

## CHAPTER XV. UTILITIES

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### ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITIONS. As used in this article, the following definitions shall apply:
- (a) Customer shall mean the utility service account holder of record.
  - (b) Person shall mean natural persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.
  - (c) Utility Services shall mean electrical service, sanitary sewer service and water service.
- (Ord. 925, Sec. 1)
- 15-102. UTILITY DEPOSITS. (a) All persons applying for utility services from the city who do not have an acceptable credit history established with the city shall, in addition to all other charges, placed on deposit with the city a utility deposit prior to receiving utility services from the city, if the person is applying for utility services to an existing dwelling, business establishment or other location, the utility deposit to be paid by the person shall be determined by computing the average of the highest utility bills for any two months in preceding 12 months period of time. If the person is applying for utility service to a dwelling, business establishment or other location which is new and does not have a history of utility bill payments, then the deposit shall be in the amount of \$150. (Ord. 925, Sec. 2)
- 15-103. DISCONTINUANCE OF UTILITY SERVICES. (a) The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:
- (1) When the customer so requests.
  - (2) When it is determined by an employee of the city utility department, fire department or police department that the continuance of a particular utility service constitutes a dangerous condition presenting a likely immediate threat to health or safety of persons or to property on or near the customer's premises.
- (b) The city may discontinue or refuse a particular utility service to any customer, following compliance with the notice and hearing requirements of section 15-105 of this article, for any of the following reasons:
- (1) Nonpayment of utility bills and charges as provided in section 15-105 of this article.
  - (2) When the customer misrepresents his or her identify or otherwise intentionally provides false information for the purpose of obtaining utility services from the city.
  - (c) The city may discontinue or refuse a particular utility service to any customer, following notice to the customer, for any of the reasons set out in this

subsection. The customer shall have the right to a hearing within a reasonable time, not to exceed 10 days, following termination or refusal of service. If after such hearing the hearing officer finds in favor of the customer the hearing officer may order connection or reconnecting of the service at no cost to the customer.

(1) When the customer refuses to grant employees of the city's utility department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.

(2) When the customer violates any rule, regulations or ordinances of the city pertaining to utility services which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services delivery system.

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services' delivery system situated or delivered on or about the customer's premises.

(Ord. 925, Sec. 3)

15-104. UTILITY BILLING DATES; DELINQUENCY DATE. Utility billings shall be mailed on approximately the 5th day of each month for the previous month's service. All billings for utility services shall be due and payable at the office of the city clerk on the 5th day of the month and must be paid in full by the 16th day of the month or the following regular business day if in the 15th day of the month is on a weekend or holiday. Failure to make payment by 5:00 p.m. on the day described herein shall result in the mailing of an account delinquency and service discontinuation notice. (Ord. 925, Sec. 4)

15-105. NONPAYMENT OF UTILITY BILLS. (a) An account delinquency and service discontinuance notice shall be issued in writing on the next regular business day after the day described in section 15-104 with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the customer (and a copy also sent by U.S. mail, first class, to the occupant of the premises served if the occupant is not the customer) at the last known address of the customer as shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city utility department or by any city law enforcement officer or by such city employee posting the written notice upon a door of a building upon the property serviced.

(b) The notice of account delinquency and service discontinuance shall provide the following information:

(1) Name of customer and address where service is being provided.

(2) Account number.

(3) Amount past due plus delinquency charges.

(4) Notice that utility service shall be terminated upon failure to pay the delinquent billing plus delinquency charges within 10 days of the date of the mailing of the notice.

(5) Notice that the customer has the right to appear and be heard at a hearing on the hearing date set by the city.

(c) The notice of account delinquency and service discontinuance shall be substantially in the following form:

**NOTICE OF ACCOUNT DELINQUENCY AND  
SERVICE DISCONTINUANCE**

To: \_\_\_\_\_ your electrical and/or sanitary sewer and/or water) billing the amount of \$ \_\_\_\_\_ which was due \_\_\_\_\_, 19\_\_\_\_, remains unpaid and is now delinquent. The delinquency charge to be added to your bill is \$ \_\_\_\_\_. You are hereby notified that the city intends to terminate your service on \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_m., unless you pay the amounts due as above stated or unless good cause be shown why such service should not be terminated. You are further notified that you are to appear in the Horton City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ \_\_\_\_m., then and there to show good cause as to why your service should not be terminated for nonpayment of charges. Should you fail to attend the hearing or failed to request at least 24 hours prior to the above hearing date that the hearing be rescheduled, then you are notified that immediately following the hearing date such service or services shall be discontinued.

Dated \_\_\_\_\_, 19\_\_\_\_, City of Horton, Kansas.

By: \_\_\_\_\_

(d) Any utility customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to the disconnection. At such hearing, the applicant customer, and the city, shall have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses, however formal rules of evidence shall not be followed. The hearing shall be conducted by the city administrator or such other hearing officer as may be appointed by the mayor, with the consent of the governing body. In the event the hearing officer finds utility service(s) should not be discontinued, the hearing officer shall so order and advise the city thereof. In the event the hearing officer finds utility service(s) should be discontinued, the hearing officer shall so order and advise the city thereof. Unless otherwise ordered by the hearing officer, utility service(s) shall be discontinued on the date that the order of discontinuance is issued by the hearing officer. Extensions of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The customers shall be given notice of order of discontinuance in person, or by certified mail. In making a determination of whether discontinuance should be ordered, the hearing officer shall consider, but not be limited to, the following factors: whether discontinuance is dangerous to the health of the customer, the customer's family or any other residents of the premises affected; the weather; unforeseen financial hardship of the customer; and the medical conditions; ages or disabilities of the customer, the customer's family or other residents of the premises. (Ord. 925, Sec. 5)

15-106. DISCONTINUANCE OF UTILITY SERVICES. City utility departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to other procedures set out in this article. Customers shall remain responsible for furnishing the city with the correct address for billing purposes. (Ord. 925, Sec. 6)

15-107. LIEN UPON CUSTOMER'S PROPERTY. In the event any person shall neglect, fail or refuse to pay within 10 days following notice of discontinuance the utility billings and charges shall constitute a lien upon the real property of the customer served by the connection to the utility service, and shall be certified by

the city clerk to the county clerk of Brown County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible. The lien established herein shall only be placed upon the property of the customer if the customer is also the owner of the property. No liens shall be placed upon the property of any landlord, unless the landlord is also the utility customer. (Ord. 925, Sec. 7)

15-108. LATE PAYMENT CHARGES, RECONNECTION FEES AND UTILITY DEPOSITS FOR RECONNECTED CUSTOMERS. (a) Late Payment Charges. All bills delinquent after the 16th day of the month of the billing shall be subject to a 10 percent penalty.

(b) Reconnection Charges. Prior to reconnecting a utility service disconnected following a delinquency, the customer shall pay to the city the entire balance due and owing to the city at the time of reconnection. The customer shall also pay a reconnection charge of \$10 for reconnection of electric service, \$10 for reconnection of sanitary sewer service, and \$10 for reconnection of water service.

(c) Utility Deposits for Reconnected Customers. If a utility service customer is disconnected pursuant to the provisions of this article, two times in a 12 month period of time, then that person will be required, prior to reconnection, and in addition to any reconnection fee, to deposit with the city the utility service deposit in an amount as described in section 15-102 of this article.

(Ord. 925, Sec. 8)

15-109. RECEIPT OF INSUFFICIENT FUNDS CHECKS FOR PAYMENT OF UTILITY BILLS. (a) A \$10 service charge shall be made on all insufficient funds checks received by the city on utility bill payments. This service charge shall be added to the utility service account of the customer.

(b) No post-dated checks shall be accepted for payment of utility bills.

(c) If a utility service customer makes payment of his or her utility bill with an insufficient funds check two times within a 12 month period of time, that customer shall be required, at that time, to make a utility service deposit with the city in the amount described in section 15-102 of this article.

(Ord. 925, Sec. 9)

## ARTICLE 2. ELECTRICITY

15-201. ELECTRICAL DEPARTMENT ESTABLISHED. There is hereby established an executive department known as the electrical department. (Code 1965, 5-101; Code 1992)

15-202. CITY ELECTRICIAN; DUTIES. There shall be a city electrician who shall also be the city electric line foreman. The city electrician shall:

(a) Be charged with the management of all municipal lighting, the inspection of all electrical wiring within the city, both inside and outside all buildings, and have charge of all electrical matters, except production, in which the city may have an interest;

(b) Inspect electrical wiring at the time of the completion of the roughed-in work and before concealment. Final inspection shall be made at the completion of the job on new work, or on existing structures, during or at completion of work.

(c) Set the amount of the inspection fee which amount shall be commensurate with the amount of the time needed to make such inspection; and

(d) Whenever complaint is made of a disturbance or interference with radio reception, seek the cooperation and permission from the person in control of the premises to enter and search for any wires or mechanisms causing disturbance or interfere. If any such uncontrolled or undirected electrostatic energy is found, the city electrician shall make a reasonable effort to demonstrate the fact to the person in charge of the premises where found, and such person shall immediately take such steps as are necessary to remove the cause of disturbance or interference. (Code 1965, 5-102:105; Code 1992)

15-203. INSPECTION FEE. An inspection fee of not less than \$1 nor more than \$10 shall be paid to the city clerk by the owner of the structure inspected at the time such inspection is made. The fee shall be only to reimburse the city for making such inspection and the city in no way assumes any liability to any owner. (Code 1965, 5-104)

15-204. RESIDENTIAL AND COMMERCIAL RATES. The following rate per month shall be available to consumers for residential use and to consumers for commercial use:

(a) Per Kilowatt Hour - \$.085.  
(Ord. 881, Sec. 1)

15-205. SERVICE CHARGE. There shall be a monthly service charge of \$4 for electrical service furnished. (Ord. 881, Sec. 2)

15-206. FUEL ADJUSTMENT CHARGE. A fuel adjustment charge, to be paid by the city, as billed by any power supplier, will be charged to consumers based on kilowatt usage. When the actual cost of fuel for generation exceeds the amount of funds budgeted for such purpose it may be included with the fuel adjustment charge and billed to consumers based on kilowatt usage. The fuel adjustment cost shall be at the option of the city. The fuel adjustment charge shall be applied to all electric users. (Ord. 1027, Sec. 1)

15-207. METERS; COMBINED READING; WIRING COSTS. (a) There shall be combined meter readings where it is impractical and not feasible to distribute the electricity through one meter installation; provided, that such meters are located on the same property or tract of ground. Multiple meters serving residences, solely shall not be combined.

(b) Wiring from the service entrance at the building wall or entrance to the underground service connection shall be installed at the expense of the customer, and customers outside the city limits will be required to pay the cost in excess of \$5 for the service connection from the distribution lines to the building.  
(Ord. 768, Sec. 3)

15-208. BREAKING METER SEALS; UNMETERED POWER. (a) It shall be unlawful for any person to break the seal of any electric meter or switch, or install wiring, make connections, attach wires or attach any electrical device to wires in such a manner that electricity may be used without metering. This section shall not apply to electricians using electricity to test their work under the supervision of city employees.

(b) Electric service may be discontinued on any service where meters or meter seals are disturbed, or where electricity is used unlawfully in any manner. The same penalties shall apply to unauthorized persons in any way tampering with, attempting to repair or to move any electric meter from one location to

another. The repair and moving of meters and the making of all electrical connections with the city electric current distribution system shall be done only by authorized officials and employees of the city. (Code 1965, 5-213)

15-209. DISCONTINUANCE OF SERVICE. Upon discovery of any unlawful act by any customer, his or her agent or employee, hereinabove prohibited, or upon failure to comply with any of the rules and regulations of the electric department, such service shall be discontinued. (Code 1965, 5-214)

15-210. LOCATION OF METERS. The electric department of the city reserves the right to designate the location of all electric meters, the expenses incident to the changing of location of meters to conform to such request shall be borne by the property owner or person in whose name the service is being supplied. (Code 1965, 5-215)

15-211. RIGHT OF INSPECTION. The employees of the electric department shall have the right to enter upon all premises served at reasonable hours for inspection purposes to ascertain whether all electric current is being properly metered. (Code 1965, 5-216)

### **ARTICLE 3. WATER**

15-301. CONNECTIONS BY CITY. The city shall make all water line taps and shall furnish service to the curblin. (Code 1965, 17-101)

15-302. TRENCHING AND BACKFILLING. No excavation shall be kept open longer than is absolutely necessary to make the connections required and while open, shall be protected by suitable barriers, guards and lights, as provided in the ordinances of this city, and backfilling shall be thoroughly compacted and left in a condition satisfactory to the water service person, and where such excavation or backfilling is in an unsatisfactory condition, the water service person shall cause it to be repaired and the cost thereof shall be charged to the plumber, and his or her authority shall be suspended unless the sum is paid to the city. (Code 1965, 17-102)

15-303. CURB, STOP AND WASTE COCKS. There shall be a curb cock in every service line attached to the water mains and there shall be one or more stop and waste cocks to every supply pipe, so that the water can be shut off and the house plumbing entirely drained. (Code 1965, 17-103)

15-304. STEAM BOILERS, ETC.; CHECK VALVES REQUIRED. Check valves are hereby required on all connections to steam boilers or on any connection deemed by the water service person to require one. (Code 1965, 17-104)

15-305. METERS LOCATED IN TILE. Meters shall be placed in a standard meter tile 18 inches above the bottom of the tile. The tile shall have a standard cast iron cover, approved by the water service person. (Code 1965, 17-105)

15-306. METERS; TESTING. If the consumer chooses to have the meter tested for accuracy, the consumer shall place a deposit of \$10 with the city clerk, and if the

meter registers 95 percent or more accurate, the deposit shall be forfeited by the consumer, and the city clerk shall credit the \$10 to the water fund. If the meter registers less than 95 percent accurate, the deposit shall be returned. (Code 1965, 17-106; Code 1992)

- 15-307. METERS; REPAIR. The city shall repair or have repaired any meter, when the meter is found to be not registering or out of repair, or in any manner defective. (Code 1965, 17-107)
- 15-308. SHUTTING OFF MAINS; CITY RESERVES RIGHT. The city reserves the right to shut off the water supply in its mains or laterals, to make repairs and extensions, and all persons, firms, or corporations having boilers to hot water tanks within their premises not supplied with auxiliary tanks and depending on pressure in the mains are cautioned against danger of collapse or explosion. (Code 1965, 17-108)
- 15-309. SERVICE LINES; RESPONSIBILITY OF PROPERTY OWNER. The owner of any property to, through, or upon which any water service line shall supply water, and which service line or its connections with any city water main, shall become injured, destroyed, defective, leaking, shall, within 24 hours after knowledge of or notice of any such injury, destruction or leaks, have such service line or connections repaired by a plumber; and upon failure to do so, the city may proceed to have any necessary repairs made, and may deny the use of water to the property, until the city has been reimbursed for the expense of making repairs. (Code 1965, 17-109)
- 15-310. TAKING WATER WITHOUT AUTHORITY. It is unlawful for any person, firm, or corporation to take water from the municipal water system, except through a meter, or from any premises not owned by him or her and without the permission of the owner thereof. (Code 1965, 17-110)
- 15-311. TAMPERING WITH CUTOFF VALVES. It shall be unlawful for any person to turn any curb cock on or off; or to turn any fire hydrant on or off; or to use any water from a fire hydrant; except an employee of the city in the discharge of his or her duty, or except a member of the fire department for use during a fire. (Code 1965, 17-111)
- 15-312. METER SEALS; TAMPERING WITH A METER SEAL. The city reserves the right to seal any or all water meters. It shall be unlawful for any person, firm or corporation to remove any water meter, take apart any water meter or in any way tamper with the meter, seal or curb cock. (Code 1965, 17-112)
- 15-313. USE OF WATER DURING FIRE. It unlawful for any person in this city or any person owning or occupying premises connected to the municipal water system of this city to 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 the fire alarm, it shall be the duty of every person to see that all water services are tightly closed, and that no water is used, except in case of emergency, during any fire. (Code 1965, 17-113)
- 15-314. WATER LINES; TREES; IMPROVEMENTS. In order that the maintenance of the city water lines will not be obstructed at any time, it shall be unlawful for any

person to construct any driveway, sidewalk, etc., or plant any tree, shrub, etc., over or within five feet of any city water line. (Code 1965, 17-114)

15-315. TEMPORARY WATER SERVICE. There shall be \$50 fee for installation of any water meter for service to any facility other than a permanent building or facility. (Code 1965, 17-115)

15-316. RATES FOR WATER SERVICE; CONSUMERS WITHIN CITY LIMITS. Charges for water use from the Horton Municipal Water Works and Distribution System to the consumer on a monthly rate shall be as follows:

- (a) The first 1,000 gallons per month - \$7.64;
- (b) The next 4,000 gallons per month, per 1,000 gallons - \$3.82;
- (c) All in excess of 5,000 gallons per month, per 1,000 gallons - \$3.07;
- (d) A minimum charge of \$7.64 per month shall be paid by each water consumer of the city.

(Ord. 998, Sec. 1)

15-317. SAME; CONSUMERS LOCATED OUTSIDE THE CITY LIMITS. Charges for water use from the Horton Municipal Water Works and Distribution System to a consumer located outside the city limits on a monthly rate, shall be as follows:

- (a) The first 1,000 gallons per month - \$11.46
- (b) The next 4,000 gallons per month, per 1,000 gallons - \$5.73
- (c) The next 10,000 gallons per month, per 1,000 gallons - \$4.62
- (d) The next 10,000 gallons per month, per 1,000 gallons - \$3.65
- (e) The next 30,000 gallons per month per 1,000 gallons - \$2.30
- (f) All in excess of 55,000 gallons per month, per 1,000 gallons - \$1.44;
- (g) A minimum charge of \$11.46 per month shall be paid by each consumer located outside the city limits.

Provisions in this section shall not apply to municipalities or rural water districts located outside the city limits. The city may contract with municipalities or rural water districts for such rates as may be mutually agreed upon through a written contract. (Ord. 998, Sec. 2)

15-318. TAPPING FEES. Before the city shall make any new installation for water service to serve any premises with water, there first shall be a tapping fee to the city for water service based on the following schedule:

Size of Service	City	Outside City Limits	Maximum Service Length
3/4 inch	\$ 225	\$ 350	100 feet
1 inch	325	450	80 feet
2 inch	600	850	50 feet
4 inch	1,200	2,000	50 feet
6 inch	2,500	3,000	50 feet

The above fees include a maximum amount of service line from the main to meter as listed. There will be added one-half percent to the fee for each additional foot over the maximum service line length above stated. (Ord. 842)

15-319. AIR CONDITIONERS; CONNECTIONS TO CITY WATER; CITY APPROVAL. It shall be unlawful for any person, firm or corporation to install and/or operate any

air conditioning or refrigeration machine or apparatus which requires a connection with, directly or indirectly, the water system of the city, and which machine or apparatus has a rate capacity in excess of one horsepower or one ton, unless the same shall be of a recirculating type equipped with a cooling tower or similar device for the cooling and recirculating of water. The tower or device shall be first approved by the city water department. (Code 1965, 17-301)

- 15-320. SAME; VIOLATIONS. Any premises with an air conditioner in violation of section 15-319 may be denied water service until the air conditioner conforms to the requirements of 15-319. (Code 1965, 17-302)
- 15-321. REPAIR OF WATER LINES; CITY RESPONSIBILITY. In all commercial and industrial districts located in the city, the city will maintain and repair waterlines up to the location of any valves on the waterlines. The city will not maintain or repair any waterlines located past any such valves whether the waterlines are located within or without any buildings in the city. The city will not maintain or repair any waterlines up to the point of the existing meters, if those meters are located past the valves. (Ord. 931, Sec. 1)
- 15-322. SAME; PROPERTY OWNER RESPONSIBILITY. The property owners, tenants, or other persons affected will be responsible for the maintenance and repair of all waterlines located to a point past the location of any valve, and will be responsible for the maintenance and repair of any waterlines located within any buildings in the city, at any places designated commercial or industrial districts. (Ord. 931, Sec. 2)
- 15-323. SAME; RESIDENTIAL DISTRICTS. (a) In areas of the city designated as residential district the city will maintain and repair waterlines up to the location of the water meter.  
(b) In residential areas of the city, the property owners will be responsible for maintenance and repair of all waterlines past the location of the water meter. (Ord. 931, Secs. 3:4)
- 15-324. CROSS CONNECTIONS; POLICY; DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this article:  
(a) Air Gap Separation means the obstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the 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 ordinance.  
(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 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 consumers' water systems.

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

(n) 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. 921, Sec. 1)

15-325. CROSS CONNECTION CONTROL GENERAL POLICY. (a) Purpose. The purpose of this police 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 systems 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 or the consumer's water system.

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

(b) Application. This article shall apply to all consumers' 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 modifications 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 or 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. 921, Sec. 2)

15-326. 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. 921, Sec. 3)

15-327. 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. 921, Sec. 4)

15-328. 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 principal 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 reasonable 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 where an approved air gap separation or reduced pressure principal 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 representative 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 transmissions 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. 921, Sec. 5)

- 15-329. **BACKFLOW PREVENTION DEVICES.** (a) Backflow prevention devices required by this policy shall be installed to a location and in a manner approved by the city or its authorized representative and the KDHE.
- (1) 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.
  - (2) Double check valve assemblies or reduced pressure 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 ordinance was passed and complies with required inspection and maintenance.

(Ord. 921, Sec. 6)

- 15-330.           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 manufacturers' recommendations.
- (Ord. 921, Sec. 7)

- 15-331.           INSPECTION AND MAINTENANCE. (a) the consumer is required by this 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 principal 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 payment 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 effective without specific authorization by the city or its authorized representative.
- (Ord. 921, Sec. 8)

- 15-332.           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 ordinance to the satisfaction of the city or its authorized representative.

(c) It shall be unlawful for any person to fail to comply with any of the terms or conditions of this article. Any person convicted with a violation of this article, shall upon conviction, be fined not more than \$100. Each day during or on which a violation occurs or continues shall constitute a separate offense.  
(Ord. 921, Sec. 9)

15-333. OUT-OF-CITY CONSUMERS. (a) Definitions. The meanings and terms used in this article are as follows:

(1) Main — That pipe connected to the water system with the city and which carries the principal flow of water to which service pipes can be connected.

(2) Service Line — That pipe which connects to the main and services one consumer.

(b) The city shall provide maintenance and repair of all main water lines currently in existence as of June 3, 1996, serving out-of-city consumers. Property owner will be responsible for service line from point of connection to main.

(c) The city will take ownership of lines upon written consent of all parties connected to main, as of June 3, 1996, and upon receipt of copies of proper easements filed with the County of Brown Register of Deeds Office.

(d) No connections of service lines to the main will be made without approval of the governing body of the city.

(e) A detailed description of each individual main will be kept on file at the office of city clerk/administrator.

Prior to June 3, 1998, the property owner will install a city approved meter at that point where the service line is connected to the main, expense to be borne by property owner. If the property owner fails to install such meter within this time, the city will install meter and the cost of installation will be charged to the property through a property tax lien.

(Ord. 983, Secs. 1:7)

#### **ARTICLE 4. SEWER USE REGULATIONS**

15-401. DEFINITIONS. Unless otherwise indicated by the specific context, the meanings of the terms used in this article are as follows:

(a) ASTM - The American Society of Testing Materials for publications thereof.

(b) BOD (denoting Biochemical Oxygen Demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

(c) Building Drain - 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 two feet outside the building wall.

(d) Building Sewer - The extension from the building drain to the public wastewater collection system or other place of disposal.

(e) City - The City of Horton, Kansas.

- (f) Combined Sewer - A sewer receiving both surface runoff and sewage.
- (g) Garbage - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (h) Governing Body The mayor and city commission of the City of Horton, Kansas.
- (i) Health Officer - A person having public health responsibility by the State of Kansas and/or by Brown and Atchison County.
- (j) Industrial Cost Recovery (ICR) - Recovery by the governing body from the industrial users of a treatment works and collection system of the grant amount allocable to the treatment and collection of wastes from such users.
- (k) Industrial Cost Recovery Period - The industrial cost recovery period shall be equal to 20 years or to the period to which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such wastes.
- (l) Industrial User. (1) Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standards Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:  
Division A. Agriculture, Forestry and Fishing.  
Division B. Mining.  
Division D. Manufacturing.  
Division E. Transportation, Communications, Electric, Gas and Sanitary Services.  
Division I. Services.
- (A) In determining the amount of a user's discharge for purposes of ICR, domestic wastes or discharges from sanitary conveniences may be excluded.
- (B) After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding 25,000 gpd or the weight of BOD or SS equivalent to that found in 25,000 gpd of sanitary waste was considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency are wastes discharged from average residential user in the service area without regard to considering the effect of dilution caused by infiltration and/or inflow. The strength of the average residential waste discharged within the service areas has been determined to be 210 milligrams per liter of BOD and 280 milligrams per liter of SS.
- (2) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any wastewater treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works, and/or
- (3) All commercial users of an individual system constructed with grant assistance under section 201(h) of the Clean Water Act of 1977.
- (m) Industrial Wastes - The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary wastewater.
- (n) Natural Outlet - Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

(p) Person - Any individual, firm, company, association, society, corporation or group.

(q) pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(r) Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food which 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 ½ inch (1.27 centimeters) in any dimension.

(s) Public Sewer - A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

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

(u) Residential User - Any contributor to the city's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

(v) Sanitary Sewer - A sewer which carries wastewater and to which storm, surface and groundwater are not intentionally admitted.

(w) Sanitary Officer - The sanitation officer of the City of Horton, Kansas and for his or her authorized deputy, agent or representative.

(x) Sewer - A pipe or conduit for carrying wastewater.

(y) Shall is mandatory, May is permissive.

(x) Slug - Any discharge of water, wastewater or industrial waste which is concentration of any given constituent or in which the quantity of flow for any period of duration longer than 15 minutes exceeds more than five times the average 24 hour concentration or flow quantities during normal operation.

(aa) Storm Drain (Storm Sewer) - A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

(bb) Suspended Solids (SS) - Solids that either float on the surface of, or are suspended in water, sewage or other liquids and which are removable by laboratory filtering.

(cc) Watercourse - A channel in which a flow of water occurs, either continually or intermittently.

(dd) Uniform Plumbing Code - The latest revision of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.

(ee) Useful Life - The estimated period during which a sewage treatment plant will be operated; for said city the design life of 20 years shall be used.

(ff) Wastewater - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters that may be present.

(gg) Wastewater Collection System - Each, and all, of the common lateral sewers, within a publicly-owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection fittings designed for connection with those facilities which convey wastewater from

individual structures or from private property to the public lateral sewer or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized lines, for individual structures or groups of structures when such units are cost effective and are owned and maintained by the city.

(hh) Wastewater Treatment Facility - Any devices and systems used in the storage, treatment, recycling and reclamation of municipal wastewater or industrial wastes of a liquid nature to implement section 201 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L 92-500) and Pub. L. 93-243, or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including intercepting sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as stand-by treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

(ii) WPCF - The Water Pollution Control Federation or publications thereof. (Ord. 833, Art. 1, Secs. 1:35)

15-402. UNLAWFUL SEWAGE DEPOSITS. (a) It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage or other objectionable waste in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city.

(b) It shall be unlawful to discharge any wastewater or other polluted waters into any natural outlet except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Ord. 833, Art. II, Secs. 1:2)

15-403. PRIVIES; SEPTIC TANKS. 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 wastewater. (Ord. 833, Art. II, Sec. 3)

15-404. CONNECTIONS REQUIRED. (a) The owner(s) of all houses, buildings or properties used for human occupancy, employment recreation or other purposes, situated within the city and abutting any street, alley or right-of-way in which there is now located or may be located in the future, a sanitary sewer of the city is hereby required to install, at his or her expense, toilet facilities therein and to connect such facilities directly with the proper public wastewater collection system in accordance with the provisions of this article within 90 days after the official notice to do so, provided that the public wastewater collection system is within 150 feet of the property line.

(b) No sewer connection will be permitted for areas outside the city limits until the developer or owner obtains approval from the governing body. Any sewer lines needed to connect with existing city sewer mains and laterals must conform to city and state specifications for same.

(Ord. 833, Art. II, Secs. 4:5)

- 15-405. CITY MAY CONNECT. Any person or person who shall fail, neglect or refuse to so connect any building or buildings with the sewer system of the city as herein provided for, for more than 10 days after being notified in writing by the board of health of the city to do so, the city may cause the premises and building to be connected with the sewer system. (K.S.A. 12-631; Code 1992)
- 15-406. CONTRACT FOR CONNECTION. Whenever it becomes necessary for the city to cause any premises, building or buildings to be connected with the sewer system the city shall advertise for bids for the construction and making of the sewer connection and shall contract therefor with the lowest responsible bidder or bidders and cause the premises to be connected with the sewer system and the costs and expenses thereof shall be assessed against the property and premises so connected, such assessment to be made in the same manner as other special assessments are made. (K.S.A. 12-631; Code 1992)
- 15-407. PRIVATE DISPOSAL SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-407, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article. This article shall not apply to temporary or seasonal housing accommodations, such as campers, trailers, motor homes, and tents, located on public lands, owned or controlled by the city. Private wastewater disposal systems for these temporary or seasonal accommodations are prohibited. (Ord. 1021, Sec. 2)
- 15-408. SAME; PERMIT, FEES. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the sanitation officer. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of \$50 shall be paid to the city clerk at the time the application is filed. (Ord. 833, Art. III, Sec. 2)
- 15-409. SAME; INSPECTION. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the sanitation officer. 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 sanitation officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 96 hours of the receipt of notice by the sanitation officer or his or her representative. (Ord. 833, Art. III, Sec. 3)
- 15-410. SAME; SPECIFICATIONS. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Kansas Department of Health and Environment. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet, when a public water supply is used. In the case of a private water supply, the minimum lot size will be 40,000 square feet. No septic tank or cesspool system shall be permitted to discharge to any natural outlet. (Ord. 833, Art. III, Sec. 4)

- 15-411. SAME; CONNECTION TO PUBLIC SYSTEM. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in section 15-410, a direct connection shall be made to the public wastewater collection system in compliance with this article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned and filled according to section 15-414. (Ord. 833, Art. III, Sec. 5)
- 15-412. SAME; MAINTENANCE. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all time, at no expense to the city. (Ord. 833, Art. III, Sec. 6)
- 15-413. SAME; ADDITIONAL REQUIREMENTS BY HEALTH OFFICER. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 833, Art. III, Sec. 7)
- 15-414. SAME; REFILLING. When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private wastewater disposal system shall be cleaned of sludge and filled with clean bank-run gravel, locally available chat, or soil. (Ord. 833, Art. III, Sec. 8)
- 15-415. INSTALLATION, CONNECTION PERMITS. (a) 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 superintendent.
- (b) There shall be two classes of building sewer permits:
- (1) For residential and commercial service, and
- (2) 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 by any plans, specifications, or other information considered pertinent in the judgment of the sanitation officer. A permit and inspection fee of \$50 for a residential or commercial building sewer permit and \$100 for an industrial building sewer permit shall be paid to the city clerk at the time the application is filed. (Ord. 833, Art. IV, Secs. 1:2)
- 15-416. SAME; COSTS BORNE BY OWNER. 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. 833, Art. IV, Sec. 3)
- 15-417. SEPARATE SEWER FOR EVERY BUILDING. A separate and independent building sewer shall be provided for every building (see 15-404); except where one building standards at the rear of another on an interior lot and no private sewer is available or can be construed to the rear building through an adjoining alley, courtyard, 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. 833, Art. IV, Sec. 4)

- 15-418. 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 sanitation officer to meet all requirements of this article. (Ord. 833, Art. IV, Sec. 5)
- 15-419. SEWER SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating and backfilling the trench, installing jointing, and testing the building sewer, shall conform to the Uniform Plumbing Code as hereinafter modified.
- (a) Minimum internal pipeline diameter for all building sewers shall be four inches (10.2 CM).
  - (b) Building sewers shall be constructed of one of the following pipeline materials:
    - (1) Extra-strength vitrified clay pipeline and fittings conforming to ASTM C 700.
    - (2) Polyvinyl chloride (PVC) gravity sewer pipe and fittings, Type PSP or PSM conforming to ASTM Standards D 3033 or D 3034. All PVC sewer pipe shall be at least Schedule 40.
    - (3) ABS composite sewer pipe conforming to ASTM D 2680.
    - (4) Reinforced plastic mortar pipe conforming to ASTM D 3262.
    - (5) Cast or ductile iron pipe with a minimum pressure rating of 150 pounds per square inch conforming to Federal Specification WW-P421b, or ANSI A21.51, A21.6 or A21.8, except that iron used in the manufacture of pipe shall have minimum design strength value, in pounds per square inch, of 21,000 for bursting strength and 45,000 for modulus of rupture.
- (Ord. 833, Art. IV, Sec. 6)
- 15-420. SEWER ELEVATION. 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 to the public collection system, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 833, Art. IV, Sec. 7)
- 15-421. DOWNSPOUTS, DRAINS. No person shall make connection of roof downspouts, exterior or interior foundation drains, areaway drains, areaway drains, sump pumps, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public wastewater collection system. (Ord. 833, Art. IV, Sec. 8)
- 15-422. CONNECTION TO PUBLIC SYSTEM. The connection of the building sewer into the public wastewater collection system shall conform to the requirements of the Uniform Plumbing Code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the sanitation officer before installation. (Ord. 833, Art. IV, Sec. 9)
- 15-423. INSPECTION BEFORE CONNECTION TO PUBLIC SYSTEM. The applicant for the building sewer permit shall notify the sanitation officer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the sanitation officer or his or her representative, within 96 hours of the receipt of the notice. (Ord. 833, Art. IV, Sec. 10)

- 15-424. BARRICADES AND LIGHTS. 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. 833, Art. IV, Sec. 11)
- 15-425. STORM AND SURFACE WATER. (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.  
(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet as approved by the sanitation officer. Such flows are also subject to federal and state regulations. (Ord. 833, Art. V, Secs. 1:2)
- 15-426. UNLAWFUL 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 liquid, solid, or gas.  
(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.  
(c) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other property capable of causing damage or hazard to structures, equipment, and personnel of the treatment works.  
(d) Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in sewers, or other interference with the proper operation of the treatment 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 fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 833, Art. V, Sec. 3)
- 15-427. SAME; DISCRETION OF SANITATION OFFICER. 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, wastewater 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 wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plan, and other pertinent factors. The substances prohibited are:  
(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade).  
(b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 milligrams per liter or containing substances

which may solidify or 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 (.076 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid 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 wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials, or pretreatment requirements established by state, federal, or other public agencies of jurisdiction for such discharge.

(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 sanitation officer as necessary, after treatment of the composite wastewater to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge.

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

(h) 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 not limited to, sodium chloride and 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 wastewater treatment works.

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

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

(j) Any waters or wastes having a five-day BOD greater than 300 milligrams per liter, or containing more than 350 milligrams per liter of suspended solids, or having an average daily flow greater than two percent of the average wastewater flow of the city, shall be subject to the review of the sanitation officer. Where necessary, in the opinion of the sanitation officer the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the BOD to 300 milligrams per liter, or reduce the suspended solids to 350 milligrams per liter, or 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 sanitation officer and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. 833, Art. V, Sec. 4)

- 15-428. SAME; PROCEDURE. If any waters or wastes are discharged, or are proposed to be discharged to the public wastewater collection system, which waters contain the substances or possess the characteristics enumerated in section 15-427, and which in the judgment of the sanitation officer may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or would otherwise create a hazard to life or constitute a public nuisance, the superintendent may:
- (a) Reject the wastes,
  - (b) Require pretreatment to an acceptable condition for discharge to the public wastewater collection system,
  - (c) Require control over the quantities and rates of discharge, and/or,
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or user charges.
  - (e) If the sanitation officer 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 sanitation officer and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 833, Art. V, Sec. 5)
- 15-429. INTERCEPTORS. 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. 833, Art. V, Sec. 6)
- 15-430. PRETREATMENT AT OWNERS EXPENSE. Where preliminary treatment of flow-equalizing facilities are provided for any water wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his or her expense. (Ord. 833, Art. V, Sec. 6)
- 15-431. INSPECTIONS, MANHOLES. (a) When required by the sanitation officer the owner of any property serviced 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 construed 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.
- (b) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be performed by a laboratory approved by the sanitation officer and 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 the constituents upon the treatment 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 building sewers of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all building sewers whereas pH's and heavy metals are determined from periodic grab samples.

(d) Any pretreatment standards as established by state, federal, or other public agencies of jurisdiction for such discharge will be used as the minimum requirements by the sanitation officer as applied to this section.  
(Ord. 833, Art. V, Secs. 8:10)

15-432. VANDALISM. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal wastewater collection system and treatment facility. (Ord. 833, Art. VI, Sec. 1)

15-433. ENTERING PREMISES; INSPECTIONS. (a) The sanitation officer 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 sanitation officer shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Any report, record, or information taken for purposes of administering this article shall remain confidential to the sanitation officer, except that such report, record, or information may be disclosed to other officials, employees, or authorized representatives of the city and except for such effluent information as may be required by federal and state regulations.

(b) While performing the necessary work on private properties referred to in (a) above, the sanitation officer 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 15-431.

(c) The sanitation officer 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 wastewater collection system lying within said 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. 833, Art. VII, Secs. 1:3)

15-434. INDUSTRIAL COST RECOVERY. (a) Any industrial user requesting sewer service after March 30, 1981, shall establish or cause to be established the quality, quantity and peak flow rate characteristics of the user's wastewater and shall present this information to the sanitation officer in such a manner that the sanitation officer shall determine if an industrial cost recovery (ICR) rate shall be

established for the user. The cost of establishing these characteristics shall be paid for by the user.

(b) Under the ICR program, any industrial user's share shall be based on all factors which significantly influence the cost of the wastewater collection and treatment system, such as quality, volume, and delivery flow rate characteristics. Such characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to the industrial user's use, or capacity firmly committed for its use, and shall not include an interest component. As a minimum, an industrial user's share shall be proportional to its flow in relation to the treatment works flow.

(c) Whenever current standards, regulations or guidelines are altered by any governmental agency in such a manner as to cause an expansion and/or upgrading of the treatment works which are not covered by user's fees, and require federal grant moneys, each industrial contributor's ICR fee will be adjusted in accordance with the current regulations to reflect the costs of expanding and/or upgrading the treatment works.  
(Ord. 833, Art. VIII, Secs. 1:3)

15-435. USER CHARGES. Charges for sewer use from the Horton Municipal Sanitation Plant and Collection System to the user on a monthly rate shall be as follows:

(a) The minimum charge per month shall be \$7.50.

(b) In addition, the user charge shall be \$1.50 per thousand gallons of water used.

(c) In the event a lot, parcel of land, premise or facility discharging wastewater, industrial process waste, water or other liquids, either directly or indirectly into the city's wastewater collection and treatment system or which eventually enters the system, is supplied with water from any source other than from the city's municipal water system, then the sewer user charge will be estimated at 100 gallons per capita per day for residential users. For all other users, the owner of land, premises or facility shall install, and maintain at his or her own expense, a water meter approved by the city's water department. This meter(s) shall serve as a control for the establishment of the sewer user charge and shall be accessible to the city's meter readers.

(d) Where more than one water meter is installed for service to one industry or commercial business located at a single site or adjoining sites, only one minimum monthly charge shall apply.

(e) Where it can be established that a user had a water leak during the billing cycle, the user charge may be adjusted by the city clerk by using the average of the previous three months water use.

(Ord. 997, Sec. 1)

15-436. SAME; ANNUAL REVIEW. The city shall annually review user charges and revise them, if necessary to reflect, as a minimum, the following conditions:

(a) User charges shall maintain a proportional distribution of operation, maintenance and replacement (OM&R) costs among all users and/or user classes;

(b) User charges shall generate adequate revenues to pay the costs of OM&R.

(c) All end of year balances collected through user charges to pay for OM&R must be carried over to the next year and user charges adjusted accordingly.

(Ord. 833, Art. IX, Sec. 6)

- 15-437. SAME; BILL; PAYABLE. (a) The city shall annually notify each user with a regular bill, of the rate and that portion of user charges which are attributable to wastewater treatment.
- (b) The wastewater service charge shall be due and payable from and after the date of the bill on which the charge is shown. Payment shall be made to the city and must be paid in full at the same time as payment for water service. (Ord. 833, Art. IX, Secs. 7:8)
- 15-438. HOOK-UP CHARGE TO WASTEWATER FACILITIES. Ordinance 832 establishing a hook-up charge for future hook-ups to the wastewater facilities constructed pursuant to the Environmental Protection Agency Project Nos. C20054103 and C20054104 and Resolution Nos. 114 and 115 establishing benefit districts in the city for the purpose of providing partial payment of the construction of the aforementioned project are hereby incorporated by reference as if the same had been set out in full herein. (Code 1992)
- 15-439. PENALTIES. (a) Any person found to be violating any provision of this ordinance except section 15-432 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$100 for each violation, or a jail sentence not exceeding 30 days, or by both such fine and incarceration. If the conviction is for a violation committed after a first conviction of such person under this section, punishment shall be a fine not exceeding \$300 per day of such violation, together with imprisonment of not more than 90 days as may be assessed by the court for each day of violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city, by reason of such violation, including such fines, penalties and other costs which may be assessed to the city for violation of wastewater treatment plant effluent requirements, where such violation is created by a user of the treatment works who, in turn, is in violation of city, state, or federal regulations. (Ord. 833, Art. X, Secs. 1:3)

## ARTICLE 5 SOLID WASTE

- 15-501. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:
- (a) Commercial Waste. All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.
- (b) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;

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

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

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

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

(g) Rubbish or Trash. All nonputrescible material 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. 967, Sec. 1)

15-502. COLLECTION. All solid waste accumulated within the city shall be collected, conveyed by the city or by contractor specifically authorized to collect and dispose of solid waste. (Ord. 967, Sec. 2)

15-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Ord. 967, Sec. 3)

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 unless, however, any contractor engaged by the city to remove solid waste, provides as a part of that contract such a container. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Ord. 967, Sec. 4)

15-505. CONTAINERS. Residential containers shall have a capacity of not more than 96 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. All garbage shall be drained of all liquids before being placed in containers. (Ord. 967, Sec. 5)

15-506. RIGHT OF ENTRY. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 967, Sec. 6)

15-507. OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle

with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Ord. 967, Sec. 7)

15-508. 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. (Ord. 967, Sec. 8)

15-509. HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

- (a) Explosive materials;
- (b) Rags or other waste soaked in volatile and flammable materials;
- (c) Chemicals;
- (d) Poisons;
- (e) Radio-active materials;
- (f) Highly combustible materials;
- (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
- (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.

(Ord. 967, Sec. 9)

15-510. 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 her or under his or her control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
- (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
- (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
- (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.

(Ord. 967, Sec. 10)

15-511. OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Ord. 967, Sec. 11)

15-512. 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. (Ord. 967, Sec. 12)

15-513. PRIVATE COLLECTORS; LICENSE REQUIRED. (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Ord. 967, Sec. 13)

15-514. CLOSED VEHICLE. Any vehicles used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. The 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. (Ord. 967, Sec. 11)

15-515. RULES AND REGULATIONS. The collection and transportation of trash and waste materials shall be at all times under the general supervision of the city administrator 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. (Ord. 967, Sec. 15)

15-516. RATES. The individual household rate for residential trash collection utility program shall be \$9.50 per month, of which \$9 will be paid as a franchise fee to the contractor and which \$.50 shall be retained by the city as an administrative fee. These rates shall be reviewed annually, January 1<sup>st</sup>, by the city, and changed as determined by the governing body; provided, however, that the franchise fee to be paid to the contractor shall not exceed three percent of the collection fee paid to the contractor and/or one-half of any landfill increased. (Ord. 977)

15-517. PAYMENT. Residents will receive invoices for payment of the residential trash utility collection fee on a regular basis. Payment in full will be due upon receipt of the invoice, and any payments made after the final due date shall be subject to a late payment penalty. (Ord. 977)

15-518. 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. (Ord. 967, Sec. 18)

15-519. LOCATION OF TRASH CONTAINERS. The city reserves the right to designate the location and length of time refuse containers can be placed in the front yard of any premises. Containers may be set as close as practical to the curb collection site no earlier than 6:00 p.m. the day before scheduled trash collection and must be removed to a location concealed from the street in front of each residence or business establishment no later than 8:00 a.m. the day after scheduled trash collection day. If no one is designated as responsible for the removal of the container, then the owner of the property or the tenant of rental

property shall be responsible to see that the container is removed from the curb in front of each residence or business establishment. (Ord. 1000, Sec. 1)

- 15-520. VIOLATION; PENALTY. Any person, firm, partnership or corporation violating any of the provisions of this section shall be subject to penalty. (Ord. 1000, Sec. 1)

## ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an watch, warning or emergency is declared. (Ord. 1013, Sec. 1)

- 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.

(Ord. 1013, Sec. 2)

- 15-503. DECLARATION OF WATER WATCH. Whenever the governing body of the city finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended., The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper. (Ord. 1013, Sec. 3)

- 15-504. DECLARATION OF WATER WARNING. Whenever the governing body of the city finds that drought conditions or some other condition causing a major

water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolution declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. (Ord. 1013, Sec. 4)

15-605.           **DECLARATION OF A WATER EMERGENCY.** Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 1013, Sec. 5)

15-606.           **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or water warning as provided in sections 15-603:604, the mayor (or city manager) 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.

(Ord. 1013, Sec. 6)

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

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

(Ord. 1013, Sec. 7)

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

conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) Higher charges for increasing usage per unit of the use (increasing block rates);
  - (b) Uniform charges for water usage per unit of use (uniform unit rate); or
  - (c) Extra charges in excess of a specified level of water use (excess demand surcharge).
- (Ord. 1013, Sec. 8)

15-609. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-605, the mayor (or city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 1013, Sec. 9)

15-610. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to sections 15-607 or 15-609, 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.  
(Ord. 1013, Sec. 10)

15-611.           EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 1013, Sec. 11)