

## CHAPTER XV. 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) and other utility services provided by the city. (Code 2008)
- 15-102. LIGHT AND WATER COMMITTEE. There shall be chosen by the mayor of the city at the first regular meeting of the city council after each annual city election of the city or as soon thereafter as practicable, two council members who shall be known as the light and water committee and they shall serve for the ensuing year. The light and water committee is hereafter referred to in this chapter as the committee. Any vacancy in the committee shall be filled for the unexpired term at the first regular meeting of the city council except when the vacancy is caused by the member ceasing to be a council member, in which event the vacancy shall be filled at the first regular meeting of the city council after the election of the new council member. The committee immediately after its selection shall select one of its number as chairperson of such committee. (Code 1959, 18-102)
- 15-103. DUTIES OF COMMITTEE. It shall be the duty of the light and water committee to exercise an oversight over the water and light department of the city; to examine and approve or disapprove all accounts for expenditures of this department and no account shall be allowed until approved by the committee unless otherwise ordered by the council. The committee shall fix all rates to be charged to the consumers which are not provided for herein until the city shall establish the same by ordinance. The committee shall report and make recommendations and suggestions at any and all times when the same shall promote efficiency, protect its property or benefit the city. (Code 1959, 18-103)
- 15-104. UTILITY SUPERINTENDENT. The city superintendent shall fulfill the duties of the utility superintendent. (Code 2008)
- 15-105. UTILITY SUPERINTENDENT DUTIES. (a) The utility superintendent shall have charge of the water and electrical properties of the city and shall manage the same subject to the committee and city council.  
(b) He or she shall keep in repair the pumps, wells, machinery, hydrants, generators, wires and other water and electrical fixtures and properties of the city and see that they are in good condition for use and everything in connection therewith is being properly cared for.

(c) He or she shall, with the advise and consent of the committee, employ all laborers in the department and may discharge any such subject to the approval of the committee; and he or she shall at all times see that all employees of the department are attending to their respective duties.

(d) He or she shall have charge of all the construction of all water and electrical extensions and improvements subject to the direction and control of the committee and the council.

(e) He or she shall see that all consumers comply with the rules and regulations controlling the properties, pay the proper rates and use no more water and electrical current than they pay and are rated for.

(f) He or she shall see that all penalties are enforced for violations of the rules or ordinances pertaining to this department and that all plumbing, wiring and installation of fixtures or apparatus is done in good and workmanlike manner, and give permits for all plumbing done in connection with the waterworks and shall issue all permits for the use of water, tapping mains, extensions, applications for service pipe, or any attachment to the waterworks and shall have full control over the installation of any electrical apparatus used in any connection with this department.

(g) He or she shall at all times keep on file in the office of the city clerk, permanent records and plats showing the location, size and kind of all electric transmission and power lines of circuits aboveground and underground, and full and complete description of all machinery and apparatus constituting and composing the electric light and water plants of the city.

(h) He or she shall furnish to the city council a complete inventory of the light and water department whenever they see fit to call for same, and it shall be the duty of the light and water committee to inspect and check up the records, plats, etc., on file in the office of the city clerk pertaining to the department. Such inspections and examinations to be made during the month of January and July of each year and a report of their findings to be filed with the city clerk and read at the first meeting of the city council during the months of February and August.

(i) He or she shall attend all meetings of the city council whenever requested to do so either by the mayor or the committee.

(j) He or she shall report and make recommendations and suggestions at any time and at any times when the same shall promote efficiency, protect its property or benefit the city.

(Code 1959, 18-105)

15-106. INSPECTION. The superintendent or any authorized employee of the light and water department shall have access at all reasonable hours to all parts of the premises to which water is furnished or electrical current is supplied for the purpose of inspection of use and examination of apparatus and fixtures.  
(Code 1959, 18-106)

15-107. SEPARATE DEPARTMENT, REVENUE. The waterworks in connection with the electrical property belonging to the city shall constitute a separate department in the financial administration of the city. All revenue arising therefrom shall constitute a separate fund to be known as the light and water fund to be applied:

(1) To the payment of all expenses of the department, replacements and all necessary equipment and extensions.

(2) To pay interest on bonds thereto pertaining.

(3) The council shall at all times maintain rates that are ample to provide necessary funds to carry out the provisions of this section.  
(Code 1959, 18-107)

15-108. WHERE METERS FAIL TO REGISTER. If an electric or water meter should fail to register properly at any time, the consumption for the period shall be estimated from the consumption of a preceding period when electricity or water was supplied under similar conditions and was correctly measured.  
(Code 1959, 18-108)

15-109. DELINQUENT ACCOUNTS. All bills for any utility service furnished to users by the city shall be due and payable at the office of the city clerk on the 1st day of the calendar month following the month the service was furnished. All bills due and owing on the 1st of each month must be paid on or before the 15th day of each month. Any bill not paid in full by the 15th day of the month shall be charged a ten percent (10%) penalty which shall be added to the bill. All property owners shall be, and are hereby made liable for any and all utility bills contracted for by themselves, their agents or tenants for the premises of any such property owner. Utility services shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. In the event utility service shall be terminated for nonpayment of services fees or charges; a re-connect fee of \$50.00 shall be charged in addition to all other fees and charges set out herein. (Ord. 851, Sec. 1; Code 2008)

15-110. 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 governing body or its designated hearing officer;

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

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request.  
(Code 2008)

15-111. SAME; FINDING. Following the hearing, if the governing body or its designated hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice

need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 2008)

15-112. UTILITY DEPOSIT. (a) Each new customer making application for utility service shall make a cash deposit to the city in the amount as specified in subsection (b), the deposits to serve as a guaranty for the payment of service thereafter furnished to the customer's premises.

(b) Cash deposits for the indicated utility service shall be in the following amounts:

(1) Water Service - \$50.00;

(2) Electric Service - \$150.00.

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

(d) Deposits collected pursuant to this section shall be governed by the provisions of K.S.A. 12-822 as amended.  
(Code 2008)

15-113. 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 mailed 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 billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.

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

(Code 2008)

15-114. 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 2008)

15-115. 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 2008)

- 15-116. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 2008)
- 15-117. TURNING ON WATER OR CURRENT. Any person or persons from whose premises the water or electric current shall have been turned off for any reason herein provided for or for a violation of any of the rules of the light and water department who shall turn the water or electric current on or cause the same to be turned on without authority in writing from the superintendent, shall be in violation of this code. (Code 1959, 18-402)
- 15-118. TAPPING WITHOUT PERMISSION. It shall be unlawful for any person, firm, company or corporation to tap or connect with the waterworks or electrical apparatus of the light and water department or turn on water or electricity from such works without first having obtained a permit in writing to do so from the superintendent; or to interfere with any water mains, pipes, fixtures or electrical apparatus. (Code 1959, 18-403)
- 15-119. INJURY TO PROPERTY. Any person, persons, company or corporation who shall willfully and maliciously injure or destroy any machinery, wire, poles, transformers, meters, pipes, hydrants or other fixtures or property belonging to the light and water department, or carry away from the waterworks system of the city any water for private use without a written permit from the superintendent shall be in violation of this code. (Code 1959, 18- 404)

## ARTICLE 2. ELECTRICITY

15-201. CLASSIFICATION OF RATES. Electric energy sold by the city shall be sold through meters and the rates charged therefor shall be divided into three schedules as follows: residential and rural rates; commercial rates; and power rates.  
(Ord. 785, Sec. 1; Code 1986)

15-202. DEFINITIONS. For the purpose of this article the following terms shall be defined as follows:

(a) Residential User - shall mean the use of electric energy by users who use electricity only for residential purpose in any unit occupied and used as a dwelling unit without regard to whether the electric energy be used for the purpose of producing light, heat or power. In the event that an office or place of business likewise operate in the residence, the electric energy used for the business shall be metered through a commercial meter or a power meter. It shall be permissible however, to meter residential electric energy used in a residence through a commercial meter where the business and residence are housed together, by paying the commercial rate for all electric energy so metered.

(b) Commercial User - shall mean electric energy used by users of electric energy who use electricity for business use, rather than personal use and who use such electric energy for lighting and for power not exceeding 20 HP or 20 KW, or 5000 KWH of monthly use.

(c) Power User - shall mean electric energy used by large three phase users who use such electricity for power and/or lighting with connected HP or KW demand of 20 or more, or two consecutive months of 5000 KWH consumption or more.

(d) Rural User - shall mean any user of electricity residing outside the corporate limits of the city.

(e) User - shall mean any person, corporation, individual, copartnership, association or agency obtaining electric energy from the city.

(f) Commercial Meter - shall mean any meter used to meter electric energy used by any user for commercial purposes.

(g) Power Meter - shall mean any meter used to meter electric energy used by any user primarily for the production of power.

(Ord. 785, Sec. 1; Code 1986)

15-203. RESIDENTIAL AND RURAL USERS: RATES. The electric rate for residential and rural users of electricity as the same are herein defined, shall be as follows:

First 100 KWH @ \$0.1500

Next 400 KWH @ \$0.0810

All usage over 500 KWH @ \$0.0730

Minimum Monthly Charge: \$15.00

(Ord. 933, Sec. 1; Code 2008)

15-204. COMMERCIAL USERS: RATES. The electric rate for commercial lighting as the same is herein defined, shall be as follows:

First 150 KWH @ \$0.1950

Next 1,050 KWH @ \$0.0980

All Usage over 1,200 KWH \$0.0920  
Minimum Monthly Charge: \$29.25  
(Ord. 933, Sec. 1; Code 2008)

15-205. POWER USERS: RATES. The electric rate for power uses, as the same is herein defined, shall be as follows:

The sum of the following energy and capacity charges shall be the customer's total monthly billing. Minimum charge shall be equal to the monthly capacity charges, but not less than \$140.00.

Energy Charges

First 1,000 KWH @ \$0.1400

Next 4,000 KWH @ \$0.0750

All Usage over 5,000 KWH \$0.0550

Capacity Charges: For all metered kilowatt demand or connected Horsepower over 20, capacity charges shall be \$3.30 per KW of horsepower.

(Ord. 933, Sec. 1; Code 2008)

15-206 FUEL COST ADJUSTMENT. In addition to the rates and charges as set out above in Sections 15-203, 15-204 and 15-205, customers may be charged an additional amount to cover any fuel cost adjustments that may be charged to the City by other power suppliers. (Ord. 931, Sec. 1; Code 2008)

15-207. RURAL USERS: RULES AND REGULATIONS APPLICABLE. Rural users shall be governed by the same rules and regulations as other users and may have the privilege of having commercial rates and power rates unless it is uneconomical for the city to do so and may be required to have commercial lighting meters and power meters in those instances in which other users are required to have such meters. (Ord. 785, Sec. 1; Code 1986)

15-208. METERS. Two or more residences cannot be connected to one meter but apartments, hotels and motels may all be metered on one meter but the bill from the meter shall be billed to only one person. Separate units in the same structure or unit may be metered separately when the owner or operator so desires. (Ord. 785, Sec. 1; Code 1986)

15-209. POWER USE. The user shall agree with the city to use the power meter at least six months and pay the minimum charge therefor for at least six consecutive months. It shall be the privilege of the city to refuse to connect any power meter that the superintendent shall deem to be uneconomical for the reason that it is too far from the existing power lines or for the reason that the use would be seasonable and would not justify the necessary investment. (Ord. 785, Sec. 1; Code 1986)

15-210. ELECTRIC BILLS: DISCONTINUANCE OF SERVICE. All bills for electric energy furnished to users by the city shall be due and payable at the office of the city clerk on the 1st day of the calendar month following the date of the reading of the meter. All bills due and owing on the 1st day of the month must be paid on or before the 15th day of the month or such service may be discontinued by the city pursuant to sections 15-109:111. (Ord. 785, Sec. 1; Code 1986)

- 15-211.        **DEPOSITS.** Deposits are required of all users of electric energy furnished by the city. All users shall be required to make a cash deposit with the city equaling the amount of two months of the estimated bills for electric energy so used by the user; providing that the minimum deposit shall be no less than \$150.00. All owners of real estate using residential, commercial, and industrial power who have paid for all energy charges in full for one year shall be refunded their deposits in full. Any owner failing to pay any bill, after the first year will be required to make another deposit as above. All non-owners of real estate using residential, commercial, and industrial (power) shall be refunded only when they have discontinued their service. All temporary construction meters will also be required to make the same deposit as the above rates. The deposit will be refunded when service is discontinued.  
(Ord. 871, Sec. 1; Code 2008)
- 15-212.        **ELECTRICAL INSTALLATIONS AND WIRING.** All electrical wiring for lighting, power, heating and cooking apparatus or appliances or for any purpose shall be installed in accordance with the National Electrical Code, and the electrical code of the city. (Ord. 785, Sec. 1; Code 1986)
- 15-213.        **ELECTRIC METERS AND SERVICE CALLS.** The light and water department shall furnish and install the electric meter and the consumer shall provide a suitable board for the support of the meter, which shall be located in an easily accessible place for reading and inspection and shall not be more than seven feet from the floor at its greatest height. Meters shall be located in a dry place free from vibration. All meters locations shall be as near the service entrance of the building as possible.  
A service charge of \$5.00 shall be made for each connection, disconnection and reconnection of service lines to any meter after regular working hours.  
A minimum charge of \$5.00 shall be made for each service call made by a city employee caused by the fault of the customer in the operation and maintenance of the customer's electrical facilities.  
(Ord. 785, Sec. 1; Code 1986)
- 15-214.        **TREES INTERFERING WITH POWER LINES.** By and with the consent of the owner of any tree involved, the utility superintendent may authorize the reasonable and necessary trimming or cutting of any tree or tree limbs which interfere with or constitute a hazard to the city's electrical power lines regardless of whether such tree be growing along a street, sidewalk or alley or upon public or private grounds. If the property owner refuses to give such consent, the utility superintendent is hereby authorized to refuse electrical service to the property affected.  
(Ord. 785, Sec. 1; Code 1986)



### ARTICLE 3. WATER

- 15-301. 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 2008)
- 15-302. 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 2008)
- 15-306. 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) Application for water service shall cover a period of four months at the same location or in lieu thereof the payment of a sum equal to four month's minimum under the water rate schedule. All applications for water shall be accompanied by a deposit of \$50.00 for each service. In the event the consumer fails to pay his or her bill the city may apply the deposits on the unpaid account, any unearned balance to be returned to the depositor when consumption of water ceases and the water turned off: provided, that all applications for water service for garages, restaurants, hotels, battery stations and laundries shall be accompanied by a deposit of \$50.00 for each service.
- (c) 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.
- (Ord. 786, Sec. 1; Code 2008)
- 15-303A. APPLICATIONS FOR SERVICE: DEPOSIT. Application for water service shall cover a period of four months at the same location or in lieu thereof the payment of a sum equal to four month's minimum under the water rate schedule.
- All applications for water shall be accompanied by a deposit of \$50.00 for each service. In the event the consumer fails to pay his or her bill, the city may apply the deposits on the unpaid account, any unearned balance to be returned to the depositor when consumption of water ceases and the water turned off: provided, that all applications for water service for garages, restaurants, hotels, battery stations and laundries shall be accompanied by a deposit of \$50.00 for each service. (Ord. 871, Sec. 2; Code 2008)
- 15-304. 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 2008)

- 15-305. WATER SERVICE. Each water service shall be provided with a water meter approved by the light and water department and the consumer shall arrange the plumbing at his or her own expense so that meter may be installed at a point selected by the light and water department and so there shall be no fixtures connected between the meter and the main. The consumer shall maintain a passageway to the meter and keep the meter accessible for reading or removal for testing or repairing at all times. A stop and waste cock shall be installed on the street side of the water meter and the meter setting shall be provided with an approved expansion connection and all pipe work on either side of such expansion connection shall be rigidly supported so that the meter may be removed and replaced without displacing such pipe work. All meters shall be set in a horizontal position and where meters are installed outdoors, a permanent vault constructed of tile, brick or concrete of sufficient size to permit a workman to set the meter, vaults must be kept clean and free from dirt and other rubbish or water and must protect meters from freezing. (Code 1959, 18-302)
- 15-306. 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 2008)
- 15-307. METERS. (a) All water furnished to customers shall be metered.  
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.  
(c) The city's responsibility stops at the outlet side of the meter. (Code 2008)
- 15-308. WATER RATES. Water shall be sold on a metered basis only, and the monthly rate to be charged for water consumer for business and domestic purposes within the city limits shall be as follows:  
For 3/4 inch tap, 400 cu.ft. minimum at the rate of \$14.00 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.  
For a one inch tap, a 400 cu.ft. minimum at the rate of \$14.00 per month, and \$1.70 per each 100 cu.ft. or fraction thereof over the minimum.  
For a one and one-half inch tap, a 400 cu.ft. minimum at the rate of \$17.00 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.  
For a two inch tap, a 400 cu.ft. minimum at the rate of \$18.00 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.  
For a three inch tap, a 400 cu.ft. minimum at the rate of \$19.50 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.
- The monthly rate to be charged for water consumed for business and domestic purposes outside the city limits shall be as follows:  
For a 3/4 inch tap, a 400 cu.ft. minimum at the rate of \$14.85 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.  
For a one inch tap, a 400 cu.ft. minimum at the rate of \$14.85 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.

For a one and one-half inch tap, a 400 cu.ft. minimum at the rate of \$18.00 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.

For a two inch tap, a 400 cu.ft. minimum at the rate of \$19.60 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.

For a three inch tap, a 400 cu.ft. minimum at the rate of \$21.15 per month and \$1.70 for each 100 cu.ft. or fraction thereof over the minimum.

All water bills shall be payable monthly on the first day of each month. All property owners shall be and are hereby made liable for any and all bills contracted by themselves, their agents or tenants for the installation and costs of meters and for water supplied and used upon the premises of any such property owner and for all expenses incident to the upkeep of meters, stop boxes and supply pipes to the premises of the property owner.

For all water supplied by the Water Department of the City of Osborne or any department thereof, the city shall pay into the water fund for such water so furnished at the rate of \$0.10 per 1,000 gallons or fractions thereof.

A service charge of \$5.00 shall be made for the connection, disconnection and reconnection of water service lines to any meter after regular working hours. (Ord. 942, Sec. 1; Code 2008)

15-309. PAYMENT OF WATER BILLS. All water bills shall be payable at the city clerk's office on the first day of each month. Where the consumer fails to pay on or before the 15th day of the month in which such bill becomes due and payable, such service may be disconnected pursuant to this code. (Code 1959, 18-312)

15-310. EXCESSIVE WATER BILLS. If a water bill appears excessive and complaint is made immediately to the superintendent, the meter shall be reread and reasonable assistance given in search for the cause of waste water, but in no case will the light and water department be liable for water wasted on the consumer's side of the meter. (Code 1959, 18-303)

15-311. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main.

(b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 2008)

15-312. 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 2008)

15-313. SERVICE CONNECTION FEES. Anyone desiring water shall make application in writing to the city clerk for a permit signed by the owner or his or her agent at least one day before the excavating is ready, showing the size of the tap to be used and the kind of service pipe to be used and the exact location where the main is to be tapped; the name of the owner and the purpose for which the water is to be used, together

with a diagram of the property showing the location and giving the lot and block on which it is situated. All tapping and laying of service pipes to sidewalk and the placing of the stop cock, including the iron box for the same and the digging and the filling of trenches shall be done under the supervision of the superintendent who shall be furnished with all materials and labor by the city, for which material and labor shall be charged the then current actual cost to the city of the materials plus a reasonable fee for labor and or machine hire required for making street, alley or other opening and/or closing. A current list of all costs shall be kept on file with the city clerk's office at all times. (Ord. 801, Sec. 1)

15-314. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 2008)

15-315. CROSS-CONNECTIONS. (a) No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the superintendent of the city and by the Kansas State Board of Health.

(b) It shall be the duty of the superintendent of the city to cause surveys and investigations to be made of all industrial and other properties served by the public water supply where private, auxiliary, or emergency water suppliers other than the public water supply are known to exist or where such supplies are likely to exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the superintendent shall deem necessary.

(c) The superintendent of the city or his or her duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the city for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees, or occupants of any property so served shall furnish to the superintendent any information which he or she may request regarding the piping system or systems and any private, auxiliary or emergency water supply used or useful on such property. The refusal of such information, when demanded, shall, within the discretion of the superintendent, be deemed evidence of the presence of improper connections as provided in this section.

(d) No person shall spray a herbicide, insecticide, etc. by using a sprayer with a hose adaptor connected to the public water system of the city, unless there is a back-flow valve that will prevent the herbicide, insecticide, etc., from entering the public water supply system.

(e) The superintendent of the city is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property whereon any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measure as he or she may deem necessary to eliminate any danger of contamination of the public water supply

distribution mains. Water service to such property shall not be restored until such connection or connections shall have been eliminated or corrected in compliance with the provisions of this section.  
(Ord. 819, Secs. 1:5)

- 15-316. SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Code 2008)
- 15-317. CURB COCKS AND SERVICE BOXES. Water consumers shall cause to be placed at their own expense in the service pipe between the main and the property line and within 12 inches of the curb if the Street is curbed or within 12 inches of the street side of the sidewalk if the street is not curbed, a curb cock and service box which shall comply with the rules of the light and water department and no water shall be supplied or continued unless this is done. All service pipe installed between the water mains and the curb cock shall be extra strong lead pipe or extra strong wrought iron pipe and the connection at the main shall be with an approved lead flange corporation stop cock with at least two feet of extra strong lead pipe installed under the supervision of the superintendent. (Code 1959, 18-304)
- 15-318. APPROVAL OF SUPERINTENDENT. All work done and all materials used, locations and fixtures shall be done under the direction, orders and approval of the superintendent. (Code 1959, 18-308)
- 15-319. INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Code 2008)
- 15-320. MULTIPLE USERS. In all cases where water is to be supplied to several parties or tenants from one connection where the supply is controlled by one service box, the light and water department contracts with only one of the parties who shall be liable for any failure on the part of the others to comply with the rules or ordinances governing the department and shall have all water shut off in the case of any violation. A minimum shall be collected from each consumer.  
(Code 1959, 18-305)
- 15-321. SIZE OF WATER HOSES. Hose larger than one inch shall not be allowed to be used except upon an additional charge therefor, and sprinkling without a nozzle or spray or with a larger opening than one-fourth inch is forbidden.  
(Code 1959, 18-310)

- 15-322. DISCONTINUANCE OF SERVICE FOR REPAIRS. The Light and water department reserves the right at any time without notice, to shut off water in the mains for the purpose of repairs, extensions or when caused by accident and shall be liable for no damages occasioned by the unavoidable scarcity of water.  
(Code 1959, 18-311)
- 15-323. 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 2008)
- 15-324. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body.  
(Code 2008)
- 15-325. TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10.00 will be made to the customer.  
(Code 2008)
- 15-326. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off.  
(Code 2008)
- 15-327. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive.  
(Code 2008)
- 15-328. 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 2008)

- 15-329.        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 2008)
- 15-330.        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 2008)
- 15-331.        PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply. (Code 2008)
- 15-332.        WATER CONSERVATION; PURPOSE. The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.  
(Ord. 891, Sec. 1; Code 2008)
- 15-333.        DEFINITIONS. (a) Water - shall mean water available to the City of Osborne for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.  
                  (b) Customer - shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.  
                  (c) Waste of Water - includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.  
                  (d) The following classes of uses of water are established:  
                  Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.  
                  Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.  
                  Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.  
                  Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(Ord. 891, Sec. 2; Code 2008)

15-334.       **DECLARATION OF A WATER WATCH.** Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare by resolution that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.  
(Ord. 891, Sec. 3; Code 2008)

15-335.       **DECLARATION OF A WATER WARNING.** Whenever the governing body of the City finds that drought v 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 a 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 existence and end of a water warning shall be effective upon their publication in the official city newspaper. (Ord. 891, Sec. 4; Code 2008)

15-336.       **DECLARATION OF A WATER EMERGENCY.** Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 891, Sec. 5; Code 2008)

15-337.       **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-334, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

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

(Ord. 891, Sec; 6; Code 2008)

15-338.       **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-334, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:



- (a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;
  - (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
  - (c) Restrictions on the sales of water at coin-operated facilities or sites;
  - (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
  - (e) Complete or partial bans on the waste of water; and
  - (f) Any combination of the foregoing measures.
- (Ord. 891, Sec. 7; Code 2008)

15-339. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-334, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) Higher charges for increasing usage per unit of the use (increasing block rates);
- (b) Uniform charges for water usage per unit of use (uniform unit rate); or
- (c) Extra charges in excess of a specified level of water use (excess demand surcharge).

(Ord. 891, Sec. 8; Code 2008)

15-340. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-334, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 891, Sec. 9; Code 2008)

15-341. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-336 or 15-338, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

- (1) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.
- (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

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

(b) A fee of \$25.00 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 violation and \$300.00 for any additional violations.

(c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.

(Ord. 891, Sec. 10; Code 2008)

15-342.

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

(Ord. 891, Sec. 11; Code 2008)

## ARTICLE 4. SEWERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) User - means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

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

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

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

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

(3) Hydrogen ion concentration of 5.0 to 9.0.

(Code 2008)

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 100 feet of the property line. (Code 2008)

15-403. PERMIT, FEES. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the city clerk. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of \$5.00 shall be paid to the city clerk at the time the application is filed. Presently operating private sewer systems may be maintained without permit as long as they are operating properly and in compliance with city and state regulations. (Ord. 798, Art. III, Sec. 2)

15-403A. PERMIT. 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 2008)

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

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

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

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

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

(Code 2008)

- 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 2008)
- 15-406. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the utility superintendent and at a location designated by the superintendent. (Code 2008)
- 15-407. FAILURE TO CONNECT. (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.  
(b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants.  
(Code 2008)
- 15-408. SEPARATE SEWER FOR EVERY BUILDING. A separate and independent building sewer shall be provided for every building; except where one building standards at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.  
(Ord. 798, Art. IV, Sec. 4)
- 15-409. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent to meet all requirements of this article. (Ord. 798, Art. IV, Sec. 5)
- 15-410. SEWER SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules of the city. In the absence of the code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 798, Art. IV, Sec. 6)
- 15-411. SEWER ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 798, Art. IV, Sec. 7)
- 15-412. DOWNSPOUTS, DRAINS. No person shall make connection of roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 798, Art. IV, Sec. 8)

- 15-412(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. (Code 2008)
- 15-412(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Code 2005)
- 15-412(3) SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. (Code 2008)
- 15-412(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Code 2008)
- 15-412(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Code 2008)
- 15-412(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved. (Code 2008)

- 15-412(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.
- Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector.
- Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.
- Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Code 2008)
- 15-413. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Code 2008)
- 15-414. 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 2008)
- 15-415. 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 2008)
- 15-416. ADDITIONAL REQUIREMENTS STATE BOARD OF HEALTH. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health, or the city or county health inspector. (Ord. 798, Art. III, Sec. 7)
- 15-417. CONNECTION, CONSTRUCTION; PERMITS, FEES. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the city clerk.
- (b) There shall be two classes of building sewer permits:
- (1) for residential and commercial service, and;
  - (2) for service to establishments producing industrial wastes.

In either case, the owner of his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of \$5.00 for a residential or commercial building sewer permit and \$10.00 for an industrial building sewer permit shall be paid to the city at the time the application is filed.

(Ord. 798, Art. IV, Secs. 1:2)

15-418. COSTS BORNE BY OWNER. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 798, Art. IV, Sec. 3)

15-419. SAME; INSPECTION. The utility superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Code 2008)

15-420. BARRICADES AND LIGHTS. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 798, Art. IV, Sec. 11)

15-421. STORM AND SURFACE WATER. (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

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

(Ord. 798, Art. V, Secs. 1:2)

15-422. UNLAWFUL DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.

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



(d) Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.  
(Ord. 798, Art. V, Sec. 3)

15-423. 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 2008)

15-424. 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 2008)

15-425. 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 2008)

15-426. 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 2008)

15-427. 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 2008)

15-428. 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 2008)

15-429. ROOF, FOUNDATION DRAINS. (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.

(b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharged into any unpaved street or alley.

(Code 2008)

15-430. SAME; EXCEPTION. Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the utility superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 2008)

15-431. 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 2008)

14-431A. DISCRETION OF SUPERINTENDENT. No person shall discharge cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the

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

- (a) Any liquid or vapor having a temperature higher than 150°F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150° F (0 and 65° C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (.076 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor- producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a five-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the superintendent. Where necessary, in the opinion of the superintendent the owner shall provide, at his

or her expense, such preliminary treatment as may be necessary to (1) reduce the bio-chemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.  
(Ord. 798, Art. V, Sec. 4)

15-432. SAME; PROCEDURE. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-424, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or would otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or,
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or user charges under the provisions of this article.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.  
(Ord. 798, Art. V, Sec. 5)

15-433. INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 798, Art. V, Sec. 6)

15-434. PRETREATMENT AT OWNERS EXPENSE. Where preliminary treatment of flow-equalizing facilities are provided for any water wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his or her expense. (Ord. 798, Art. V, Sec. 7)

15-435. INSPECTIONS, MANHOLES. (a) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be construed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(b) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be performed by a laboratory approved by the superintendent and shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all building sewers of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, SOD and suspended solids analyses are obtained from 24-hour composites of all building sewers whereas pH's and heavy metals are determined from periodic grab samples.)

(c) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 798, Art. V, Secs. 8:10)

15-436. **UNLAWFUL ACTS.** No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper with any structures, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct. (Ord. 798, Art. VI, Sec. 1)

15-437. **ENTERING PREMISES; INSPECTIONS.** (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

(c) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater collection system lying within said easement. All entry

and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 798, Art. VII, Secs. 1:3)

15-438. VIOLATIONS; PENALTIES. (a) Any person found to be violating any provisions of this article, except section 15-429, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided in (a) above, shall be in violation of this article. Each 24 hour period in which any such violation shall continue shall be deemed a separate offense.

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

(Ord. 798, Art. VIII, Secs. 1:3; Code 1985)

15-439. SEVERABILITY. The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts. (Ord. 798, Art. IX, Sec. 2)

15-440. USE DETERMINES PAYMENT. Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meters acceptable to the city. (Ord. 800, Art. IV, Sec. 1)

15-441. CHARGES, RESIDENTIAL AND COMMERCIAL. For residential contributors, monthly user charges will be based on average monthly water usage during the months of December, January and February. If a residential contributor has not established a December, January and February average, his or her monthly user charge shall be the median charge of all other residential contributors.

For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meter installed and maintained at the contributor's expense, and in a manner acceptable to the city.

(Ord. 800, Art. IV, Sec. 2)

15-442. BILLING CHARGES. The billing charge per month shall be \$8.00. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement and debt retirement of \$0.85 per 100 cubic feet of water as determined in the preceding section. Minimum billing amount shall be 400 cubic feet per month. (Ord. 953, Sec. 1; Code 2008)

15-443. SURCHARGES. For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for the operation and maintenance including replacement is:

\$0.1435 - per pound OBD

\$0.1435 - per pound SS

(Ord. 800, Art. IV, Sec. 4)

- 15-444.        **USER CAUSED INCREASED COSTS.** Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the city council.  
(Ord. 800, Art. IV, Sec. 5)
- 15-445.        **RATES.** The user charge rates established in this article apply to all users of the city's treatment works. (Ord. 800, Art. IV, Sec. 6)
- 15-446.        **BILLED MONTHLY.** All users shall be billed monthly. Billings for any particular month shall be made within 30 days after the end of that month.  
Payments are due when the billings are made. Any payment not received within 20 days after the billing is made shall be delinquent.  
(Ord. 800, Art. V, Sec. 1)
- 15-447.        **LATE PAYMENT.** A late payment penalty of 10 percent of the user charge bill will be added to each delinquent bill. When any bill is 30 days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing as provided in 15-109:111 of this code. (Ord. 800, Art. V, Sec. 2)
- 15-448.        **USER CHARGE SYSTEM.** The city will review the user charge system annually and review user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes. (Ord. 800, Art. VI, Sec. I)
- 15-449.        **SAME.** The city will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works. (Ord. 800, Art. VI, Sec. 2)
- 15-450.        **FAILURE TO PAY: LIEN UPON PROPERTY.** In the event any person, firm or corporation using the sewage disposal system neglects, fails or refuses to pay the charges fixed by the governing body, the charges due therefor shall be by the city clerk certified to the county clerk to be placed on the tax rolls for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible; and it shall become a lien upon the real property so served.  
(K.S.A. 14-569; Code 1959, 15-103)
- 15-451.        **BILLS.** (a) Bills shall be rendered monthly as provided in section 15-446 and shall be collected as a combined utility bill.  
(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than

one-half of the regular minimum monthly rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate.  
(Code 2008)

- 15-452. 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 like manner as other taxes are collected.  
(Code 2008)



## ARTICLE 5. SOLID WASTE

15-501. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

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

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

(c) Garbage. - Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;

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

(e) Refuse. - All garbage and/or rubbish or trash;

(f) Residential. - Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;

(g) Rubbish or Trash. - All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;

(h) Single Dwelling Unit. - An enclosure, building or portion thereof occupied by one family as living quarters.

(i) Solid Waste. - All non-liquid garbage, rubbish or trash.  
(Code 2008)

15-502. COLLECTION. All solid waste accumulated within the city shall be collected, conveyed and disposed of by individuals or by contractors specifically authorized to collect and dispose of solid waste. (Code 2008)

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 2008)

15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense suitable containers for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or otherwise materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create an annoyance to the public or a health or fire hazard. (Ord. 738, Sec. 2)

15-505. MISCELLANEOUS WASTE. (a) Trees, less than 4" in diameter, branches and shrubbery trimmings shall be securely tied in bundles which shall not exceed 18 inches in diameter nor 48 inches in length and shall not regardless of size, exceed 50 pounds in weight.

(b) Books, magazines and newspapers may be securely tied in bundles or placed in disposable cardboard containers. Such bundle or container and contents shall not exceed a weight of 50 pounds.

(c) Empty cardboard boxes shall be flattened. No trash other than books, papers, magazines or lawn clippings, shall be placed in cardboard containers. (Ord. 738, Sec. 5)

15-506. CONTAINERS. Residential containers shall have a capacity of not more than 32 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 2008)

15-507. 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, leakproof and weather proof construction. (Code 2008)

15-508. COMMERCIAL CONTAINERS. Commercial establishments may use existing containers until notified by the governing body of a required change. Such commercial establishments shall have 30 days from the date of such notice to comply with the requirements of such notice. (Ord. 738, Sec. 4)

15-509. COLLECTION OF SOLID WASTE. The city shall regulate the collection of all solid waste in the city, provided, however, that the city may provide the collection service by contracting with a person, firm, corporation, county, another city, or combination thereof for the entire city or portions thereof as deemed to be in the best interests of the city. (Ord. 738, Sec. 9)

15-510. ENTER PRIVATE PREMISE. Solid waste collectors operating under permit with the city are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 738, Sec. 10)

15-511. OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 2008)

15-512. DISTURBING CONTAINERS. Refuse materials, when placed in containers by the occupants or owners of the premises upon which the same are located, shall be

subject to the exclusive control of the city, its agent or contractors and no person shall meddle with refuse containers or in any way pilfer or scatter the contents thereof. (Ord. 738, Sec. 6)

- 15-513.        **IMPROPER CONTAINERS.** Refuse placed in an improper container shall not be collected. Rocks, dirt, sod, concrete or building materials are not considered normal household wastes and will not be removed. (Ord. 738, Sec. 7)
- 15-514.        **LOCATION OF CONTAINERS.** All solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the city to use public property for such purpose. (Ord. 738, Sec. 8)
- 15-515.        **FREQUENCY OF COLLECTION.** Solid waste in residential areas and commercial solid waste shall be collected as required by the occupant, provided, however, that no owner or occupant shall permit the accumulation of solid waste in such a manner as to create a public annoyance or a health or fire hazard. (Ord. 738, Sec. 11)
- 15-516.        **COLLECTION EQUIPMENT.** All vehicles used for the collection and transportation of solid waste shall be constructed with watertight bodies and shall be fully enclosed or capable of being securely covered. All such vehicles shall be maintained in a safe, clean, sanitary condition and shall be operated so that trash and refuse is completely enclosed or covered when the vehicle is traveling on public streets. Adequate fire extinguishers and warning signals are required in each collection vehicle. (Ord. 738, Sec. 12)
- 15-517.        **DISPOSITION OF WASTE.** All solid waste shall be disposed of at the Osborne county sanitary landfill or other sites designated by order of the county engineer of Osborne County, Kansas. Such disposal sites shall be operated in a manner consistent with regulations adopted by the county engineer and standards fixed by the state and federal government. (Ord. 738, Sec. 13)
- 15-518.        **ROCKS; DIRT.** Rocks, dirt, sod, concrete and building material shall be disposed of only in sites and in a manner approved by the county engineer and state board of health. (Ord. 738, Sec. 14)
- 15-519.        **PERIODIC CLEANUP.** Any person, firm or corporation who from time to time may desire to dispose of unwanted objects, furniture, appliances, trash, litter or other solid waste shall dispose of such refuse by delivering it, or having it delivered, to an approved disposal site to be disposed of in the same manner as provided for ordinary residential or commercial waste. (Ord. 738, Sec. 15)
- 15-520.        **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 2008)
- 15-521.        **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 2008)

15-522. PROHIBITED PRACTICES. It shall be unlawful for any person to:

- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
- (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
- (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
- (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.

(Code 2008)

15-523. 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 2008)

15-524. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 2008)

15-525. 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 2008)

15-526. PERMIT REQUIRED. No person, firm or corporation shall engage in the business for hire, of collection or transporting solid waste within the corporate limits of the city without first obtaining a permit from the city. A permit issued to a person, firm or corporation shall cover all employees of the person, firm or corporation.

(Ord. 738, Sec. 16)

15-527. 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 2008)

15-528. PERMIT APPLICATION. Each applicant for a permit shall file an application on forms to be approved by the governing body. Such application shall show:

- (a) The number of vehicles to be operated;
- (b) The make, model and identification number of each vehicle;
- (c) The average number of customers served on a monthly basis;
- (d) Boundaries of the collection area, and;
- (e) Such other information as the governing body may require.

(Ord. 738, Sec. 17)

15-529. NOT TRANSFERABLE. All permits issued as provided in this article are nontransferable. Provided, however, that one vehicle may be substitute for another by filing the description and identification number with the city clerk. And, provided further, that additional vehicles may be added by filing a proper application, insurance and permit fee. (Ord. 738, Sec. 18)

15-530. PERMIT FEE. The following fees shall be paid in advance by the applicant for a license to collect or remove trash within the city:

- For a gross weight of 6,000 lbs. or less - \$25.00;
- For a gross weight of 6,000 and not more than 10,000 lbs. - \$35.00;
- For a gross weight of 10,000 lbs. or more - \$50.00;
- For 1 to 100 customers, additional - \$5.00;
- For 100 to 500 customers, additional - \$10.00;
- For 500 customers or more additional - \$15.00.

(Ord. 738, Sec. 19)

15-531. 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 2008)

15-532. 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 2008)

- 15-533. BILLING. Bills for landfill utilization shall be rendered monthly at the same time as bills for electrical and other utility services are rendered. Such bills shall be collected as a combined bill for landfill, electrical and other utility services. 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 other bills. (Ord. 738, Sec. 26; Code 2008)
- 15-534. 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 2008)
- 15-535. INSURANCE REQUIRED. No permit shall be issued to any person, firm or corporation as provided in section 15-516 until the applicant shall have filed a certificate of insurance written by a company licensed to do business in Kansas providing public liability insurance covering all operations and all vehicles operated by applicant. Such policy shall provide not less than \$100,000 for any injury to or death of any one person and \$300,000 for the injury or death of any number of persons in any one accident and with a property coverage of not less than \$50,000 for any one accident. Such policy may be written to allow the first \$500.00 of property damage to be deductible.  
The certificate of insurance shall provide that it cannot be cancelled until 10 days after written notice of such cancellation has been filed with the city clerk. (Ord. 738, Sec. 20)
- 15-536. TERM OF PERMIT. All permits issued under this article shall expire on June 30. A permit may be renewed for a period of one year upon payment of the annual license fee and filing a certificate of insurance as provided in section 15-520. (Ord. 738, Sec. 21)
- 15-537. DISPLAY PERMIT NUMBER. All vehicles operating under a permit issued under this article shall display the permit number on each side of the vehicle in a color which contrasts to the color of the vehicle. Such numbers shall be clearly legible and shall be not less than three inches in height. (Ord. 738, Sec. 22)
- 15-538. REVOCATION OF PERMIT. A permit issued under this article may be revoked by the governing body for the violations of any terms of this article or regulations adopted by the governing body. Provided, however, that no permit shall be revoked until the holder of such permit has been given notice in writing of the violation and given a reasonable opportunity to comply with the provisions of this article or regulations issued by the governing body. (Ord. 738, Sec. 23)
- 15-539. REQUEST FOR SERVICE. A request for electrical service shall automatically constitute a request for landfill utilization. A termination of electrical service shall automatically terminate landfill utilization. Provided however, that the absence of electrical service shall not relieve any owner or occupant of any residence or

commercial enterprise from the responsibility of complying with the provisions of this article. (Ord. 738, Sec. 25)

15-540. PROHIBITED PRACTICES. It shall be unlawful for any person, firm or corporation to:

(a) Deposit solid waste in any container other than that owned or leased by him or her or under his or her control without written consent of such owner and/or with the intent of avoiding payment of a refuse service charge.

(b) Interfere in any manner with employees of the private licensees in the collection of solid waste.

(c) Burn solid waste.

(d) Dispose of solid waste in an unapproved site.

(Ord. 738, Sec. 29)