

CHAPTER XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, sewer, solid waste (refuse) and other utility services provided by the city. (Code 2016)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 2016)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
- (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
 - (3) Notice that the customer has the right to a hearing before the designated hearing officer;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Code 2000)
- 15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by

certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 2000)

15-105. UTILITY DEPOSIT. (a) Each customer receiving utility service and each person making application to receive utility service shall make a cash deposit to the city to serve as a guaranty for payment of service furnished to such person's premises. Such deposit shall be payable in not more than three equal monthly installments. The city may, however, in its sole discretion, waive such deposit for existing utility customers.

(b) The deposit required by subsection (a) shall be an amount equal to the expected average bill for a three month period for such utility service. At its discretion, the city may require a single utility deposit to be paid by the property owner or customer for all utility services. If a single deposit is requested, the total amount of the deposit shall be an amount equal to the expected average bills for a three month period for all such utility services provided by the city.

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

(d) 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 January 1st of each calendar year.

(e) On the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor who is owner of the premises wherein such utility service is being furnished and has not been delinquent in payment of any utility service charge during the past year. Interest due and accrued shall not draw interest.

(f) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.

(g) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the utility fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended. (Ord. 514; Code 2016)

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. (Ord. 514; Code 2016)

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

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

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

(d) The city may collect the amount of the unpaid bill for utility services by any lawful means. Provided, however, that in no event may the city place a lien, as provided in subsection (b) of 15-106, on real estate of the lessor. (Code 2016)

15-108. PETTY CASH FUND. A petty cash fund in the amount of \$1,000 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 2016)

15-109. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 2016)

15-110. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 2000)

ARTICLE 2. WATER

- 15-201. SUPERINTENDENT OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the superintendent of water and sewage, who shall be appointed by the mayor with the consent of the governing body. (Code 2016)
- 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 2016)
- 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 2016)
- 15-204. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main.
(b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 2016)
- 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 2016)
- 15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 2016)

- 15-207. CONNECTION FEES. Every consumer shall pay in advance for each new service installed, the sum of \$50 for each new connection within the city limits, and the sum of \$1,500 for each new connection outside of the city limits, and in addition to the sums hereinbefore set out, every consumer shall pay all cost of labor and materials necessary to bring the line from the main to the point of delivery, including but not limited to, the meter, meter box, cut off and service line. (Ord. 386, Sec. 1; Code 2000)
- 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 2016)
- 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 2016)
- 15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. (Code 2016)
- 15-211. METERS. (a) All water furnished to customers shall be metered.
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.
(c) The city's responsibility stops at the property line. (Code 2016)
- 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 2016)
- 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 2016)
- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, and neglect or otherwise after the same has passed through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 2016)

- 15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 2016)
- 15-216. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 2016)
- 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 2016)
- 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 2016)
- 15-219. WASTING WATER. (a) Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. Wasting water may include but is not limited to:
- (1) Permitting water to escape down a gutter, ditch, or other surface drain;
 - (2) Failing to repair an irrigation system's malfunction; or
 - (3) Failing to repair a controllable water leak due to defective plumbing.
- (b) It shall be a violation of this article and unlawful for any owner, occupant, or manager of real property served by the city water utility to waste water or to permit the willful waste of water to occur.
- (c) In the event of a violation of this section, the superintendent of water, or such other person as may be designated by the city, shall give written notice of the violation and opportunity for hearing in accordance with section 15-608.
- (d) The penalties for violating this section shall be the same as those set forth in section 15-608.
- (Code 2016)
- 15-220. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 2016)

- 15-221. RATES. The rates per month for the use of water in the city shall be as follows:
(a) The following rates are hereby established for the consumers of water within the city limits: All metered services shall pay a minimum of \$11 per 1,000 gallons, and for the amounts in excess of 1,000 gallons, \$5.00 per thousand additional.
(b) The following rates are hereby established for the consumers of water situated outside of the city limits, to wit: All metered services shall pay a minimum of \$18.30 per month for 1,000 gallons, and for the amounts in excess of 1,000 gallons, \$7.90 per thousand additional.
(c) All consumers of non-metered services shall pay such rate as may be determined by the water superintendent subject to the approval and confirmation of the city council.
(Ord. 469; Code 2016)
- 15-222. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 16th day of the month following the service. For any billing not paid when due a late charge of 10 percent will be added to the bill.
(Ord. 447; Code 2016)
- 15-223. 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 2016)
- 15-224. 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 2016)
- 15-225. CROSS-CONNECTIONS PROHIBITED. No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Code 2016)
- 15-226. SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Code 2016)

- 15-227. SAME; INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Code 2016)
- 15-228. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply. (Code 2016)

ARTICLE 3. NATURAL GAS SYSTEM

- 15-301. REGULATIONS. The rules and regulations hereinafter set forth shall constitute and be considered a part of the contract with every person supplied with natural gas from the natural gas system of the city, and every person hereinafter called the consumer, who accepts and uses natural gas from the city system, shall be held to have consented to be bound thereby. (Ord. 283, Sec. 1; Code 2000)
- 15-302. APPLICATIONS. All applications for gas service shall be made in writing on a form furnished by the city, stating fully and truly the purpose for which the services are required. (Ord. 283, Sec. 2; Code 2000)
- 15-303. SERVICE; METERS. All services shall be laid by the city from the main to the property line or as agreed between the landowner and the city. (Ord. 283, Sec. 3; Code 2000)
- 15-304. SAME; INSTALLED. All meters shall be installed outside the foundation of the building to be serviced, except in cases where the building occupies the entire area of the property to be served and in other special cases to be approved by the city maintenance superintendent. In all exceptional cases, such meter settings shall be so arranged as to permit access to same during ordinary business hours, by the meter reader for the city. Meter settings and loops shall be constructed in accordance with the standards established by the city. (Ord. 283, Sec. 4; Code 2000)
- 15-305. DAMAGES. Consumers shall be held responsible for any damages done to meters on their premises from any cause other than ordinary wear and tear. The city shall keep all meters in repair and proper working condition without cost to the consumer except where meter is damaged by neglect or fault of the consumer in which case the city shall collect from the consumer the cost of repairing or replacing any meter damaged while supplying the consumer's premises. No consumer shall repair, or remove any meter or break any seal on a meter, nor tamper with or interfere with the proper registration of any meter. (Ord. 283, Sec. 6; Code 2000)
- 15-306. METERS; OWNERSHIP. All meters shall remain the property of the city and may be removed from the property of the consumer at any time for the purpose of testing and repairing same or upon discontinuance of service. Meter deposits cannot be sold nor transferred by one customer to another except by consent of the city clerk and then only after payment in full is made for gas consumed to date of such transfer. (Ord. 283, Sec. 7; Code 2000)
- 15-307. DEPOSITS. The city may require the customer to provide credit information before service is made available. The city may at the time of application for service or any time thereafter on five days written notice, require a deposit to guarantee payment of bills for utility service rendered if:
- (a) The city establishes that the customer has an unsatisfactory credit rating, or has an insufficient prior credit history upon which a credit rating may be based.

(b) The customer has outstanding, with a utility; an undisputed and unpaid service account which accrued within the last five years.

(c) The customer has, in an unauthorized manner, interfered with, or diverted or used, the service of a utility within the last five years.

(d) The customer fails to pay an undisputed bill before the delinquency date for three consecutive billing periods.

(e) No deposit shall be required by any utility because of customer's race, sex, creed, national origin, marital status, age, number of dependents, source of income or geographical area of residence.

(f) The amount of the cash deposit or surety bond required shall not exceed the amount of a projected average two month's bill(s) for residential customers. For other customers, such deposit shall not exceed the amount of the projected largest two month's bill(s). For purposes of establishing deposits and projecting monthly bills, the city shall consider the length of time the customer can reasonably be expected to take service, past consumption patterns, end use of the service and consumption patterns of other similar customers.

(Ord. 359, Sec. 4; Code 2016)

15-308. TESTING. Any customer who becomes dissatisfied with the registration of the meter supplying his or her service or doubts the accuracy of the meter may demand that the meter be tested, providing that such customer shall first deposit with the city clerk a fee of \$75 to defray the cost of making such a test. If, upon test, the meter shall prove to be more than three percent fast, the deposit shall be returned to the consumer, but if the meter shall be proven to be accurate or within three percent fast or slow, the deposit shall be retained by the city. No rebate shall be given the customer on account of over registration nor shall any charge be made on account of under registration of any meter so tested.
(Ord. 282, Sec. 8; Code 2000)

15-309. SAME; BREAKDOWN. In case the meter should stop or for any reason fail to register properly, or upon failure to read any meter, the superintendent may estimate the monthly bill on the basis of the average quantity consumed during the past six months. (Ord. 282, Sec. 9; Code 2000)

15-310. OWNER; DUTY AND LIMITS. Consumers shall keep all pipes and fixtures inside the curb connection in good repair and free from leaks at their expense. No allowance shall be made to any consumer on account of any leaks or waste of gas after passing through the meter.

No person shall extend pipes from one property or street number to another one. (Ord. 282, Sec. 10:11; Code 2000)

15-311. FREE ACCESS; REPAIRS. The employees of the city shall have the free access at any reasonable hour to all parts of any consumer's premises for the purpose of making inspections or repairs or for reading meters.

The city reserves the right to shut off gas at any time for the purpose of making repairs or for any other reason.

(Ord. 282, Sec. 12:13; Code 2000)

- 15-312. NOTICE. All consumers shall give notice at least two days in advance when they wish service discontinued which notice shall be given to the city clerk.
(Ord. 282, Sec. 14; Code 2000)
- 15-313. DAMAGE OR THE THEFT OF GAS SYSTEM. No person shall remove, obstruct, alter or injure any pipe, connection, valve, box or meter, or in any way injure or damage any building, machinery, fixture or appurtenance of the gas system of the city or carry off or injure any pipe, tools, fixtures, supplies or apparatus or other property appertaining to the gas system.
(Ord. 282, Sec. 14; Code 2000)
- 15-314. INSPECTIONS. (a) It shall be the duty of any person or persons installing, altering or extending any gas piping, fixtures or appliances, in any building in the city to notify the gas inspector when such work is ready for inspection.
(b) Each and every system of gas piping within buildings, together with the appliances whether new, altered, or extended, shall be inspected by the gas inspector or his or her duly authorized agent, and if such work shall be found to comply with the provisions of this article, it shall be marked as approved. In all buildings where gas has been previously used, the gas company may turn on gas without having received the certificate of inspection. Providing, however, that when setting the meter, the gas company shall test the pipes in the building by meter and if the pipes are found in a leaking condition, the meter shall not be set and the gas shall be left turned off. (Ord. 282, Sec. 16:17; Code 2000)
- 15-315. SAME; DEFINITIONS.
(a) Gas Inspector. The city employee charged with the repair and maintenance of the city's gas system.
(b) Gas Company shall mean the City of Eskridge, as owner and operator of the natural gas distribution utility.
(Code 2016)
- 15-316. SAME; NON-COMPLIANCE. If upon inspection, the work does not comply with the terms of this article, the party making the installation or doing the work shall be and is hereby required to make such changes as in the opinion of the gas inspector are necessary to have the work comply with the terms of this article.
(Ord. 282, Sec. 18; Code 2000)
- 15-317. SAME; GAS-TIGHTNESS. Before any system of gas piping is put into service, it shall be carefully tested to assure that it is gastight. To test for tightness, the piping may be filled with the city gas, air or inert gas but not with any other gas or liquid. The test shall consist of introducing air at a pressure to three times the expected gas service pressure, the pressure to remain without a pressure drop for 10 minutes. (Ord. 282, Sec. 19; Code 2000)
- 15-318. INSTALLATION; REPAIR SPECIFICATIONS. The installation, repair and restoration of gas piping, fittings, appliances and connections shall be done and performed in full compliance with the following rules:
(a) Ordinary Dwellings.

(1) No gas service pipe installed hereafter from the curb or property line to building shall be less than 1 1/4 inches inside diameter and must enter all buildings above ground level.

(2) Minimum pipe size for service to any or all appliances shall be not less than 3/4 inch inside diameter.

(b) All Premises.

(1) Appliance vent pipes shall not be smaller than the size indicated by the vent collar on the appliance to be vented; shall be straight; as short as possible; and be pitched upward toward the chimney or flue at least 1/4 inch to each foot of horizontal length. The vent pipe shall be of material which resists corrosion and shall enter the chimney or flue 12 inches above the bottom to avoid stoppage by falling plaster or debris. Vent pipes located in unexcavated spaces beneath floors must be of tile or transite. All joints in the tile vent pipe must be cemented so as to be airtight and capable of preventing separation of the adjoining parts.

(2) No cast iron fittings or galvanized fittings shall be used on any gas piping system in buildings.

(3) All fittings and connections must be of standard make and size. All pipe and pipe threads shall comply with the American Standard for Pipe Threads (A.S.A. B2.1-1945) American Standard Taper Pipe Threads. Pipe must be free from obstruction. Joint compounds (pipe dope) shall be applied sparingly and only to the male threads of the joint and shall be resistant to the action of L-P gas-air mixtures.

(4) Unions shall be ground joint and shall not be used in concealed construction or places which are not plainly visible.

(5) Reducing fittings only shall be used to reduce pipe size. Reducing bushings shall not be used.

(6) In no case shall valves which need replacing from time to time be placed under floors or in any inaccessible place.

(7) All inside pipes shall be securely fastened to the bottom or joints or under secure places with iron straps or pipe hooks.

(8) No cement or any substance shall be used to conceal or cover any leaks or flaws in pipes, fittings, or connections, but new pipes, fittings shall be used to replace those in which holes, flaws or defects may be found.

(9) Exact space for the meter and union shall be left in piping.

(10) No extensions, connections or fittings consisting in whole or in part of rubber or flexible tubing shall be permitted except when the gas is used for pressing irons, mangles, blow torches, or laboratory burners. (And there shall be located on the fixed piping, at a point of connection with the flexible tubing, a valve which will serve as a shut off for such portable appliance.) Copper or aluminum gas connections having a maximum length of 36 inches may be used between fixed piping and nonportable appliances, such as refrigerators, ranges and radiant heaters located in fireplaces.

(11) A master valve shall be installed on all furnace risers, and shall be at least four inches above the floor. This valve shall be of a standard gas valve.

(12) No solid dampers shall be installed in flue pipes of gas burning equipment. All dampers shall have a hole or holes with diameters not less than 1/4 of the pipe diameter.

(13) When gas appliances are disconnected, all openings in house lines shall be plugged or capped tightly so as to prevent the escape of gas, and this shall be done under the supervision of the gas inspector.

(14) All furnaces, water heaters, and space heaters above 24,000 BTU rating shall be equipped with 100% safety shut off control. All of the above appliances shall be vented. (Ord. 282, Sec. 20; Code 2000)

15-319. RATES; DEFINITIONS. As used herein the following words and phrases shall have the meaning set forth after each as follows:

(a) City Customers shall mean those customers of the city whose point of usage of natural gas is within the corporate limits of the city;

(b) Suburban Customers shall mean these customers whose point of usage of natural gas is outside the corporate limits of the city but within three miles of the corporate limits of the city;

(c) Jurisdictional Customers shall mean those customers of the city whose point of usage of natural gas is located more than three miles from the corporate limits of the city and are subject to Kansas Corporation Commission regulatory jurisdiction; and,

(d) O.W.H. shall mean those customers of the city whose usage of natural gas is for service to oil wells for heating oil. (Ord. 518; Code 2016)

15-320. SAME; CUSTOMERS. The following natural gas rates are hereby established:

(a) City Customers: A monthly customer charge of \$9.50 for each meter location as long as the meter is in place and gas service is available for usage at that location regardless of whether any gas is consumed. In addition to the monthly customer charge, for each 1000 cubic feet of gas (or part thereof) consumed at each meter location, computed as follows: The estimated cost of gas purchased by the City plus a margin of \$2.61 for each MCF consumed.

(b) Suburban Customers: A monthly customer charge of \$9.50 for each meter location as long as the meter is in place and gas service is available for usage at that location irregardless of whether any gas is consumed. In addition to the monthly customer charge, for each 1,000 cubic feet of gas (or part thereof) consumed at each meter location, computes follows: The estimated cost of gas purchased by the city plus a margin of \$2.61 for each MCF consumed.

(c) Jurisdictional Customers: A monthly customer charge of \$9.50 for each meter location as long as the meter is in place and gas service is available for usage at that location irregardless of whether any gas is consumed. In addition to the monthly customer charge, for each 1,000 cubic feet of gas (or part thereof) consumed at each meter location, computes follows: The estimated cost of gas purchased by the city plus a margin of \$2.61 for each MCF consumed.

(d) O.W.H.: A monthly customer charge of \$9.50 for each meter location so long as the meter is in place and gas service is available for usage at that location, plus a margin of \$0.87 for each MCF consumed at each location. (Ord. 518; Code 2016)

15-321. SERVICE FEES AND CHARGES. The following schedule of service fees and charges is hereby established and shall be collected by the city in accordance with the provisions of the Rules and Regulations:

(a). Temporary Service Minimum Fee	\$25.00
(b). Meter Read Fee	\$ 8.00
(c). Return Check Charge	\$25.00
(d). Collection Charge	\$ 8.00

(e). Disconnection Charge	\$ 8.00
(f). Reconnection Charge	\$30.00
(g). Service Charge For New Customers	\$15.00
(h). Meter Test Fee	\$75.00
(Ord. 518; Code 2016)	

15-322. DISCONNECTION AND RECONNECTION. In the event a customer orders a disconnection and a reconnection at the same premises, within a period of 12 months, the city may collect, as a reconnection charge, the sum of such minimum bills as would have occurred during the period of disconnection, but in no event less than the reconnection charge provided for in Service Fees Rate Schedule, section 15-321, subsection (f), Reconnection Charge. (Ord. 518; Code 2016)

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 2016)

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 2016)

15-403. PERMIT; CONNECTION FEE. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(b) There shall be charged a fee of \$50 payable at the time of making application for the permit.

(Code 2016)

15-404. APPLICATION. Any person desiring to make a connection to the city sewer system shall apply in writing to the city clerk who shall forward the application to the utility superintendent. The application shall contain:

(a) The legal description of the property to be connected;

(b) The name and address of the owner or owners of the property;

(c) The kind of property to be connected (residential, commercial or industrial);

(d) The point of proposed connection to the city sewer line.

(Code 2016)

15-405. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Code 2016)

15-406. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the utility superintendent and at a location designated by the superintendent. (Code 2016)

- 15-407. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Code 2016)
- 15-408(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. (Code 2016)
- 15-408(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Code 2016)
- 15-408(3) SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. (Code 2016)
- 15-408(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Code 2016)
- 15-408(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Code 2016)

- 15-408(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved. (Code 2016)
- 15-408(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.
Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector.
Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.
Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Code 2016)
- 15-409. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Code 2016)
- 15-410. FAILURE TO CONNECT. (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.
(b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants. (Code 2016)
- 15-411. PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article. (Code 2016)

- 15-412. PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-402 the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 15-411 to 15-416. (Code 2016)
- 15-413. SAME; PERMIT. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utility superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the utility superintendent. A permit and inspection fee of \$50 shall be paid to the city at the time the application is filed. (Code 2016)
- 15-414. SAME; INSPECTION. The utility superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Code 2016)
- 15-415. SAME; DISCHARGE. (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-402, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials. (Code 2016)
- 15-416. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Code 2016)
- 15-417. DISPOSAL OF SEWAGE. It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; K.S.A. 12-1617g; Code 2016)
- 15-418. DAMAGE TO SEWERS. It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Code 2016)

- 15-419. NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. (Code 2016)
- 15-420. STANDARDS. The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. (Code 2016)
- 15-421. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the utility superintendent, to meet all requirements of this article. (Code 2016)
- 15-422. MUD, GREASE TRAPS. All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer. (Code 2016)
- 15-423. ROOF, FOUNDATION DRAINS. (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.
(b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharged into any unpaved street or alley. (Code 2016)
- 15-424. SAME; EXCEPTION. Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the utility superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 2016)
- 15-425. PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer:
(a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
(b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
(c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
(d) Garbage that has not been properly shredded;
(e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(i) Noxious or malodorous gas or substance capable of creating a public nuisance. (Code 2016)

15-426. **BILLS.** (a) Bills shall be rendered monthly as provided in section 15-203 and shall be collected as a combined utility bill.

(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate. (Code 2016)

15-427. **DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.**

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

(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in section 15-106 shall apply to sewer service fees, charges and services. (Code 2016)

15-428. **SEWER SERVICE CHARGE.** A schedule of sewer use rates, conditions of service and availability shall be as set by resolution of the city council. Said schedule shall be on file in the office of the city clerk. (Ord. 566; Code 2016)

ARTICLE 5. SOLID WASTE

- 15-501. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:
- (a) Commercial Waste. - All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.
 - (b) Dwelling Unit. - Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;
 - (c) Garbage. - Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;
 - (d) Multi-Family Unit. - Any structure containing more than four individual dwelling units;
 - (e) Refuse. - All garbage and/or rubbish or trash;
 - (f) Residential. - Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;
 - (g) Rubbish or Trash. - All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
 - (h) Single Dwelling Unit. - An enclosure, building or portion thereof occupied by one family as living quarters.
 - (i) Solid Waste. - All non-liquid garbage, rubbish or trash.
- (Code 2016)
- 15-502. COLLECTION. All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Code 2016)
- 15-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 2016)
- 15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Code 2016)
- 15-505. CONTAINERS. Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely

closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 2016)

- 15-506. **BULK CONTAINERS.** On premises where excessive amounts of refuse accumulate or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 2016)
- 15-507. **ENTER PRIVATE PREMISES.** Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 2016)
- 15-508. **OWNERSHIP OF SOLID WASTE.** Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 2016)
- 15-509. **WRAPPING GARBAGE.** All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 2016)
- 15-510. **HEAVY, BULKY WASTE.** Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 2016)
- 15-511. **HAZARDOUS MATERIALS.** No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
- (a) Explosive materials;
 - (b) Rags or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public. (Code 2016)

- 15-512. **PROHIBITED PRACTICES.** It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
 - (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
 - (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
 - (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted. (Code 2016)
- 15-513. **OBJECTIONABLE WASTE.** Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 2016)
- 15-514. **UNAUTHORIZED DISPOSAL.** No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 2016)
- 15-515. **PRIVATE COLLECTORS; LICENSE REQUIRED.** (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.
- (b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Code 2016)
- 15-516. **SAME; APPLICATION.** Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application. (Code 2016)
- 15-517. **SAME; FEE.** (Reserved)
- 15-518. **SAME; NUMBER TO BE DISPLAYED.** The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 2016)

- 15-519. **CLOSED VEHICLE.** Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 2016)
- 15-520. **RULES AND REGULATIONS.** The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer. (Code 2016)
- 15-521. **FAILURE TO SECURE LICENSE.** Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116. (Code 2016)
- 15-522. **CHARGES.** The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 2016)
- 15-523. **SAME; FEE SCHEDULE.** For each single family dwelling unit a monthly fee of \$15 per dwelling unit, with one company supplied poly-cart that is hereby mandatory. Additional carts are available for an extra \$1.25 per month, per cart. In addition, the city may pass on to its residents, any temporary surcharges agreed to by the city and its contractor. (Ord. 560; Code 2016)
- 15-524. **BILLING.** Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 2016)
- 15-525. **SAME; DELINQUENT ACCOUNT.** In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65-3410; Code 2016)

ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Code 2000)
- 15-602. DEFINITIONS. (a) Water - shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer - shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) Waste of Water - includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:
- Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
- Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
(Code 2000)
- 15-603. DECLARATION OF A WATER EMERGENCY. Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Code 2000)
- 15-604. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:
- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.

(d) Waste of water.
(Code 2000)

15-605. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

(a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;

(b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;

(c) Restrictions on the sales of water at coin-operated facilities or sites;

(d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.

(Code 2000)

15-606. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-603, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

(a) Higher charges for increasing usage per unit of the use (increasing block rates);

(b) Uniform charges for water usage per unit of use (uniform unit rate); or

(c) Extra charges in excess of a specified level of water use (excess demand surcharge).

(Code 2000)

15-607. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-603, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Code 2000)

15-608. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(1) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

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

(b) A fee 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 \$100.00. 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 \$200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.

(Code 2000)

15-609.

EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public.

(Code 2000)