

## CHAPTER XV. UTILITIES

Article 1. Water

Article 2. Sewer

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### ARTICLE 1. WATER

- 15-101.           **WATER AND SEWER DEPARTMENT.** There is hereby created for the operation of the water and sewage system of the City of Marysville, Kansas, a Water and Sewage Department. (Ord. 690, Sec. 3)
- 15-102.           **WATER REVENUE FUND.** There shall be kept an account in the office of the city clerk for the water and sewage department of all moneys received arising from the collections of charges for water service and use of the sewage disposal system, and for the sale of any property or material connected with the department. Moneys derived from the operation of the water system shall be placed to the credit of a water revenue fund for the use of such water system. (Ord. 1148, Sec. 1)
- The city will review the water rates and/or user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs, among users and user classes.
- 15-103.           **SAME; DISBURSEMENTS.** All disbursements shall be paid out of the water revenue fund that are connected with the operation, repair, maintenance, extension and enlargement of the water system and improvements thereof, and new construction and the payment of either water or sewage revenue bonds issued for the water system before February 1, 1979; or the payment of water system revenue bonds or the interest thereon as may in the future be issued for such water system. The revenues placed to the credit of the water revenue fund shall be disbursed and set aside as follows:
- (a)     The cost of maintenance and operation of the plants and system shall first be paid from the moneys accumulated in the water revenue fund.
  - (b)     Monthly, the city shall set aside from the fund and transfer to the Bond and Interest Account No. 1, amounts sufficient to pay one-twelfth of the next maturing installment of principal and one-sixth of the next maturing interest payment on all outstanding revenue bonds issued for the water system. (Ord. 1148, Sec. 2)
- 15-104.           **DEFINITIONS.**
- (a)     City – The City of Marysville.

- (b) Person – Any individual, partnership or corporation connected to the city water system.
- (c) Point of Delivery – Point of delivery of water service for new water service construction is the water main until the water line is taken over by the city. Point of delivery of water service for existing service is at the water user's property line or meter pit, whichever is closer to the water main. When the meter pit is the point of delivery, the actual point of delivery shall be at the coupling connecting the meter to the water user's side, and the meter pit shall be the city's responsibility.
- (d) Standard Hourly Equipment Rate – The hourly equipment rate to be charged for equipment usage shall be the average rate charged by local businesses for similar equipment.
- (e) Standard Hourly Wage Rate – The hourly wage rate to be charged for services performed by an employee of the city shall be equal to two times the hourly wage plus longevity pay.
- (f) Superintendent – The highest full time city employee designated to oversee the operation of the water treatment plant and the water distribution system, or his or her designated representative.
- (g) Water Use – Any individual, partnership or corporation which uses potable water on premises owned, leased or rented within the city. (Ord. 1242, Sec. 2)

15-105.                    **MAIN LINE EXTENSIONS.** The city shall make extensions of its water distribution mains as and when necessary to serve prospective residential or commercial customers applying for such service when located within the city limits and the size, material, route and financing of such main extensions will be the responsibility of the city. (Ord. 1242, Sec. 3)

15-106.                    **SERVICE LINE CONSTRUCTION.** (a) Service lines to newly constructed buildings or new service lines requested by the water user shall be constructed at the water user's expense. The city will take over ownership and maintenance of that portion of the line between the water main and the point of delivery upon approval of the construction.

(b) Service lines shall be cooper or other material approved by the city from meter pit to 15 feet outside the pit. In addition, service lines from water main to point of delivery shall be ¾ inch or larger pipe. Pipe shall be copper, cast iron, or PVC rated at 200 psi or greater. In cases where more than one water user is to be connected, the service line shall be sized to have an internal area of at least 0.4 square inches per water user.

(c) Service lines under streets shall be copper or other material approved by the City. Service lines in unpaved portions of the street right of way or alley shall be cooper or other material approved by the City. A valve with riser may be placed at the point of change in material type and at the discretion of the Water and Sewage Supervisor. The water user may use copper, PVC rated at 200 psi or greater, or other material of his choice for the water line from the meter pit to the point of usage from 15 feet from the pit.

- (d) Copper lines shall lay a minimum of 36 inches below the ground level directly above said water line. PVC service lines shall lay a minimum of 42 inches below the ground level directly above said water line and have buried with it a copper tracer wire. Frost protection shall be the major consideration in service line construction. Any variance in depth of service lines or material contrary to the provisions in this article will require the prior approval of the city.
- (e) Construction shall be performed by either a plumber with a current valid license to do business in the city, or an employee of the city water department performing his or her assigned duties.
- (f) Meters and meter pits shall be located at the point of delivery.
- (g) Taps to the water mains shall be performed by city personnel in compliance with and at costs designated in other sections of this article.
- (h) Portions of model plumbing codes (i.e. International Plumbing Code) adopted heretofore or in the future which are in conflict with this article shall be governed by this article.
- (i) Connecting the user side of the meter shall be performed by a licensed plumber except when a meter pit is set on a service line by order of the Water and Sewage Supervisor, at which time city personnel may make the entire installation. (Ord. 1336, Sec. 1)

- 15-107. EXISTING SERVICE LINES. (a) Existing service lines are the responsibility of the city from the water main to the point of delivery and the water user from the point of delivery to the point of usage. The Water and Sewage Supervisor shall have the city portion of existing service lines replaced when necessary at city expense except that the cost of meter pits (if necessary) shall be paid for by the water user.
- (b) The Water and Sewage Supervisor shall insure that a water meter is placed at the point of delivery.
  - (c) The Water and Sewage Supervisor shall insure that the service line is located in street rights-of-way, alleys, or easements recorded with the Marshall County Register of Deeds. If the existing service line crosses private property without easement, the new service line shall be relocated to serve the property without crossing the private property or the individual needing water shall obtain and record the necessary easement. When such relocation is required, the affected property owner shall be given written notice that his or her point of delivery has changed, that he or she has 90 days to relocate his or her service line to the new point of delivery, that after the 90-day period the entire existing service line shall be his or her responsibility to maintain and that future problems shall result in turning off the line at the water main until the existing service line is repaired. (Ord. 1242, Sec. 5)

- 15-108. NEW SERVICE LINE. Service lines to the prospective users in new subdivisions will be in accordance with the Uniform Land Development Code. (Code 2011)

15-109.

WATER METERS AND METER PITS. (a) The city's intent is to have all water meters located in meter pits adjacent to the water user's property. Many water meters are presently located inside the water user's premises and may remain in that location unless required to be moved by other portions of this article. An exemption to this intent is that water meters in commercially zoned areas with pavement or sidewalks from the main to the water user's building may be located inside.

(b) All officers and persons employed by the city and every person delegated by them for that purpose shall have access to meters at all times. Upon continued failure to make the meter accessible, the Water and Sewage Supervisor shall authorize the installation and connection of a meter and meter pit at the point of delivery and the cost of the meter pit shall be invoiced directly to the property owner.

(c) The water meter shall be purchased and furnished to the property owner by the city. The connections to the meter and shut-off shall be furnished to the water user by the city and their installation (18" to 24" below surrounding ground) is the responsibility of the person requesting the meter installation. Persons requesting any meter larger than a 5/8" meter shall furnish a written list of all fixtures and the anticipated maximum simultaneous water flow for each fixture. The Water and Sewer Supervisor or Public Works Director may approve the larger meter.

The maximum simultaneous flow allowed for each meter size is as follows: 30 gpm for 3/4" meter; 50 gpm for 1" meter; and 80 gpm for 1 1/2" meter. Meters larger than 5/8" shall be checked to determine actual requirements and changed to meet current usage requirements.

(d) Meter pits shall be purchased from the city and placed in the street rights-of-way or alleys, except as previously stated; or in the event that special extenuating circumstances exist, the meter pit may be placed as directed by the Water and Sewer Supervisor. The top of the meter pit is to be placed so that it will be above ground level, but not more than two inches (2") above ground level at the point of installation. All meter pits shall be so placed so that the edge rests on undisturbed earth or is supported by brick or stones resting on undisturbed earth. The cost of the installed meter pit shall be as set by city policy.

(e) The property owner is responsible for any cost incurred to move or upgrade a water meter pit due to new construction, i.e., new building, parking lot, driveway, etc.

(f) Replacement of water meter covers/lids shall be made upon request of the water user or the Water and Sewage Supervisor. The cost of the replacement cover/lid shall be as set by city policy.

(g) If, through negligence of the water user, the meter pit, water meter or pit lid is damaged, the water user will be charged for parts if a service call is accomplished by the city water department during normal duty hours; or a service call fee, as set by city policy, plus parts if accomplished after normal duty hours.

15-110.

TAPPING WATER MAINS. (a) The water department shall make all taps to the water mains, furnish the corporation stop and saddles, and provide

contractors with installation ready for connection. The cost of the taps shall be reimbursed to the city by the water user.

(b) The property owner/contractor requesting the tap shall be responsible for adequate excavation necessary to expose the water main for tapping.

(c) Each residence, commercial or industrial establishment shall have a separate tap unless specifically approved by the superintendent. If the water user proposes to connect to an existing service, the current property owner (not resident/renter) of the existing service line shall also give permission.

(d) The city, upon making the tap, is to record the location of the tap from a prominent permanent marker.

(e) The cost of tapping a main shall be as set by city policy.

(f) Four-inch pipe will be allowed for ¾" taps. Six-inch pipe will be allowed for ¾" or 1" taps. Eight-inch and larger pipe will be allowed for ¾", 1" or 1¼" taps. All taps shall be approved by the Water and Sewer Supervisor or Public Works Director. (Ord. 1393, Sec. 2; Code 2011)

15-111.

**MAINTENANCE OF SERVICE LINE.** It shall be the responsibility of the city to maintain, repair or replace all water service lines from the city water main to the point of delivery.

(a) Maintenance, as used in the article, includes:

(1) The thawing of frozen water lines which are not plastic; or

(2) The replacement of lines restricted by lime or other deposits so as to provide an inadequate supply of water, as determined by the superintendent, to the customer's existing meter or property line, whichever is closer to the main.

(b) It shall be the responsibility of the property owner to furnish and maintain the water service line from the point of delivery to the point of usage. The customer shall at his or her own expense repair, replace or move all such water service lines as may be required by the city to prevent loss to the city or damage to public property. No claim shall be allowed against the city by reason of the breaking, freezing or other malfunctioning of the private water line. In cases where the water meter is not located at the point of delivery, and where there is reasonable evidence that the water user's existing service line is leaking between the point of delivery and the meter, the Water and Sewage Supervisor may authorize the installation of a meter and meter pit at the point of delivery and the cost of the meter pit shall be invoiced directly to the property owner.

(c) The city shall not be responsible for the repair or replacement of any existing water line that has been disturbed, broken or exposed by any person, corporation or firm.

(d) As a prerequisite to any liability of the city to maintain, repair or thaw any service line in the corporate limits of the city, it shall be the duty and responsibility of every customer having such water service in need of repair, maintenance or thawing to notify and receive approval from the city. Any repair, maintenance or thawing not specifically authorized by the city shall not be paid for by the city. (Ord. 1393, Sec. 3)

- 15-112.           **INCREASING WATER LINE SIZE.** The city shall not be responsible for any increase in the size of the water service line to the point of delivery and the owner shall pay all additional cost resulting from the replacement of any service line with a service line of greater diameter. (Ord. 1242, Sec. 10)
- 15-113.           **CROSS CONNECTIONS PROHIBITED.** No person, company, corporation or institution 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. (Ord. 1358, Sec. 1)
- 15-114.           **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 be pulled into the potable water supply piping following a reduction in pressure in the city piping. 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 Water and Sewage Supervisor. An owner of property shall have the necessary protective backflow devices installed prior to any new connections to the city's public water supply system. (Ord. 1358, Sec. 1)
- 15-115.           **SAME; INSPECTION.** The water and sewage supervisor 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. Under KDHE order, the City shall enforce an annual inspection by a certified state inspector of all backflow preventors and cross connections. All property owners are required to have all cross connections and backflow preventors inspected annually. The city shall provide a list of certified inspectors and the required inspection form. All inspection forms shall be filed with the city clerk. (Ord. 1358, Sec. 1)
- 15-116.           **SAME; CORRECTION FROM CONTAMINANTS.** Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city, by its water and sewage supervisor, 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 water and sewage supervisor may terminate water service to any property where the cross

connections or backsiphonage condition creates, in the judgment of the supervisor, an emergency danger of pollution to the potable water of the city. (Ord. 1358, Sec. 1)

15-117. SAME; PENALTIES AND FINES. (a) The city shall notify the owner, or authorized agent of the owner, of a building or premise in which there is found a violation of Sections 15-113 through 15-116 of such violation. The city shall set a reasonable time for the owner to have the violation corrected at the owner's expense. If the owner fails to correct the violation within the specified time, the water and sewage supervisor shall cease delivery of water to the building or premise until the violation shall be satisfactorily corrected.

(b) Violation of this article, as referenced in subparagraph (a) above, shall be a municipal offense and may be prosecuted in the municipal court. Any person found guilty of violating 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 owner may be required by the court to serve a term of confinement not to exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. In addition, such owner shall serve a term of confinement not to exceed 30 days. (Ord. 1358, Sec. 1)

15-118. INTERRUPTION OF WATER SERVICES. The city reserves the right to shut off at any time, without notice, the water supply in its mains to make repairs and extensions or for any other purpose, and all water users having boilers or hot water tanks within their premises not supplied with auxiliary tank and depending on pressure in the mains are cautioned against the danger of collapse or explosion.

(a) The city shall not be liable for any damage done or for keeping the boilers supplied with water as a result of any accident or incident due to the lack of pressure, insufficient water supply, break in the mains or the shutting off of the water supply. No claim shall rest against the city or the water system by reason of any damage sustained from the freezing or bursting of any main, service pipe, stop-cock, valve or hydrant, or from the accidental failure to supply water, and the city hereby reserves the right to shut off water without notice for the purpose of making repairs or extensions and no claim for damage therefrom shall be allowed. (Ord. 1242, Sec. 12)

15-119. UNLAWFUL ACTS. (a) It shall be unlawful for any person, firm or corporation to place or lay any water line in the same trench as any sewer or gas lines.

(b) It shall be unlawful for any water user to take or use water from the waterworks of the city without first having made arrangements for the same as provided by the regulations of the waterworks system of the city.

(c) The filling up of valves or shut off boxes along the streets by any person except the superintendent or his or her authorized agent is hereby prohibited and it shall be unlawful for anyone to throw or place, or cause to be thrown or placed, in

the reservoir or wells of the city, or immediately above the same, any substance, matter or thing whatsoever.

(d) No un-metered private hydrants shall be placed within the limits of any street or alley of the city.

(e) It shall be a violation of this article for any person or persons to tamper with any water main, fire main, water meter, or to make any connection with the water system of the city without written permission from the city, or to reconnect service when it has been discontinued for nonpayment. The unauthorized restoration of such services shall be deemed an unclassified misdemeanor subject a fine of not less than \$100 but not more than \$500 and/or 30 days in jail. (Ord. 1242, Sec. 13)

15-120.

**MAINTENANCE SERVICES RENDERED.** (a) City water department maintenance personnel are employed to maintain the municipal water system from the water source to the point of delivery. The personnel are not to perform services for water users unless one of the following criteria is met:

(1) The services are to be performed only on the city maintained portion of the water system;

(2) The services required cannot be performed by independent contractors;

(3) The services are to be performed on both the city portion and the water user portion of the water system and cannot be separated into parts (i.e. thawing of service line);

(4) A water meter is located in a basement and it is in the best interest of the city to repair a leak on private property; or

(5) An emergency exists and the superintendent authorizes the services.

(b) No locations for water and sewage lines will be performed on private property.

(c) No labor, equipment, or materials shall be used on private property or another water system unless the city is paid for the services rendered.

(d) Labor and equipment costs will be charged as outlined in Article 15-104.

(e) Materials not replaced in kind shall be charged at invoice cost plus 10%. Materials replaced in kind shall not require payment.

(f) The cost of thawing frozen water service lines from the point of usage to the water main shall be pro-rated between the water user and the city based on the portion of the thawed line for which each is responsible.

(g) Negligence for frozen or damaged water meters shall be at the expense of the property owner.

(h) The Water and Sewage Supervisor shall be responsible to insure required charges are sent to the persons receiving services. The Water and Sewage Supervisor may authorize adjustments to these charges. The water and sewer standing committee, on behalf of the city council, shall act on grievances arising out of the billing procedure for materials used and services rendered under the provisions of this article. (Ord. 1340, Sec. 1)

- 15-121. WATER BILLS. Whenever any water charge shall become due and payable under this article, it shall be the duty of the owner or occupant of the premises to pay the same within 15 days following the due date. (Ord. 1282, Sec. 1)
- 15-122. SAME; DEPOSITS. (a) Effective January 1, 1996, each applicant for water and/or sewer service shall pay a deposit to the city clerk as follows:  
(1) Residential Service: - \$100.00  
(2) Commercial or Industrial Service: An amount estimated by the city clerk or utility to be approximately equivalent to the average monthly water and/or sewer charges for two months which can be reasonably anticipated for the particular applicant.  
(b) Each deposit required by this section shall be kept and maintained by the city according to law and in the event of nonpayment of the account for which any deposit was made, such deposit and any interest accrued thereon shall be applied by the city clerk to the payment of such unpaid account, with any excess to be refunded to the depositor.  
(c) All deposits made pursuant to this section, together with any accrued interest thereon as provided by law, shall be credited to the depositor's outstanding account when the city clerk shall determine that the depositor has established a 24-month history of timely and full payment of billings for water and/or sewer service for any particular account. Provided, however, that in the event a water and/or sewer service customer of said city shall receive a deposit refund as herein provided and shall subsequently have water and/or sewer service to that account terminated because of delinquency in payment of said account, water and/or sewer service shall not be reinstated until and unless a new deposit shall be made by such customer, as herein provided and required of all new water and/or sewer service customers.  
(d) The governing body may from time to time review the deposits amounts and modified such required deposits by resolution. (Ord. 1456, Sec. 1)
- 15-123. SAME; DELINQUENT BILL. A bill not paid within 15 days following the due date shall be declared to be delinquent. An additional penalty will be added to each delinquent bill for each month delinquent. It shall be the duty of the city clerk or the city utility clerk to cause notice to be given to the owner or occupant of the premises that unless the delinquent bill is paid within five days following service of such notice that water service to the premises shall be terminated. (Ord. 1282, Sec. 1)
- 15-124. SAME; NOTICE. A termination notice may be served by regular mail addressed to the customer's or owner's last known address, or it may be delivered in person to some person of suitable age and discretion residing on the premises. The notice shall advise the customer of his or her right to request a hearing to show cause why said water service should not be terminated for nonpayment of the account. The notice further shall advise the customer of the procedure for requesting a hearing.

(a) Where no hearing is requested and the bill remains unpaid for five days following service of notice, water service shall be discontinued.

(b) In the event any person shall neglect, fail or refuse to pay, within five days following notice of discontinuance, the utility billings and delinquency charges due the city, such billings and charges shall constitute a lien upon the real property serviced by the connection to the utility service and shall be certified by the city clerk to the county clerk of Marshall County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible. (Ord. 1393, Sec. 5)

15-125. SAME; HEARING. Following the hearing, if the hearing officer shall find that service should be disconnected, he or she shall so order. If the hearing officer shall determine that termination of service will cause undue hardship, a written agreement will be prepared stating reasonable terms for payment of the delinquent bill and signed by the customer and city clerk. (Ord. 1182, Sec. 1)

15-126. SAME; RESTORATION OF SERVICE. Whenever water service shall be terminated under the provisions of sections 15-124:125, such service shall not be reconnected until the delinquent account has been paid in full. In addition, the customer shall be required to provide a deposit of not less than \$100.00 nor more than three times the amount of the maximum monthly bill, plus an additional \$50.00 for first-time reconnection of water service; \$75 for second-time reconnection of water service and \$100 for a third-time or more reconnection of water service. (Ord. 1282, Sec. 1; Code 2011)

15-127. 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.

15-128. OUTSIDE CITY. Subject to the approval of the governing body of the city, residences and businesses located outside the city limits may be permitted to connect to the city's water distribution system. The privilege of connecting to and/or using the system shall be subject to the following:

(a) Any applicant approved by the governing body shall pay a hook-up fee to the city of \$400.00 for each residential service, \$500.00 for each commercial service and \$600.00 for each industrial service before starting work on the project. This fee shall be in addition to the fee charged for connection to the city's wastewater and sewage pollution control system and any water tap permit fees as outlined in Section 15-110.

(b) Each applicant for service outside the city limits shall be required to sign an agreement with the city giving full and complete consent to the city to annex serviced property in accordance with the laws of the State of Kansas at any time after the date of the agreement. The applicant will further agree to comply with all city standards, regulations, requirements and policies applicable to the proposed water distribution system.

(c) Each applicant for service outside the city shall be required to sign a statement agreeing to the terms of this article and acknowledge that the privilege of hooking to and using the water distribution system does not exempt or exclude the property in any water benefit district when and if created pursuant to the laws of Kansas. (Ord. 1393, Sec. 6)

15-129. WATER; CONSERVATION. The purpose of this section 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. 1627, Sec. 1)

15-130. SAME; DEFINITIONS. The following definitions apply as used in these sections:

(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, permitting water to escape down a gutter, ditch, or other surface drain; or failure to repair a controllable leak of water due to defective plumbing. (Ord. 1627, Sec. 1)

- 15-131. SAME; CLASSES OF WATER USES. The following classes of uses of water are established:
- (a) Class 1. Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
  - (b) Class 2. Water used for any commercial or industrial, or 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.
  - (c) Class 3. Domestic usage, other than that which would be included in either Classes 1 or 2.
  - (d) Class 4. Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation. (Ord. 1627, Sec. 1)
- 15-132. SAME; DROUGHT CONDITIONS OR MAJOR WATER SUPPLY SHORTAGE. Whenever the governing body of the city finds that conditions exist that indicate the onset of drought conditions or other conditions causing a major water supply shortage or 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 Watch, Water Warning or Water Emergency exists. The city will declare by resolution that a water advisory exists and that a Water Watch, Water Warning or Water Emergency may be declared at any time during the advisory. The city administrator may declare the Water Watch, Warning or Emergency as needed to protect the essential needs of the consumers. Such an advisory is deemed to continue until it is declared by resolution to have ended. The resolution declaring the beginning and ending of the Water Advisory shall be effective upon their publication in the official city newspaper. (Ord. 1627, Sec. 1)
- 15-133. SAME; DECLARATION OF WATER WATCH. Whenever the city administrator finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising. (Ord. 1627, Sec. 1)
- 15-134. SAME; DECLARATION OF WATER WARNING. Whenever the city administrator finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline. (Ord. 1627, Sec. 1)
- 15-135. SAME; DECLARATION OF WATER EMERGENCY. Whenever the city administrator finds that an emergency exists by reason of a shortage of water supply needed for essential uses. The city will impose mandatory restrictions on water use during the period of the emergency. (Ord. 1627, Sec. 1)

- 15-136. SAME; VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water watch or water warning as provided in Sections 15-133:134, the city administrator is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitation on the following uses:
- (a) Class 1 uses of water.
  - (b) Waste of water. (Ord. 1627, Sec. 1)
- 15-137. SAME; MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in Section 15-135, the city administrator 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. 1627, Sec. 1)
- 15-138. SAME; EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in Section 15-135, 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 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. 1627, Sec. 1)
- 15-139. SAME; REGULATIONS. During the effective period of any water supply emergency as provided for in Section 15-135, the city administrator is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 1627, Sec. 1)
- 15-140. SAME, VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city administrator, water superintendent or other city official or officials charged with implementation and enforcement of this article or a water

supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 15-137:139 of this article, 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. Said 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 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 officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50.00 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 \$200.00 for the second reconnection and \$300.00 for any additional reconnections.

(c) Violations 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. (Ord. 1627, Sec. 1)

15-141. SAME; EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 1627, Sec. 1)

15-142. SAME; SEVERABILITY. If any provision of this article is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the article and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 1627, Sec. 1)

15-143.

**PENALTY UPON CONVICTION.** Unless stated otherwise in this article, any person, firm or corporation violating any of the provisions of this article shall, upon conviction, be deemed guilty of a misdemeanor and be fined in a sum of not less than \$10.00 nor more than \$499.00, or by imprisonment for not less than 10 days nor more than 30 days, or both, and each day shall constitute a distinct and separate offense. (Ord. 1242, Sec. 16; Code 2011)

## **ARTICLE 2. SEWER**

- 15-201.           **PURPOSE.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works. (Ord. 1464, Art. 1)
- 15-202.           **USER CHARGE SYSTEM.** There shall be kept an account in the office of the city clerk for the water and sewage department of all moneys received arising from the collection of charges for water service and use of the sewage disposal system, and for the sale of any property or material connected with the department. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by separate ordinance.
- (a)     The city will review the user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs, among users and user classes. (Ord. 1148, Sec. 1; Ord. 1464, Arts. 3,6)
- 15-203.           **FUND ACCOUNTS.** That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes, shall be deposited in three separate non-lapsing funds as follows:
- (a)     The Sewage Revenue Fund is designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works.
- (b)     The Sewage Replacement Fund is designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Transfers to the Sewage Replacement Fund shall be budgeted and made at least annually from the Sewage Revenue Fund in the amount of \$17,000.
- (c)     The Bond and Interest Account No. 1A is designated for the monthly transfer of funds from the Sewage Revenue Fund in an amount sufficient to pay one-twelfth of the next maturing installment of principal and interest payments on all outstanding loan and bond debt service issued for the sewage system. (Ord. 1464, Art. 3)
- 15-204.           **TRANSFER OF FUNDS.** Fiscal year-end balances in the Sewage Revenue Fund and the Sewage Replacement Fund shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other

purposes than those budgeted. Monies which have been transferred from other sources to meet temporary shortages in the Sewage Revenue Fund or Sewage Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective funds within the fiscal year following the fiscal year in which the monies were borrowed. (Ord. 1464, Art. 3)

15-205.

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

(a) BOD (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 C, expressed in milligrams per liter (mg/l).

(b) Normal Domestic Wastewater – shall mean wastewater that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 250 mg/l.

(c) Operation and Maintenance – shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

(d) Replacement – shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

(e) Residential Contributor – shall mean any contributor to the city’s treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

(f) Shall is mandatory; May is permissive.

(g) SS (denoting 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.

(h) Treatment Works – shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (i) Useful Life – shall mean the estimated period during which a treatment works will be operated.
- (j) User Charge – shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.
- (k) Water Meter – shall mean a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city. (Ord. 1464, Art. 2)

15-206. **SEWER BILLS.** All users will be billed monthly. Whenever any sewer charge shall become due and payable under this article, it shall be the duty of the owner or occupant of the premises to pay the same within 15 days following the due date. (Ord. 1464, Art. 3)

15-207. **SAME; DELINQUENT BILL.** A bill not paid within 15 days following the due date shall be declared to be delinquent. An additional penalty will be added to each delinquent bill for each month of delinquency. It shall be the duty of the city utility clerk to cause notice to be given to the owner or occupant of the premises that unless the delinquent bill is paid within five days following service of such notice, that sewer service to the premises shall be terminated. (Ord. 1464, Art. 5)

15-208. **SAME; NOTICE.** A termination notice may be served by regular mail addressed to the customer's or owner's last known address or it may be delivered in person to some person of suitable age and discretion residing on the premises. The notice shall advise the customer of his or her right to request a hearing to show cause why said sewer service should not be terminated for nonpayment of the account. The notice further shall advise the customer of the procedure for requesting a hearing. Where no hearing is requested and the bill remains unpaid for five days following service of notice, sewer service shall be disconnected. (Ord. 1464, Art. 5)

15-209. **SAME; HEARING.** Following the hearing, if the hearing officer shall find that service should be disconnected, he or she shall so order. If the hearing officer shall determine that termination of service will cause undue hardship, a written agreement will be prepared stating reasonable terms for payment of the delinquent bill and signed by the customer and city clerk. (Ord. 1464, Art. 5)

15-210. **SAME; RESTORATION OF SERVICE.** Whenever sewer service shall be terminated under the provisions of these sections, such service shall not be reconnected until the delinquent account has been paid in full. In addition, the customer shall be required to provide a deposit of not less than \$100.00 nor more than three times the amount of the maximum monthly bill, plus an additional \$50.00 for first-time reconnection of water service; \$75 for second-time reconnection of water service and \$100 for a third-time or more reconnection of water service.

- 15-211.           **SURCHARGES.** (a) For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance shall be as determined by the responsible staff personnel and approved by the city council.
- (b) Any user discharging toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user discharging any substance which singularly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible staff personnel and approved by the city council. (Ord. 1464, Art. 4)
- 15-212.           **LANDLORD LIABILITY.** (a) Property owners, to include those purchasing property through a contractual agreement, shall be and are hereby made liable for any and all bills contracted by themselves, their agents or tenants for sewer service supplied and used upon the premises of any such property and for all expenses incident to the upkeep of the supply pipes to the premises of the property owner. The owner of any leased premises, or the owner's agent if leasing is through an agent, shall be notified of the delinquency of the occupant of the leased premises in the same manner as notice is provided to customers pursuant to Section 15-208 of this article and at the same time of notice to the lessee-customer.
- (b) No sewer service shall be furnished or rendered free of charge. (Code 2011)
- 15-213.           **UNLAWFUL DEPOSITS; NOT IN SEWER.** 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. 1144, Sec. 2(1))
- 15-214.           **SAME; UNTREATED SEWAGE.** It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article. (Ord. 1144, Sec. 2(2))
- 15-215.           **PRIVIES, CESSPOOLS.** 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. 1144, Sec. 2(3))
- 15-216.           **PROPERTY OWNER REQUIRED TO INSTALL TOILETS AND CONNECT TO CITY SEWER.** The owner of all houses, buildings or properties used for human employment, recreation or other purposes, situated within the city

and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the property line. (Ord. 1144, Sec. 2(4))

- 15-217. SAME; SEWER NOT AVAILABLE. Where a public sanitary or combined sewer is not available under the provisions of Article 15-216, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1144, Sec. 3(1))
- 15-218. PRIVATE SEWER PERMIT. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the water and sewage supervisor. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the water and sewage supervisor. A permit and inspection fee of \$100.00 for a residence and \$200.00 for a commercial enterprise shall be paid to the city at the time the application is filed. (Ord. 1144, Sec. 3(2))
- 15-219. SAME; APPROVAL OF WATER AND SEWAGE SUPERVISOR. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the water and sewage supervisor. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the street supervisor when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the supervisor. (Ord. 1144, Sec. 3(3))
- 15-220. SAME; COMPLIANCE WITH STATE LAW. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Kansas Department of Health & Environment. 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 three acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 1144, Sec. 3(4))
- 15-221. SAME; CONNECTION MUST BE MADE WHEN PUBLIC SEWER AVAILABLE. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 15-216, 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. 1144, Sec. 3(5))

- 15-222. PRIVATE SEWER MUST BE MAINTAINED IN SANITARY MANNER. The owner shall operate and maintain the private disposal facilities in a sanitary manner at all times at no expense to the city. (Ord. 1144, Sec. 3(6))
- 15-223. ARTICLE SUBJUGATE TO ORDERS OF HEALTH OFFICER. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city health officer. (Ord. 1144, Sec. 3(7))
- 15-224. TIME LIMIT TO CONNECT TO PUBLIC SEWER. When a public sewer becomes available, the building sewer shall be connected to the sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1144, Sec. 3(8))
- 15-225. UNCOVERING SEWER. No authorized 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 water and sewage supervisor.
- 15-226. SEWER TAP FEE. (a) There is hereby established and created a sewer tap charge per connected structure to be payable by any person, firm or corporation desiring to connect to any sewer main within the city. Application shall be made on a special form furnished by the city and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city inspector. The sewer tap fee shall be paid to the city at the time the application is filed and in the following amount:  
For a residential tap: \$370.00  
For a commercial or industrial tap: \$620.00  
(b) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.  
(c) All sewer tap fees shall be deposited into the Sewage Revenue Fund of the city. In December of each year, the city clerk shall cause to be made from the Sewage Revenue Fund to the Sewage Replacement Fund a transfer of funds in an amount equal to 50% of the tap fees collected during the year. (Ord. 1566, Sec. 1)
- 15-227. GUARANTEE OF SEWER SERVICE. The city shall not be liable to any sewer customer for failure to provide adequate sewer service or for damages, including pain, suffering and mental anguish, resulting from sewer backups unless the city is grossly or wantonly negligent. (Ord. 1394, Sec. 2)
- 15-228. INDEPENDENT SEWER FOR EACH BUILDING. (a) 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,

courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(b) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the water and sewer supervisor, to meet all requirements of this article. (Ord. 1144, Secs. 4(4), 4(5))

15-229. CONNECTION TO PUBLIC SEWERS. (a) The connection of the building sewer into the public sewer shall conform to the requirements of the adopted building and plumbing codes or other applicable rules and regulations of the city. All such connections shall be made gas and water tight. Any deviation from the prescribed procedures and materials must be approved by the water and sewage supervisor before installation.

(b) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 1394, Sec. 3; Ord. 1144, Sec. 4(7))

15-230. SAME; INSPECTION. The applicant for the building sewer permit shall notify the water and sewage supervisor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the water and sewage supervisor or his or her representative. (Ord. 1144, Sec. 4(10))

15-231. SAME; EXCAVATIONS. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city. (Ord. 1144, Sec. 4(11))

15-232. GROUND WATER. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 1144, Sec. 5(1))

15-233. SAME; COMBINED SEWERS. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the water and sewage supervisor. Industrial cooling waters or unpolluted process waters may be discharged on approval of the water and sewage supervisor to a storm sewer, combined sewer or natural outlet. (Ord. 1144, Sec. 5(2))

15-234. PROHIBITED DEPOSITS. 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, naphta, 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 by not limited to cyanides in excess of two mg/l 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, un-ground garbage, whole blood, paunch manure, hair and fleshings, 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 water and sewer supervisor. (Ord. 1144, Sec. 5(3))

15-235.

SAME; ADDITIONAL SUBSTANCES. No person shall discharge or cause to be discharged the following described substances, materials, water or wastes if it appears likely, in the opinion of the water and sewer supervisor, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the water and sewer supervisor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or 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° F (65° 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° F.
- (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 or greater shall be subject to the review and approval of the water and sewer supervisor.
- (d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

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

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

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the water and sewer supervisor 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 such 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 amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1144, Sec. 5(4))

15-236.

SAME; POWERS OF WATER AND SEWER SUPERVISOR. 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 15-235 and which, in the judgment of the water and sewer supervisor, 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 water and sewer supervisor may:

(a) Reject the wastes;

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

(c) Require control over the quantities and rates of discharge; and/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 15-239.

If the water and sewer supervisor permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the water and sewer supervisor, and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 1144, Sec. 5(5))

15-237. **GREASE, OIL, SAND INTERCEPTORS.** Grease, oil and sand interceptors shall be provided when, in the opinion of the water and sewer supervisor, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the water and sewer supervisor and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 1144, Sec. 5(6))

15-238. **PRELIMINARY TREATMENT; PROVIDED OPERATED BY OWNER.** Where necessary in the opinion of the water and sewer supervisor the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to: (1) reduce the BOD 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 such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the water and sewer supervisor and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(a) 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. 1144, Sec. 5(7))

15-239. **CONTROL MANHOLE.** Where required by the water and sewer supervisor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the water and sewer supervisor. 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. 1144, Sec. 5(8))

15-240. **TESTS OF WASTEWATER.** 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 Kansas Department of Health and Environment regulations 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 the premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas PH's are determined from periodic grab samples. (Ord. 1144, Sec. 5(9))

15-241. CITY MAY MAKE SPECIAL ARRANGEMENTS. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 1144, Sec. 10)

15-242. MOLESTING SEWER. No unauthorized person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under the charge of criminal damage to property. (Ord. 1144, Sec. 6(1))

15-243. RIGHT OF ENTRY. The water and sewer supervisor 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 water and sewer supervisor 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 treatment. (Ord. 1144, Sec. 7(1))

15-244. SAFETY RULES; INDEMNITY. While performing the necessary work on private properties referred to in Section 15-143, the water and sewer supervisor or duly authorized employee of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 15-240. (Ord. 1144, Sec. 7(2))

15-245. RIGHT OF ENTRY ON CITY'S EASEMENTS. The water and sewer supervisor 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 purpose 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. 1144, Sec. 7(3))

15-246. CONNECTIONS OUTSIDE CITY LIMITS. Connections to the city's wastewater and sewage pollution control system will be allowed for properties located outside the city limits under the following conditions:

(a) Any private wastewater system that is required to be connected to a public sewer under the provisions of the Marshall County Sanitary Code, or other lawful code or regulation.

(b) Any such connection required to be made shall be subject to any and all codes, ordinances or regulations that set forth the manner and cost of connecting at the required connection point or within a defined area or sewer district.

(c) Properties which are required to connect to a public sewer under subparagraphs (a) and (b) above, and that are subject to annexation under the laws of the State of Kansas, whether contiguous or noncontiguous, shall consent to annexation prior to connection. (Ord. 1567, Sec. 1)

15-247. EASTSIDE SEWER ASSESSMENT DISTRICT CONNECTIONS. (a) Any person, firm, or corporation desiring to connect to any sewer main in the city within the Eastside Sewer Assessment District, shall pay the sewer tap fee as prescribed in Section 15-227 or as set forth below. The tap fee shall not apply to structures that are required to be connected at the time of installation of the system. Future connections are those that transpire subsequent to the establishment of the district and/or those properties that otherwise were not developed at the time of construction. The installation of sewer mains to serve assessed property or properties which are divided or developed subsequent to establishment of the district shall be made at no cost to the city and shall be subject to the sewer tap fees in Section 15-227. All tracts or parcels of land that are included in the Eastside Sewer Assessment District and are subsequently subdivided or developed are subject only to the sewer tap fee in Section 15-227 and other provisions of this paragraph.

(b) No sewer main extensions shall be allowed to serve properties that have not been annexed into the city. All extensions of the sewer mains of the city to areas or subdivisions, whether or not they are part of an assessed district, shall be at the cost of the developer and/or owner(s) of the property. A tap fee for connecting to the existing main(s) shall be charged for the initial connection. Thereafter, each lot, parcel or tract which is served by the extension shall be subject to the tap fee as determined by Section 15-227.

(c) The owners of property which receive benefits from such sewer improvement but which were not included within the original improvement district are required to pay a benefit fee at the time the owners of such property request to be served by such improvement. The amount of such benefit fee shall not exceed the amount of the assessment, including principal and interest, which

would have been levied against the property had it been included in the original improvement district, reduced in the proportion which each month or part of a month that has passed from the date of assessment for the improvement was levied to the date such property begins being served by the improvement bears to the total number of months of assessments against property included within the original improvement district. Such benefit fee shall be due and payable at the time the property begins being served by the improvement and shall be assessed, collected and paid in the same manner, and subject to the same interest, as assessments against property originally included in the improvement district for such improvement. (Ord. 1566, Sec. 3)

15-248. VIOLATIONS; NOTICE. Any person found to be violating any provision of this article, except as otherwise stated in this article, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 1144, Sec. 8(1))

15-249. SAME; LIABILITY TO CITY. Any person violating any of the provisions of this article shall, in addition to Section 15-248, become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. 1144, Sec. 8(3))

15-250. PENALTY UPON CONVICTION. Unless stated otherwise in this article, any person, firm or corporation violating any of the provisions of this article shall, upon conviction, be deemed guilty of a misdemeanor and be fined in a sum of not less than \$10.00 nor more than \$499.00, or by imprisonment for not less than 10 days nor more than 30 days, or both, and each day shall constitute a distinct and separate offense. (Code 2011)

15-251. APPEALS. Any user who feels that the charges determined do not fairly reflect the amount of water which such user discharges into the wastewater and sewage pollution control system may appeal to the governing body and support the appeal by data. After hearing the appeal, the governing body may adjust the rate to accurately reflect the amount of water which such user is discharging into the system. (Ord. 1145, Sec. 2)