

CHAPTER XV. UTILITIES

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

ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer and other utility services provided by the city. (Ord. 587; Code 1988)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 1988)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address.
- (b) The notice shall state:
- (1) The name and address of the customer where service is provided;
 - (2) The account number;
 - (3) The amount due, including delinquency charge;
 - (4) Notice that the service will be terminated if the amount due is not paid by the 20th of the month, or, if the 20th is on a Saturday, Sunday or legal holiday, the next business day following;
 - (5) Notice that the customer has the right to a hearing before the designated hearing officer;
 - (6) Notice that the request for a hearing must be to the city clerk within five days of the date of notice.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Code 1988)
- 15-104. SAME; FINDING. If the hearing officer finds that service should be terminated, an order shall be issued terminating service. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested or by attaching the order in a conspicuous location at the service address. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension for the termination of such service. (Ord. 587; Code 1988)

15-105.

UTILITY DEPOSIT. (a) If the customer is not the owner of the property, the customer shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service. Receipt thereof shall be issued to each such depositor.

(b) Cash deposits for the indicated utility services shall be made by the customer in the following amounts:

- (1) Water and Sewer Service - \$30.00;
- (2) Electric Service - \$150.00
- (3) Commercial electric and water and sewer deposits - one and one-half times the average monthly bill at that address. If no average can be established for such address, then the deposit shall be \$150.00 for electric and \$30.00 for water and sewer.

(c) The deposit so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the "meter deposit fund". Interest shall be payable at the rate determined by the state corporation commission yearly and credited to the customer's account once each calendar year. Interest due and accrued shall not draw interest.

(d) Following payment of the final billing for a utility service the deposit and interest accrued shall be refunded to the customer, or it may be credited on the payment of the final bill, if so requested in advance by the customer.

(e) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the water or electric fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended.

(f) Any customer requesting utility service who previously had utility service with the city but had such service discontinued for nonpayment of the utility bill or failed to pay a final bill, shall make a cash deposit before any utility service is extended in the amount up to double of the highest previous utility bill of the customer or amounts listed in subparagraphs (b) (1), (2), and (3) whichever is greater.
(Ord. 674; Code 2014)

15-106.

DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY.

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

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

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

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

(e) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
(Code 2014)

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

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

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

(d) The city may collect the amount of the unpaid bill for utility services by any lawful means. Provided, however, that in no event may the city place a lien, as provided in subsection (b) of 15-106, on real estate of the lessor.
(Code 2014)

15-108. PARTIAL PAYMENT. Partial payment on combined utility bills may be made if accepted by the city and the customer identifies how partial payment is to be prorated across the combined utility bill due. (Code 1988)

15-109. PETTY CASH FUND. A petty cash fund in the amount of \$500 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payments of accounts. (Code 2014)

15-110. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 2014)

15-111. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers to the governing body for review and allowance of the amounts from the regular funds of the utilities. (Code 1988)

15-112. BAD DEBT ADMINISTRATIVE CHARGES. All bills which are determined to be bad debt and are turned over for outside collection, including the State of Kansas set off program, shall be subject to a fee of twenty-five percent (25%) of the total of the delinquent amount. This bad debt administrative charge shall be applied prior to referral for collection. (Ord 675; Code 2014)

ARTICLE 2. WATER

- 15-201. SUPERINTENDENT OF WATER. The general management, care, control and supervision of the city water system shall be in the city superintendent. (Ord. 225; Code 1988)
- 15-202. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1988)
- 15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1988)
- 15-204. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located public water mains, is hereby required at his or her own expense to make connection to such public water main.
(b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 1988)
- 15-205. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.
(b) The application shall:
(1) Contain an exact description including street address of the property to be served;
(2) State the size of tap required;
(3) State the size and kind of service pipe to be used;
(4) State the full name of the owner of the premises to be served;
(5) State the purpose for which the water is to be used;
(6) State any other pertinent information required by the city clerk;
(7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.
(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207. (Code 1988)
- 15-206. TAPS; INSTALLATION AND MAINTENANCE. (a) All taps shall be made by city employees only.
(b) All water service line installation and maintenance shall be done by the owner of the property at the owner's expense. (Code 1988)
- 15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be the actual cost of labor and materials incurred by the city. (Code 1988)

- 15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1988)
- 15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1988)
- 15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining permission from the city clerk or city superintendent.
(Code 2014)
- 15-211. METERS. Except where placed otherwise by the city superintendent, meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city. (Code 1988)
- 15-212. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10.00 will be made to the customer.
(Code 1988)
- 15-213. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off.
(Code 1988)
- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. If a service line leak is discovered between the meter and the main, the repairs shall be made by authorized city employees at the owner's expense. (Code 1988)
- 15-215. DISCONNECTION, RECONNECTION CHARGE (a) Any customer whose service is disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, penalty thereon, and the reconnection charge of \$25.
(b) Payment of a \$20 trip charge if city utility person goes to the premises to disconnect and utility customer says they will (A) pay or (B) make arrangement with the office to pay.
(c) Saturday, Sunday and city holidays and after normal working hours 8:00 a.m. to 5:00 p.m. connection fees of \$40 per meter.
(Ord. 645; Code 2014)

- 15-216. UTILITY DEPOSIT. Any customer required to make a cash deposit shall do so at the time of making application for water service, in the amount and manner specified in section 15-105. (Code 1988)
- 15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 1988)
- 15-218. PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:
- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
 - (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;
 - (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.
- (Code 1988)
- 15-219. WATER RATIONING. The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the governing body determines the public exigency so requires. (Code 1988)
- 15-220. SAME; PROCEDURE. Whenever the governing body determines that water use must be restricted or prohibited, it shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation. (Code 1988)
- 15-221. SAME; PRIORITY USE. In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:
- (a) Water lawns, gardens, trees, shrubs, plants and water outside dwellings for such purposes as car, boat, or trailer washing or washing exterior of dwellings;
 - (b) Industrial uses of water, including but not limited to car was operations and packing plant operations;
 - (c) Business use, other than industrial;
 - (d) Home uses other than those set forth in subsection (a). (Code 1988)
- 15-222. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Ord. 470, Code 1988)
- 15-223. RATES. The rates per month for the use of water in the city shall be as follows:
- (a) Customers within the city:
 - First 200 cu. ft. - \$16.00
 - All over 200 cu. ft. - \$3.50/100 cu. ft.
 - MINIMUM - \$16.00 per month per service connected
 - (b) Customers outside the city:
 - First 200 cu. ft. - \$19.00
 - All over 200 cu. ft. - \$4.00/100 cu. ft..
 - MINIMUM - \$19.00 per month per service connected
- (Ord. 691; Code 2014)

- 15-224. **PAYMENT OF BILLS; LATE PAYMENT CHARGE.** (a) Utility bills shall be mailed on approximately the last day of each month for the previous utility service period. All billings for utility services shall be due and payable at the office of the city clerk on the 1st day of the month and must be paid in full by the 10th day of the month. Failure to make payment before the 11th day of the month shall result in the mailing of an account delinquency and service discontinuation notice.
- (b) All bills delinquent after the 10th day of the month of the billing shall be subject to a 10 percent late payment charge. (Ord. 587; Code 1988)
- 15-225. **DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY.** Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1988)
- 15-226. **USE DURING FIRE.** No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1988)
- 15-227. **CROSS CONNECTION CONTROLS AND BACKFLOW PREVENTION; DEFINITIONS.**
- (a) Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to 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 backflow from the second system to the public 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 consumers' water systems.

(m) Public water supply system means the public water system and the consumers' water systems.

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

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

(Ord. 600; Code 2014)

15-228.

SAME; CROSS CONNECTION CONTROL GENERAL POLICY.

(a) Purpose. The purpose of this policy is:

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

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

(b) Application. This article shall apply to all consumers' water systems. The city may also require cross connections of other KDHE permitted public water supply systems served by the city.

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

If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be give to the consumer. The consumers shall immediately comply by providing the required protection at his 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.600; Code 2014)

15-229.

SAME; 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. 600; Code 2014)

15-230. SAME; 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 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. 600; Code 2014)

15-231. SAME; WHERE PROTECTION IS REQUIRED. (a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in judgment of the city or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

(b) An approved air gap separation or reduced pressure principle backflow prevention device shall 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 or cross connections being established or re-established.
- (5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
- (6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
- (7) Premises where toxic or hazardous materials are handled.

(c) The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the city or its authorized 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 transmission properties
 - (18) Plating plants
 - (19) Power plants
 - (20) Research and analytical laboratories
 - (21) Sewage and storm drainage facilities—pumping stations and treatment plants
 - (22) Veterinary clinics
- (Ord. 600; Code 2014)

15-232. SAME; BACKFLOW PREVENTION DEVICES. Any backflow prevention device required by this ordinance shall be of a model or construction approved by the city or its authorized representative and the KDHE.

(a) 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.

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

(c) The following devices are recognized for cross connection control and backflow prevention by the Kansas Department of Health & Environment and are published as part of this ordinance.

(1) Reduce Pressure Principal Backflow Preventer contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss (10 psi or more) must be tested and inspected annually. Repaired as necessary.

(2) Double check valve assembly contains two soft seated independently acting check valves in series. Shut off valves before and after device. Adequate for non toxic applications only. Minor pressure loss. Must be inspected and tested annually. Repaired as necessary.

(3) Pressure vacuum breaker must be installed a minimum of 12 inches above highest point of usage. No back pressure, only back siphonage. Can operate under constant pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary.

(4) Atmospheric vacuum breaker must be installed a minimum of 6 inches above highest point of usage. No back pressure, only back siphonage. Not for use under constant pressure. Shut off valve must be located ahead of vacuum breaker. Must be inspected annually and repaired as necessary.
(Ord. 600; Code 2014)

15-233. SAME; INSTALLATION. (a) Backflow prevention devices required by this policy shall be installed at a location and in manner approved by the city or its authorized agent. All devices shall be installed at the expense of the consumer, unless the city or its authorized representative agrees otherwise.

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

(c) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.
(Ord. 600; Code 2014)

15-234. 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 twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty months.

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

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

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

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

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

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

(Ord. 600; Code 2014)

15-235.

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. (Ord. 600; Code 2014)

ARTICLE 3. ELECTRICITY

- 15-301. SUPERINTENDENT OF WATER AND LIGHT. The general management, care, control and supervision of the city electric system shall be in the city superintendent. (Ord. 225; Code 1988)
- 15-302. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal electric system of this city shall apply in writing to the city clerk, on a form furnished by the city clerk for that purpose, for a permit to make such connection.
(b) Such application shall contain an exact description of the property to be served and the uses to which such electricity is to be put.
(c) Each application for a connection shall be accompanied by payment of feeds and/or costs specified in section 15-312. (Code 1988)
- 15-303. METER: REGULATIONS. (a) All electricity furnished by the municipal light plant shall be measured by meters furnished, installed and maintained by the city for that purpose and every consumer shall provide a suitable place for the installation of the same.
(b) For the purpose of reading meters, duly authorized employees of the municipal light and water department of the city may legally enter any premises at any reasonable hour. (Code 1988)
- 15-304. CONNECTIONS. All connections to the municipal electric system shall be made by the city superintendent or his or her authorized representative. All service line installation and maintenance shall be done by the city at the expense of the property owner. (Code 1988)
- 15-305. DISCONNECTION, RECONNECTION CHARGE. (a) Any customer whose service is disconnected for nonpayment of a delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereto, and the reconnection charge of \$25.
(b) Payment of a \$20 trip charge if city utility person goes to the premises to disconnect and utility customer says they will (a) pay or (b) make arrangements with the office to pay.
(c) Saturday, Sunday and city holidays and after normal working hours 8:00 a.m. to 5:00 p.m. connection fees of \$40 per meter. (Ord. 645; Code 2014)
- 15-306. TAKING SERVICE WITHOUT AUTHORITY PROHIBITED. It shall be unlawful for any person, firm or corporation to take any electric service from the municipal electric system except where lawfully authorized and where such electricity is passing through a city meter. (Ord. 417; Code 1988)
- 15-307. UTILITY DEPOSIT. Any customer required to make a cash deposit shall do so at the time of making application for electric service in the amount and manner specified in section 15-105. (Code 1988)

15-308. PAYMENT OF BILLS; LATE PAYMENT CHARGE. (a) Utility bills shall be mailed on approximately the last day of each month for the previous utility service period. All billings for utility service shall be due and payable at the office of the city clerk on the first day of the month and must be paid in full by the 10th day of the month. Failure to make payment before the 11th day of the month shall result in the mailing of an account delinquency and service disconnection notice.

(b) All bills delinquent after the 10th day of the month of the billing shall be subject to a 10 percent late payment charge. (Ord. 587; Code 1988)

15-309. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Electric service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1988)

15-310. RATES. Electric rates shall be as follows:

(a) City Residential Service:

\$7.00 Monthly Service Charge, plus
\$.13 per kWh for all kWh used per month

(b) City Commercial Service:

\$8.00 Monthly Service Charge, plus
\$.141 per kWh for all kWh used per month

(c) Large Power Service:

\$16.00 Monthly Service Charge, plus
\$.136 per kWh for all kWh used per month

To qualify for Large Power Service rate, customer must use not less than 240,000 kWh per year.

(d) Rural Residential Service:

\$8.00 Monthly Service Charge, plus
\$.14 per kWh for all kWh used per month

(e) Rural Commercial Service:

\$9.00 Monthly Service Charge, plus
\$.146 per kWh for all kWh used per month

(f) City Residential Service - Dusk to Dawn Yardlights:

175 Watt Merc. Vapor - \$9.75 per month
250 Watt Merc. Vapor - \$13.65 per month
100 Watt HP Sodium - \$5.85 per month
250 Watt HP Sodium - \$12.35 per month

(g) City Commercial Service - Dusk to Dawn Yardlights:

175 Watt Merc. Vapor - \$10.60 per month
250 Watt Merc. Vapor - \$14.80 per month
100 Watt HP Sodium - \$6.35 per month
250 Watt HP Sodium - \$13.40 per month
400 Watt HP Sodium - \$21.15 per month

(h) Rural Residential Service - Dusk to Dawn Yardlights:

175 Watt Merc. Vapor - \$10.50 per month
250 Watt Merc. Vapor - \$14.70 per month
100 Watt HP Sodium - \$6.30 per month
250 Watt HP Sodium - \$13.30 per month

(i) Rural Commercial Service - Dusk to Dawn Yardlights:

175 Watt Merc. Vapor - \$10.95 per month
250 Watt Merc. Vapor - \$15.35 per month
100 Watt HP Sodium - \$6.60 per month
250 Watt HP Sodium - \$13.90 per month

(Ord. 704; Code 2014)

- 15-311. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of electricity through any of its connecting services at any time except only when its power service connections are in good working order, and the supply of electricity is sufficient for the usual demand of its customers. (Code 1988)
- 15-312. CONNECTION FEES. The fees for connection to the city electrical system shall be the actual cost of labor and materials incurred by the city. (Code 1988)
- 15-313. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10.00 will be made to the customer. (Code 1988)
- 15-314. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any connection in any manner so that electricity supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the electrical department to turn any meter on or off. (Code 1988)
- 15-315. INTERRUPT SERVICE. The city reserves the right to interrupt electrical service for the purpose of making repairs or extensions to electric lines or equipment. (Code 1988)
- 15-316. REGULATIONS REGARDING THE APPLICATION, INSTALLATION AND OPERATION OF CUSTOMER-OWNED ELECTRIC GENERATING FACILITIES.
The city, without limiting or altering its statutory and legal authority as a Kansas municipal utility, desires to adopt and place in effect standards and controls for interconnection, installation and operation of customer owned electric generating facilities within the city and within the city's electric utility customer areas. The city therefore adopts and incorporates by reference the following listed documents which are a part of this ordinance and which will be on file with the office of the city clerk and made available by the city clerk to all persons requesting a copy of this ordinance.
- (a) Interconnection Standards for Parallel Installation and Operations of Customer-Owned Electric Generating Facilities; and Program Overview;
 - (b) Technical Requirements;
 - (c) Application for Interconnection;
 - (d) Interconnection Agreement;
 - (e) Certificate of Completion;
 - (f) Glossary of Terms; and
 - (g) National Certification Codes and Standards.
- (Ord. 667; Code 2014)
- 15-317. INTERCONNECTION COSTS. The customer shall pay all interconnection costs including but not limited to the city's estimated cost, including overheads, for the purchase and construction of necessary system upgrades to the city's distribution system in accordance with the agreement to be entered into between the city and the customer. (Ord. 667; Code 2014)

ARTICLE 4. SEWERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Hydrogen ion concentration of 5.0 to 9.0.

(Code 1988)

15-402. SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 140 feet of the property line. (Code 1988)

15-403. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Code 1988)

15-404. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the utility superintendent and at a location designated by the superintendent. (Code 1988)

15-405. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Code 1988)

15-406(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. (Ord. 290; Code 1988)

- 15-406(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Ord. 290; Code 1988)
- 15-406(3) SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. (Ord. 290; Code 1988)
- 15-406(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Code 1988)
- 15-406(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Code 1988)
- 15-406(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved. (Code 1988)
- 15-406(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.
- Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector.
- Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.
- Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Ord. 290; Code 1988)

- 15-407. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Ord. 290; Code 1988)
- 15-408. FAILURE TO CONNECT. (a) If any person as defined in section 15-402 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.
(b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants. (Code 1988)
- 15-409. PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article. (Code 1988)
- 15-410. PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-402 the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 15-409 to 15-413. (Code 1988)
- 15-411. SAME; INSPECTION. The utility superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Code 1988)
- 15-412. SAME; DISCHARGE. (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-402, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials. (Code 1988)
- 15-413. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Code 1988)

- 15-414. **DISPOSAL OF SEWAGE.** It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; 12-1617g; Code 1988)
- 15-415. **DAMAGE TO SEWERS.** It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Code 1988)
- 15-416. **NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. (Code 1988)
- 15-417. **STANDARDS.** The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. (Code 1988)
- 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 utility superintendent, to meet all requirements of this article. (Code 1988)
- 15-419. **MUD, GREASE TRAPS.** All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer. (Ord. 441; Code 1988)
- 15-420. **ROOF, FOUNDATION DRAINS.** (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.
 (b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharged into any unpaved street or alley. (Ord. 425; Code 1988)
- 15-421. **SAME; EXCEPTION.** Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the utility superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 1988)

15-422. PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer:

- (a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
- (b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
- (c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (d) Garbage that has not been properly shredded;
- (e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- (h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- (i) Noxious or malodorous gas or substance capable of creating a public nuisance.

(Code 1988)

15-423. PAYMENT OF BILLS; LATE PAYMENT CHARGE. (a) Utility bills shall be mailed on approximately the last day of each month for the previous utility service period. All billings for utility services shall be due and payable at the office of the city clerk on the first day of the month and must be paid in full by the 10th day of the month. Failure to make payment before the 11th day of the month shall result in the mailing of an account delinquency and service discontinuation notice.

(b) All bills delinquent after the 10th day of the month of the billing shall be subject to a 10 percent late payment charge. (Code 2014)

15-424. DELINQUENT ACCOUNTS. (a) In the event any person, except the United States and the state of Kansas or any political subdivision thereof, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15:102:104.

(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in section 15-106 shall apply to sewer service fees, charges and services. (Code 2014)

15-425. SEWER SERVICE CHARGE. (a) The monthly charge for sewer service charge for customers within the city shall be as follows:

- (1) Residential and Unspecified Commercial and Industrial with less than 10 employees - \$13.00;
- (2) Unspecified Commercial and Industrial with 10 to 25 employees - \$16.00;
- (3) Unspecified Commercial and Industrial with 26 to 50 employees - \$29.00;

- (4) Unspecified Commercial and Industrial with over 50 employees - \$51.00;
 - (5) Slaughter House - \$16.00;
 - (6) Cafes over 25 seats - \$20.00;
 - (7) Hotels or Motels over 10 rooms - \$29.00;
 - (8) Garages and Filling stations with car washing facilities, Dairies, Solid Waste Remediation facilities, and Laundries - \$21.00;
 - (9) Hospitals and Public Schools - \$42.00;
 - (10) Retirement Homes - \$51.00;
 - (11) Courthouse - \$29.00;
 - (12) Trailer Parks - \$33.00;
 - (13) Apartment Houses, Complexes - \$12.00 per apartment.
- (b) The monthly sewer service charge for customers outside the city shall be two times the in-city rate for each classification. (Ord. 637; Code 2014)

ARTICLE 5. SOLID WASTE

- 15-501. **COLLECTION.** All refuse in the city shall be collected and transported to the Lincoln County landfill in accordance with a resolution of the board of county commissioners of Lincoln County, dated August 20, 1973 and adopted by Ordinance No. 553. (Ord. 553; Code 1988)
- 15-502. **CHARGES.** The charge for solid waste collection in the city shall be as established by resolution of the governing body. (Ord. 553; Code 1988)
- 15-503. **BILLING.** Solid waste charges shall be billed monthly and shall be included on water or utility bills. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Ord. 553; Code 1988)

ARTICLE 6. WATER CONSERVATION

- 15-601. **PURPOSE.** The purpose of this article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning, or emergency is declared. (Ord. 626; Code 2014)
- 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 areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
- Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
(Ord. 626; Code 2014)
- 15-603. **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. 626; Code 2014)
- 15-604. **DECLARATION OF WATER WARNING.** Whenever the governing body of the City finds that drought conditions or some other condition causing major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the recommended restrictions on nonessential uses may be extended to private wells within the City limits. (Ord. 685; Code 2014)

- 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. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the mandatory restrictions on nonessential uses may be extended to private wells within the City limits.. (Ord. 685; Code 2014)
- 15-606. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or water warning as provided in sections 15-603:604, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:
- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
 - (b) Washing of automobiles.
 - (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
 - (d) Waste of water.
- (Ord. 626; Code 2014)
- 15-607. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-605, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:
- (a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;
 - (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
 - (c) Restrictions on the sales of water at coin-operated facilities or sites;
 - (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
 - (e) Complete or partial bans on the waste of water; and
 - (f) Any combination of the foregoing measures.
- (Ord. 626; Code 2014)
- 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. 626; Code 2014)

15-609. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-605, the mayor(or city superintendent or water superintendent or other authorized city official) 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. 685; Code 2014)

15-610. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city 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 reconnection and \$300 for any additional reconnections that are made within a one year period.

(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. 685; Code 2014)

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. 626; Code 2014)

15-612. SEVERABILITY. If any provision of this article is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the article and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 626; Code 2014)