers.

(s) Vacuum -- Any absolute pressure less than that exerted by the atmosphere.

(t) Vacuum Breaker -- A device that permits entrance of air into the water supply distribution line to prevent backsiphonage.

(u) Water, Potable -- Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirements for public water supplies.

(v) Water, Non-Potable -- Water that is not safe for human consumption or that is of questionable potability. (Ord. 723; Code 2012)

15-230.

SAME; REQUIREMENTS. (a) General. A potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable sources through cross-connections or any piping connection to the system.

(b) Cross Connections Prohibited. Cross-connection are prohibited except when and where as approved by certified tester/repairman suitable backflow preventers are properly installed, tested, and maintained to insure proper operation on a continuing basis.

(c) Interconnections. Interconnection between two or more public water supplies shall be permitted only with the approval of the Kansas Department of Health and Environment. (K.S.A. 65-163[a]).

(d) Individual Water Supplies. Connections between a private water supply and the public potable water are prohibited. (K.S.A. 65-163[a]).

(e) Connections to Boilers. Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are or can be introduced shall be made through an air gap or through a reduced pressure zone principle backflow preventer located in the potable water line before the point where such chemicals may be introduced.

(f) Prohibited Connections. Connection to the public potable water supply system for the following is prohibited unless properly protected by the appropriate backflow prevention device.

(1) Bidets.

(2) Operating, dissection, embalming, and mortuary tables or similar equipment in such installations the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments.

(3) Pumps for non-potable substances. Priming only through an air gap.

(4) Building drainages, sewers, or vent systems.

(5) Commercial buildings or Industrial plants manufacturing or otherwise using polluting or contaminating substances.

(6) Any fixture of similar hazard.

(g) Refrigeration Unit Condensers and Cooling Jackets. Except when potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping and tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat exchangers used to heat water for potable use shall be of the double wall type.

(h) Protective Devices Required. The type of protective device required under this article shall be determined by the degree of hazard which exists as follows:

(1) Premises having auxiliary water supply shall be to protect the public system by either an approved air gap or an approved reduced pressure principle back prevention assembly.

(2) Premises having water or substances which would be nonhazardous to the health and well being of the consumers shall protect the public system with no less than an approved double check valve assembly.

(3) Premises where material dangerous to health is handled in a manner which creates an actual or potential hazard shall protect the public system by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(4) Premises where cross connections are uncontrolled shall protect the public water supply by installing an approved air gap or an approved reduced pressure principal backflow prevention device at the service connection.

(5) Premises where because of security requirements or other prohibitions it is impossible to complete an in plant inspection cross connection inspection, the public system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(i) Premises which may fall into one or more of the above mentioned categories may be, but are not limited to the following:

(1) Beverage bottling plants.

(2) Building - hotels, apartment, public or private buildings or other structures having actual or potential cross connections.

(3) Car wash facilities.

(4) Chemical manufacturing, handling or processing plants.

(5) Chemically contaminated water.

(6) Dairies and cold storage facilities.

(7) Film or photography processing laboratories.

(8) Fire systems.

(9) Hospitals, medical centers, morgues, mortuaries, autopsy facilities, clinics or nursing and convalescent homes.

(10) Irrigation systems.

(11) Laundries.

(12) Metal cleaning, processing or fabricating plants.

(13) Oil and gas production, storage or transmission facilities.

(14) Packing or food processing plants.

(15) Paper and paper products plants.

(16) Power plants.

(17) Radioactive materials plants or handling facilities.

(18) Restricted or classified facilities.

(19) Rubber plants.

(20) Sand, grave or asphalt plants.

(21) Schools or colleges.

(22) Sewage and storm drainage facilities and reclaimed water systems.

(23) Solar heating systems.

(24) Temporary service - fire hydrants, air valves, blow-offs and other outlets.

(25) Water front marinas.

(Ord. 723; Code 2012)

15-231.

SAME; INSTALLATION. Approved devices shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where a minimum air gap between the potable water outlet and the fixture or equipment flood level rim cannot be maintained. Backflow and backsiphonage devices of all types shall be in an accessible location. Installation in pits or any other location not properly drained shall be prohibited, except that dual check valves may be installed in the meter box.

(a) Connections not subject to back pressure. Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind are given in the following table titled "Cross Connections where Protective Devices are Required".

Cross Connections Where Protective Devices Are Required and Critical Level (C-L) Setting for Vacuum Breakers

FIXTURES OR EQUIPMENT	METHOD OF INSTALLATION
Aspirators and ejectors	C-L at least 6 in. above flood level of receptacle served.
Dental units	On models without built-in vacuum breakers--C-L at least 6 in. above flood level rim of bowl.
Commercial dishwashing machines	C-L at least 6 in. above flood level of machines. Installed on both hot and cold water supply lines.
Garbage can cleaning machines	C-L at least 6 in. above flood level of machine. Installed on both hot and cold water supply lines.
Hose outlets	C-L at least 6 in. above highest point on hose line
Commercial laundry machines	C-L at least 6 in. above flood level of machine. Installed on both hot and cold water supply lines
Lawn sprinklers	C-L at least 6 in. above highest sprinkler head or discharge outlet.
Steam tables	C-L at least 6 in. above flood level rim.
Tanks and vats	C-L at least 6 in. above flood level rim or line.
Trough urinals	C-L at least 30 in. above perforated flush pipe.

Flush tanks	Equipment with approved ball cock, installed according to manufacturer's instructions.
Hose bibs	C-L at least 6-in. above flood level of receptacle served.

(b) Connections Subject to Backpressure. Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backpressure, and an air gap cannot be installed, the certified tester/repairman may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in the following table "Partial List of Cross Connections subject to Back Pressure".

PARTIAL LIST OF CROSS-CONNECTIONS SUBJECT TO BACKPRESSURE	
Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Industrial process water lines	Tanks and Vats - bottom inlets
Pressure tanks	Hose bibs

(c) Barometric Loop. Water connections where an actual or potential backsiphonage hazard exists may in lieu of devices specified above be provided with a barometric loop. Barometric loops shall precede the point of connection.

(d) Dual Check Valve. Dual check valves may be installed at the meter. These valves shall be inspected and repaired not less frequent than every third year. These valves shall be installed only in situations where the certified tester/repairman is assured that only noncontaminating substances are subject to backflow into the potable system.

(e) Vacuum Breakers. Atmospheric vacuum breakers shall be installed with the critical level at least six inches above the flood rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shut off valve or faucet shall be installed beyond the atmospheric vacuum breaker. Pressure vacuum breakers shall be installed with the critical level at least 12 inches above the flood rim but may have control valves down stream from the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be considered the flood level rim and a check valve shall be installed on the discharge side of the pressure vacuum breaker. (Ord. 723; Code 2012)

15-232.

SAME; MAINTENANCE AND REPAIR. It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have been installed for the purpose of bypassing the backflow devices. Testing and repair of these devices should be made by qualified

technicians. (Qualified technicians are those technicians who have completed a Kansas Department of Health and Environment approved training course and have passed a written examination such as the American Backflow Prevention Association device testers examination.) The city superintendent shall certify the device testers after ascertaining the technician meets the above qualifications. The certified tester/repairman will also assure the proper installation of all backflow preventers and will set appropriate testing and overhaul schedules for such devices. Testing intervals shall not exceed one year and overhaul intervals shall not exceed five years.

(a) Certified Tester/Repair Technicians. All certified tester/repair technicians shall be re-certified at no less than three year intervals. Persons certified as tester/repair technicians at the time of the adoption of this article shall continue to be certified for a period of no more than three years as determined by the governing body. (Ord. 723; Code 2012)

15-233.

SAME; PENALTIES AND DISCOUNT PROVISIONS NOTIFICATION. The certified tester/repairman shall notify the owner, or authorized agent of the owner, of a building or premises in which there is found a violation of this article, of such violation. The certified tester/repairman shall set a reasonable time for the owner to have the violation corrected. If the owner fails to correct the violation within the specified time the certified tester/repairman shall cease delivery of water to the building or premises until the violation shall be satisfactorily corrected. (Ord. 723; Code 2012)

ARTICLE 3. ELECTRICITY
(Reserved)

[This page intentionally left blank.]

ARTICLE 4. SEWERS

15-401. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

(a) Building Drain - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the innerface of the building wall.

(b) Building Sewer - shall mean the extension from the building drain to the public sewer or other place of disposal.

(c) B.O.D. (denoting Biochemical Oxygen Demand) - shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.

(d) PH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(e) Individual Domestic - means any single family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city and on individual city or private water service meter, or connection to any such water service.

(f) Industrial - means any industrial business engaged in the manufacturing or processing of one or more products, and in which wastewaters are produced from such manufacturing or processing and said wastewaters are discharged directly or indirectly to the wastewater facilities of the city.

(g) Multi-domestic - means any multi-family residence, apartment or mobile home and any commercial business, office, institution, school, church or public entity having a direct or indirect connection to the wastewater facilities of the city and not having an individual water service meter but is served with city or private metered water by the owner of the property on which it is located.

(h) Superintendent - shall mean the superintendent of the city or his or her authorized deputy, agent or representative.

(i) Sewage - shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

(j) Sewer - shall mean a pipe or conduit for carrying sewage.

(k) Public Sewer - shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(l) Combined Sewers - shall mean sewers receiving both surface runoff and sewage, are not permitted.

(m) Sanitary Sewer - shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(n) Storm Sewer or Storm Drain - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(o) Sewage Treatment Plant - shall mean any arrangement of devices and structures used for treating sewage.

(p) Suspended Solids - shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(q) User - means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

(r) Wastewater - means sewage, the combination of liquids and water carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or storm water that may be present.

(s) Normal wastewater. - The strength of normal wastewater shall be considered within the following ranges:

(1) A five day biochemical oxygen demand of 300 milligrams per liter or less;

(2) A suspended solid concentration of 350 milligrams or less;

(3) Hydrogen ion concentration of 5.0 to 9.0.

(Code 2012)

15-402. SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 140 feet of the property line. (Code 1987, 13.20.010; Code 2012)

15-403. PERMIT; CONNECTION FEE. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(b) A fee in accordance with the city's fee schedule shall be charged and paid at the time of making application for the permit. (Code 2012)

15-404. APPLICATION. Any person desiring to make a connection to the city sewer system shall apply in writing to the city clerk who shall forward the application to the utility superintendent. The application shall contain:

(a) The legal description of the property to be connected;

(b) The name and address of the owner or owners of the property;

(c) The kind of property to be connected (residential, commercial or industrial);

(d) The point of proposed connection to the city sewer line.

(Code 2012)

15-405. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Code 2012)

15-406. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable

location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the utility superintendent and at a location designated by the superintendent. (Code 2012)

15-407. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed, in a feasible manner, to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Code 2012)

15-408(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. (Code 2012)

15-408(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Code 2012)

15-408(3) SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. (Code 2012)

15-408(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Code 2012)

- 15-408(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Code 2012)
- 15-408(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved. (Code 2012)
- 15-408(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.
- Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector.
- Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.
- Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city.
(Code 2012)
- 15-409. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Code 2012)
- 15-410. FAILURE TO CONNECT. (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.
- (b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid

to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants.
(Code 2012)

- 15-411. PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article. (Code 2012)
- 15-412. PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-402 the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 15-411 to 15-416. (Code 2012)
- 15-413. SAME; PERMIT. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utility superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the utility superintendent. A permit and inspection fee in accordance with the city's fee schedule shall be paid to the city at the time the application is filed. (Code 2012)
- 15-414. SAME; INSPECTION. The utility superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Code 2012)
- 15-415. SAME; DISCHARGE. (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
 (b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-402, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials.
(Code 2012)
- 15-416. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Code 2012)
- 15-417. DISPOSAL OF SEWAGE. It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any

unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; 12-1617g; Code 2012)

15-418. **DAMAGE TO SEWERS.** It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Code 2012)

15-419. **NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. (Code 2012)

15-420. **STANDARDS.** The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. (Code 2012)

15-421. **OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the utility superintendent, to meet all requirements of this article. (Code 2012)

15-422. **MUD, GREASE TRAPS; INSPECTIONS.** (a) All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer.

(b) That in addition to any other right of entry granted to the city in this code, the city, by its duly authorized official or employee shall, during all business hours of each secular day and upon reasonable request, be entitled to enter upon the premises of any property having a connection or connection with the sewage disposal system and/or the water distribution system of the city for the purpose of inspecting the property and determining the number and nature of the uses being enjoyed by such property, including the use and operation of interceptors or traps. It shall be the duty of each owner, agent or occupant of such property to permit such entry and inspection and to offer such assistance as shall be reasonable to enable such inspector to make such entry. Any person preventing or interfering with such inspection is guilty of an offense and upon conviction thereof, is subject to punishment as provided herein. (Code 1987, 13.24.120; Code 2012)

15-423. **ROOF, FOUNDATION DRAINS.** (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.

(b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharged into any unpaved street or alley. (Code 2012)

15-424. SAME; EXCEPTION. Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the utility superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 2012)

15-425. PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer:

(a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;

(b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;

(c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(d) Garbage that has not been properly shredded;

(e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(i) Noxious or malodorous gas or substance capable of creating a public nuisance.

(Code 1987, 13.20.070:080; Code 2012)

15-426. BILLS. Bills shall be rendered monthly and shall be collected as a combined utility bill. (Code 2012)

15-427. DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY. In the event any person, except the United States and the state of Kansas or any political subdivision thereof, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15-102:104. (Code 2012)

15-428. SEWER SERVICE CHARGE; DEFINITIONS. The following words and phrases when used in this article shall have for the purpose of this article the

following meanings, respectively, unless the context clearly indicates a different meaning:

(a) Commercial Users Business User and Manufacturing User — Includes any and all occupations, enterprises and establishments other than uses by single-family dwelling units and multiple-family dwelling units and which include schools, churches, hospitals, nursing homes, governmental buildings or offices and any other facility not included in this article which enjoys the facilities of the sewer disposal system by discharging therein the usual and proper waste arising from the conduct and carrying on of the business, occupation and enterprises so engaged in by such users of the sewer disposal system.

(b) Exempt User — Any person or establishment having a water meter reconnection but who can establish through application and the facts that none of the water used is discharged into the sanitary sewer system of the city. This is to include irrigation meters and commercial meters where no sanitary sewer connection is provided.

(c) Living Unit — Any apartment, room or other area(s) of living space which is intended for the use of one or more persons for housing purposes and which has water and sewer facilities available. Living unit shall not include a room used exclusively for sleeping and which does not have water and sewer facilities available.

(d) Multiple-Family Dwelling Unit — A room or collection of rooms suitable to be occupied for housekeeping purposes and including kitchen and bathroom facilities and which dwelling is occupied by more than one family unit but which dwelling has only one water meter connection.

(e) Normal Domestic Wastewater — Wastewater that has a BOD concentration of not more than 300 milligrams per liter; a suspended solids concentration of not more than 350 milligrams per liter.

(f) Operation and Maintenance — All expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining a sewer works to achieve the capacity and performance for which such works were designed and constructed.

(g) Replacement — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. Operation and maintenance includes replacement.

(h) Sewer Disposal System or Treatment Works — Includes the system of sewers and the sewage disposal plant, and all connections therewith, and facilities used in connection therewith in the collection and disposal of the sewage and wastes, usual and proper to be discharged into and thus disposed of through such facilities.

(i) Single-Family Dwelling Unit — A room or collection of rooms suitable to be occupied for housekeeping purposes and including kitchen and bathroom facilities and which dwelling has one water meter and which dwelling is occupied by one family unit only.

(j) Use — The discharge into the sewage disposal system of the sewage and wastes usual and proper to be thus disposed of, and shall be deemed to be in effect at all times when connections exist with such sewage disposal system

making such disposal possible, unless nonuse shall be registered and maintained as provided in this article.

(k) Use Monthly — The period of time from the 20th of any given month to the 20th of the following calendar month.

(l) User Charge — That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

(Code 1987, 13.24.010; Code 2012)

15-429. SAME; REVENUE DISPOSITION. The revenue derived from the charges for the use of the sewage disposal system shall be placed in the city treasury and kept in two separate funds.

(a) The first fund so established shall not be paid out nor distributed except for the purpose of operating and maintaining the sewage disposal system of the city, and the payment of the salaries of employees engaged in operating the sewage disposal system.

(b) The second fund established shall be a fund for the retirement of bonded indebtedness upon the sewage disposal system, not primarily payable by special assessments against property.

(Code 1987, 13.24.020; Code 2012)

15-430. SAME; USER CLASSIFICATION; USER FEES. The city may establish as many rate classes and monthly rates for the use of the city sewer service as are deemed appropriate. The monthly rates and classification of rate payers for sewer service shall be as established in the city's fee schedule. (Code 2012)

15-431. SAME; COSTS FOR TREATMENT OF DISCHARGES. Any user which discharges any toxic pollutants such as oil, brine or extra strength sewage which causes an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user will be as determined by the city. (Code 1987, 13.24.040; Code 2012)

15-432:436 RESERVED FOR FUTURE USE.

15-437. SAME; OBLIGATION AND LIABILITY. The charge for the use shall be an obligation and liability, if the use is enjoyed for a period of time equal to more than one-half of such rental or use month, whether the same is listed in the office of the city clerk, as provided by this article or not so listed, and any owner, agent, manager or employee of such owner or any person whose duty it is to list and classify the uses of the property, and file the same in the office of the city clerk as required by this article who fails to do file such listing is guilty of an offense and upon conviction thereof shall be punished as provided herein. (Code 1987, 13.24.100; Code 2012)

15-438. SAME; INSPECTION. The city, by its duly authorized official or employee shall, during all business hours of each secular day and upon reasonable request,

be entitled to enter upon the premises of any property having a connection or connection with the sewage disposal system and/or the water distribution system of the city for the purpose of inspecting the property and determining the number and nature of the uses being enjoyed by such property. It shall be the duty of each owner, agent or occupant of such property to permit such entry and inspection and to offer such assistance as shall be reasonable to enable such inspector to make such entry. Any person preventing or interfering with such inspection is guilty of an offense and upon conviction thereof, is subject to punishment as provided herein. (Code 1987, 13.24.120; Code 2012)

[Balance of this page intentionally left blank.]

ARTICLE 5. SOLID WASTE

- 15-501. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:
- (a) Commercial Waste. - All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.
 - (b) Dwelling Unit. - Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;
 - (c) Garbage. - Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;
 - (d) Multi-Family Unit. - Any structure containing more than four individual dwelling units;
 - (e) Refuse. - All garbage and/or rubbish or trash;
 - (f) Residential. - Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;
 - (g) Rubbish or Trash. - All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
 - (h) Single Dwelling Unit. - An enclosure, building or portion thereof occupied by one family as living quarters.
 - (i) Solid Waste. - All non-liquid garbage, rubbish or trash.
- (Ord. 832; Code 2012)
- 15-502. COLLECTION. All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Ord. 832; Code 2012)
- 15-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Ord. 832; Code 2012)
- 15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Ord. 832; Code 2012)
- 15-505. CONTAINERS. Residential containers must be city approved carts that can be lifted with the appurtenances on the collection truck and must have wheels so cart can be wheeled. Each container shall have tight fitting lid and shall be

leak-proof and fly- tight. All containers shall be drained of all liquids before being bagged and placed in containers. (Ord. 832; Code 2012)

15-506. **BULK CONTAINERS.** On premises where excessive amounts of refuse accumulates or where carts are impractical, bulk containers shall be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. The property owners are responsible for site maintenance. Containers shall be situated on a hard surface and shall not be parked on gravel, mud, or otherwise an unimproved surface. The property owners shall have the option of providing an improved hard surface that must be approved by the city superintendent or the city shall cause said hard surface to be installed and the property owner reimburse the city. The surface specifications shall be the equivalent of 8' X 8'. (Ord. 832; Code 2012)

15-507. **ENTER PRIVATE PREMISES.** Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 832; Code 2012)

15-508. **OWNERSHIP OF SOLID WASTE.** Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Ord. 832; Code 2012)

15-509. **WRAPPING GARBAGE.** All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Ord. 832; Code 2012)

15-510. **HEAVY, BULKY WASTE.** Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. Any such items left over 30 days may be hauled at the owner's expense and billed with their required billing. If that bill is not paid it may be collected as provided herein. (Ord. 832; Code 2012)

15-511. **HAZARDOUS MATERIALS.** No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

- (a) Explosive materials;
- (b) Rags or other waste soaked in volatile and flammable materials;
- (c) Chemicals;
- (d) Poisons;

- (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Ord. 832; Code 2012)

15-512. PROHIBITED PRACTICES. It shall be unlawful for any person to:

- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
- (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
- (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
- (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.

(Ord. 832; Code 2012)

15-513. OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Ord. 832; Code 2012)

15-514. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. However, this provision is not to be construed to allow individuals or businesses to dispose of their own trash in an effort to avoid the charges provided for herein. (Ord. 832; Code 2012)

15-515. PRIVATE COLLECTORS; LICENSE REQUIRED. (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Code 2012)

15-516. SAME; APPLICATION. Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the

county health officer issued not more than 15 days prior to the date of application. (Code 2012)

- 15-517. SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk a license fee in accordance with the city's fee schedule for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1st of the calendar year in which said permit is issued. (Code 2012)
- 15-518. SAME; NUMBER TO BE DISPLAYED. The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 2012)
- 15-519. CLOSED VEHICLE. Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 2012)
- 15-520. RULES AND REGULATIONS. The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer. (Code 2012)
- 15-521. FAILURE TO SECURE LICENSE. Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116. (Code 2012)
- 15-522. CHARGES. The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Ord. 832; Code 2012)
- 15-523. SAME; FEE SCHEDULE. (a) The city may establish as many rate classes and monthly rates for the collection of solid waste from single and multi-family residential units, commercial, industrial, office, apartment, hotel/motel, hospital and any other classifications as are deemed appropriate. The monthly rates and classification of rate payers shall be as established in the city's fee schedule.

(b) When establishing rates and rate classes the city may, but is not required to, consider whether service is provided within or without the city, the number of living or office units in a structure, the size and number of containers at the location, and the number of pickups per week.

(c) During the month of March of each year, the refuse collection fees shall be reviewed and adjusted to a level necessary to provide sufficient revenue to see that the solid waste enterprise fund remains solvent.

(Ord. 832; Code 2012)

15-524.

BILLING. Solid waste charges shall be billed monthly and shall be included on water or utility bills. Delinquent solid waste bills shall carry the same due dates, grace periods and penalties as water bills. (Ord. No. 832; Code 2012)

ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared. (Ord. 767; Code 2012)
- 15-602. DEFINITIONS.
- (a) "Water", as the term is used in this article, shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) "Customer", as the term is used in this article, shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) "Waster of Water", as the term is used in this article, includes, but is not limited to:
- (1) permitting water to escape down a gutter, ditch, or other surface drain; or
- (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of water are established:
- (1) Class 1: Water used or outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- (2) Class 2: Water used for any commercial or industrial, including agricultural purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- (3) Class 3: Domestic usage, other than that which would be included in either Classes 1 or 2.
- (4) Class 4: Water necessary only to sustain human life and the lives of domestic pets and standards of hygiene and sanitation.
- (Ord. 767; Code 2012)
- 15-603. DECLARATION OF WATER WATCH. Whenever the governing body of the city finds that the conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper. (Ord. 767; Code 2012)
- 15-604. DECLARATION OF WATER WARNING. Whenever the governing body of the city finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will

recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. (Ord. 767; Code 2012)

15-605. **DECLARATION OF WATER EMERGENCY.** Whenever the governing body of the city finds that an emergency exists by reason of a shortage or water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 767; Code 2012)

15-606. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or water warning as provided in Sections 15-603 and 15-604, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees;
- (b) Washing of automobiles;
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems;
- (d) Waste of water.

(Ord. 767; Code 2012)

15-607. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-605, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per customer restrictions;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the foregoing measures.

(Ord. 767; Code 2012)

15-608. **EMERGENCY WATER RATES.** Upon the declaration of a water supply emergency as provided in section 15-605, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve

water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge). (Ord. 767; Code 2012)

15-609. REGULATIONS. During the effective period of any water supply emergency as provided for in 15-605, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 767; Code 2012)

15-610. VIOLATIONS, DISCONNECTIONS, AND PENALTIES. (a) If the mayor or other city official or officials charged with implementation and enforcement of this article or water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to 15-607 or 15-609 of this article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(b) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body;

(c) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and ,

(d) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(e) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300.00 for any additional reconnections.

(f) Violations of this article shall be municipal offenses and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the court to serve a definite term of confinement in the Barber county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the Barber county jail which shall be fixed by the court and which shall not exceed 30 days.

(Ord. 767; Code 2012)

15-611. EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any property authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 767; Code 2012)

15-612. SEVERABILITY. If any provision of this article is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 767; Code 2012)