

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 Chapter, the following words and phrases shall mean:

- (a) Billing Address - Address where the services are utilized or an address where the customer may reasonably expect to receive said bills.
- (b) Customer - The utility services account holder of record.
- (c) Collecting Agent - The City Clerk of the City of Ozawkie.
- (d) Curb Cock - A device located between the water main line and the water meter (not a part of the meter) used to shut off the water to an individual dwelling, for maintenance or as a method of disconnecting the utilities.
- (e) Delinquency - Being late in payment or notice.
- (f) Disconnect - To terminate the utility service from a dwelling, usually thru some physical method. See also: Termination.
- (g) Disconnect Notice - The method by which the City notifies a customer of the termination of services (water and/or sewer). See also: delinquency.
- (h) Hearing Officer - The Mayor or his designated representative.
- (i) Meter (water) - A mechanical device used to measure the amount of water passing from the City main into the service line of the customer. While installation of the meter, along with a meter pit and meter base/meter set, is paid for by the customer, the meter remains the property of the City.
- (j) Meter Base / Meter Set - A device used to (1) attach the water meter to and (2) a device that raises the water meter above the level of the outgoing and incoming water lines. (Note: Property of the City) The Meter Base/Meter Set will usually have a shut off valve on the inlet side of the base/set, near the connection to the water meter. This acts as a second shut off if the Curb Cock is not accessible.
- (k) Meter Pit - A construction of metal or plastic, that surrounds and protects the meter and, if it is included, the meter base/meter set. This structure makes it possible to routinely read the water meter.
- (l) Service Line - That portion of the water line that extends from the final terminal connection of the water meter or meter base / meter set, to the customers residence. (responsibility of the home owner) The City's final responsibility ends at the fitting and/or gasket where it joins the customers service line.
- (m) Termination - That services shall be severed and no longer provided by the City.
- (n) Utility Services - The sanitary water service and the sanitary sewer service. (Code 2007)

15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, 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 2007)

15-103. DELINQUENCY / DISCONNECT; NOTICES. (a) The following shall apply to all persons, firms, corporations, City Departments, The United States, The State of Kansas and any organization whose premises are connected or may hereafter be connected to the Sanitary Water and or the Sanitary Sewer System of the City of Ozawkie, Kansas.

(b) In order that all persons shall be fairly and equitably charged an appropriate fee for goods and services rendered, the City of Ozawkie hereby establishes the following procedures for recording and collecting said fees:

(1) Each person shall be billed on a bi-monthly basis after all water meters have been read.

(2) Said fees shall be based on a schedule posted in the City of Ozawkie, "Schedule of Fees, Fines and Bonds".

(3) Said fees shall be paid by the end of the month in which the bill is received. (ie. rcvd. in Jan., paid by the end of Jan, rcvd. in Mar., paid by the end of Mar., rcvd in May., paid by the end of May., etc.)

(4) The City shall refuse service to any location where there is an unpaid balance owing, for prior utility services, at said location and may refuse service to any customer who owes an unpaid balance to the City for either prior or existing service at any other location within the city.

(c) In order to ensure the prompt payment of Utility Service fees, the following procedure for Service Charges, Delinquency Notices and Termination Notices, are hereby established by the City of Ozawkie:

(1) A ten percent (10%) service charge shall be added to any bill, in the event that full payment of the due amount, is not received by the last day of the month in which the billing statement was issued. (The bill will reflect both the current amount owed and the amount due if timely payment is not received.)

(2) Utility Services may be terminated for failure to make all appropriate payments. No termination shall go into effect until the following conditions have been met.

(EXAMPLE: A bill that is rendered in early May, if not paid, becomes delinquent on the last day of May. The reminder/delinquency notice shall be sent out on the 10th day of the following month (ie. June)

(d) REMINDER/DELINQUENCY NOTICE: The person(s) responsible for payment of any bill, which is delinquent for at least ten (10) calendar days shall be sent, by "first class mail, a reminder/delinquency notice.

(1) The notice shall be sent to the billing address or the last known address of the responsible party.

(2) The notice shall advise the customer that they are ten (10) calendar days delinquent.

(3) The notice shall summarize all fees, service charges and note that a Delinquency Fee has been attached to compensate for Administrative Time.

Balance Due _____
10 % Late Charge + _____
Delinquency Fee + (See Ord 1-118)
Total = _____

(4) The notice shall advise the customer that they have a further ten (10) calendar days to make complete payment. (EXAMPLE; A reminder/delinquency notice that is sent out on the 10th of June, gives the customer until the 20th of June to make full payment including late charges and a delinquency fee. See below.)

(e) DISCONNECT NOTICE: If ten (10) calendar days have elapsed after the Reminder Notice” was mailed by the City and payment has not been received in full, or an agreement has not been reached as to a satisfactory payment plan, a “Disconnect Notice” shall be placed on the door handle of the dwelling where the utilities are being utilized. A Disconnect notice shall also be sent to the customer, by “certified mail”, to the billing address or the last known address of the responsible party. This notice will explain that the services shall be disconnected in ten (10) calendar days. (EXAMPLE); If no payment is received by the 20th of June, a disconnect notice is both posted at the residence and mailed to the customer advising them that they have until the 30th of June to make full payment.

(1) The Notice shall contain a statement of the reason for termination of the services (ie. failure to pay).

(2) Contain a statement specifying that if payment is not received within ten (10) calendar days or the City Clerk has not been contacted and negotiations on a payment plan undertaken, services would be disconnected.

(3) Services will be disconnected on the last day of the second month of the billing period. (EXAMPLE); Services will be disconnected on the 30th of June. Only a request for a “hearing” may stop the disconnect action. Note that in this example the services billed for were the March and April utilities, with thirty (30) calendar days given to pay and a further thirty (30) calendar days utilized in giving fair notice and warning. The customer is now delinquent in payment for the March / April utilities and will now be responsible for the May / June Utilities.

(4) The Notice shall advise the customer that he has the right to a hearing before a designated “Hearing Officer”.

(f) DISCONNECT PROCEDURES: On the last day of the second month that the customer shall be delinquent, the Public Works Supervisor or his designated representative shall physically disconnect the water service to the customers dwelling by either utilizing the curb cock shut off valve, the shut off on the meter base / meter set, or physically disconnecting the service line, in the meter pit. It shall be unlawful for any person not an employee of the City to turn on or reconnect said services until so ordered by the Mayor or his designated representative. No services shall resume except upon the complete payment of the following:

(1) All Outstanding Fees (for previous bi-monthly bill and the current bi-monthly bill)

(2) All Service Charges

(3) Charges as set out in the “Reminder Letter” (late charges of 10% and delinquency fee)

(4) A “Re-Connect Fee” (See Ord 1-118)

(g) The re-connect fee is accrued to compensate for the both the services of the City Clerk’s administrative actions and the time used by the Public Works Supervisor or his designated representative, in making said re-connection of services. The services shall only be re-connected at the direction of the Mayor or his designated representative.

(h) SECOND DEFAULT IN TWELVE (12) MONTH PERIOD: If any customer shall default on payment, and be disconnected a second time, within a twelve (12) month period, a “fine”, in addition to the “re-connect” procedures fees, shall be

assessed. (See Ord 1-118) (EXAMPLE); A default of payment for the May and June services in any year shall mean that any default between June of that year and May of the following year shall be deemed a "second default".
(Code 2007)

15-104. SAME; HEARINGS (a) When any customer feels that he or she has not received due consideration in regards to a disconnect notice, the customer may request a hearing to address all concerns.

(b) Application for a request for a hearing must be in writing and filed with the city clerk no later than five (5) business days prior to the date of termination of services. The request shall contain a reason the customer is unable or unwilling to pay for the services that have been rendered. (EXAMPLE; In the situation cited above, the request for a hearing might have to be received by the 27th of June.

(c) The Hearing Officers first responsibility shall be to determine if there is sufficient cause to allow the hearing to be scheduled. The Hearing Officer shall have two (2) business days to make his determination on whether or not a hearing is justified.

(d) If the Hearing Officer agrees to hold a hearing, the city clerk shall advise the customer of the date, time and place of the hearing. Said hearing shall be held within three (3) business days following receipt of the request. (EXAMPLE; Following the previous examples, the hearing could be set for the 30th of June.)
(Code 2007)

15-105. SAME; FINDINGS. (a) 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.

(b) If the officer finds that service should be terminated, an order shall be issued terminating services five (5) business days after the date of the order. (EXAMPLE; In the ongoing example, this would mean that services could be terminated on July the 5th, unless an extension is granted.)

(c) The customer shall be notified either in person or by "certified mail" sent to the last known address or the address where the services are provided. Return receipt is necessary in order to implement the termination. After verifying that the U.S. Postal Service has attempted three (3) times to deliver the "certified mail" and has left notice that said "mail" is at the local post office, the order to disconnect shall be implemented.

(d) If the order is made at the hearing and in the presence of the customer, no further notice need be given.

(e) The hearing officer has the right, for good cause, to grant an extension, not to exceed ten (10) calendar days, for the termination of services. (EXAMPLE: In the ongoing example, an extension would mean that the shut off procedures would be enacted on July the 10th.)

(f) No portion of this Ordinance shall be construed as restraining any individual from pursuing actions in a competent court.
(Code 2007)

15-106. RECONNECT PROCEDURES. (a) The following procedures shall be followed in order that services may be reconnected to a dwelling where they have been disconnected for cause:

(1) The customer shall have paid all delinquent bills, all late fees, all fines, all reconnect fees, and be current in his utility bills.

(2) The Mayor or his designated representative shall order the Public Works Supervisor or his designated representative to restore said utility services.

(3) Restoration of services shall be made and acknowledged by the customer, within 24 hours of the Mayors order to reconnect.

(Code 2007)

15-107.

GENERAL PUBLIC POLICY. (a) It is not the intent of the City of Ozawkie to cause any hardship for any person, firm or corporation utilizing the services of the City of Ozawkie.

(b) It must be recognized that the City of Ozawkie does not have the staff, the experience or the funds to assist those citizens having difficulty in meeting their responsibilities; however the City Clerk is directed to make a "good faith effort" in directing such persons to any possible assistance. The City Clerk is also authorized to attempt to set up any reasonable "payment plan so long as it does not result in a continuing default position by the customer.

(c) It is the intent of the City Council of the City of Ozawkie that the Cities Utilities shall be operated in a manner that reflects good government as well as good business practices. The City must balance it obligation to and from paying and non-paying customers alike. Extremely delinquent customers are not satisfying their community obligations, thus in all instances, the City shall act to uniformly enforce customer obligations.

(Code 2007)

ARTICLE 2. WATER

- 15-201. KANSAS CERTIFIED WATER AND WASTE WATER OPERATOR. The general management, care, control and supervision of the city water system shall be the responsibility of the certified operator, who shall be appointed by the mayor with the consent of the governing body. (Code 2007)
- 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 2007)
- 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 2007)
- 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 near 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 2007)
- 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 2007)
- 15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to a meter setter / meter base and the meter installed in a meter box to which the service pipe is to be connected by city employees or contracted representatives only. (Code 2007)
- 15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be determined by a fee schedule ordinance. (Code 2007)

- 15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main. (Code 2007)
- 15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the public works supervisor. 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 2007)
- 15-210. 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 governing body. (Code 2007)
- 15-211. METERS. (a) All water furnished to customers shall be metered.
(b) Meters shall be located at the convenience of the city.
(c) The city's final responsibility ends at the fitting or gasket which joins the customer's service line. (Code 2007)
- 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 as set by a fee schedule ordinance will be made to the customer. (Code 2007)
- 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/supply line on or off. (Code 2007)
- 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 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. (Code 2007)
- 15-215. SAME; APPEALS PROCESS. The appeals process to adjust for water lost thru leaks shall be as follows:
(1) The customer shall send a letter, within thirty (30) calendar days of the apparent water loss, requesting a hearing in reference to the same. The City Clerk may take an appeal request directly (at the office) or by telephone. It is understood that due to bi-monthly billing, the suspected loss may have occurred as much as sixty (60) calendar days earlier.

(2) The customer shall give his name, address, telephone number and the approximate dates covering the loss. An estimate of said dates may only be "implied" by the numbers on the utilities billing statement.

(3) A Hearing Officer shall be appointed to hear the appeal. The hearing officer shall have available to him no less than the previous twelve (12) month's billing records. He shall also have available any testimony from the Public Works Supervisor and or the Meter reader.

(4) Decisions shall be returned either by mail (to the customer) or if a decision is made during the hearing, he may be notified immediately.

(5) The Hearing Officer shall have the power to abate all or part of the cost of the lost water or may determine that the customer is liable for all costs.

(6) No portion of this ordinance should be construed as restricting any person of availing himself of the remedies of a competent court.
(Ord. 15-104, 15-219: Code 2007)

15-216. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. 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 2007)

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 2007)

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 authorized 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 2007)

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 2007)

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 2007)

15-221. DETERMINATION OF ORIGIN. The city shall have the right to discover, by any means, the origin of any leak, where the origin is indeterminate. (Code 2007)

- 15-222. RATES. The rates per billing period for the use of water in the city shall be set by a fee schedule ordinance (Code 2007)
- 15-223. 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 2007)
- 15-224. CROSS-CONNECTIONS PROHIBITED. No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Code 2007)
- 15-225. 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 public works supervisor. (Code 2007)
- 15-226. SAME; INSPECTION. The public works supervisor 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 2007)
- 15-227. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by the authority of the mayor, or his or her representative, 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 certified water treatment operator may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the operator, an emergency danger of contamination to the public water supply. (Code 2007)

ARTICLE 3. ELECTRICITY
(Reserved)

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 - a value used to express alkalinity or acidity.

(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) Commissioner - shall mean the utilities commissioner 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 Facility - 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 2007)

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 2007)

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 charged an application fee as set by fee schedule ordinance at the time of making application for the permit.

(Code 2007)

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 2007)

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 2007)

- 15-406. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch. Where no properly located "Y" branch is available, the connection shall be made at a location designated by the public works supervisor. (Code 2007)
- 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 feasibly constructed 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 2007)
- 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 2007)
- 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 2007)
- 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 2007)
- 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 2007)

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 2007)

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 2007)

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 2007)

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. (4-425a; Code 2007)

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 2007)

- 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 2007)
- 15-412. 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 2007)
- 15-413. 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 2007)
- 15-414. 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 2007)
- 15-415. 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 2007)
- 15-416. 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 2007)
- 15-417. 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 2007)
- 15-418. 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 2007)

15-419. 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 facility;
- (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 facility;
- (i) Noxious or malodorous gas or substance capable of creating a public nuisance.

(Code 2007)

15-420. BILLS. (a) Bills shall be rendered bi-monthly and shall be collected as a combined utility bill.

(b) Any person who receives at least one day of service in a month of the billing period, shall be billed for the full month of service. (EXAMPLE: A person moves out and the new owner takes possession on January 28, the person moving out receives a bill for services rendered for January, the person moving in receives a bill for services rendered for January and February.)

(Code 2007)

15-421. DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY. (a) 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.

(b) In lieu of terminating water service, the governing body may elect to assess such delinquent charges as a lien upon the real estate serviced as provided in section 15-106, and the city clerk shall certify such delinquent charges to the county clerk to be placed on the tax roll and collected in like manner as other taxes are collected.

(Code 2007)

15-422. SEWER SERVICE CHARGE. The monthly charge for sewer service shall be set by a fee schedule ordinance. (Code 2007)

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 two individual dwelling units;

(e) Refuse. - All garbage and/or rubbish or trash;

(f) Residential. - Any structure containing four or less individual dwelling units;

(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 2007)

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 2007)

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 2007)

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 2007)

15-505. CONTAINERS. Residential containers shall have a capacity of not more than 100 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 2007)

- 15-506. **BULK CONTAINERS.** On premises where excessive amounts of refuse accumulates 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 2007)
- 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 2007)
- 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 2007)
- 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 2007)
- 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 2007)
- 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 2007)
- 15-512. **PROHIBITED PRACTICES.** It shall be unlawful for any person to:
- (a) Deposit solid waste;

- (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
 - (c) Burn solid waste;
 - (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
- (Ord. 7-204; Code 2007)

15-513. OBJECTIONABLE WASTE. Manure from 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 2007)

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 2007)

15-515. PRIVATE COLLECTORS; CONTRACT 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 current contract 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 2007)

15-516. SAME; APPLICATION. Any person desiring to collect or transport solid waste within the city shall make application for a contract 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. (Code 2007)

15-517. 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 2007)

15-518. 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 2007)

- 15-519. FAILURE TO SECURE CONTRACT. 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 contract 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 2007)
- 15-520. CHARGES. The city shall establish and collect a service charge as set by fee schedule ordinance to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 2007)
- 15-521. BILLING. Solid waste charges shall be billed bi-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 2007)
- 15-522. 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 2007)

ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Code 2007)
- 15-602. DEFINITIONS. (a) Water - 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 - 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 area; 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.
(Code 2007)
- 15-603. 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 encourage voluntary water conservation or 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. (Code 2007)
- 15-604. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, 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) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.

(d) Waste of water.
(Code 2007)

15-605. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, 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.

(Code 2007)

15-606. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-603, 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).

(Code 2007)

15-607. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-603, 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. (Code 2007)

15-608. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, public works supervisor, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-605 or 15-607, 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 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, as set by a fee schedule ordinance, shall be paid for the reconnection of any water service terminated pursuant to subsection (a).

(Code 2007)

15-609. 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 service connections as required to protect the health and safety of the public.

(Code 2007)