

CHAPTER XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. (a) For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city.
- (b) For the purposes of this article customer shall mean utility service account holder of record.
(Ord. 469, Sec. 1; Code 1993)
- 15-102. DISCONTINUANCE OF UTILITY SERVICES. (a) The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:
- (1) When the customer requests.
 - (2) When it is determined by an employee of the city utility department, fire department or police department that the continuance of a particular utility service constitutes a dangerous conditions presenting a likely immediate threat to health or safety of persons or property on or near the customer's premises.
- (b) The city may discontinue or refuse a particular utility service to any customer following compliance with the notice and hearing requirements of section 15-104, for any of the following reasons:
- (1) Non-payment of utility bills and charges as provided in section
 - (2) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility services from the city.
- (c) The city may discontinue or refuse a particular utility service to any customer following notice to the customer, for any of the reasons set out in this subsection. The customer shall have the right to a hearing within a reasonable time, not to exceed 10 days, following termination or refusal of service. If after such hearing the hearing officer finds in favor of the customer the hearing officer may order connection or reconnection of the service at no cost to the customer.
- (1) When the customer refuses to grant employees of the city's utility department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.
 - (2) When the customer violates any rule, regulation or ordinance of the city pertaining to utility services, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services' delivery system.

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services' delivery system situated or delivered on or about the customer's premises. (Ord. 469, Sec. 2; code 1993)

15-103. UTILITY BILLING DATES; DELINQUENCY DATE. All meters shall be read monthly and bills for utility services shall be rendered monthly. Said bills shall become due and payable on the 1st day of the following month. Such bills may include charges for electric, water, sewer, solid waste and other charges or amounts properly due to the city. All monthly bills must be paid in full by the 20th day of the month. (Ord. 469, Sec. 3; Code 1993)

15-104. NON-PAYMENT OF UTILITY BILLS. (a) An account of delinquency and service discontinuance notice shall be issued in writing on the 11th day of the month with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the customer (and a copy also sent by U.S. mail, first class, to the occupant of the premises served if the occupant is not the customer) at the last known address of the customer as shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city utility department by any city law enforcement officer or by such city employee posting the written notice upon a door of a building upon the property serviced.

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

- (1) Name of customer and address where service is being provided.
- (2) Account Number.
- (3) Amount past due plus delinquency charges.
- (4) Notice that utility service shall be terminated upon failure to pay

the delinquent billing plus delinquency charges on or before the 20th day of the month of billing.

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

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

NOTICE OF ACCOUNT DELINQUENCY AND SERVICE DISCONTINUANCE.

TO: NAME: _____ DATE: _____

ACCT. NO. _____ ADDRESS _____

AMOUNT DUE _____ INCLUDING TAX AND PENALTY.

Your account is past due. If the amount shown is not paid by _____ service will be discontinued. Before service is restored, the total amount due must be paid plus a fee of \$30.00 per meter. If you are unable to pay your bill by the 20th you may request a hearing before the City Light Committee, provided such request is made at least three working days before the termination date deadline of the 20th. Call 545-3322 to make an appointment. Any disputes or hearing request concerning this bill should be directed to the City Clerk at City Hall. Office Hours are 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday.

(Ord. 675; Code 2014)

- 15-104A. DISCONTINUANCE OF UTILITY SERVICES. City utility departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to the procedure set out in this chapter. Customers shall remain responsible for furnishing the city with the correct address for billing purposes. (Ord. 469, Sec. 5; Code 1993)
- 15-104B. LATE PAYMENT CHARGES, RECONNECTION FEES. (a) Late payment charges. All bills delinquent after the 10th day of the month of the billing shall be subject to a 10 percent penalty. Provided, however, all bills postmarked the 10th of the month will be honored without penalty and all payments received by 8:00 a.m. of the following working day in the night depository will be honored without penalty. If said bill is not paid in full by the 20th of the month following meter readings, the service shall be disconnected and shall not be reconnected until all past due bills for utility services rendered at said location have been paid in full together with reconnection charges.
- (b) Grace Period. In the event the 10th of the month falls on the weekend, or holiday, a grace period will be given until 8:00 a.m. of the second working day, and all bills postmarked the date of the first working day will be honored without penalty. All payments received after these deadlines will be penalized.
- (c) Reconnect charges. There will be assessed to the customer a fee of \$30 for each initial hook up or each time service is reconnected. (Ord. 675; Code 2014)
- 15-105. UTILITY DEPOSIT. (a) At the time of making application for utility service, the property owner or customer shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service. Receipt thereof shall be issued to each such depositor.
- (b) Cash deposits for the indicated utility services shall be in the following amounts:
- (1) Water Service Utility Deposit - \$75;
 - (2) Electric Service - \$75;
 - (3) Sewer Service - \$-0-;
 - (4) Solid Waste (trash) Service - \$-0-.
- (c) The deposit so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined by the state corporation commission yearly and credited to the customer's account January 1st of each calendar year.
- (d) On the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor who is owner of the premises wherein such utility service is being furnished and has not been delinquent in payment of any utility service charge during the past year. Interest due and accrued shall not draw interest.
- (e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.
- (f) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the utility fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended. (Ord. 565, Sec. 2; Code 2001)

- 15-106. DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY. (a) In the event that any person, except the United States or the state of Kansas, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in sections 15-102:104. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.
- (b) In the event that any person, except the United States or the state of Kansas, residing, occupying, using or operating on property to which utility service(s) furnished by the city is not paid, the unpaid fees or charges shall constitute a lien upon the property to which the utilities are furnished. The amount of the unpaid fees or charges shall be certified by the governing body to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law.
- (c) The lien, described in subsection (b) of this section, shall not attach to property for unpaid utility fees or charges when the utility service(s) have been contracted for by a tenant and not by the landlord or owner of the property to which the utility service is provided.
- (d) If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided by the city, the application shall not be accepted until all fees or charges are paid in full.
(Code 2014)
- 15-107. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article shall be liable for payment of the costs of any utility service account delinquency arising from service provides to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.
- (b) In the event that a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry.
- (c) If utility service is furnished to a leased premises on the application or request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service finished.
- (d) The city may collect the amount of the unpaid bill for utility services by any lawful means. Provided, however, that in no event may the city place a lien, as provided in subsection (b) of 15-106, on real estate of the lessor.
(Code 2014)
- 15-108. PETTY CASH FUND. A petty cash fund in the amount of \$1,000 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 1993)

- 15-109. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 1993)
- 15-110. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 1993)
- 15-111. NEW CONNECTIONS. Any new customers and/or new construction requiring connection to the City of Glen Elder's utility service system shall pay all equipment and material costs for the connection to the respective portions of the city's utility service system. However, new customers and/or new construction shall not pay for any labor costs for work performed by the City of Glen Elder. The new customer shall pay any privately contracted labor costs for the connection to the utility service system. (Ord. 655; Code 2014)
- 15-112. CONNECTION REPLACEMENT. Should an existing customer on the City of Glen Elder's utility service system request replacement or upgrade of their existing electrical, water, wastewater or sewer system, that customer shall pay all material and equipment costs and shall pay to the City of Glen Elder labor costs in the amount of \$40 per hour, per person. (Ord. 655; Code 2014)
- 15-113. SAME. Should the City of Glen Elder designate a need to repair or move meter service for any customer, the City will pay all costs of labor, equipment and materials. If any customer requests a new meter or to have a properly functioning meter relocated, that customer shall be responsible for all costs of labor, equipment and materials. (Ord. 655; Code 2014)

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 1993)
- 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 1993)
- 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 1993)
- 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 1993)
- 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. (Ord. 490, Sec. 3; Code 1993)
- 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 1993)

- 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 - \$130 plus tax;
(b) For connecting water main with larger than a three-fourths inch tap, service line or meter - \$130 plus tax.
(Ord. 534, Sec. 1; Code 2001)
- 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 1993)
- 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 1993)
- 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 1993)
- 15-211. METERS. (a) All water furnished to customers shall be metered.
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.
(c) The city's responsibility stops at the property line.
(Code 1993)
- 15-212. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10 will be made to the customer. (Code 1993)
- 15-213. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off. (Code 1993)
- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 1993)

- 15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 1993)
- 15-215B. CONNECTION CHARGE. A customer may connect to the city's water system for a connection fee of \$10 during any fiscal year. (Ord. 565, Sec. 3; Code 2001)
- 15-216. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 1993)
- 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 1993)
- 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 1993)
- 15-219. WASTING WATER. (a) Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. Wasting water may include but is not limited to:
- (1) Permitting water to escape down a gutter, ditch, or other surface drain;
 - (2) Failing to repair an irrigation system's malfunction; or
 - (3) Failing to repair a controllable water leak due to defective plumbing.
- (b) It shall be a violation of this article and unlawful for any owner, occupant, or manager of real property served by the city water utility to waste water or to permit the willful waste of water to occur.
- (c) In the event of a violation of this section, the superintendent of water, or such other person as may be designated by the city, shall give written notice of the violation and opportunity for hearing in accordance with section 15-608.
- (d) The penalties for violating this section shall be the same as those set forth in section 15-608.
- (Code 2014)

- 15-220. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 1993)
- 15-221. RATES. The rates per month for use of water in the city's water utility system shall be as follows:
 (a) \$17.00 minimum charge; and
 (b) All water used shall be charged at the rate of \$3.35 per one thousand gallons of usage.
(Ord. 677; Code 2014)
- 15-222. 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 will be added to the bill.
(Code 1993)
- 15-223. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104b. (Code 1993)
- 15-224. USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1993)
- 15-225. CROSS-CONNECTION REGULATIONS; FINDINGS AND POLICY. It is in conformity with Kansas Administrative Regulation 28-15-18 and in the public interest to protect the quality of water to the consumers of the city. The public water supply system is operated by the city in compliance with the policies and regulations of the Kansas Department of Health and Environment (KDHE), and restrictions are necessary to prevent contamination of the water provided to the consumers from cross connections with the public water supply system.
(Ord. 499; Code 1993)
- 15-226. CROSS-CONNECTION CONTROL; DEFINITIONS.
 (a) Air Gap Separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.
 (b) Approved Tester means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the city.
 (c) Authorized Representative means any person designated by the city to administer this cross connection control ordinance.
 (d) Auxiliary Water Supply means any water source or system, other than the city, that may be available in the building or premises. This does not include

other Kansas Department of Health and Environment (KDHE) permitted public water supply systems.

(e) Backflow means the flow other than the intended direction of flow, of any foreign liquids, gases, used water or substances into the distribution system of a public water supply system.

(f) Backflow Prevention Device means any device, method, or type of construction intended to prevent backflow into the public water supply system.

(g) Consumer means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the city.

(h) Contamination means an introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an aesthetic deterioration, color, taste or odor.

(i) Cross Connection means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be the backflow the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.

(j) Degree of Hazard means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.

(k) Health Hazard means any condition, device, or practice in the public water supply system which could create or may create a danger to the health and well-being of anyone using the water or allow contamination of the water.

(l) Public Water System means the water supply source, distribution system and appurtenances to the service meter operated as a public utility which supplies potable water to the consumers' water systems.

(m) Public Water Supply System means the public water system and the consumers' water systems.

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

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

(Ord. 499, Sec. 1; Code 1993)

15-227. SAME; GENERAL POLICY. (a) Purpose. The purpose of this policy is:

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

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

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

(b) Application. The regulation/ordinance shall apply to all consumers' water systems. The city shall also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the city.

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

If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at his own expense. Failure or refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided.

(Ord. 499, Sec. 2; Code 1993)

15-228. SAME; CROSS CONNECTIONS PROHIBITED. (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the city or its authorized representative.

(b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

(Ord. 499, Sec. 3; Code 1993)

15-229. SAME; SURVEY AND INVESTIGATIONS. (a) The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

(b) On request by the city or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer's water system.

(c) On request by the city or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the city or its authorized representative.

(Ord. 499, Sec. 4; Code 1993)

15-230. SAME; WHERE PROTECTION IS REQUIRED. (a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the city or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

(b) An approved air gap separation or reduced pressure principle backflow prevention device shall be installed on each service connection or within any premises where, in the judgment of the city or its authorized representative or the KDHE, the nature and extent of activities on the premises, would present a health hazard or contamination of the public water supply system from a cross-connection. This includes but is not limited to the following situations:

(1) Premises having internal plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

(2) Premises having internal plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

(3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.

(4) Premises having a repeated history of cross connections being established or re-established.

(5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.

(6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

(7) Premises where toxic or hazardous materials are handled.

(c) The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the city or its authorized representative and the KDHE:

- (1) Agricultural chemical facilities;
- (2) Auxiliary water systems, wells;
- (3) Boilers;
- (4) Bulk water loading facilities;
- (5) Car washing facilities;
- (6) Chemical manufacturing, processing, compounding or treatment plants;
- (7) Chill water systems;
- (8) Cooling towers;
- (9) Feedlots;
- (10) Fire protection systems;
- (11) Hazardous waste storage and disposal sites;
- (12) Hospitals, mortuaries, clinics or others as discovered by sanitary surveys;
- (13) Irrigation and sprinkler systems;
- (14) Laundries and dry cleaning;
- (15) Meat processing facilities;
- (16) Metal manufacturing, cleaning, processing and fabricating plants;
- (17) Oil and gas production, refining, storage or transmission properties;
- (18) Plating plants;
- (19) Power plants;
- (20) Research and analytical laboratories;
- (21) Sewage and storm drainage facilities--pumping stations and treatment plants;
- (22) Veterinary clinics.

(Ord. 499, Sec. 5; Code 1993)

- 15-231. SAME; LAWN IRRIGATION SYSTEMS. (a) An approved pressure vacuum breaker or reduced pressure principle backflow preventer shall be installed on all new lawn irrigation sprinkler systems.
- (b) All lawn sprinkler systems that have no backflow protection shall be so protected within 90 days from the date of the enactment of this ordinance or prior to usage, whichever is later.
- (c) All lawn sprinkler systems with improper backflow protection shall be retrofitted in accordance with subsection (a) of this section within one year from the date of enactment.
(Ord. 499, Sec. 6; Code 1993)
- 15-232. SAME; BACKFLOW PREVENTION DEVICES. (a) Any backflow prevention device required by this regulation/ordinance shall be of a model or construction approved by the city or its authorized representative and the KDHE.
- (1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
- (2) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed at the time this regulation/ordinance was passed and complies with required inspection and maintenance.
(Ord. 499, Sec. 7; Code 1993)
- 15-233. SAME; INSTALLATION. (a) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the city or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the city or its authorized representative agrees otherwise.
- (b) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- (c) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturers' recommendations.
(Ord. 499, Sec. 8; Code 1993)
- 15-234. SAME; INSPECTION AND MAINTENANCE. (a) The consumer is required by this regulation to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the city or its authorized representative.
- (1) Air gap separations shall be inspected at the time of installation and at least monthly.
- (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty months.
- (3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.

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

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

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

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

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

(Ord. 499, Sec. 9; Code 1993)

15-235. SAME; VIOLATION AND PENALTIES. (a) The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the city or its authorized representative, or it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

(b) Water service to such premises shall not be restored until the consumer is in compliance with this cross connection regulation to the satisfaction of the city or its authorized representative. (Ord. 499, Sec. 10; Code 1993)

15-236. SAME; DEVICES, SPECIFICATIONS. The following devices are recognized for cross connection control and backflow prevention by the KDHE:

Air Gap. Gap must be two pipe diameters (in on instance less than one inch). Must be inspected annually. Satisfactory for any material. Whenever practical the control method of choice .

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

Double Check Valve Assembly. Contains two soft seated independently acting check valves in series. Shut off valves before and after device. Adequate for non toxic applications only. Minor pressure loss Must be inspected and tested annually. Repaired as necessary.

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

Atmospheric Vacuum Breaker. Must be installed a minimum of 6 inches above highest point of usage. No back pressure, only back siphonage. Not for use under constant pressure. Shut off valve must be located ahead of vacuum breaker. Must be inspected annually and repaired as necessary.

(Ord. 499, Sec. 10; Code 1993)

ARTICLE 3. ELECTRICITY

15-301. RATES. All services provided by the city shall be sold on a metered basis and the rates to be charged shall be as hereinafter set forth:

(a) Urban Residential Service; Schedule RU-09.

(1) Availability – At all locations within the city limits.

(2) Applicability – To residential customers for all domestic uses in single family residences and individually metered apartments when supplied at one point of delivery and measured through the use of one residential customer and not resold or shared with others.

When two or more dwelling units such as duplexes, apartments and trailer homes, having separate kitchen facilities, are served through one meter, this schedule is applied by multiplying the monthly customer charge and the monthly minimum charge by the number of dwelling units served through the meter.

When more than four rooms in a residence are rented, or are available for renting, the residence shall be considered as a commercial rooming house and billed under the applicable General Service Schedule. This schedule is not available to residential premises that are also used for commercial purposes. However, if the customer's wiring is so arranged that electric service for domestic and non-domestic purposes can be metered separately, then this schedule applies to that portion used for domestic purposes.

(3) Character of Service – Single phase, alternating current, 60 hertz, and at the nominal voltage the city has available to the service location. At the city's option, three phase service may be provided.

(4) Net Monthly Billing – A monthly customer charge of \$8.00, plus an energy charge of \$0.099 per kilowatt hour (kWh), plus applicable monthly Energy Cost Adjustment (ECA).

(5) Monthly Energy Cost Adjustment (ECA) – Each monthly billing is subject to adjustment upward or downward for changes in the cost of electricity purchased by the city as provided in the city's Energy Cost Adjustment Schedule ECA-09. The amounts added to or deducted from the monthly base rate billings under the ECA shall not be reduced by any other adjustment or discount, nor shall such amounts reduce the minimum monthly billing.

(b) Rural Residential Service; Schedule RR-09.

(1) Availability – At all locations outside the city limits that are served by the city.

(2) Applicability – To residential customers for all domestic uses in single family residences and individually metered apartments when supplied at one point of delivery and measured through one meter. This service is for the exclusive use of one residential customer and is not to be resold or shared with others.

When two or more dwelling units such as duplexes, apartment and trailer homes, having separate kitchen facilities, are served through one meter, this schedule is applied by multiplying the monthly customer charge by the number of dwelling units served through one meter.

When more than four rooms in a residence are rented, or are available for renting, the residence shall be considered as a commercial rooming house and be billed under the applicable General Service Schedule. This schedule is not available to residential premises that are also used for commercial purposes. However, if the customer's wiring is so arranged that electric service for domestic and non-domestic purposes can be metered separately then this schedule applies to that portion used for domestic purposes.

(3) Character of Service – Single phase, alternating current, 60 hertz, and the nominal voltage the city has available to the service location. At the city's option, three phase service may be provided.

(4) Net Monthly Billing – A monthly customer charge of \$9.00, plus an energy charge of \$0.103 per kilowatt hour (kWh), plus applicable monthly Energy Cost Adjustment (ECA).

(5) Monthly Energy Cost Adjustment (ECA) – Each monthly billing is subject to adjustment upward or downward for changes in the cost of electricity purchased by the city as provided in the city's Energy Cost Adjustment Schedule ECA-09. The amounts added to or deducted from the monthly base rate billings under the ECA shall not be reduced by any other adjustment or discount, nor shall such amounts reduce the minimum monthly billing.

(c) Urban Commercial Service; Schedule CSU-09.

(1) Availability – At all locations within the city limits.

(2) Applicability – To all customers using electric service for any purpose excepting domestic uses in residences and whose total connected load is estimated by the city to be less than 10.0 kilowatts (kW). This service is to be supplied at one point of delivery, measured through one meter, and not to be sold or shared with others.

(3) Character of Service – Alternating current, 60 hertz, single phase or three phase, of any standard secondary voltage, or at the secondary voltage and phase that the city has available to the service location.

(4) Net Monthly Billing – A monthly customer charge of \$9.00, plus an energy charge of \$0.099 per kilowatt hour (kWh), plus applicable monthly Energy Cost Adjustment (ECA).

(5) Monthly Energy Cost Adjustment (ECA) – Each monthly billing is subject to adjustment upward or downward for changes in the cost of electricity purchased by the city as provided in the city's Energy Cost Adjustment Schedule ECA-09. The amounts added to or deducted from the monthly base rate billings under the ECA shall not be reduced by any other adjustment or discount, nor shall such amounts reduce the minimum monthly billing.

(d) Rural Commercial Service; Schedule CSR-09.

(1) Availability – At all locations outside the city limits that are served by the city.

(2) Applicability – To all customers using electric service for any purpose excepting domestic uses in residences and whose total connected load is estimated by the city to be less than 10.0 kilowatts (kW). This service is to be supplied at one point of delivery, measured through one meter, and not to be resold or shared with others.

(3) Character of Service – Alternating current, 60 hertz, single phase or three phase, of any standard secondary voltage, or at any secondary voltage and phase that the city has available for to the service location.

(4) Net Monthly Billing – A monthly customer charge of \$10.00, plus an energy charge of \$0.102 per kilowatt hour (kWh), plus applicable monthly Energy Cost Adjustment (ECA).

(5) Monthly Energy Cost Adjustment (ECA) – Each monthly billing is subject to adjustment upward or downward for changes in the cost of electricity purchased by the city as provided in the city's Energy Cost Adjustment Schedule ECA-09. The amounts added to or deducted from the monthly base rate billings under the ECA shall not be reduced by any other adjustment or discount, nor shall such amounts reduce the minimum monthly billing.

(e) Urban Power Demand Service; Schedule PDU-09.

(1) Availability – At all locations within the city limits.

(2) Applicability – To all customers using electric services for any purpose excepting domestic uses in residences and whose total connected load is estimated by the city to exceed 10.0 kilowatts (kW). This service is to be supplied at one point of delivery, measured through one meter, and not be resold or shared with others.

(3) Character of Service – Alternating current, 60 hertz, single phase or three phase, of any standard secondary voltage, or at the secondary voltage and phase that the city has available to the service location.

(4) Net Monthly Billing – A monthly customer charge of \$11.00, plus a demand of \$7.70 per kilowatt (kW) of yearly maximum demand, plus an energy charge of \$0.062 per kilowatt hour (kWh), plus applicable monthly Energy Cost Adjustment (ECA).

(5) Monthly Energy Cost Adjustment (ECA) – Each monthly billing is subject to adjustment upward or downward for changes in the cost of electricity purchased by the city as provided in the city's Energy Cost Adjustment Schedule ECA-09. The amounts added to or deducted from the monthly base rate billings under the ECA shall not be reduced by any other adjustment or discount, nor shall such amounts reduce the minimum monthly billing.

(f) Rural Power Demand Service; Schedule PDR-09.

(1) Availability – At all locations outside the city which are served by the city.

(2) Applicability – To all customers using electric service for any purpose excepting domestic uses in residences and whose total connected load is estimated by the city to be less than 10.0 kilowatts (kW). This service is to be supplied at one point of delivery, measured through one meter, and not to be sold or shared with others.

(3) Character of Service – Alternating current, 60 hertz, single phase or three phase, of any standard secondary voltage, or at the secondary voltage and phase that the city has available to the service location.

(4) Net Monthly Billing – A monthly customer charge of \$12.00, plus \$7.80 per kilowatt (kW) of yearly maximum demand, plus \$0.064 per kilowatt hour (kWh), plus applicable monthly Energy Cost Adjustment (ECA).

(5) Monthly Energy Cost Adjustment (ECA) – Each monthly billing is subject to adjustment upward or downward for changes in the cost of electricity purchased by the city as provided in the city's Energy Cost Adjustment Schedule ECA-09. The amounts added to or deducted from the monthly base rate billings under the ECA shall not be reduced by any other adjustment or discount, nor shall such amounts reduce the minimum monthly billing.

(Ord. 674; Code 2014)

15-301A. RATE SCHEDULES AND CONDITIONS OF SERVICE FOR NOT-FOR-PROFIT ORGANIZATIONS. Rate schedules and conditions of service for not-for-profit organizations within the city shall be identical to rate schedules and conditions of service for residential customers within the city.
(Ord. 579; Code 2014)

- 15-302. ENERGY COST ADJUSTMENT (ECA). The city retail electric rates are based on an average wholesale cost of purchased electricity equivalent to \$0.0535 per kWh delivered to the city electric system. Whenever the monthly average cost of purchased electricity differs from the base cost of \$0.0535 per kWh, all city billings of the succeeding month shall be increased or decreased accordingly as the actual cost of purchased electricity was above or below the base cost.
- This energy cost adjustment shall be made each month and shall apply to each kWh sold to all city customers. The difference between the actual cost of electricity purchased and the base cost of \$0.0535 per kWh shall be multiplied by 1.17 to compensate for distribution and losses and for energy furnished free by city electric utility to the city. (Ord. 674; Code 2014)
- 15-303. APPLICATION FOR SERVICE. Prior to receiving electric service, a written application for such service shall be made to the city. Such application shall be considered a contract between the owner or occupant of the premises served and the city wherein the owner or occupant agrees to abide by the regulations and ordinances of the city as a condition of receiving utility service. If the owner or occupant receives electric service without a written application having been made, such service shall be rendered at the convenience of the city and may be disconnected without notice for failure to make the required application. All contracts for utility service shall be signed in the true name of the customer who is actually to receive and sue such service unless otherwise permitted by the city in its discretion. The name of the customer shall be the head of the household even though the application is made by the spouse. Any change in the identity of the counteracting customer or the premises served shall require a new application. The city may discontinue utility service until such new application has been made and accepted by the city. A customer who has made application for utility service to any specified premises will continue to receive such services until such time as the customer properly notifies the city to discontinue the service for his account. Utility services to each customer shall be for the sole use of such customer on the premises described in the application for service. (Ord. 489, Sec. 3; Code 1993)
- 15-304. METERS. (a) The city shall have the right to inspect, test, or exchange any meter or measuring instrument on the premises of any user of electricity from the distribution system of said city at any time the Superintendent of Light and Water Department or the Light and Water Committee shall deem it necessary or advisable.
- (b) The city may at any time the Superintendent of the Light and Water Department or the Light and Water Committee deem it necessary or advisable replace any meter now owned by any user of electricity from the electrical distribution system of the city with an electricity meter or measuring instrument owned by the city. No charge shall be made to the user of electricity for this service. (Ord. 334, Sec. 1:2; Code 1993)

ARTICLE 4. SEWERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) User means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater

requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

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

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

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

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

(3) Hydrogen ion concentration of 5.0 to 9.0.

(Code 1993)

15-402. SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 140 feet of the property line. (Code 1993)

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

(b) There shall be charged a fee of \$5 payable at the time of making application for the permit.

(Ord. 534, Sec. 1; Code 2001)

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

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

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

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

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

(Code 1993)

15-405. COSTS. At any time a new or existing customer requests to tap into the sewer system of the City of Glen Elder, there shall be assessed a sewer tap fee of \$50. All costs and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 655; Code 2014)

- 15-406. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the utility superintendent and at a location designated by the superintendent. (Code 1993)
- 15-407. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Code 1993)
- 15-408(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. (Code 1993)
- 15-408(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Code 1993)
- 15-408(3) SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. (Code 1993)
- 15-408(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Code 1993)

- 15-408(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Code 1993)
- 15-408(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved. (Code 1993)
- 15-408(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.
- Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector.
- Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.
- Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Code 1993)
- 15-409. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Code 1993)
- 15-410. FAILURE TO CONNECT. (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.
- (b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants. (Code 1993)

- 15-411. PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article. (Code 1993)
- 15-412. PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-402 the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 15-411 to 15-416. (Code 1993)
- 15-413. SAME; PERMIT. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utility superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the utility superintendent. A permit and inspection fee of \$100 shall be paid to the city at the time the application is filed. (Code 1993)
- 15-414. SAME; INSPECTION. The utility superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Code 1993)
- 15-415. SAME; DISCHARGE. (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-402, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials. (Code 1993)
- 15-416. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Code 1993)
- 15-417. DISPOSAL OF SEWAGE. It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; K.S.A. 12-1617g; Code 1993)

- 15-418. DAMAGE TO SEWERS. It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Code 1993)
- 15-419. NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. (Code 1993)
- 15-420. STANDARDS. The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. (Code 1993)
- 15-421. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the utility superintendent, to meet all requirements of this article. (Code 1993)
- 15-422. MUD, GREASE TRAPS. All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer. (Code 1993)
- 15-423. ROOF, FOUNDATION DRAINS. (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.
(b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharged into any unpaved street or alley. (Code 1993)
- 15-424. SAME; EXCEPTION. Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the utility superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 1993)
- 15-425. PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer:
(a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
(b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;

- (c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
 - (d) Garbage that has not been properly shredded;
 - (e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
 - (f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
 - (g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
 - (h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
 - (i) Noxious or malodorous gas or substance capable of creating a public nuisance.
- (Code 1993)

15-426. **BILLS.** (a) Bills shall be rendered monthly as provided in section 15-222 and shall be collected as a combined utility bill.
 (b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate.
 (Code 1993)

15-427. **DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.**
 (a) In the event any person, except the United States and the state of Kansas, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15:102:104.
 (b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in section 15-106 shall apply to sewer service fees, charges and services. (Code 2014)

15-428. **SEWER SERVICE CHARGE.** (a) All users of the sewage system are for the purpose of this ordinance classified and charged as follows:
 Classification Rate per month:

- (1) A single family residence or any other residential unit used and occupied solely as a residence and/or any residence connected to and monitored by an individual electric meter.\$15.00
- (2) All commercial businesses, including hotels, motels, cafes, business offices, mercantile shop, service stations and any other profit based business and any public service provider, including public schools, hospitals and rest homes, connected to a single meter will be\$23.00
- (3) Churches, religious centers, and other establishments not otherwise classified herein\$15.00

(b) Should any type of property listed above have a single electric meter but multiple structures on the property, each with an individual sewer connection, the user shall be charged the applicable sewer rate for each individual sewer connection.

(c) The sewer service charge imposed herein shall be payable to the city clerk in the same manner as light and water bills are paid.
(Ord. 672; Code 2014)

15-429. SAME; MULTIPLE STRUCTURES. Should any type of property listed in 14-428 have multiple structures on the property, each with an individual sewer connection, the user shall be charged the applicable sewer rate for each individual sewer connection. (Ord. 672; Code 2014)

15-430. SAME; DISCONNECT/TERMINATE. If at any time a property owner disconnects or voluntarily terminates water service for a property listed in 15-428, that particular property, shall not be subject to a sewer service charge during the period of time the water services remains disconnected or terminated. At such time water service resumes on the property, the sewer service charge shall resume on the property. (Ord. 672; Code 2014)

ARTICLE 5. SOLID WASTE

- 15-501. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:
- (a) Commercial Waste. All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.
 - (b) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;
 - (c) Garbage. Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;
 - (d) Multi-Family Unit. Any structure containing more than four individual dwelling units;
 - (e) Refuse. All garbage and/or rubbish or trash;
 - (f) Residential. Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;
 - (g) Rubbish or Trash. All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
 - (h) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.
 - (i) Solid Waste. All non-liquid garbage, rubbish or trash.
(Ord. 395, Sec. 1; Code 1993)
- 15-502. COLLECTION. All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Ord. 395, Sec. 2; Code 1993)
- 15-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.
(Ord. 395, Sec. 2; Code 1993)
- 15-503A. SAME; EMERGENCY PROVISIONS. Should an event of emergency nature such as a wind storm or tornado occur, it shall be the privilege of the city to assume the responsibility of providing for additional collection and transportation caused by the emergency, irrespective of any exclusive rights given by contract for regular residential solid waste collection. Such an occurrence shall in no way affect the terms of the contract. (Ord. 395, Sec. 31a; Code 1993)
- 15-504. DUTY OF OWNER, OCCUPANT. (a) It shall be the duty of each occupant of a residential unit within the city to notify the city clerk of such occupancy and to request, accept and use the garbage and refuse collection service, provided however, that the failure of any such occupant to make such request shall not prevent or in any way impede the city from adding the address of such occupancy to the proper refuse collection route record and to provide such service and otherwise enforce by appropriate action the regulatory measures herein prescribed

and causing the fee to be paid. Any occupant who is absent from his or her residential dwelling for a period of two weeks or longer, may request to the city clerk that he or she be billed for only that portion of the month or months that he occupies his or her residence; provided that no refuse is generated from said dwelling during this time by any other source. The contractor shall be notified of such temporary non-use and shall stop and begin service on dates provided to him.

(b) The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.

(Ord. 395, Sec. 10; Code 1993)

15-505. CONTAINERS. (a) Residential containers shall have a capacity of not more than 32 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags, of not less than 1.5 mills in thickness, manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed and enclosed so as to prevent access to animals at all times. All garbage shall be drained of all liquids before being placed in bags or containers.

(b) The contractor shall not be required to collect solid waste unless it is in approved containers or bundles, except as provided for in special haul service.

(Ord. 395, Sec. 12; Code 1993)

15-506. BULK CONTAINERS. On premises where excessive amounts of refuse accumulate or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction.

(Code 1993)

15-507. ENTER PRIVATE PREMISES. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 1993)

15-508. OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Ord. 395, Sec. 8; Code 1993)

- 15-509. WRAPPING GARBAGE. All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 1993)
- 15-510. HEAVY, BULKY WASTE. Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Ord. 395, Sec. 13; Code 1993)
- 15-510A. BUNDLED WASTE. (a) Trees less than 4 inches in diameter, branches and shrubbery trimmings shall be securely tied in bundles which shall not exceed 18 inches in diameter nor 48 inches in length and shall not, regardless of size, exceed 60 pounds in weight.
(b) Books, magazines and newspapers may be securely tied in bundles or placed in disposable containers in lieu of placing in an approved container. Empty cardboard boxes shall be flattened. No trash other than books, papers, magazines or lawn clippings, shall be placed in cardboard containers.
(Ord. 395, Sec. 13; Code 1993)
- 15-511. HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
(a) Explosive materials;
(b) Rags or other waste soaked in volatile and flammable materials;
(c) Chemicals;
(d) Poisons;
(e) Radio-active materials;
(f) Highly combustible materials;
(g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
(h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
(Ord. 395, Sec. 7; Code 1993)
- 15-512. PROHIBITED PRACTICES. It shall be unlawful for any person to:
(a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
(b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
(c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
(d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
(Ord. 395, Sec. 15; Code 1993)
- 15-513. OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 1993)

- 15-514. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Ord. 395, Sec. 9; Code 1993)
- 15-515. PRIVATE COLLECTORS; LICENSE REQUIRED. (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.
(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Ord. 395, Sec. 2; Code 1993)
- 15-516. SAME; APPLICATION. Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application. (Code 1993)
- 15-517. SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk the sum of \$_____ per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1st of the calendar year in which said permit is issued. (Code 1993)
- 15-518. SAME; NUMBER TO BE DISPLAYED. The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Ord. 395, Sec. 4; Code 1993)
- 15-519. CLOSED VEHICLE. Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Ord. 395, Sec. 4; Code 1993)

- 15-520. **RULES AND REGULATIONS.** The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer.
(Code 1993)
- 15-520A. **SAME; ROUTES AND SCHEDULES.** The contractor shall provide the governing body with maps, schedules and stops of all collection routes and keep such information current at all times. It shall be the householder's responsibility to place the solid waste at the appropriate location for collection before the approved starting hour. In the event of changes in routes or schedules that will alter the day of pickup, the contractor shall so notify each customer affected by mail not less than two weeks prior to the change. (Ord. 395, Sec. 20; Code 1993)
- 15-520B. **SAME; NOTIFICATION.** The contractor and governing body shall agree as to which will notify all customers about complaint procedures, rates, regulations and day(s) of collection. (Ord. 395, Sec. 21; Code 1993)
- 15-520C. **SAME; COMPLAINTS.** All complaints shall be resolved by the contractor within 48 hours. When action by the contractor does not resolve the situation to the satisfaction of the person complaining, then the governing body through its agent shall have authority to present a binding decision. The contractor shall furnish the governing body a copy of all complaints on forms approved by the governing body. Said form shall indicate the nature, date, and time, and location of the complaint and the date and time and method by which complaint was resolved. A complaint received on a day prior to a holiday or on a Saturday need not be resolved until the next working day. (Ord. 395, Sec. 22; Code 1993)
- 15-521. **FAILURE TO SECURE LICENSE.** Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116.
(Code 1993)
- 15-522. **CHARGES.** The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city.
(Code 1993)
- 15-523. **FEES, LANDFILLS AND TRASH COLLECTION.** (a) The trash collection fee shall be \$6.39 per month.
(b) The county landfill disposal fee shall be \$8 per month.
(c) The city landfill tree burning site fee shall be \$0.17 per month.
(d) The foregoing rates shall be a total of \$14.56 per month.
(Ord. 633; Code 2014)

- 15-524. BILLING. (a) The residential trash service fee shall be paid in full, with no proration, for any month a residence is occupied by any person for one day or more. If the residence is not so occupied, and if the owner of the residence has notified the city clerk, in writing, prior to the 19th day of the month, that the residence or dwelling unit will not be occupied, the residential trash service fee shall not be collected for the monthly billing period.
- (b) The notice provided for shall state a beginning date and an ending date and must be filed at least annually.
- (c) If the residence or dwelling unit is occupied by any person for one day or more during the period of claimed exemption from the residential trash service, fee, the owner shall notify the city clerk, in writing, of such occupancy, and the exemption from payment of the residential trash service fee shall end. New notice of non-occupancy can be given from time to time thereafter, if the premises become unoccupied.
- (d) The contractor shall stop and begin service on dates provided to the contractor by the city clerk.
- (e) Solid waste charges shall be billed monthly and shall be included on water or utility bills. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills.
(Ord. 526, Sec. 1; Code 1993)

- 15-525. SAME; DELINQUENT ACCOUNT. In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected.
(K.S.A. 65-3410; Code 1993)

ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning, or emergency is declared. (Ord. 597; Code 2014)
- 15-602. DEFINITIONS. (a) Water shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) Waste of Water includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:
- Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational 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. 597; Code 2014)
- 15-603. DECLARATION OF WATER WATCH. Whenever the governing body of the city finds that conditions indicate 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 reduction 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. 597; Code 2014)
- 15-604. DECLARATION OF WATER WARNING. Whenever the governing body of the city finds that drought conditions or some other condition causing a major 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. 597; Code 2014)

- 15-605. **DECLARATION OF A WATER EMERGENCY.** Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 597; Code 2014)
- 15-606. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or warning as provided in section 15-603, and 15-604, 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) Class 1 uses of water.
 (b) Waste of water.
(Ord. 597; Code 2014)
- 15-607. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-605, 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. 597; Code 2014)
- 15-608. **EMERGENCY WATER RATES.** Upon the declaration of a water supply emergency as provided in 15-605, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:
 (a) Higher charges for increasing usage per unit of 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. 597; Code 2014)

15-609. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-605, the mayor (or city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 597; Code 2014)

15-610. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-607 or 15-609, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

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

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

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

(b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for any additional violations.

(c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. (Ord. 597; Code 2014)

15-611. EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public. (Ord. 597; Code 2014)