

CHAPTER 15 UTILITIES

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ARTICLE 1 GENERAL PROVISIONS

- 15-101 DEFINITION- For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse), internet service, and other utility services provided by the city.
(Code 1994; *Amended for* Code 2003; Code 2015)
- 15-102 DELINQUENT ACCOUNTS- Unless otherwise provided by 102A, water, electric, sewer, solid waste (refuse), internet service, or other utility service shall be terminated for nonpayment of service fees or charges in accordance with Sections 15-103:104.
(Ord. 426, Sec. 16-105; Code 1994; *Amended for* Code 2003; Code 2015)
- 15-102A EXTENSION OF DUE DATE- In the event that a customer would desire an extension of time for the payment of his or her utility bill, a written request is to be personally presented to the City office setting forth the extension of time requested, the type and manner of payment to be made and acknowledgement that if the request for extension, if approved by city personnel, is not strictly adhered to utility service will be terminated.
- 15-103 NOTICE; HEARING- (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
(b) The notice shall state:
(1) The amount due, plus delinquency charge;
(2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay

the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;

(3) Notice that the customer has the right to a hearing before the utilities committee;

(4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held just prior to the next scheduled city council meeting.

(Ord. 426, Sec. 16-105; Code 1994; *Amended for Code 2003*; Code 2015)

15-104

SAME; FINDING- Following the hearing, if the utilities committee shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The utilities committee has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service.

(Code 1994; *Amended for Code 2003*; Code 2015)

15-105

METER ACCESS BY CITY PERSONNEL- (a) All owners and/or occupants of property which is connected to and/or receives city utility services shall, as a condition for continued service, ensure that all water and electrical meters are readily accessible, at all times, by city personnel for the purposes of taking readings, or for the maintenance, repair or replacement of the meters.

(b) The city superintendent, at his or her own discretion is authorized to deny service or discontinue service in the following situations:

(1) The presence of dogs or any other conditions which could present a danger or hazard to city employees or agents while reading or servicing the utility meters;

(2) The existence of locked gates or other barriers preventing the ready access by city employees or agents to the premises;

(3) The existence of the overgrowth of weeds, grasses or other natural or manmade obstructions preventing ready access by city employees or agents to city utility meters;

(c) Prior denial or discontinuation of utility service, ten days written notice to cure shall be given by the city superintendent, by regular

mail, to the owner and/or occupant of the property at their last known address. Upon a second occurrence, within one year, no notice will be required prior to denial or discontinuation of service.

(Ord. 533, passed 1-17-2006; Code 2015)

15-106

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

(b) In the event a delinquency arises involving leased premises, 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 mailing to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry. If the delinquent billing, interest and penalty are not paid within 15 days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billing for the utility service to be premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.

(Code 1994; Code 2003; Code 2015)

Utility Billing Procedure

1. Bills are prepared by the 1st of the month (Usually read by the 25th of the month).
2. Customers pay bill between the 1st and the 15th.
3. For customers that have not paid: At noon on the 16th, a late charge of \$10.69 is added and a late notice is mailed to the customer and landlord.
4. On the 25th, city workers place notices on the door notifying the customer that their electrical service will be terminated on the 26th if payment is not received by 10 a.m. (If we know someone is out of town, in the hospital, or if they notify the office, we usually don't turn off the services.)
5. On the 26th, if customers have not made arrangements with the city office, landlords are usually called and if the landlord does not want the service put in their name, services are turned off.
6. After the 26th, if the customer wants to reconnect services, payment must be made for the entire bill plus a reconnect charge of \$25.00 + tax.

Note:

1. If any of these dates fall on the weekends or a city holiday, the dates are adjusted accordingly.
2. In the winter, unless instructed by a landlord, we usually don't turn off services if it is going to be below freezing.

(To comply with the landlord's "wish" to know when the tenants are delinquent in their bills)

Date

Dear _____:

Rental Address: _____

This letter is to advise you that the City has sent a disconnect notice to terminate service to the above address. Service may be discontinued on _____ due to your tenant's failure to pay amounts due. The termination will be in accordance with applicable City Ordinances concerning disconnection of services.

The purpose of this letter is to avoid damage to your property resulting from the discontinuance of electrical and water service. Please give written notification prior to the state date if you want services left on in your name and all utilities used thereafter will be billed to you.

This is a courtesy notification. Please let us know if you have any questions.

City Clerk

15-107 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 1994; Code 2003; Code 2015)

15-108 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 1994; Code 2003; Code 2015)

15-109 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 therefore shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount.
(Code 1994; Code 2003; Code 2015)

15-110 CONNECT FEES- (a) That any person, firm or corporation within the city's utility service area desiring city utility connection shall apply to the City Clerk and shall accompany such application with a non-refundable service connection fee of \$50.00 for an electrical and/or water connection. No connection shall be made until said service connection fee has been paid and until all bills due for past utility service rendered by the city has been paid.
(b) That the City may, upon application of any person, firm or corporation adjacent to the City's power lines or water system may elect to reduce or waive the connection fee set forth subsections (a) above if:

The person, firm or corporation has, within five years preceding the application, been prior residents, businesses or operations within the City and, during the prior term of residence, business or operation had no delinquent utility payments and left all utility accounts in good standing.
(Ord. 590, passed 12-23-2013; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

15-205

APPLICATION FOR SERVICE- (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.

(b) The application shall:

(1) Contain an exact description including street address of the property to be served;

(2) State the size of tap required;

(3) State the size and kind of service pipe to be used;

(4) State the full name of the owner of the premises to be served;

(5) State the purpose for which the water is to be used;

(6) State any other pertinent information required by the city clerk;

(7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.

(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in Section 15-207.

(Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

- 15-207 CONNECTION FEES- The fees for connection to the city waterworks system shall be as follows:
 Cost of materials + 20 percent + contract labor + tax.
(Code 1978, 26-110; Code 1994; Code 2003; Code 2015)
- 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.
(Code 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 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 city superintendent or city clerk.
(Code 1994; Code 2003; Code 2015)
- 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 or within three (3) feet of curb side sidewalk 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 1994; *Amended for* Code 2003; Code 2015)
- 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 the customer shall be responsible for reimbursing the city for its costs incurred in obtaining the test, to include freight, plus \$25.00.
(Ord. 550, passed 5-6-2008; Code 2015)

- 15-212A SAME; FROZEN METERS; REPAIRS, CALLBACK CHARGES- In the event that during any 12-month period, it becomes necessary for the city to perform services to repair or place in service a frozen water meter more than once, there shall be a service charge of \$25 plus materials for the second and any subsequent callbacks.
(Ord. 387, Sec. 16-116; Code 1994; Code 2003; Code 2015)
- 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 tum any curb cock on or off.
(Code 1994; Code 2003; Code 2015)
- 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 passed through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive.
(Code 1994; Code 2003; Code 2015)
- 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. The reconnection fee shall be \$50 plus tax.
(Ord. 575, passed 5-9-2011; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)

- 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 1994; Code 2003; Code 2015)
- 15-219 WASTING WATER- Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense.
- (Code 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 15-221 RATES- The rates per month per water meter for the use of water in the city shall be as follows:
- (a) Water Meter Demand Charge There is hereby established a water demand charge of \$12.00 per month per water meter to which city water is supplied.
 - (b) Water Rates; Inside City The price for water for users within the city limits shall be \$1.40 per 1,000 gallons or any part thereof, per month.
 - (c) Water Rates; Outside City The charges and rates as set forth in Subsections (a) and (b) of this Section will apply to those users who reside outside the city limits of the city with an additional \$8.50 service charge per month.
 - (d) Water bills shall be rendered monthly as provided in Section 15-222.
- (Ord. 581, passed 12-29-2011; Code 2015)
- 15-221A ELECTRICAL AND WATER RATES; APARTMENT HOUSES- Sections 15-221 and 15-301 of this article shall apply to all apartment houses in the following manner:

(a) In each and every apartment house and duplex, each apartment shall constitute a separate entity whether an electrical meter and/or water meter shall be installed or not installed, each apartment, while occupied, shall be required to pay the minimum if the occupants of such apartment use city current and city water.

(Code 1978, 16-114; Code 1994; Code 2003; Code 2015)

15-222

ACCOUNT; DUE, PAYABLE, LATE PAYMENT PENALTY- Water and electricity accounts owed the city are due and payable on the first day of each month for utilities used during the previous month. Water and electricity accounts may be paid between the first and 15th of each month without penalty. If the accounts are not paid in full on the 15th of each month, a \$20 penalty shall be added to the utility bill account on the 15th day. If any account is not paid in full, including the penalty, services will be terminated by the city on or about 10:00 a.m. on the 25th day of the month, with the customer given notice of his right to a hearing, and a hearing, if requested, prior to termination of service as provided by Sections 15-103:104.

(Ord. 576, passed 5-9-2011; Code 2015)

15-223

DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY- Water service shall be terminated for nonpayment of service fees or charges as provided in Sections 15-102:104.

(Ord. 426, Sec. 16-105; Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

15-225

CROSS-CONNECTION PROGRAM; REGULATIONS; DEFINITIONS-

(a) Backflow Preventer, Reduced Pressure Principle Type: An assembly of differential valves and check valves including an automatically open spillage port to the atmosphere.

(b) Cross Connections: Any physical connection or arrangement between the otherwise separate piping systems, one of which contains potable water, and the other, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other. No physical cross connection should be permitted between

public or private water distribution systems containing potable water and any other system containing water of questionable quality or containing contaminating or polluting substances.

(c) Free Water Surface: A water surface that is at atmospheric pressure.

(d) Frost Proof Closet: A hopper with no water in the bowl and with the trap and water supply control valve located below the frost line.

(e) Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, the venting system and or the private water supply systems, within or beyond the supply point to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste, or sewage, and water supply systems or any premises to their connection with any point of public disposal or other acceptable terminal.

(f) Pollution: The presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

(g) Vacuum: Any absolute pressure less than that exerted by the atmosphere.

(h) Vacuum Beaker: A device that permits air into a water supply distribution line to prevent backsiphonage.

(Ord. 423, Sec. 1; Code 1994; Code 2003; Code 2015)

15-226

SAME; GENERAL REQUIREMENTS- That the potable water supply system of the City and the potable water system of private users shall be designated, installed, and maintained to best prevent contamination from non-potable liquids, solids, or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system. Any water being provided by the City will fall under the Rules and Regulations of the Cross-Connection Program. All public or private users being supplied by City Water directly or indirectly shall conform to standards set up by the City.

(Ord. 423, Sec. 2; Code 1994; Code 2003; Code 2015)

15-227

SAME; CROSS CONNECTIONS PROHIBITED- That Cross-Connection between potable water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where suitable protective devices such as the reduced pressure zone backflow preventer are installed, tested, and maintained to insure proper operation on a continuing basis. The device that is installed shall

be approved by the city superintendent and if controversy arises it may be appealed to the city council.
(Ord. 423, Sec. 3; Code 1994; Code 2003; Code 2015)

15-228 SAME; INDIVIDUAL WATER SUPPLIES- That interconnections between two or more public water supplies shall be permitted only with the approval of the Kansas State Department of Health and Environment.
(Ord. 423, Sec. 4; Code 1994; Code 2003; Code 2015)

15-229 SAME; INDIVIDUAL WATER SUPPLIES- That Cross-connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the Kansas State Department of Health and Environment.
(Ord. 423, Sec. 5; Code 1994; Code 2003; Code 2015)

15-230 SAME; CONNECTION TO BOILERS- That potable water connections to boilers shall be made through an airgap or provided with an approved backflow preventer.
(Ord. 423, Sec. 6; Code 1994; Code 2003; Code 2015)

15-231 SAME; PROHIBITED CONNECTIONS OF FIXTURES AND EQUIPMENT-
That connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with Sections 15-230 or as set out herein.

- (a) Bidets.
- (b) Operating, dissection, embalming, and mortuary tables or similar equipment: in such installation the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments.
- (c) Pumps for non-potable water, chemicals, or other substances: priming connections may be made only through an airgap.
- (d) Building drainage, sewer, or vent systems.
- (e) Commercial buildings of Industrial plants using a contaminating or pollution substance.
- (f) Any other fixture of similar hazard.

(Ord. 423, Sec. 7; Code 1994; Code 2003; Code 2015)

15-232 SAME; REFRIGERATING UNIT CONDENSERS AND COOLING JACKETS-
That except when potable water provided for a refrigerator condenser or cooling jacket is entirely out of the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at 5 psi above the maximum water

pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.
(Ord. 423, Sec. 8; Code 1994; Code 2003; Code 2015)

15-233 SAME; WATER OUTLETS- That potable water system shall be protected against backflow and back siphonage by providing and maintaining at each outlet:

(a) Airgap. An airgap, as specified in Section 15-234 between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source of contamination, or

(b) Backflow Preventer. A device or means to prevent backflow.
(Ord. 424, Sec. 9; Code 1994; Code 2003; Code 2015)

15-234 SAME; MINIMUM REQUIRED AIRGAP- That the minimum airgap shall be determined as follows:

(a) How Measured. The minimum required airgap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

(b) Size. The minimum required airgap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical service, in which case the minimum required airgap shall be three times the effective opening of the outlet. In no case shall the minimum required airgap be less than shown in Table 1.

TABLE 1—MINIMUM AIRGAPS FOR GENERALLY USED PLUMBING FIXTURES

FIXTURE	WHEN NOT AFFECTED BY NEAR WALL (INCHES) 1	WHEN AFFECTED BY NEAR WALL (INCHES) 2
Lavatories and other fixtures with Effective openings not greater than ½ inch diameter.	1.0	1.5
Sink, laundry trays, goose-neck bath Faucets and other fixtures with Effective openings not greater than ¾ inch diameter.	1.5	2.25
Over rim bath fillers and other fixtures with effective openings not greater than ¾ inch diameter.	2.0	3.0
Drinking water fountains-single orifice 7/16 (0.437) inch diameter or multiple orifices having a total area of 0.150 sq. inch (area of circle 7/16 inch diameter).	1.0	1.5

Effective openings greater than 1 inch.	(3)	(4)
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1- Side wall, ribs, or similar obstructions do not affect airgaps when spaced from inside edge of spout opening a distance greater than 4 times the diameter of the effective opening for 2 intersecting walls.

2- Vertical wall, ribs, or similar obstructions extending from the water surface to or above the horizontal plane or the spout opening require a greater airgap when spaced closer to the nearest inside edge of spout opening than specified in note above. The effect of 3 or more such vertical walls or ribs has not been determined. In such cases, the airgaps shall be measured from the top of the wall: (3) 2 times diameter of effective opening. (4) 4 times diameter of effective opening.

(Ord. 423, Sec. 10; Code 1994; Code 2003; Code 2015)

15-235

SAME; APPROVAL OF DEVICES- That before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the City. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The city superintendent or his designee shall inspect routinely such devices and if found to be defective or inoperative shall require the repair or replacement thereof.

(Ord. 423, Sec. 11; Code 1994; Code 2003; Code 2015)

15-236

SAME; INSTALLATION OF DEVICES- That devices for the prevention of backflow shall be installed as follows:

(a) Vacuum Breakers. Vacuum breakers shall be installed with the critical level at least 6 inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker.

(b) Reduced Pressure Principle Backflow Preventer. A reduced pressure principle type backflow preventer may be installed subject to full static pressure.

(c) Devices of All Types. Backflow and backsiphonage preventing devices shall be accessibly located preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible.

(Ord. 423, Sec. 12; Code 1994; Code 2003; Code 2015)

15-237

SAME; TANKS AND VATS – BELOW RIM SUPPLY- That where a potable water outlet terminates below the rim of a tank or vat the following provisions shall apply:

(a) Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in Table 2, the overflow pipe shall be provided with an airgap as close to the tank as possible.

TABLE 2—SIZE OF OVERFLOW PIPES FOR WATER SUPPLY TANKS

Maximum capacity of water supply line to tank	Diameter of overflow Pipe (inches ID)	Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)
000—50 gpm	2	400—700 gpm	5
050—150 gpm	2½	700—1000 gpm	6
100—200 gpm	3	Over 1000 gpm	8
200—400 gpm	4		

(b) The potable water outlet to the tank or vat shall terminate a distance not less than 1 1/2 times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the airgap overflow outlet closed.

(c) The distance from the outlet to the high water level shall be measure from the lowest point of the potable water supply outlet. (Ord. 423, Sec. 13; Code 1994; Code 2003; Code 2015)

15-238

SAME; PROTECTIVE DEVICES REQUIRED- (a) That approved devices to protect against backflow backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where a minimum airgap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

(b) Connections Not Subject to Backpressure. Where a water connection is not subject to backpressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protection devices of this kind is given in Table 3, "Cross-Connections Where Protective Devices are Required and Critical Level (C-L) Settings for Vacuum Breakers."

TABLE 3—CROSS-CONNECTIONS WHERE PROTECTIVE DEVICES ARE REQUIRED AND CRITICAL LEVEL (C-L) SETTING FOR VACUUM BREAKERS (@)

FIXTURE OR EQUIPMENT	METHOD OF INSTALLATION
Aspirators and ejectors	C-L at least 6 in. above flood level or receptacle served.
Dental Units	On models without built-in vacuum breakers C-L at least 6 in. above flood level rim of bowl.
Dishwashing Machines	C-L at least 6 in. above flood level of machines. Install on both hot and cold water supply lines.
Garbage can cleaning machine	C-L at least 6 in. above flood level of machine. Install on both hot and cold water supply lines.
Hose Outlets	C-L at least 6 in. above highest point on hose line.
Laundry Machines	C-L at least 6 in. above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 in. above highest sprinkler or discharge outlet.
Steam tables	C-L at least 6 in. above flood level.
Tank and vats	C-L at least 6 in. above flood level rim or line.
Trough urinals	C-L at least 30 in. above perforated flush pipe.
Flush tanks	Equip with approved ball cock. Where ball cock touch tank water equip with vacuum breaker at least 1 in. above overflow outlet or provide vacuum breaker as specified above.
Hose bibbs (Where aspirators or ejectors could be connected)	C-L at least 6 in. above flood level or receptacle served.

@ Critical level (C-L) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where the C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.

(c) Connections Subject to Backpressure. Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to backpressure, and an airgap cannot be installed, the city superintendent may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in Table 4.

TABLE 4—PARTIAL LIST OF CROSS CONNECTIONS WHICH MAY BE SUBJECT TO BACKPRESSURE

Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools

Industrial process water lines	Tanks and Vats—bottom inlets
Pressure tanks	Hose bibbs

- 15-239 SAME; BAROMETRIC LOOP- That water connections where an actual or potential backsiphonage hazard exists may in lieu of devices specified in section 15-238 be provided with a barometric loops shall precede the point of connection.
(Ord. 423, Sec. 15; Code 2003; Code 2015)
- 15-240 SAME; DOUBLE CHECK-DOUBLE GATE VALVES- That Plumbing Inspector may authorize installation of approved, double check-double gate valve assemblies with test cocks.as protective devices against backflow in connections between a potable water system and other fluid systems which present no significant health hazard in the judgment of the Plumbing Inspector.
(Ord. 423, Sec. 16; Code 2003; Code 2015)
- 15-241 SAME; LOW PRESSURE CUTOFF REQUIRED ON BOOSTER PUMPS-That when a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.
(Ord. 423, Sec. 17; Code 2003; Code 2015)
- 15-242 SAME; OTHER DEVICES- That no other devices may be used for the prevention of backflow or backsiphonage unless approved by the City, as being in their judgment equally effective.
(Ord. 423, Sec. 18; Code 2003; Code 2015)
- 15-243 SAME; MAINTENANCE REQUIREMENTS, GENERAL- That is shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or other arrangements for the purpose of bypassing backflow devices.
(Ord. 423, Sec. 19; Code 2003; Code 2015)
- 15-244 SAME; BACKFLOW PREVENTERS- Inspection schedules shall be established by the City for all backflow preventers and the intervals between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed on year, and overhaul intervals should not exceed five years. These devices should be inspected after the initial installation to assure that nothing

has interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the City. (Ord. 423, Sec. 20; Code 2003; Code 2015)

15-245 SAME; TESTING OF BACKFLOW DEVICES- That testing of the backflow devices will be done by plumbers that meet the requirements set up by the City. The maximum charge for the inspection shall be established by the City upon consultation with an established plumbers association and shall be reviewed each year by the City. (Ord., 423, Sec. 21; Code 2003; Code 2015)

15-246 SAME; PENALTY- That every corporation, railway, common carrier company or individual that shall fail to comply with the rules and regulations shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$499. (Ord. 423, Sec. 22; Code 2003; Code 2015)

ARTICLE 3. ELECTRICITY

15-301 ELECTRIC RATES; BILLS- The rates for electrical power sold by the City of St. Francis shall be as follows:

- (a) Commercial Rates; per meter:
 - (1) Monthly Meter Charge.....\$19.75
 - (2) .1225 cents per KWH
- (b) Domestic/Residential Rates, per meter:
 - (1) Monthly Meter Charge..... \$ 9.75
 - (2) .1225 cents per KWH
- (c) A charge of \$10 per month shall be added to the above and foregoing rates for all service provided for customers outside the city limits of St. Francis.
- (d) Electric bills shall be rendered monthly as provided in Section 15-222.

(Ord. 584, passed 5-14-2012; Code 2015)

15-302 ELECTRICAL RATES FOR ALLEY LIGHTS- The monthly charge for electrical power sold by the City to customers with alley lights shall be \$10 per month per alley light. (Ord. 450, Sec. 16-117; Code 1994; Code 2003; Code 2015)

15-303 REGULATIONS FOR ELECTRICAL CURRENT- In no case shall electrical current be furnished to more than one family or to more than one institution or

business industry through one meter; and it shall be unlawful for a customer of the St. Francis Water and Light Department to resell city current received through any meter or otherwise.

(Code 1978, 16-113; Code 1994; Code 2003; Code 2015)

15-304 METER TESTING CHARGE- Same as Section 15-212 for single phase meters. Three phase at \$25.00 rate plus 20 percent plus tax.
(Code 1994; Code 2003; Code 2015)

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. (denotes 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 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, service 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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

15-402A SEWER CONNECTION; OUTSIDE SEWER DISTRICT OR OUTSIDE CITY LIMITS- The governing body of the City, when in its judgment the same is necessary for the protection and the health of the public, may permit the connection of buildings outside the city limits, to the sanitary sewer system of the city for the purpose of disposal of sewage for such building.
(Ord. 422, Sec. 13-102; Code 1994; Code 2003; Code 2015)

15-403 PERMIT; REQUIRED- 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.
(Code 1994; Code 2003; Code 2015)

15-403A CONNECTION FEE; BUILDINGS OUTSIDE SEWER DISTRICT OR CITY LIMITS- No building located within this city, or any building located outside the city limits, shall be connected to said city sanitation sewer system without the payment of a reasonable fee therefore, which shall in no event be less than \$300 and shall be determined by the governing body of the city.
(Ord. 422, Sec. 13-103; Code 1994; Code 2003; Code 2015)

15-403B SAME; BUILDINGS WITHIN SEWER DISTRICT- No building located within a sewer district, shall be connected to the city sanitary sewer system without the payment of a sewer tap fee in the amount of \$100.
(Ord. 422, Sec. 13-104; Code 1994; Code 2003; Code 2015)

15-403C PERMIT; EXCAVATION; FEE- (a) It shall be unlawful for any person to break, cut, remove or excavate any pavement, curb or gutter or the streets of St. Francis, without first obtaining a permit from the city clerk.
(b) A permit shall be issued by the city clerk upon the payment of \$25 and upon advising the city clerk when and where any breaking, cutting, disturbing, or removing shall be done.
(Ord. 422, Secs. 13-106:107; Code 1994; Code 2003; Code 2015)

15-403D SAME; WORK COMPLETED 48 HOURS- The contractor or owner whose property is affected shall complete the breaking, cutting, removing or excavating within 48 hours after obtaining the permit and shall so advise the city clerk.
(Ord. 422, Sec., 13-108; Code 1994; Code 2003; Code 2015)

- 15-403E SAME; CITY, REPAIR PROMPTLY- The city shall backfill and repair the breaking, cutting, removing or excavating of the pavement, curb or gutter promptly upon being notified as set out in Section 15-403D. (Ord. 422, Sec. 13-109; Code 1994; Code 2003; Code 2015)
- 15-403F SAME; BARRICADES ERECTED- The person or contractor obtaining the permit, shall, until the pavement, curb or gutter is completely repaired, guard against injuries that may occur because of the breaking, cutting, removing or excavating by erecting suitable barricades during the daytime and in the nighttime by suitable barricades and lights showing the extent of the excavation. (Ord. 422, Sec. 13-110; Code 1994; Code 2003; Code 2015)
- 15-403G SAME; EXCEPTION- Sections 15-403C through 15-403E shall not apply to unpaved streets in the city. (Ord. 422, Sec. 13-111; Code 1994; Code 2003; Code 2015)
- 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 city 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 1994; Code 2003; Code 2015)
- 15-405 COSTS- All costs and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Code 1994; Code 2003; Code 2015)
- 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 city superintendent and at a location designated by the superintendent. (Code 1994; Code 2003; Code 2015)
- 15-406A CITY TO COMPLETE THE CONNECTION- After the payment of the sewer connection fee as provided by 15-403A and 15-403B, each and every owner or any other person or political subdivision of the State or the United States by and

upon the authority of any owner, or any person whomsoever, desiring to connect a property whatsoever to the sewer or any laterals of the sewer of the city shall contact the city superintendent and the city shall provide the labor, materials, and equipment necessary to make the sewer connection.
(Ord. 422, Sec. 13-105; Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

15-407A 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 CI 3-44T, 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 1994; Code 2003; Code 2015)

15-407B SAME- The size and slope of the building sewer to be installed shall be subject to the approval of the city superintendent, 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 1994; Code 2003; Code 2015)

15-407C 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 1994; Code 2003; Code 2015)

15-407D SAME- At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewer 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 1994; Code 2003; Code 2015)

15-407E 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 1994; Code 2003; Code 2015)

15-407F 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 C 12--19, except that no backfill shall be placed until the work has been inspected and approved.
(Code 1994; Code 2003; Code 2015)

15-407G SAME- All joints in the building sewers shall be made watertight. If recommended by the city superintendent, 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 filed 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 jointed 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 superintendent.

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 1994; Code 2003; Code 2015)

15-408 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 installation 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 1994; Code 2003; Code 2015)

15-409 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 insurance of no fund warrants.

(Code 1994; Code 2003; Code 2015)

15-410 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 1994; Code 2003; Code 2015)

15-411 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 1994; Code 2003; Code 2015)

- 15-412 SAME; PERMIT- Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit sighted by the city superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the city superintendent. A permit and inspection fee of \$50 shall be paid to the city at the time the application is filed.
(Code 1994; Code 2003; Code 2015)
- 15-413 SAME; INSPECTION- The city 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 1994; Code 2003; Code 2015)
- 15-414 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 1994; Code 2003; Code 2015)
- 15-415 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 1994; Code 2003; Code 2015)
- 15-416 DISPOSAL OF SEWAGE- It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas.
(K.S.A. 12-1617e; 12-1617g; Code 1994; Code 2003; Code 2015)

- 15-417 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 1994; Code 2003; Code 2015)
- 15-418 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 1994; Code 2003; Code 2015)
- 15-419 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 1994; Code 2003; Code 2015)
- 15-420 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 1994; Code 2003; Code 2015)
- 15-421 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 1994; Code 2003; Code 2015)
- 15-422 ROOF, FOUNDATION DRAINS- (a) It shall be unlawful to connect downspouts from any roof area, drains 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 1994; Code 2003; Code 2015)

15-423 SAME; EXCEPTION- Discharges from air conditioning units in excess of one ton per hour or more horsepower may be permitted into a building sewer upon approval of the city 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 1994; Code 2003; Code 2015)

15-424 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 1994; Code 2003; Code 2015)

15-425 BILLS- Bills shall be rendered monthly as provided in Section 15-222 and shall be collected as a combined utility bill.
(Ord. 422, Sec., 13-203; Code 1994; Code 2003; Code 2015)

15-426 DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY- (a) In the event any person, except the United States and the state of Kansas or any political

subdivision thereof, shall fail to pay the user charges when due, water service shall be terminated as provided in Sections 15-102:104.

(b) In lieu of terminating water service, the governing body may elect to assess such delinquent charges as a lien upon the real estate serviced as provided in section 15-106, and the city clerk shall certify such delinquent charges to the county clerk to be placed on the tax roll and collected in a like manner as other taxes are collected.

(Ord. 422, Sec. 13-204; Code 1994; Code 2003; Code 2015)

15-427

SEWER SERVICE CHARGE- The rates of service charges to be paid to the city for the use of the sewage system of said city by all persons, city department, the United States of America, the State of Kansas, and its political sub-divisions and any organization whose premises are connected to the sanitary sewer system of said city shall be payable monthly for each month or fraction thereof, and shall be:

- (a) For each residence \$14.25;
- (b) For each residence occupied by the owner thereof, having one apartment therein. \$17.00;
- (c) For each residence occupied by the owner thereof, having two apartments. \$20.00;
- (d) For each commercial place of business, not otherwise classified in this article. \$14.25;
- (e) For each apartment house having three apartments or less. \$20.00;
- (f) For each commercial place of business maintaining a wash rack or facilities for washing or servicing motor vehicles. \$32.00;
- (g) For trailer courts, motels, hotels and apartment houses having six units or less. \$43.00;
- (h) For trailer, motels, hotels and apartment houses Having more than six units or apartments and coin operated laundries \$54.00;
- (i) For the Cheyenne County Courthouse \$65.00;
- (j) For schools, hospitals, and rest homes \$106.00;
- (k) The rates specified above for various types of property shall

prevail outside the city limits, except that a surcharge of \$12.00 shall be made.

(Ord. 583, passed 12-29-2011; Code 2015)

15-428

REVENUES DEPOSITED- All revenues derived from sewage service charges shall be deposited in the city treasury and credited to a separate fund known as the sewage disposal fund. Such revenues shall be used exclusively for the administration, operation, maintenance, repair, replacement, extension, enlargement, betterment, depreciation and obsolescence of the sewage disposal system. Such revenues may be used to pay the principal of and the interest on any bonds issued on account of said sewer system, either general obligation bonds or revenue bonds or both, except bonds issued for any sewer project, the cost of which is payable from special assessment. Such revenues shall not be used for any purpose other than those herein specified.
(Ord. 422, Sec. 13-205; Code 1994, 15-429; Code 2003; Code 2015)

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 All 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 non-putrescible 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.

(j) Yard Waste Grass trimmings, garden waste and leaves, not to include tree branches and/or tree limbs.

(Code 1978, 7-102; Code 1994; Amended for Code 2003; Code 2015)

- 15-502 COLLECTION- All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste.
(Code 1994; Code 2003; Code 2015)
- 15-502A REQUESTS FOR SERVICE- A request for water and electric service or present connection with the city water and electric system shall constitute a request for a city refuse collection service. A termination of water and electric service shall terminate refuse service, provided, however, that the absence of public water service or electrical service shall not relieve any owner or occupant of any residence, multiple family dwelling or commercial or industrial enterprise from the responsibility of complying with provisions of this article.
(Ord. 597, passed 8-24-2015)
- 15-502B LIMITED USE EXCEPTION- Upon written verified annual application being made to the City Clerk's office requesting either continuous or seasonal water and/or electric service to be utilized solely in the care of livestock or for irrigation purposes, the City Council for good cause shown, can waive the refuse collection fees. Additionally, upon written verified application to the City, the City Council can consider other special circumstances that might warrant waiver of the refuse collection fees. Any waiver of collection fees will be limited to one year, from March to March, and subject to renewal only upon written verified application being resubmitted.
(Ord. 597, passed 8-24-2015)
- 15-503 CONTRACTS- The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.
(Code 1994; Code 2003; Code 2015)
- 15-504 DUTY OF OWNER, OCCUPANT- 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 city provided containers and in such a manner as not to create a health or fire hazard.
(Code 1978, 7-103, 110; Code 1994; Ord. 483, passed 2-18-1997; Code 2003; Code 2015)
- 15-505 CONTAINERS- (a) Residential and business refuse containers shall be provided to the customer by the city in a size and capacity as determined by the city and said containers shall remain the property of the city.
 (b) All refuse containers shall be maintained in a clean and sanitary manner by the user thereof and the city reserves the right to replace any

container found to be defective, or to require the cleaning of any container found to be unclean or unsanitary at the expense of the owner or occupant to which the city owned container has been provided.

(Code 1978, 7-107:108, Code 1994; Ord. 483, passed 2-18-1997; Code 2003; Code 2015)

15-505A DISPOSAL OF LIQUIDS- All liquids shall be disposed of by the customer and shall in no case be kept or stored with the refuse as defined herein.
(Code 1978, 7-113; Code 1994; Code 2003; Code 2015)

15-506 BULK CONTAINERS- On premises where excessive amounts of refuse accumulates 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, leak-proof and weather proof construction.
(Code 1994; Code 2003; Code 2015)

15-506A LOCATION OF CONTAINERS- The city reserves the right to designate the location of all refuse containers to be placed on each premise and in general, all refuse containers shall be located on private lots adjacent to the alley serving the premises and convenient for the collector so that a maximum number of containers may be emptied at each collection stop. Where alleys are not available for the collection of refuse, the refuse containers shall be placed on the parking along the street in front of such premises at such times as are specified for the collection of the refuse from such premises. In all cases, the location of all refuse containers, whether residential or commercial, shall be subject to the direction of any authorized representative of the city.
(Code 1978, 7-109; Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

- 15-507A COLLECTION SCHEDULE- (a) Garbage and trash shall be collected and disposed of from the residential section of the city at least once each week or as often as it is necessary to maintain proper sanitary conditions.
- (b) Trash and refuse pickup located in the business district shall be collected and disposed of as often as the city finds the same to be necessary and practical to maintain proper sanitary conditions.
(Code 1978, 7-112; Code 1994; Code 2003; Code 2015)
- 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 any way pilfer or scatter contents thereof in any alley or street within the city.
(Code 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 15-510 HEAVY, BULKY WASTE- Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same.
(Code 1994; Code 2003; Code 2015)
- 15-511 HAZARDOUS MATERIALS- No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
- (a) Explosive materials;
 - (b) Rags or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Code 1994; Code 2003; Code 2015)

- 15-511A YARD WASTE- Due to the substantial increase in and the continuing high cost associated with solid waste disposal and environmental concerns, the city will not pick up yard trimmings, leaves, and limbs along with the regular household trash but rather, the disposal of the same will be the responsibility of the owner and/or occupant of the property from which the yard waste is taken.
- 15-511B YARD WASTE COLLECTION SITE- From time to time, as determined at the sole discretion of the governing body, the city may designate a specific location to which persons may haul, or cause it to be hauled, their yard waste for composting and recycling.
- 15-511C YARD WASTE ONLY AT COLLECTION SITE- No person shall haul, or cause to be hauled, and deposited at a yard waste collection site, any materials other than yard waste as defined hereinbefore by 15-501(j).
(Ord. 453, Sec. 7-120; Ord. 466, passed 6-20-1995; Ord. 483, passed 2-18-1997; Code 2003; Code 2015)
- 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 for lawn and garden trimmings that may be composted.
(Code 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 15-514 UNAUTHORIZED DISPOSAL- No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind, excepting those materials that can be recycled, to any place, site or area within or without the limits of the City, to specifically include any recycling facility,

unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment.
(Code 1994; Ord. 511, passed 1-22-2002; Code 2003; Code 2015)

15-514A PENALTIES- Any person, firm, or corporation found guilty of a violation of Section 15-511C and/or 15-514 of the Code of the City of St. Francis, Kansas, shall be subject to a fine of at least \$100 and not more than \$500.
(Ord. 511, passed 1-22-2002; Code 2003; Code 2015)

15-515 PRIVATE COLLECTORS; LICENSE REQUIRED- (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.
(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.
(Code 1978, 7-114; Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

15-517 SAME; FEE- No license shall be issued unless the applicant shall pay to the city clerk the sum of \$100 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 31st of the calendar year in which said permit is issued.
(Code 1994; Code 2003; Code 2015)

15-518 SAME; NUMBER TO BE DISPLAYED- The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued.
(Code 1994; Code 2003; Code 2015)

- 15-519 CLOSED VEHICLE- Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys.
(Code 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 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 1994; Code 2003; Code 2015)
- 15-523 SAME; FEE SCHEDULE- The charges to be assessed and paid by the customer for collection, hauling and disposal of refuse and garbage as defined herein shall be as follows:
- (a) The charge for each residential dwelling unit occupied by one individual shall be \$11.75 per month, payable monthly.
 - (b) The charge for each residential dwelling unit occupied by more than one individual shall be \$13.25 per month, payable monthly.
 - (c) The charge for each residential dwelling occupied by an individual and located outside the city limits, but on city utilities, shall be \$22.00 per month, payable monthly.

(d) The charge for each residential dwelling occupied by more than one individual and located outside the city limits, but on city utilities, shall be \$23.50 per month, payable monthly.

(e) The charge for business, home business establishment, or office shall be fixed as follows:

Wheeled plastic container inside city limits.	\$ 19.00
Six yard dumpster inside city limits	\$ 21.00
Wheeled plastic container immediately outside city limits . . .	\$ 29.00
Six yard dumpster immediately outside city limits	\$ 31.00

based upon weekly pickup, payable monthly. If more than one weekly pickup is required, additional pickups will be charged at the established rate, times the number of weekly pickups.

(f) For each additional wheeled plastic container utilized at a residential or business pickup, there will be assessed an additional \$6.50 monthly charge.

(g) The charge for residential and business pickups located outside the city limits, not serviced by city utilities, will be established on an individual basis based upon volume, mileage and frequency of pickup.

(h) There shall be assessed to each solid waste billing account a monthly recycling and compost management fee of \$1.50.

(i) Solid waste bills shall be rendered monthly along with, if applicable, the water and electricity bills and the penalty provisions for late payment as established by Section 15-222 will apply.

(Ord. 444, Sec. 7-111; Code 1994; Ord. 582, passed 12-29-2011; Code 2015)

15-524 BILLING- Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 1978, 7-105; Code 1994; Code 2003; Code 2015)

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 1978, 7-106; Code 1994; Code 2003; Code 2015)

ARTICLE 6 WATER CONSERVATION

15-601 PURPOSE- The purpose of this ordinance is to provide for a progressive water supply conservation program, including 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 by the governing body of the City. (Ord. 595, passed 10-27-2014; Code 2015)

15-602 DEFINITIONS-

(a) "Water", as used in this ordinance, shall mean water available to the City of St. Francis for treatment by virtue of the City's water rights, water supply, water supply contracts or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

(b) "Customer", as used in this ordinance, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) "Waste of water", as used in this ordinance, includes, but is not limited to:

(1) permitting water to escape down a street, roadway or other surface intended for vehicle driving purposes, and/or any 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 for the purposes of this ordinance:

Class 1:

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

Class 2:

Water used for any commercial, agricultural or industrial purposes, except water actually necessary to maintain the health and personal hygiene of bona fide employees of such businesses or interests 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 livestock, pets, and maintain standards of hygiene and sanitation.
(Ord. 595, passed 10-27-2014; Code 2015)

15-603

In the event that the governing body of the City or the City's designated official determines that the City's water supply may be subject to a shortage in supply or the governing body of the City determines there is need for conservation of City's water resources for any reason, the City may begin the progressive three (3) stage water conservation program by declaring a water watch as described in Section 603(a) or, in times of need and/or duress, the governing body of the City may choose to declare any section of the program herein described in this section in effect at any time:

(a) Stage 1: Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

(b) Stage 2: Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to

continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the recommended restrictions on nonessential uses may be extended to private wells within the City limits.

(c) Stage 3: Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the mandatory restrictions on water use may be extended to private wells within City limits.

(Ord. 595, passed 10-27-2014; Code 2015)

15-604

VOLUNTARY CONSERVATION MEASURES- Upon the declaration of a water watch or water warning as provided in Sections 603(a) or 603(b), the mayor (or the city superintendent) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

(a) Class 1 uses of water.

(b) Waste of water.

(Ord. 575, passed 10-27-2014; Code 2015)

15-605

MANDATORY CONSERVATION MEASURES- Upon the declaration of a water supply emergency as provided in Section 603(c), the mayor (or the city superintendent or authorized city official) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following conservation measures:

(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 as described in Section 602(d), 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 measures in Sections 605(a-e) as the governing body of the City or authorized city official may deem appropriate and/or necessary.
- (Ord. 595, passed 10-27-2014; Code 2015)

15-606 EMERGENCY WATER RATES- Upon the declaration of a water supply emergency as provided in Section 603(c), 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 blockrates);
- (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. 595, passed 10-27-2014; Code 2015)

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

(Ord. 595, passed 10-27-2014; Code 2015)

15-608 VIOLATIONS, DISCONNECTIONS AND PENALTIES- (a) If the mayor, city manager, water superintendent, or other authorized city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 605 or 607 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and/or any other person know to the

City to be responsible for the violation and/or the correction of said violation shall be provided with either actual or mailed notice. Said notice shall describe the violation(s) and order that the noted violation(s) be corrected, cured or abated immediately or within such specified time as the City determines is reasonable for such correction, cure or abatement under the circumstances. In the event the order is not cured within the time period given in the notice, 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(s) 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 City governing body;

(2) If such a hearing is requested by the customer charged with the violation, the customer shall be given a full opportunity to be heard by the City governing body or the city official designated as a hearing officer by the City governing body before termination is ordered; and

The City governing body or the city official designated as a hearing officer by the City governing body shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to Subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the second reconnection and \$300.00 for any subsequent additional reconnections within a 3 year period.

(c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each calendar day in which a violation is observed shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$500.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

(Ord. 595, passed 10-27-2014)

15-609

EMERGENCY TERMINATION- Nothing in this ordinance shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such

city official that emergency termination of water service is required to protect the health and safety of the public or for any other emergency as required or authorized by ordinance or as deemed a necessity of the City by such city official or the governing body of the City.
(Ord. 595, passed 10-27-2014; Code 2015)

15-610

SEVERABILITY- If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.
(Ord. 595, passed 10-27-2014; Code 2015)