

## CHAPTER XV. UTILITIES

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### ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, sewer, solid waste (refuse) and other utility services provided by the city. (Code 2003)
- 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 2003)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
    - (1) The amount due, plus delinquency charge;
    - (2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until noon 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 within three working days following receipt of the request.
- (Code 2003)
- 15-104. SAME; FINDING. Following the hearing, if the governing body shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the governing body 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 governing body has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 2003)

15-105. UTILITY DEPOSIT. (a) Each new customer and landlord making application for utility service shall make a cash deposit to the city in the amount as specified in subsection (b), the deposits to serve as a guaranty for the payment of service thereafter furnished to the customer's premises.

(b) Cash deposits for the indicated utility service shall be in the following amounts:

- (1) Water Service - \$50
- (2) Electric Service - \$20;
- (3) Sewer Service - \$30; and
- (4) Solid Waste (refuse) Service -\$0.

(c) In the event that utility service shall be disconnected or discontinued for failure to pay any bill due the city for such utility, such cash deposit shall be applied as a credit against all amount due from the customer to the city, and if there shall remain any surplus of such deposit, the same shall be returned to the customer.

(d) Deposits collected pursuant to this section shall be governed by the provisions of K.S.A. 12-822 as amended.  
(Ord. 72, Sec. 5; Code 2003)

15-106. LIABILITY OF PROPERTY OWNER; LIEN. (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.

(b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.

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

(d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.

(Code 2003)

15-107. PETTY CASH FUND. A petty cash fund in the amount of \$100 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 2003)

## 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 governing body. (Code 2003)
- 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 2003)
- 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 2003)
- 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 2003)
- 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. (Ord. 72, Sec. 11; Code 2003)
- 15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 2003)

- 15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be established by a bi-annual "Resolution" by the Governing Body. The fees will be based upon the size of meter requested by the customer, or the meter size determined by the city superintendent of the water works system. (Code 2003)
- 15-208. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 2003)
- 15-209. UNAUTHORIZED SERVICE. (a) 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.  
(b) A fine of \$100 will be charged for such violation.  
(Code 2003)
- 15-210. METERS. (a) All water furnished to customers shall be metered.  
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed at a location specified by the city.  
(c) The city's responsibility stops at the property line.  
(Ord. 72, Sec. 1; Code 2003)
- 15-211. 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 test fee will be made to the customer. (Ord. 72, Secs. 1, 6; Code 2003)
- 15-212. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off. (Ord. 72, Sec. 10; Code 2003)
- 15-213. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Ord. 72, Sec. 1; Code 2003)
- 15-214. 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 of \$25. (Ord. 100, Sec. 1; Code 2003)

15-215. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 2003)

15-216. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Ord. 72, Sec. 8; Code 2003)

15-217. 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. 72, Sec. 12; Code 2003)

15-218. 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 2003)

15-219. 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. 72, Sec. 9; Code 2003)

15-220. RATES. The rates per month for the use of water in the city shall be as follows: established by a bi-annual resolution. (Ord. 97, Sec. 1)

15-221. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 15<sup>th</sup> day of the month following the service. For any billing not paid when due a late charge of 10% will be added to the bill. (Code 2003)

15-222. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Ord. 72, Sec. 4; Code 2003)

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. (Ord. 72, Sec. 7; Code 2003)

15-224. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this policy:

(a) Air Gap Separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to tank, plumbing fixtures, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

(b) Approved Tester means a person qualified to make inspections/ to test and repair backflow prevention/cross connection control devices; and who is approved by the city.

(c) Authorized Representative means any person designated by the city to administer this cross connection control article.

(d) Auxiliary Water Supply means any water source or system, other than the city, that may be available in the building or premises. This does not include other KDHE permitted public water supply systems.

(e) Backflow means the flow other than the intended direction of flow, of any foreign liquids, gases, used water or substances into the distribution system of a public water supply system.

(f) Backflow Prevention Device means any device, method, or type of construction intended to prevent backflow into the public water supply system.

(g) Consumer means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the city.

(h) Contamination means an introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an aesthetic deterioration, color, taste or odor.

(i) Cross Connection means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water of the public water supply system and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be the backflow of the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.

(j) Degree of Hazard means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.

(k) Health Hazard means any condition, device, or practice in the public water supply system which could create, or may create a danger to the health and well-being of anyone using the water, or allow contamination of the water.

(l) Public Water System means the water supply source, distribution system and appurtenances to the service meter operated as a public utility which supplies potable water to the consumer's water systems.

(m) Public Water Supply System means the public water system and the consumer's water systems.

(n) Consumer's Water System means all service pipe, all distribution piping and all appurtenances beyond the service meter of the public water system.

(o) Service Connection means the terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.  
(Ord. 98, Sec. 1)

15-225. CROSS CONNECTION CONTROL GENERAL POLICY. (a) The purpose of this policy is:

(1) To protect the public water supply system from contamination.

(2) To promote the elimination, containment, isolation, or control of cross connection between the public water supply system and non-potable water systems, plumbing fixtures, and industrial process systems or other systems which introduce or may introduce contaminants into the public water system.

(3) To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination of the public water supply system.

(b) Application. This article shall apply to all consumer's water systems. The city may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the city.

(c) Intent. This policy will be reasonably interpreted by the city. It is the intent of the city to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at his or her own expense. Failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided. (Ord. 98, Sec. 2)

15-226. CROSS CONNECTIONS PROHIBITED. (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the city or its authorized representative.

(b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.  
(Ord. 98, Sec. 3)

15-227. SURVEY AND INVESTIGATIONS. (a) The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

(b) On request by the city or its authorized representative, the consumer shall furnish requested information on water use practices within his or her premises and in the consumer's water system.

(c) On request by the city or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections.

The consumer shall provide the survey results to the city or its authorized representative.

(Ord. 98, Sec. 4)

15-228.

WHERE PROTECTION IS REQUIRED. (a) An approved backflow prevention device may be installed on each service line to a consumer's water system serving premises where, in the judgment of the city or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

(b) An approved air gap separation or reduced pressure principle backflow prevention device may be installed at the service connection or within any premises where, in the judgment of the city or its authorized representative or the KDHE, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present a health hazard or contamination of the public water supply system from a cross connection. This includes but is not limited to the following situations:

(1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the city or its authorized representative and the KDHE.

(2) Premises having internal plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

(3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.

(4) Premises having a repeated history of cross connections being established or re-established.

(5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.

(6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

(7) Premises where toxic or hazardous materials are handled.

(c) The following types of facilities fall into one or more of the categories or premises when an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the city or its authorized representatives and the KDHE:

(1) Agricultural chemical facilities.

(2) Auxiliary water systems, wells.

(3) Boilers.

(4) Bulk water loading facilities.

(5) Car washing facilities.

(6) Chemical manufacturing, processing, compounding or treatment plants.

(7) Chill water systems.

(8) Cooling towers.



- (9) Feedlots.
  - (10) Fire protection systems.
  - (11) Hazardous waste storage and disposal sites.
  - (12) Hospitals, mortuaries, clinics or others as discovered by sanitary surveys.
  - (13) Irrigation and sprinkler systems.
  - (14) Laundries and dry cleaning.
  - (15) Meat processing facilities.
  - (16) Metal manufacturing, cleaning, processing and fabricating plants.
  - (17) Oil and gas production, refining, storage or transmission properties.
  - (18) Plating plants.
  - (19) Power plants.
  - (20) Research and analytical laboratories.
  - (21) Sewage and storm drainage facilities -- pumping stations and treatment plants.
  - (22) Veterinary clinics.
- (Ord. 98, Sec. 5)

15-229. BACKFLOW PREVENTION DEVICES. (a) Any backflow prevention device required by this regulation/article shall be of a model or construction approved by the city or its authorized representative and the KDHE.

(b) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

(c) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed at the time this regulation/article was passed and complies with required inspection and maintenance.

(Ord. 98, Sec. 6)

15-230. INSTALLATION. (a) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the city or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the city or its authorized representative agrees otherwise.

(b) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

(c) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

(Ord. 98, Sec. 7)

15-231. INSPECTION AND MAINTENANCE. (a) The consumer is required by this regulation/article to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the city or its authorized representative.

(1) Air gap separations shall be inspected at the time of installation and at least monthly.

(2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every 30 months.

(3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.

(b) Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the consumer and shall be performed by an approved tester.

(c) Whenever backflow prevention devices required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.

(d) The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. All records of inspections, tests, repairs, and overhauls shall be provided within 30 days to the city or its authorized representative.

(e) All backflow prevention devices shall have a tag showing the date of the last inspection, test, or overhaul or other maintenance.

(f) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the city or its authorized representative.

(Ord. 98, Sec. 8)

15-232. VIOLATION AND PENALTIES. (a) The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the city or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

(b) Water service to such premises shall not be restored until the consumer is in compliance with this cross connection regulation/article to the satisfaction of the city or its authorized representative.

(Ord. 98, Sec. 9)

15-233. EXCAVATIONS. No person shall be permitted to make any excavation in any street or alley within the city limits for the purposes of laying any pipes for water service, without first having procured a permit in writing to do so, from the city clerk, nor make excavation in any street or alley within the city within six feet of any water pipe while the ground is frozen, or to dig up or uncover so as to expose to the frost any water pipe or sewer of the city, except under the direction of the water superintendent. And no person or persons shall leave any excavation in any street or alley within the city open at any time without barricades, and during the nights, warning lights must be maintained at such excavation during all the time when the same are open or partially open, and when excavations are made in the street or alleys within the city, the streets, sidewalks, and pavements must be restored to as good a condition as they were previous to the making of the excavation by the

parties making or causing to be made, and should any person or persons leave any street, alley, or sidewalk, or pavement in a condition not as good as before such excavation was made, or should the work be improperly cleared away, the water superintendent shall have the right to finish or correct the work, and the expense shall be charged to the consumer, and shall be paid by him or her before the water is turned on. (Ord. 72, Sec. 13)

### ARTICLE 3. SEWERS

15-301. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of terms as used in this article shall be as follows:

(a) 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 milligrams per liter.

(b) 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 (1.5 meters) outside the innerface of the building wall.

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

(d) Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

(e) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(f) Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(g) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(h) Person shall mean any individual, firm, company, association, society, corporation, or group.

(i) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(j) Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

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

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

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

(o) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

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

(q) Shall is mandatory and May is permissive.

(r) Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

(s) Storm Drain (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(t) Superintendent shall mean the superintendent of sewage works and/or of water pollution control, or the city clerk of the City of Kanorado, or his or her authorized deputy, agent, or representative.

(u) 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.

(v) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(w) Hearing Board shall mean the city council of the City of Kanorado, Kansas when holding hearings.

(Ord. 80, Art. I, Secs. 1:23)

15-302. DISPOSAL IN SEWERS. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste. (Ord. 80, Art. II, Sec. 1)

15-303. 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 sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article. (Ord. 80, Art. II, Sec. 2)

15-304. PRIVY UNLAWFUL. Except as hereinafter provided, 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. (Ord. 80, Art. II, Sec. 3)

15-305. SEWER CONNECTION REQUIRED. The owner of all houses, building, or properties used for human employment, recreation, or other purposes, 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 or combined 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 the public sewer is within 100 feet (30.5 meters) of the property line. (Ord. 80, Art. II, Sec. 4)

15-306. SAME. Where a public sanitary or combined sewer is not available under the provisions of section 15-305, the building sewer shall be connected to a private

sewage disposal system complying with the provisions of this article. (Ord. 80, Art. III, Sec. 1)

- 15-307. PERMIT. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written application/permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement with duplicate plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee as stated on application/permit shall be paid to the city at the time the application is filed. (Ord. 80, Art. III, Sec. 2)
- 15-308. SAME; INSPECTION. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the superintendent. (Ord. 80, Art. III, Sec. 3)
- 15-309. SAME; DISCHARGE. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. 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 15,000 square feet (without special ordinance). No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 80, Art. III, Sec. 4)
- 15-310. DIRECT CONNECTION. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-309, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 80, Art. III, Sec. 5)
- 15-311. MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 80, Art. III, Sec. 6)
- 15-312. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 80, Art. III, Sec. 7)
- 15-313. CONNECTION. When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean backrun gravel or dirt. (Ord. 80, Art. III, Sec. 8)
- 15-314. PERMIT; CONNECTIONS. No unauthorized 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 clerk or the superintendent. (Ord. 80, Art. IV, Sec. 1)

- 15-315. SAME. There shall be two classes of building sewer permits (a) for residential and commercial service; and (b) for service to establishments producing industrial wastes. 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 with duplicated plans, specifications, or other information considered pertinent in the judgment of the city clerk or the superintendent. A application/permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the city at the time the application is filed. (Ord. 80, Art. IV, Sec. 2)
- 15-316. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be borne 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. (Ord. 80, Art. IV, Sec. 3)
- 15-317. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 80, Art. IV, Sec. 4)
- 15-318. 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 superintendent, to meet all requirements of this article. (Ord. 80, Art. IV, Sec. 5)
- 15-319. SEWER; SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joint, testing and backfilling the trench, shall all conform to the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. (Ord. 80, Art. IV, Sec. 6)
- 15-320. SAME. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow in the public sewer, sanitary sewage carried by such building drain shall be left by an approved means and discharged to the building sewer. (Ord. 80, Art. IV, Sec. 7)
- 15-321. SAME. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 80, Art. IV, Sec. 8)

- 15-322. SAME. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation. (Ord. 80, Art. IV, Sec. 9)
- 15-323. SAME. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his or her representative. (Ord. 80, Art. IV, Sec. 10)
- 15-324. SEWER EXCAVATIONS; DAMAGES. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 80, Art. IV, Sec. 11)
- 15-325. SEWER DISCHARGES. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 80, Art. V, Sec. 1)
- 15-326. SAME. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet. (Ord. 80, Art. IV, Sec. 2)
- 15-327. PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid, or gas.
  - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interacted with other wastes, to injure or interfere with any sewage treatment process constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes as discharged to public sewer.
  - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground

garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

(c) Any waters or wastes having:

(1) A five day BOD greater than 300 parts per million by weight;

(2) Containing more than 300 parts per million by weight) of suspended solids; or

(3) Having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the superintendent.

Where necessary in the opinion of the superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

(1) Reduce the BOD 300 parts per million by weight;

(2) Reduce the suspended solids to 350 parts per million by weight; or

(3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. 80, Art. V, Sec. 3)

15-328.

SAME. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquids or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

(b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, excess of 100 mg/1 or containing substances which may solidify become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Centigrade).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances. In such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet



the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but limited to sodium chloride or sodium sulfate).

(2) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen, demand, or chlorine requirements in such quantities as to constitute a significant load on the sewer treatment works,

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(j) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. 80, Art. V, Sec. 4)

15-329.

SAME. If any waters or wastes are discharged, or area proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-328 of this article, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and

(d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-334 of this article.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 80, Art. V, Sec. 5)

15-330.

MUD, GREASE TRAPS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 80, Art. V, Sec. 6)

- 15-331. PRELIMINARY TREATMENT. Where preliminary treatment for flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 80, Art. V, Sec. 7)
- 15-332. MANHOLES. When required by the superintendent, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 80, Art. V, Sec. 8)
- 15-333. MEASUREMENTS; TESTS; ANALYSES. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab samples or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.) (Ord. 80, Art. V, Sec. 9)
- 15-334. SPECIAL AGREEMENTS. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 80, Art. V, Sec. 10)
- 15-335. DAMAGE TO SEWERS. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 80, Art. VI, Sec. 1)
- 15-336. PREMISES; AUTHORITY. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or

other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities of waste treatment. (Ord. 80, Art. VII, Sec. 1)

15-337. **RULES AND REGULATIONS.** While performing the necessary work on private properties referred to in section 15-336, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 15-332. (Ord. 80, Art. VII, Sec. 2)

15-338. **SAME.** The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 80, Art. VII, Sec. 3)

15-339. **SEWER SERVICE CHARGE.** The monthly charge for sewer service shall be set by a bi-annual resolution by the governing body. (Ord. 81, Sec. 1)

#### **ARTICLE 4. SOLID WASTE**

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) **Commercial Waste.** All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.

(b) **Dwelling Unit.** Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;

(c) **Garbage.** Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;

(d) **Multi-Family Unit.** Any structure containing more than four individual dwelling units;

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

(f) **Residential.** Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;

(g) **Rubbish or Trash.** All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes,

wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;

(h) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.

(i) Solid Waste. All non-liquid garbage, rubbish or trash.  
(Ord. 103, Sec. 2; Code 2003)

15-402. **COLLECTION.** (a) The city or its authorized contractor shall collect solid waste from all premises in the city not less than once each week, and from commercial and industrial premises more frequently if necessary to adequately dispose of the solid waste accumulated by such business or industry and to keep such premises in a clean and sanitary condition.

(b) Storage containers for the solid waste shall be kept in a convenient location for the collection, as designated by the city or its authorized contractor, in order that collection may be made without the collectors entering buildings, garages, locked gates or fenced yards with dogs.

(c) Employees of the city or its authorized contractor are hereby authorized to enter in and upon private property for the purpose of collecting solid waste pursuant to the provisions of this article.

(d) All solid waste placed in containers by the owner or occupant of premises upon which the solid waste accumulates shall be subject to the exclusive control of the city or its authorized contractors, and no person shall meddle with storage containers or in any way pilfer or scatter the contents thereof.

(e) In disposing of solid waste the same shall be transported in closed containers or in vehicles equipped with closed compartments or covers so as to eliminate spillage, leakage or littering from the vehicle.

(f) Every resident of the city is hereby required to keep the premises occupied by him or her in a clean and sanitary condition so as not to endanger the public health or safety and not to create a nuisance to the inhabitants of the city.  
(Ord. 103, Sec. 3)

15-403. **CONTRACTS.** The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 2003)

15-404. **DUTY OF OWNER, OCCUPANT.** The owner or occupant of every dwelling unit or commercial enterprise shall be provided 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 2003)

15-405. **CONTAINERS.** Residential containers shall either be a poly-cart as provided by the refuse company or a dumpster as provided by the refuse company. All garbage and refuse disposal shall be drained of any liquids and bagged before being placed in any such containers, and bags shall be securely tied closed. (Code 2003)

- 15-406.        **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 2003)
- 15-407.        **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 2003)
- 15-408.        **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 2003)
- 15-409.        **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 2003)
- 15-410.        **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 2003)
- 15-411.        **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 2003)

- 15-412.           **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 2003)
- 15-413.           **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 2003)
- 15-414.           **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 2003)
- 15-415.           **PRIVATE COLLECTORS; LICENSE REQUIRED.** 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. (Code 2003)
- 15-416.           **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 2003)
- 15-417.           **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 2003)
- 15-418.           **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 2003)

15-419. 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 2003)

15-420. SAME; FEE SCHEDULE. (Reserved)

15-421. 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 2003)

15-422. 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 2003)

## ARTICLE 5. WATER CONSERVATION

15-501. 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 2003)

15-502. 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 2003)

15-503.           **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 2003)

15-504.           **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-503, 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 2003)

15-505.           **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-503, 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 2003)

15-506.           **EMERGENCY WATER RATES.** Upon the declaration of a water supply emergency as provided in section 15-503, 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 2003)

15-507. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-503, 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 2003)

15-508. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, water superintendent, 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 15-505 or 15-507, 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 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 violations.

(c) Violation 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 \$100. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty

for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.  
(Code 2003)

15-509.           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 2003)