

CHAPTER XV. UTILITIES

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

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 1987)
- 15-102. DELINQUENT ACCOUNTS. 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. (Code 1987)
- 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 5 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 governing body;
 - (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 at the next council meeting. (Ord. 424; Code 1999)
- 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 a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 1987)

15-105. RESERVED

15-106. RESERVED

15-107. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article shall be liable for payment of the costs of any utility service account delinquency arising from service provides to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event that a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry.

(c) If utility service is furnished to a leased premises on the application or 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 finished.

(d) The city may collect the amount of the unpaid bill for utility services by any lawful means. Provided, however, that in no event may the city place a lien, as provided in subsection (b) of 15-106, on real estate of the lessor. (Code 2017)

15-108. RESERVED

15-109. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 2017)

15-110. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 2017)

ARTICLE 2. WATER

- 15-201. SUPERINTENDENT OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the superintendent of water and sewage, who shall be appointed by the mayor with the consent of the city council. (Ord. 425; Code 1999)
- 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. (Ord. 425; Code 1999)
- 15-203. CITY NOT LIABLE FOR INTERRUPTED SERVICE, RIGHT TO CUT OFF WATER, REPAIR. It is expressly stipulated that no claim shall be made against the city or the water department because of any break in the service or any damage arising from cutting off water to repair, mains, service lines, or to make connections due to frozen meters, or for any other purpose. The city reserves the right at any time, without notice, to shut off the water in the mains for the purpose of making repairs or extensions or for other purposes, and all persons having boilers within their premises, not supplied by tanks, but depending upon the pressure in the pipes to keep them supplied, are hereby cautioned against danger of collapse. Defective service lines must be promptly repairs; otherwise, the water may be shut off at the curb stop if leak is on private property or at the corporation stop if leaking on public property. (Ord. 425; Code 1999)
- 15-204. 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. (Ord. 425; Code 1999)
- 15-205. EVERY PROPERTY TO HAVE A SEPARATE CONNECTION. Each premise shall have a separate and distinct service connection and each service must have a separate meter and cut-off (valve); provided further that patrons of the water system shall not allow water to be taken from the premises, nor permit any connection to be made to the owner's service line without first obtaining written permission from the city. Water shall be used only on the premises to which the service is extended, and not more than one customer shall receive water through a single meter except by special written permission of the city. Any existing non-conforming service would be required to conform upon renewal of service. (Ord. 425; Code 1999)
- 15-206. 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. (Ord. 425; Code 1999)

- 15-207. 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 15-226. (Ord. 425; Code 1999)
- 15-208. CITY TO MAKE CONNECTIONS. All water main connections shall be tapped, street excavations made, corporation stops inserted, pipes installed from main to curb, curb stop installed, meters installed, and connections made only by city employees or a duly designated representative of the city. (Ord. 425; Code 1999)
- 15-209. TRENCHING AND BACKFILLING. All excavations made by a plumber and/or contractor in public grounds shall be kept open for no longer than is absolutely necessary to make the connections required. Further, all excavations shall be protected by suitable barriers and/or guards and lights as provided by the ordinances of this city. All backfilling of the excavations shall be thoroughly compacted and left in a condition satisfactory to the city or a duly authorized representative. Where such excavations is in an unsatisfactory condition, the superintendent of public works shall cause it to be repaired and the cost thereof shall be charged to the plumber and/or contractor, whose license will subsequently be suspended until the sum is paid in full to the city clerk. (Ord. 425; Code 1999)
- 15-210. CHARACTER OF PIPE FOR SERVICE CONNECTIONS. All service pipes installed on city side and the first three feet beyond the meter on the property side for the purpose of supplying municipal water shall be made of copper, or other suitable material approved by the city prior to being installed. The pipe shall be laid a minimum of 36 inches below the established grade. (Ord. 425; Code 1999)
- 15-211. CURB STOPS AND WASTE COCKS. There shall be a curb stop in every service line attached to the water mains, the same to be placed within the meter box, and placed on the city right-of-way or within one foot of the alley if the main is located in an alley. (Ord. 425; Code 1999)

- 15-212. LOCATION OF WATER SERVICE LINES AND METER INSTALLATIONS. All water service lines supplying water from the city property and all meter and meter installations shall be placed in the city right-of-way outside of the property line, or within one foot of the alley line if the main is located in an alley, unless specifically allowed by the city to place the meter on private property. (Ord. 425; Code 1999)
- 15-213. RELOCATION OR ADJUSTMENT OF WATER SERVICE LINES AND METER INSTALLATIONS. Upon the installation of a water service line or meter installation, any relocation or adjustment of the service and/or meter installation shall be at the customer's expense. (Ord. 425; Code 1999)
- 15-214. RESPONSIBILITY; CITY; PROPERTY OWNER. (a) On all water lines and taps, the city shall be responsible for running a line to the individual, person, firm or corporation's property line.
 (b) The property owner is responsible for the cost of digging and laying of the water line to the city property; likewise, the owner is responsible for any damage which he, she, or it may cause in laying the water line through their property to the city property. (Ord. 425; Code 1999)
- 15-215. OWNERS TO KEEP PIPE IN ORDER. All persons taking water shall keep their own service pipes, stop cocks, and apparatus in good repair and protected from frost at their own expense, and shall prevent any unnecessary waste of water. No claim shall be allowed against the city by reason of the breaking or bursting of any service pipe or service cock. (Ord. 425; Code 1999)
- 15-216. MAINTENANCE OF PLUMBING; WASTING WATER. All water customers shall keep their own fixtures, service lines, and all other appurtenances in good repair and protected from damage at their own expense, and shall prevent all unnecessary waste of water, keeping all fixtures closed when not in use. (Ord. 425; Code 1999)
- 15-217. RESPONSIBILITY FOR WATER LINES AND METERS. The city's responsibility for meters and water lines stops at the property line. (Ord. 425; Code 1999)
- 15-218. WASTING WATER. (a) 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. Wasting water may include but is not limited to:
 (1) Permitting water to escape down a gutter, ditch, or other surface drain;
 (2) Failing to repair an irrigation system's malfunction; or
 (3) Failing to repair a controllable water leak due to defective plumbing.
 (b) It shall be a violation of this article and unlawful for any owner, occupant, or manager of real property served by the city water utility to waste water or to permit the willful waste of water to occur.

(c) In the event of a violation of this section, the superintendent of water, or such other person as may be designated by the city, shall give written notice of the violation and opportunity for hearing in accordance with section 15-308.

(d) The penalties for violating this section shall be the same as those set forth in section 15-308.
(Code 2017)

15-219. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the city official or officials charged with implementation and enforcement of a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to this division, a written notice of the violation and discontinuation of service shall be affixed to the property where the violation occurred and mailed to the consumer of record and any other person known to the city who is responsible for the violation or its correction. The 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, calculated from the date the notice is mailed or affixed. If the order is not complied with, the city may terminate water service to the customer subject to the procedure set forth in this code.

(b) In the event water service is terminated pursuant to this section, fees for the resumption of service will be charged in accordance with the provisions of section 15-226 of this code.

(c) Any consumer may also be charged with violation of this division and prosecuted in municipal court. Any person so charged and found guilty in municipal court of violation the provisions of this division shall be guilty of a misdemeanor. (Ord. 425; Code 1999)

15-220. CROSS CONNECTIONS PROHIBITED. No person shall make or permit to be made a cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the water superintendent and the Kansas Department of Health and Environment. (Ord. 425; Code 1999)

15-221. SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Code 2017)

15-222. SAME; INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Code 2017)

- 15-223. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply. (Code 2017)
- 15-224. 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. (Ord. 425; Code 1999)
- 15-225. NON-ESSENTIAL USE; WATER METERS. Water meters for non-essential water supply shall be installed only if a backflow prevention device approved by the city is installed with or included with the lawn sprinkler system or other non-essential water supply device. (Ord. 425; Code 1999)
- 15-226. 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;
- (Ord. 425; Code 1999)
- 15-227. UNLAWFUL USE OF WATER. It shall be unlawful for any person to take or use water from the waterworks of the city without notice to the water department and without payment for the same as provided by the rules and regulations contained herein. No person shall turn on or shut off the water at any valve, curb stop, corporations stop, or other places regulating the supply of water to any premises or part of the waterworks system except duly authorized employees of the department or persons authorized to do so by the city clerk. (Ord. 425; Code 1999)
- 15-228. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the city council. (Ord. 425; Code 1999)

- 15-229. CONNECTION FEES. The fees for connection to the city waterworks system shall be as follows:
- (a) For connecting water main with three-fourths inch tap, three-fourths inch service line and installing three-fourths inch meter - \$650 plus tax.
 - (b) For connecting water main with larger than three-fourths inch tap, service line or meter - \$300 plus the cost of all parts, materials and tax.
 - (c) For late fees — \$1 or 10% (whichever is greater) of outstanding balance of water/sewer bill.
 - (d) For meter test for accuracy — \$25 if meter is determined to be at least 97% accurate.
 - (e) For pressure checks — \$15 if pressure is determined to be at least 25 psi.
 - (f) For turn off/on due to nonpayment — \$20 each.
 - (g) For normal turn off/on — \$5 each.
 - (h) For turn off/on after hours — \$20 each.
 - (i) The connection fee is for the right to connect to the city's water system, and is in addition to any installation charges currently levied, or that might be levied in the future, for actual labor, materials, and administrative costs associated with making water taps and setting water meters.
 - (j) Any structure, whether new or existing, located outside the city limits, shall pay a connection charge double that set forth in subsection (a), upon their initial connection to the water service of the city.
 - (k) The connection charges set forth above shall be due and payable at the time a building permit is issued for the structure, or in the case where no building permit is required, shall be due and payable before the connection is effectuated. (Ord. 678; Code 2017)
- 15-230. WATER TO BE METERED. All water sold by the municipal water system of the city shall be measured by an approved meter unless supplied under special contract according to established rates as approved by the city commission. (Ord. 425; Code 1999)
- 15-231. METERS. The city shall install and maintain all meters connected with the municipal water system. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If at any time the customer desires to have the meter tested for accuracy, the same shall be done by the city and a fee of \$25 charged to the customer if and only if the meter registers 97% or more accurate. If a meter registers less than 97% accurate, the meter shall be replaced or repaired and no fee will be assessed to the customer. Pressure checks shall be done at a cost of \$15. There will be no charge for any check when the pressure reading is less than 25 psi at the meter. (Ord. 425; Code 1999)
- 15-232. TAMPERING WITH CITY PROPERTY DELIVERING WATER. 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. (Ord. 425; Code 1999)

- 15-233. INTERFERING PROHIBITED. The filling up of valves or shut off boxes along the streets by anyone except the superintendent of waterworks or someone authorized by him or her is hereby prohibited and it shall be unlawful for anyone to throw or place or cause to be thrown or placed in the reservoir or wells of the city waterworks or immediately above the same, any substance, matter or thing whatever. (Ord. 425; Code 1999)
- 15-234. LEAKS PROHIBITED; PENALTY. (a) It shall be unlawful for any person not to repair a broken water line on their own property. Any person who fails to repair their own water line after receiving a two day written notice from the city shall upon conviction thereof be fined an amount not to exceed \$5 per day for the first three days after receipt of the notice, and \$20 per day for each and every day thereafter.
(b) No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has passed 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.
(Ord. 425; Code 1999)
- 15-235. EMPLOYEES TO HAVE ACCESS. All officers and persons employed by the city, and every person delegated by them for that purpose, shall have free access at all reasonable hours where water is used to examine pipes and fixtures and to ascertain whether there is an unnecessary waste of water.
(Ord. 425; Code 1999)
- 15-236. 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. (Ord. 425; Code 1999)
- 15-237. RIGHT OF ENTRY; READING FOR BILLING PURPOSES; REREADS. The city clerk or duly authorized persons may enter any premises supplied with water service in order to inspect or repair water facilities, meters, pipes, or fixtures or to investigate the use of water or to obtain meter readings. All rereads will be performed at the rate of \$10 each. There will be no charge if the reading is found to be in error. (Ord. 425; Code 1999)
- 15-238. TO BE ACCESSIBLE, UNOBSTRUCTED. The occupant of any building or premises or customer of service therefor or premises where a meter is located shall keep the meter free from all obstructions so that it is at all times conveniently accessible for reading, inspecting, or repairing. Where a water meter is inaccessible due to the non-cooperation of the customer, the city clerk may require that the meter be moved to a location designated by the city clerk at the expense of the property owner. The city is authorized to remove by towing or other reasonable method any vehicle or other obstruction which interferes with accessibility to the meter for reading, inspecting, or repairing. The costs of such removal shall be itemized on a statement prepared by the city to the customer, and customer shall pay the same within five working days thereafter or services will be terminated for nonpayment. Offenders for this violation will also be assessed a \$25 additional fine. (Ord. 425; Code 1999)

- 15-239. **CUSTOMER RESPONSIBLE FOR DAMAGE.** Whether a meter setting is located in a building, an approved meter box or housing in the parking or sidewalk or elsewhere, the customer or owner of the property in which such meter is placed shall be responsible for its protection and preservation and any damage sustained to such meter setting. The cost of the repairs shall be itemized on a statement prepared by the city to the customer, and customer shall pay the same within five working days thereafter or services will be terminated for nonpayment. (Ord. 425; Code 1999)
- 15-240. **DAMAGE BY HOT WATER, STEAM, IMPROPER THAWING.** Whenever a meter is damaged by hot water or steam or by an improper method of thawing when frozen, except by authorized city personnel, the cost of the repairs shall be itemized on a statement prepared by the city to the customer, and customer shall pay the same within five working days thereafter or services will be terminated for nonpayment. (Ord. 425; Code 1999)
- 15-241. **WATER ACCOUNTS.** The city clerk shall be the collector of accounts due the city for the sale of water service and shall prepare the monthly bill of all such accounts from meter readings supplied by employees of the department. The city clerk shall keep separate accounts with each customer showing complete transactions between the city and each customer. The city clerk shall keep a separate water fund, sales tax account, a customer's deposit account, and such other funds and/or accounts as may be required by an ordinance or law. (Ord. 425; Code 1999)
- 15-242. **TAX EXEMPTION STATUS; WATER ACCOUNTS, FORMS TO BE FILED.** All persons requesting a tax exempt status on monthly water accounts due the city shall be required to fill out and file with the city clerk a form which will be available at the office of the city clerk; provided, however, no tax exemption status will be given to any person that does not meet the qualifications as set forth in K.S.A. 79-3606. (Ord. 425; Code 1999)
- 15-243. **WATER RATES WITHIN THE CITY; MONTHLY MINIMUM CHARGE.** Each customer registered with the city clerk to receive municipal water service will be billed on a monthly basis a minimum charge based on the customer's meter size. The minimum charge will include all water used up to and including 2,000 gallons per billing cycle. The monthly minimum charges for each meter size are as follows:
- (a) 5/8" x 3/4" meter size: \$13.78 monthly minimum charge.
 - (b) 3/4" meter size: \$20.66 monthly minimum charge.
 - (c) 1" meter size: \$34.44 monthly minimum charge.
 - (d) 1 1/2" meter size: \$68.88 monthly minimum charge.
 - (e) 2" meter size: \$110.20 monthly minimum charge.
- (Ord. 700; Code 2017)
- 15-244. **MONTHLY RATES FIXED.** All water usage over and above 2,000 gallons shall be billed monthly at a rate of \$2.41 per 1,000 gallons (\$0.00241 per gallon). In addition to the above rates, a surcharge of \$0.032 per 1,000 gallons will be assessed for all water sold at retail for the purposes of financing the state water plan. (Ord. 700; Code 2017)

- 15-245. WATER RATES OUTSIDE THE CITY; MONTHLY MINIMUM. Except for rural water districts, each customer registered with the city clerk to receive municipal water service will be billed on a monthly basis a minimum charge based on the customer's meter size. The minimum charge will include all water used up to and including 2,000 gallons per billing cycle. The monthly minimum charges for each meter size are as follows:
- (a) 5/8" x 3/4" meter size: \$27.55 monthly minimum charge.
 - (b) 3/4" meter size: \$41.33 monthly minimum charge.
 - (c) 1" meter size: \$68.88 monthly minimum charge.
 - (d) 1 1/2" meter size: \$137.75 monthly minimum charge.
 - (e) 2" meter size: \$220.40 monthly minimum charge.
- (Ord. 700; Code 2017)
- 15-246. MONTHLY RATES FIXED OUTSIDE THE CITY. Except for rural water districts, all water usage over and above 2,000 gallons shall be billed monthly at a rate of \$4.82 per 1,000 gallons (\$0.00482 per gallon). In addition to the above rates, a surcharge of \$0.032 per 1,000 gallons will be assessed for all water sold at retail for the purposes of financing the state water plan. (Ord. 700; Code 2017)
- 15-247. CHARGE WHEN METER FAILS TO REGISTER; ESTIMATE, INCLEMENT WEATHER. In case any meter fails to register for any cause and/or when outdoor conditions prevent reading of the meter, as determined by the city clerk or designee, the amount charged for water during such period shall be estimated by the city clerk, such estimate to be based on the average amount registered during a like preceding period and such other information as is available. (Ord. 425; Code 1999)
- 15-248. PAYABLE MONTHLY. Each water bill shall be payable in full upon the rendering of such bill and if not paid on or before the specified due date as shown on the bill, such bill shall be considered delinquent and subject to a delinquency penalty. Payments for water bills shall be made at Ogden City Hall. (Ord. 641; Code 2017)
- 15-249. DELINQUENCY PENALTY. All bills unpaid by the date printed on the billing shall be considered delinquent and subject to an additional charge of \$1 or 10%, whichever is greater, on the gross amount of the billing. (Ord. 425; Code 1999)
- 15-250. DELINQUENCY; TERMINATION. If the rendered bill and delinquency penalty are not paid within seven calendar days after the bill is declared delinquent, then service shall be terminated. If the designated termination date falls on a Friday or on a legal holiday, then the termination of services shall occur on the next business day. (Ord. 680; Code 2017)
- 15-251. WATER DEPARTMENT NOT RESPONSIBLE FOR DELIVERY OF BILLS. The water department does not assume the responsibility for speedy and safe delivery of, or failure to receive bill; further, it shall be the customer's duty to notify the city water department within a reasonable amount of time of any change in billing address. The amount owed may be obtained from the water department office. (Ord. 425; Code 1999)

- 15-252. **CUSTOMER NOTIFICATION OF CANCELLATION OF SERVICE.** It shall be the duty of each customer registered with the city clerk to receive city water service to notify the city of a cancellation of city water service to the customer's premises. All notification of cancellation shall be made either in person at the city clerk's office by written letter stating the same, or by the telephone.
(Ord. 425; Code 1999)
- 15-253. **SERVICE NOT TO BE FURNISHED UNTIL ACCOUNTS PAID.** Whenever any customer of water shall move from one location or premises to another in the city, or whenever water is turned off at any premises on account of the failure of the customer to pay the water charges for water used on any such premises, or whenever any customer or applicant for water service is indebted to the water department of the city for any water service previously furnished to the customer either at the premises for which the application is made or at any other place in the city, the city clerk shall refuse to turn on or authorize the turning on of water for any such customer or applicant at any place until all previous charges due to the city for whatever premises, have been fully paid by such customer or applicant, and all other requirements and charges whether in the nature of penalties, shut off or turn of charges, or deposits, shall have been paid, and no applicant or customer shall be entitled to have water turned on at any premises until all such changes have been fully paid and such requirements been followed. (Ord. 425; Code 1999)
- 15-254. **NOTICE OF TERMINATION OF SERVICES FOR NON-SUFFICIENT FUNDS CHECKS.** Upon receiving a non-sufficient funds change, the city clerk shall notify the customer that payment has not been received and that if the NSF check is not redeemed within five working days of the mailing of the notice, service will be terminated. Service shall not be restored until the check amount, service charge, and other charges are paid in full by cash or money order.
(Ord. 425; Code 1999)
- 15-255. **DISCONNECTION, RECONNECTION CHARGE.** Whenever water services are disconnected due to non-payment, then the reconnection shall only occur upon payment of the account in full. Additionally, reconnection under these circumstances shall only be done during the City's normal business hours.
(Ord. 641; Code 2017)
- 15-256. **PENALTIES.** Any person who shall continue any violation of sections 15 101:255 beyond the time limit provided for in sections 15-248:250 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$100 for each violation, or a jail sentence not exceeding 30 days, or by both such fine and incarceration. If the conviction is for a violation committed after a first conviction, punishment shall be a fine not exceeding \$300 per day of such violation, together with imprisonment of not more than 90 days as may be assessed by the court for each day of violation. Each day in which such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, fines, penalties, damages, or attorney fees occasioned by the city, by reason of such violation. (Ord. 425; Code 1999)

ARTICLE 3. WATER CONSERVATION

- 15-301. PURPOSE. The purpose of this article is to provide for a progressive water supply conservation program, including 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 by the governing body of the city.
(Ord. 688; Code 2017)
- 15-302. DEFINITIONS. (a) Water shall mean water available to the City of Ogden, Kansas 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 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) Waste of Water 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 uses of water are established:
 Class 1: Water used for 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.
 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.
 Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
 Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
(Ord. 688; Code 2017)
- 15-303. DECLARATION OF WATER WATCH. Whenever the governing body of the city finds that 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. 688; Code 2017)
- 15-304. DECLARATION OF WATER WARNING. Whenever the governing body of the city finds that drought conditions or some other conditions causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that 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. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the recommended restrictions on nonessential user may be extended to private wells within the City limits.
(Ord. 688; Code 2017)

15-305. **DECLARATION OF A WATER EMERGENCY.** Whenever the governing body of the city finds that an emergency exists by reason of a shortage of 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. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the mandatory restrictions on nonessential user may be extended to private wells within the City limits.
(Ord. 688; Code 2017)

15-306. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or water warning as provided in sections 15-303:304, the mayor +is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:
 (a) Class 1 uses of water
 (b) Waste of water.
(Ord. 688; Code 2017)

15-307. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-305, 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 consumer restrictions;
 (e) Complete or partial bans on the waste of water; and
 (f) Any combination of the foregoing measures.
(Ord. 688; Code 2017)

15-308. **EMERGENCY WATER RATES.** Upon the declaration of a water supply emergency as provided in section 15-305, 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 the 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. 688; Code 2017)

15-309. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-305, 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. 688; Code 2017)

15-310. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to sections 15-307 or 15-309 of this article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and 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. The 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:

(1) 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's governing body or a city official designated as a hearing officer by the governing body.

(2) 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

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

(b) 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 violation and \$300 for any additional reconNECTIONS within a one year period.

(c) Violations of this article shall be a municipal offense 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 no less than \$100, but no more than \$1,000. The penalty for a second or subsequent conviction shall be a mandatory fine of no less than \$200, but no more than \$1,000. In addition to any fine imposed, the Court may also impose a jail sentence of not more than 179 days. (Ord. 688; Code 2017)

15-311. EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly 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. 688; Code 2017)

15-312. 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 article and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 688; Code 2017)

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 1987)

15-402.

SEWER CONNECTION REQUIRED. (a) 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.

(b) The facilities required by subsection (a) above, shall be directly connected to the proper public sewer in accordance with the provisions of this Article, within 90 days after date of official notice to make such connection.

(c) Whenever a building does not have a separate and independent connection to the public sewer system and such building's existing connection to the public sewer system extends through private property owned by a person other than the building's owner, the City, upon failure of the existing connection and request of the building's owner, shall provide a public sewer system connection point at the property line where such building is located. The City, in its absolute discretion, shall be entitled to determine the most appropriate location, depth, and any other pertinent aspect of the public sewer connection point. The City may engage the property owner's contractor to undertake the sewer extension in the public right-of-way, or may obtain competitive bids and engage a different contractor. The property owner shall be responsible for all sewer facilities on private property, including but not limited to: pipes, lines, lifts, and ejector pumps. No sewer improvements shall be made pursuant to this Section, without prior approval by the City. (Ord. 653; Code 2017)

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) There shall be two classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial waste.

In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(c) Permit, inspection, and sewer hookup service fees shall be as follows:

(1) For a new sewer service connection of four inches or less, there shall be a \$250 permit and sewage hookup service fee. Such fee shall include the

inspection fee and the saddle tap which shall be provided by the city for the new hookup.

(2) For a new sewer service connection of more than four inches, there shall be a \$250 permit and sewage hookup service fee. Such fee shall include the inspection fee but the person or institution requesting the hookup shall pay the actual cost of all parts necessary for the sewage and/or drainage hookup.

(3) For repair or reconnection to the existing service, there shall be a \$15 permit fee which must be paid prior to any excavation of the lateral. A tapping saddle will be provided by the city at cost to the individual or institution requesting repair or reconnection.

(4) These costs shall be paid to the city prior to the connecting of any sewage or drainage service.

(d) The individual requesting the hookup or repair will be responsible for having the superintendent present prior to the city sewer line being exposed. The actual tapping of the city sewer line will be performed by a qualified contractor following which there shall be an inspection of such connection by the superintendent prior to backfilling. The digging and/or trenching done for the sewage or drainage hookup shall be done by the individual requesting the hookup to the main trunk line of the sewage or drainage service, and the individual requesting the hookup is responsible for any and all damages and repair caused by their digging or trenching. (Code 1999)

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 1987)

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 1987)

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 1987)

15-407. SEWER FOR EACH BUILDING. A separate and independent building sewer, and separate and independent connections to the public sewer system, shall be provided for every building within the city. (Ord. 653; Code 2017)

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 1987)

- 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 1987)
- 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 1987)
- 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 1987)
- 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 1987)
- 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 1987)
- 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 1987)

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 1987)

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 1987)

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 1987)

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 1987)

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 of \$50 shall be paid to the city at the time the application is filed. (Code 1987)

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 1987)

- 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 1987)
- 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 1987)
- 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; K.S.A. 12-1617g; Code 1987)
- 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 1987)
- 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 1987)
- 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 1987)
- 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 1987)

- 15-422. MUD, GREASE TRAPS. 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. (Code 1987)
- 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 1987)
- 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 1987)
- 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)

- 15-426. **BILLS.** (a) Bills shall be rendered monthly as provided in section 15-226 and shall be collected as a combined utility bill.
(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate.
(Code 1987)
- 15-427. **DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.**
(a) In the event any person, except the United States and the state of Kansas, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15:102:104.
(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in section 15-106 shall apply to sewer service fees, charges and services. (Code 2017)
- 15-428. **SEWER SERVICE CHARGE.** The monthly charge for the use of services rendered by the sewage disposal system of the City, such charge to be paid to the city by all persons whose premises are connected or may herein after become connected to the sanitary sewer system of the City, shall be \$3 per 1,000 gallons of water usage. The charges shall be calculated using a per gallon basis (\$0.003 per gallon. (Ord. 633; Code 2017)
- 15-429. **BASIS FOR SEWAGE SERVICE CHARGE.** (a) The basis for the sewage service charge for users shall be the actual water used for the months of December, January, and February. Users shall pay this average from April 1st through March 31st. The city will permit deviations therefrom upon being satisfied by substantial evidence that an adjustment is due; provided that the user can establish the extent of any nonsewered water usage.
(b) New residential customers without a three month (December, January, and February) consumption average history will be charged for sewage service at 6,000 gallon per month until the above state three month consumption average can be calculated.
(c) New business, commercial, or industrial customers without a three month (December, January, and February) consumption average history will be charged for sewage service at a gallonage consistent with the nature and extent for their prospective consumption until the above-state three month consumption average can be calculated. (Ord. 667; Code 2017)
- 15-430. **ABATEMENT OF SEWER CHARGES.** (a) Whenever a customer has verifiable proof that they had a water leak outside of a structure on their property, which was not readily discoverable, and such leak caused excessive and unnecessary sewer charges, they may apply to the city for abatement of a portion of such sewer charges.
(b) The customer shall request a hearing before the governing body of the city by submitting a written request with the city clerk, no later than the due date of the disputed bill. Upon receipt of such request, the city clerk shall advise the customer of the date, time and place of the hearing, which shall be held at the next council meeting.

(c) The customer shall present their cause to the governing body, including evidence that the water leak occurred outside of any structure and was not readily discoverable. The governing body may also hear any other additional evidence that is necessary for their decision. Upon hearing all of the evidence, the governing body shall determine whether or not to issue an abatement of the sewer charges.

(d) In the event that the governing body decides that abatement is appropriate, then the following formula shall be used to abate the sewer charges:

(1) the sewer usage fees for the eleven months prior to the incident, in which sewer charges were actually incurred, shall be averaged for that location;

(2) The eleven month average shall be subtracted from the sewer usage fees for the critical month;

(3) The difference between the critical month and the average shall be the amount of the abatement.

(e) If the customer has not yet paid the sewer charges for the critical month, then the amount of the abatement shall be subtracted from the billing and the customer shall immediately pay the balance due. If the customer has already paid the sewer charged for such the critical month then the city clerk shall issue a refund to the customer for the amount of the abatement, within 10 days of the council's decision. (Ord. 654; Code 2017)

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.
- (Code 1987)
- 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. (Code 1987)
- 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. (Code 1987)
- 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. (Code 1987)
- 15-505. CONTAINERS. Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely

closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 1987)

- 15-506. **BULK CONTAINERS.** On premises where excessive amounts of refuse accumulate or where cans or bags are impractical bulk containers for the storage of refuse may 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. Containers shall be watertight, leakproof and weather proof construction. (Code 1987)
- 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. (Code 1987)
- 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. (Code 1987)
- 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. (Code 1987)
- 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. (Code 1987)
- 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. (Code 1987)

- 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.
- (Code 1987)
- 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. (Code 1987)
- 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. (Code 1987)
- 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 1987)
- 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 1987)
- 15-517. **SAME; FEE.** No license shall be issued unless the applicant shall pay to the city clerk the sum of \$10 per annum 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. (Ord. 335; Code 1987)
- 15-518. **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 1987)

- 15-519. **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 1987)
- 15-520. **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 1987)
- 15-521. **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. (Code 2017)
- 15-522. **SAME; FEE SCHEDULE.** (Reserved)
- 15-523. **BILLING.** Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 2017)
- 15-524. **SAME; DELINQUENT ACCOUNT.** In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65-3410; Code 2017)