

CHAPTER XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article "utility services" shall include water, electric, sewer, solid waste (refuse) and other utility services provided by the city. (Ord. 2050; Code 2013)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, sewer, solid waste (refuse) or other utility services provided by the City shall be terminated for nonpayment of service fees or charges in accordance with the procedures set forth herein. (Ord. 2050; Code 2013)
- 15-103. UTILITY BILLING DATES; CHARGE FOR DELINQUENT PAYMENT. Utility billings shall be mailed on approximately the 20th day of each month for the previous month serviced. All billings for utility services shall be due and payable at the office of the City Clerk and must be paid in full not later than the 10th day of the following month. Payment for utility service not received prior to the 10th day of the following month shall be delinquent. A delinquent charge of 10% of the total bill will be added to each delinquent utility bill. (Ord. 2050; Code 2013)
- 15-104. NONPAYMENT OF UTILITY BILLS; NOTICE OF ACCOUNT DELINQUENCY AND SERVICE DISCONTINUANCE.
- (a) An account delinquency and service discontinuance notice shall be issued in writing on approximately the 11th day of month with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. Mail, First Class, postage prepaid, to the customer at the last known address of such person or persons as shown on the records of the City. A copy shall also be similarly mailed to any occupant of the premises served if the occupant is not the customer and to the owner of the premises if different from the customer. Written notice may also be provided by personal service upon the customer or occupant by any City employee.
- (b) The notice of account delinquency and service discontinuance shall provide the following information:
- (1) Name of customer and address where service is being provided;
 - (2) Account number;
 - (3) Amount past due;
 - (4) Notice that service shall be discontinued or terminated upon failure to pay the delinquent billing within seven (7) days of the date of the mailing of the notice or the day following the hearing, whichever last occurs.

(5) Notice that the customer or owner of the leased premises has a right to appear and be heard at a hearing as described herein.

(c) Any utility customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to disconnection or termination. The customer or occupant must request a hearing not later than three (3) days after the date of mailing of the notice or hearing shall be deemed irrevocably waived. The hearing shall be on a date and time specified by the City. The governing body shall appoint the City Clerk, the City Utility Superintendent, or such other suitable person or persons to conduct such hearings. At such hearing the customer and the city shall each have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses. Formal rules of evidence shall not apply. The hearing officer shall promptly make his or her findings and shall enter his or her order accordingly. Unless otherwise ordered by the hearing officer, utility service shall be discontinued the day after the date that the order of discontinuance is issued by the hearing officer. Extension of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The hearing officer's order shall be filed by the City Clerk, and a copy thereof shall be provided to the customer in the same manner as set forth herein.

(d) Any party aggrieved by the decision of the hearing officer may appeal the same by filing a written notice of appeal with the City Clerk. The City Clerk shall have forms available for this purpose. Notwithstanding the order of discontinuance, service shall not be discontinued or terminated if the notice of appeal has been received prior to discontinuance. Any such appeal shall be set for hearing before the governing body at its next regularly scheduled meeting or special meeting. The determination of the governing body shall be final. The determination of the governing body shall be recorded in the minutes of its official proceedings, and notice thereof shall be provided to the customer in the same manner described herein.

(e) If the delinquent billing, interest and penalty are not paid, or unless otherwise ordered by the hearing officer or governing body after hearing, the affected utility service shall be disconnected or terminated, and no further service shall be furnished to said premises until all billings for utility services to said premises, interest, late payment charges and reconnection or reinstatement charge, if applicable, is paid in full. (Ord. 2050; Code 2013)

15-105. UTILITY DEPOSITS. (a) Each new customer making application for utility service shall make a cash deposit to the city to serve as a guaranty for the payment of service thereafter furnished to the customer's premises.

(b) The deposit(s) required by subsection (a) shall not exceed an amount equal to the expected average bill for a three month period for such utility service(s). At its discretion, the city may require a single utility deposit to be paid by the property owner or customer. If a single deposit is requested, the total amount of the deposit shall not exceed an amount equal to the expected average bills for a three month period for all such utility services provided by the city. (Ord. 2104; Code 2013)

15-106. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this ordinance shall be liable for payment of the cost 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 the 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 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 leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.

(d) The city may collect the amount of the unpaid bill for utility services by any lawful means. No utility lien shall attach to the property for unpaid utility fees or charges, when the utility service has been contracted for by a lessee and not by the lessor or owner of the property to which such service is provided.

(e) Nothing provided herein shall prohibit the city from bringing an action in the district court against the lessor or owner of the property to which utility service is or has been provided to obtain a monetary judgment against the lessor or owner of the leased property and judgment lien on such property.

(Ord. 2104; Code 2013)

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

(b) Whenever the petty cash fund becomes low or depleted, the City Clerk shall prepare vouchers covering the expenses as have been paid from the petty cash fund and 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 therefore shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Ord. 2104; Code 2013)

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 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. 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 1988)

- 15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be as follows:
- (a) For connecting water main with three-fourths inch tap, three-fourths inch service line and installing three-fourths inch meter - \$400 plus tax;
 - (b) Any extension of an existing water main or installation of a new water main shall be provided by the city. The homeowner will be responsible for 70% of the cost and the city will be responsible for 30% of the cost of the extension or installation.
 - (c) Any person connecting to water main will be required to hookup to sewer. (Ord. 2101; Code 2013))
- 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 written permission from the mayor or the governing body. (Code 1988)
- 15-211. CROSS CONNECTIONS PROHIBITED. No person shall make or permit to be made a cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the water superintendent and the Kansas Department of Health and Environment. (Code 1988)
- 15-212. 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 1988)
- 15-213. 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 will be made to the customer. (Code 1988)

- 15-214. 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)
- 15-215. 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 1988)
- 15-216. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and a reconnection charge of \$35. (Ord. 2101; Code 2013)
- 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. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1988)
- 15-220. 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)
- 15-221. 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)

- 15-222. 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 wash operations and packing plant operations;
 - (c) Business use, other than industrial;
 - (d) Home uses other than those set forth in subsection (a).
- (Code 1988)
- 15-223. 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 1988)
- 15-224. RATES. The rates per month for the use of water in the city shall be as follows:
 Minimum charge of \$25.75 per month for water usage for the first 2,000 gallons or any part thereof per month;
 For water usage from 2,001 to 7,000 gallons, inclusive, \$1.85 per thousand gallons used; and,
 For water usage from 7,001 gallons and above, inclusive, \$1.20 per thousand gallons used.
 (Ord. 2233; Code 2013)
- 15-225. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 10th day of the month following the service. For any billing not paid when due, a late charge of 10 percent of the total bill will be calculated on the first business day following the 10th of the same month and added to the following month's bill. (Code 1999)
- 15-226. 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)
- 15-227. SAME; RETURNED CHECKS. (a) First returned check. A notice of the insufficient funds check will be mailed to the customer allowing five (5) days in which to pay the insufficient funds check and a thirty dollar (\$30) insufficient funds fee. Only cash, cashier's check or money order will be accepted.
- (b) Second returned check. Upon receipt of a second returned check, the utility account will be subject to immediate disconnection without notice. If the second returned check and the insufficient funds check charge are subsequently paid by cash, cashier's check or money order, the utility account will be placed upon a "cash only" basis for 12 months. Any checks received during this time will be returned without being processed. The account will be deemed "unpaid" until cash, cashier's check or money order is received and such account will be subject to the disconnection procedure for nonpayment, as provided in Article I of Chapter XV.
- (c) Returned checks on service connections fees. Returned checks written for utility service connection fees will cause immediate disconnection of services without notice. A reconnection fee must be paid in addition to all amounts owed prior to the account and service being reactivated.

(d) By requesting utility service, the customer consents to the city contacting customer's financial institution to verify that funds are available before accepting any checks.
(Ord. 2175; Code 2013)

15-228. 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)

15-229. CONNECTION FEE (TURN-ON FEE). There is hereby established a connection turn fee of \$35 to turn-on service or otherwise establish new account for all water service. (Ord. 2129; Code 2013)

15-230. SERVICE OUTSIDE CITY LIMITS; PROHIBITED. No water service shall be provided to any property located outside the city limits which is not receiving water service on the effective date of this code. (Code 1988)

ARTICLE 3. SEWERS

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

(a) B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20o C, expressed in milligrams per liter.

(b) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) Shall is mandatory; May is permissive.

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

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

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

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

(v) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(Ord. 1506, Art. I, Sec. 1:22)

15-302. **DISPOSAL OF SEWAGE.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste. (Ord. 1506, Art. II, Sec.1)

15-303. **NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
(Ord. 1506, Art. II, Sec. 2)

15-304. **PRIVY UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 1506, Art. II, Sec.3)

15-305. **SEWER CONNECTION REQUIRED.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreational or other purposes, situated within the city on any street, alley, or right-of-way in which areas are now located or may in the future be located a public sanitary sewer of the city, is required at his or her expense to install a suitable toilet facility therein, and to connect such facility directly with the proper public sewer in accordance with provisions of this article, within ninety (90) days after official notice to do so. Any extension from the existing sewer line to a point within 150 feet (46 meters) of the property line of any residence shall be provided by the city. The city shall be responsible for 30% of the costs required to extend any existing sewer main and 70% of the costs of extending any sewer main shall be the responsibility of those property owners requesting such sewer main extension. (Ord. 2021; Code 2013)

15-306. **PRIVATE SEWER SYSTEM.** Where a public sanitary or combined sewer is not available under the provisions of section 15-305, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1506, Art. III, Sec.1)

15-307. **SAME; PERMIT.** Before commencement of construction of private sewage disposal system, the owner shall first obtain a written permission signed by the superintendent. The application for the permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other

information as deemed necessary by the superintendent. A permit and inspection fee of \$5 shall be paid to the city treasurer at the time the application is filed. (Ord. 1506, Art. III, Sec. 2)

- 15-308. SAME; INSPECTION. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He or she shall be allowed to inspect the work in any state of construction. In any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. Inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Ord. 1506, Art. III, Sec. 3)
- 15-309. SAME; DISCHARGE. (a) The type capacity, locations, the layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health and Environment. No permit shall be issued for any private sewage disposal system having subsurface soil absorption facilities where the area of lot is less than one acre (43,560) square feet. 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 15-305, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
(Ord. 1506, Art. III, Sec. 4:5)
- 15-310. SAME; SANITARY MANNER. The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times at no expense to the city. (Ord. 1506, Art. III, Sec. 6)
- 15-311. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the superintendent. (Ord. 1506, Art. III, Sec. 7)
- 15-312. SAME; CONNECTION TO PUBLIC SEWER. When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt. (Ord. 1506, Art. III, Sec. 8)
- 15-313. PERMIT; CONNECTION FEE. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. (Ord. 1506, Art. III, Sec. 1)
- 15-314. SAME; CLASSES. There shall be two classes of building sewer permits:
(a) For the residential and commercial services, and
(b) For the service to establish and produce an industrial waste.
In either case, the owner or his or her agent shall make application on a special form furnished by the city. Permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit inspection fee of \$5 for residential and commercial building

sewer permits and \$15 for industrial builder sewer permit. It shall be paid to the city treasurer at the time application is filed. (Ord. 1506, Art. IV, Sec. 2)

- 15-315. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall identify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1506, Art. IV, Sec. 3)
- 15-316. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 1506, Art. IV, Sec. 4)
- 15-317. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article. (Ord. 1506, Art. IV, Sec. 5)
- 15-318. SPECIFICATIONS. (a) The building sewer shall be cast iron pipe ASTM Specification A-377; Vitrified clay pipe ASTM C-700; asbestos cement non pressure sewer pipe ASTM C-644; ABS Sewer Pipe ASTM D2751; PVC Sewer Pipe ASTM D-3033 or D-3034 or approved equals. Joints for PVC pipe shall be either O-ring rubber gasket joints or solvent cemented joints, or equal. All joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron sewer pipe with leaded joints. Cast iron pipe leaded joints may be required by the superintendent where building sewer is exposed to damage by tree roots. If installed in fill or unstable ground, the building sewer shall be cast iron sewer pipe except that non-metallic material shall be accepted if laid on suitable concrete bed or cradle as approved by the superintendent.
- (b) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter of the pipe be less than four or six inches. The slope of such six inch pipe shall not be less than 1/8 inch per foot. If four inch pipe is allowed, 3/16 inch per foot slope shall be the minimum for that size connection.
- (c) 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 on uniform grade and in straight alignment insofar as possible. Changes in direction shall be made with properly curved pipe and fittings, including cleanout fittings.
- (d) In all buildings in which any 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 into the building sewer. The use of any pumping equipment for which cross-connections of a public water supply system are needed, is prohibited.
- (e) All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications (C12) except that no

backfill shall be placed until the work has been inspected. Pipe shall be bedded in a minimum of three inches of sand unless otherwise approved by superintendent.

(f) All joints and connections shall be gas tight and water tight. Cast iron pipe joints shall be permanently 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 pouring and calked tight. No paint, varnish or other coatings shall be permitted on the joining material until after the joint has been tested and approved. All joints in vitrified clay pipe or between the pipe and metals shall be made with approved hot or cold formed asphaltic joint material as specified above. Clay pipe may have factory applied joints meeting ASTM specifications (C-425). Material for hot poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to temperature of 160 degrees Fahrenheit, or be solvent in any of the waste carried by the drainage system. Joints shall first be caulked tight with jute, hemp, or similar approved material. See sanitary sewer specifications for joint materials and other pertinent information if neither hot poured nor cold asphaltic materials are specified. Other joint materials and methods may be used only if approved by the Kansas State Department of Health and Environment.
(Ord. 1506, Art. IV, Sec. 6:11)

15-319. SEWER CONNECTION. (a) The connection of a building sewer into the public sewer shall be made at the "Y" branch, if the branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his or her expense install a "Y" branch in the public sewer location specified by the superintendent. When the public sewer is greater than 12 inches in diameter and no properly located "Y" branch is available, a neat hole may be cut in the public sewer to receive the building sewer with entry in the downstream direction at an angle of about 45 degrees. A 45 degree elbow may be used to make the connections with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of the connection shall be at the same or a higher elevation as the invert of the public sewer. The smooth, neat joints shall be made, and the connection be made secure and water tight by easement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

(b) When a sewer tapping machine is owned by the city, tapping into the public sewer locations other than "Y" branches shall be made by the city and a charge of \$10 for each tap shall be levied.
(Ord. 1506, Art. IV, Sec. 12:12.1)

15-320. INSPECTION. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his or her representative. (Ord. 1506, Art. IV, Sec. 13)

15-321. BARRICADES. All excavations for public sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city. (Ord. 1506, Art. IV, Sec. 14)

15-322. ROOF, FOUNDATION DRAINS. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface

runoff or groundwater to a building sewer to building drain which in turn is connected directly or indirectly to public sanitary sewer. (Ord. 1506, Art. IV, Sec. 15)

15-323. STORMWATER DISCHARGES. (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged by approval of the superintendent to a storm sewer, or natural outlet.

(Ord. 1506, Art. V, Sec. 1:2)

15-324. PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

(e) Any waters or wastes having (1) a five-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his or her expense, the preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of the waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of the facilities shall be commenced until the approvals are obtained in writing.

(Ord. 1506, Art. V, Sec. 3)

15-325. SAME; SUPERINTENDENT'S OPINION. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the

receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the superintendent will give consideration to the factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150 degrees F. (65 degrees C).

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

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

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

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

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in the concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for the discharge to the receiving waters.

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

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

(i) Materials which exert or cause:

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

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

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

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

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

(Ord. 1506, Art. V, Sec. 4)

- 15-326. SAME; OPTIONS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-325, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:
- (a) Reject the wastes;
 - (b) Require the pretreatment to an acceptable condition for discharge to the public sewers;
 - (c) Require control over the quantities and rates of discharge; and/or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-330 of the article.
- Plans, specifications, and any other pertinent information related to the proposed preliminary treatment facility shall be submitted for approval of the superintendent and Kansas State Department of Health and Environment. No construction of the facilities shall be commenced until the set of approvals are obtained in writing.
(Ord. 1506, Art. V, Sec. 5)
- 15-327. GREASE AND OIL INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
(Ord. 1506, Art. V, Sec. 6)
- 15-328. PRELIMINARY TREATMENT. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
(Ord. 1506, Art. V, Sec. 7)
- 15-329. MANHOLES; ETC. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 1506, Art. V, Sec.8)
- 15-330. MEASUREMENTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest

downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.) (Ord. 1506, Art. V, Sec.9)

15-331. SPECIAL AGREEMENTS. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 1506, Art. V, Sec.10)

15-332. 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 structure, appurtenance, or equipment which is part of the sewage works. (Ord. 1506, Art. VI, Sec. 1; Code 1988)

15-333. ENTRY AND INSPECTION. (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste.

(b) While performing the necessary work on private properties referred to in subsection (a), the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in section 15-329.

(c) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1506, Art. VII, Sec. 1:3)

15-334. MINIMUM CHARGE. The minimum sewer charge per month shall be \$11.25 per month. (Ord. 2249; Code 2013)

15-335. PENALTY. (a) Any person found to be violating any provision of this article, except section 15-332, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a), shall be guilty of a violation of this code, and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. Each 24-hour period in which any violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

(Ord. 1506, Art. VIII, Sec. 1:3)

ARTICLE 4. SOLID WASTE

15-401. DEFINITIONS. The following terms used in this article shall have the meanings described to them in this section.

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

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

Garbage. Includes waste from the preparation, cooking and consumption of food; market refuse, waste from handling, storage, and use of product;

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

Refuse. All garbage and/or rubbish or trash;

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;

Rubbish or Trash.

(a) Combustible: Paper, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, bedding.

(b) Noncombustible: Metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, and other mineral refuse.

(c) Ashes: Residue from fires used for cooking and for heating buildings.

(d) Street Rubbish: Street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles.

Solid Waste. All non-liquid garbage or rubbish and rush.

(Ord. 1477, Sec. 1)

15-402. 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. (Ord. 1477, Sec. 2)

15-403. RESIDENTIAL CONTAINERS. Residential containers shall not have a capacity of more than 30 gallons or not to exceed 50 pounds total weight. They shall be of galvanized iron or other non-rusting material of substantial construction. Each container shall have handles of suitable construction to permit lifting. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. Provided however that plastic bags of not less than 1.5 mills in thickness may be substituted for the containers as set forth above; and provided, further, that plastic bags when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in containers. (Ord. 1477, Sec. 3)

15-404. COMMERCIAL CONTAINERS. Containers for commercial waste shall be of the size and construction as shall be determined by contract. (Ord. 1477, Sec. 4)

- 15-405. MISCELLANEOUS WASTE. Trees, branches and shrubbery trimmings and lawn clippings will not be picked up and removed. A place will be provided to haul this type of waste where it will be burned under the supervision at the proper time. This will be done by permission from the State of Kansas.
- (a) Books, magazines and newspapers may be securely tied in bundles or placed in disposable containers in lieu of placing in an approved container. The bundles or containers and contents shall not exceed a weight of 50 pounds.
- (b) Empty cardboard boxes shall be flattened. No trash other than books, papers, magazines or lawn clippings, shall be placed in cardboard containers.
- (c) Ashes and cinders, with no fire or live coals, will be removed if in proper containers as provided for in this article.
- (d) Dead animals will not be removed. They will be buried by owner or caretakers immediately.
(Ord. 2052; code 2013)
- 15-406. DISTRIBUTING CONTAINERS. Refuse materials, when placed in containers by the occupants or owners of the premises upon which the same are located, shall be subject to the exclusive control of the city, its agent or contractors and no person shall meddle with refuse containers or in any way pilfer or scatter the contents thereof.
(Ord. 1477, Sec. 6)
- 15-407. IMPROPER CONTAINERS. Refuse placed in an improper container shall not be collected. Rocks, dirt, sod, concrete or building materials are not considered normal household wastes and will not be removed. (Ord. 1477, Sec. 7)
- 15-408. LOCATION OF CONTAINERS. All solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the city to use public property for such purpose, and pickup shall be at curb side and alleys. (Ord. 1477, Sec. 8)
- 15-409. COLLECTION OF SOLID WASTE. The city shall provide for the collection of all solid waste in the city: provided, however, that the city may provide the collection service by contracting with a person, firm, corporation, county, another city, or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city. (Ord. 1477, Sec. 9)
- 15-410. 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. (Ord. 1477, Sec. 10)
- 15-411. FREQUENCY OF COLLECTION. Solid waste in residential areas shall be collected not less than once weekly on any day but Sunday. All commercial solid waste shall be collected at intervals as may be fixed by a contract, and to meet state health requirements. (Ord. 1477, Sec. 11)
- 15-412. COLLECTION EQUIPMENT. All vehicles used for the collection and transportation of solid waste shall be maintained in a safe, clean and sanitary condition and shall be operated in such a manner as to prevent spillage therefrom.
(Ord. 1477, Sec. 12)

- 15-413. DISPOSITION OF WASTE. All solid waste shall be disposed of at a site approved by the county and holding a valid permit (after June 30, 1978) from the State Board of Health. The disposal site shall be operated in a manner consistent with regulations adopted by the County of Marshall, and standards fixed by the state and federal government. (Ord. 1477, Sec. 13)
- 15-414. ROCKS AND DIRT. Rocks, dirt, sod, concrete, and building material shall be disposed of only in sites and in a manner approved by the county in conjunction with the local and state board of health. (Ord. 1477, Sec. 14)
- 15-415. PERIODIC CLEANUP. Any person who from time to time may desire to dispose of unwanted objects, furniture, appliances, trash, litter or other solid waste shall dispose of the refuse by delivering it, or having it delivered, to an approved disposal site to be disposed of in the same manner as provided for ordinary residential or commercial waste. (Ord. 1477, Sec. 15)
- 15-416. PERMIT REQUIRED. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city without first obtaining a permit from the city. A permit issued to a person, firm or corporation shall cover all employees of the person, firm or corporation. (Ord. 1477, Sec. 16)
- 15-417. SERVICE CHARGE. A refuse service charge of \$16.50, per calendar month shall be levied against each residential dwelling unit, multi-dwelling units, each dwelling or mobile home in designated areas for the collection and disposition of solid waste as required by this article.
Commercial refuse service charges shall be determined by the contractor. In no case, however, shall the commercial rates be less than that charged a dwelling unit. In determining commercial rates the city council shall consider the factors as the quantity of refuse collected the number of collections each month and accessibility to the place of collection. (Ord. 2253; Code 2013)
- 15-418. REQUEST FOR SERVICE. A request for water service shall automatically constitute a request for refuse service. A termination of water service shall automatically terminate refuse service; provided, however, that the absence of public water service shall not relieve any owner or occupant of any resident, multi-family dwelling or commercial enterprise from the responsibility of complying with the provisions of this article. (Ord. 1477, Sec. 18)
- 15-419. BILLING. Bills for refuse service shall be rendered monthly at the same time as bills for sewage and water service are rendered. The bills shall be collected as a combined bill for refuse, sewage and water service. (Ord. 1477, Sec. 19)
- 15-420. PARTIAL SERVICE. Any person at the time or beginning or terminating service who receives service for a period of less than 18 consecutive days shall be billed at one-half of the regular monthly rate. For service of consecutive days or more the charge shall be at the full monthly rate. (Ord. 1477, Sec. 20)

- 15-421. SERVICE FEES; EXCEPTIONS. Where collections are made from each individual unit of a multi-family dwelling, an individual unit may be exempted from the monthly service fee upon written application of the owner that the dwelling unit has been vacant more than 18 days. Should the owner fail to advise the city at the time the unit again becomes occupied, he or she shall immediately become liable for all fees waived. (Ord. 1477, Sec. 21)
- 15-422. FAILURE TO PAY BILL. Fees and charges shall be paid to the city clerk at the same time sewage and water service charges are paid. If fees and charges for services are not paid as herein provided, the collection of garbage, trash, refuse, solid waste, rubbish or other discarded materials, from the premises of the person thus failing to pay, shall at the option of the governing body of the city, be discontinued. The discontinuance of service by the city for nonpayment of the fees and charges or any part thereof, shall not relieve any person of his or her responsibility and obligation to abide by the terms of this article, or amendment, thereto, regarding civil and criminal liabilities for removal of garbage, trash, refuse, solid waste, rubbish, or other discarded materials. (Ord. 1477, Sec. 22)
- 15-423. PROHIBITED PRACTICES. It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that leased by him or her under his or her control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge.
 - (b) Interfere in any manner with employees of the city or its contractor in the collection of solid wastes.
 - (c) Burn solid waste unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency.
 - (d) Dispose of solid waste in a unapproved site.
- (Ord. 1477, Sec. 23)
- 15-424. DUMPING. The present Blue Rapids City dump, located approximately one mile northeast of the city, will be closed June 15, 1976. No dumping in or around this area will be allowed after June 15, 1976. Violators will be prosecuted as set forth in this article. (Ord. 1477, Sec. 24)
- 15-425. ADOPT REGULATIONS. The city council is hereby authorized to formulate reasonable rules and regulations necessary to carry out the provisions of this article. (Ord. 1477, Sec. 25)

ARTICLE 5. WATER CONSERVATION

15-501. 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. 1991; Code 2013)

15-502. DEFINITIONS. (a) "Water", as the term is used in this ordinance, shall mean water available to the City of Blue Rapids 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", as the term is used in this ordinance, 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 coins sales, a cash charge is made at the site of delivery..

(c) "Waste of Water", as the term is used in this ordinance, includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) The following classes of uses of water are established:

Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.

Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(Ord. 1991; Code 2013)

15-503. DECLARATION OF A 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. 1991; Code 2013)

15-504. DECLARATION OF WATER WARNING. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing

body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. (Ord. 1991; Code 2013)

15-505. **DECLARATION OF WATER EMERGENCY.** Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 1991; Code 2013)

15-506. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or water warning as provided in section 15-503, 15-504, the mayor (or the city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
 - (b) Washing of automobiles.
 - (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
 - (d) Waste of water.
- (Ord. 1991; Code 2013)

15-507. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-505, the mayor (or the city manager) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;
 - (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
 - (c) Restrictions on the sales of water at coin-operated facilities or sites;
 - (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
 - (e) Complete or partial bans on the waste of water; and
 - (f) Any combination of the foregoing measures.
- (Ord. 1991; Code 2013))

15-508. **EMERGENCY WATER RATES.** Upon the declaration of a water supply emergency as provided in section 15-505, 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. 1991; Code 2013)

15-509. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-505, the mayor (or city or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, 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 regularly scheduled or special meeting.
(Ord. 1991; Code 2013)

15-510. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-507 or 15-509 of this ordinance, 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 of the violation by mail or actual notice that water will be discontinued within twenty-four (24) hours from the date and time of the notice unless the twenty-four (24) hours shall be on a Saturday, Sunday, or a legal holiday, in which event such notice shall give the customer until the close of the next business day to request in writing a hearing before a city official designated as a hearing officer by the governing body.

(2) A request for a hearing must be in writing and filed with the City Clerk no later than twenty-four (24) hours of date of notice.

(3) Upon receipt of a request for a hearing, the City Clerk shall advise the customer of the date, time, and place of the hearing which shall be held within three (3) working days following the receipt of the request.

(4) The hearing officer shall make findings of facts and order whether service shall 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 reconNECTIONS.

(c) Violation of this ordinance 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 ordinance shall be guilty of a municipal offense. Each day of 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. 1991; Code 2013)

15-511. EMERGENCY TERMINATION. Nothing in this ordinance 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. 1991; Code 2103)