

CHAPTER XV: UTILITIES

Article

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ARTICLE 1: GENERAL PROVISIONS

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§ 15-101 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UTILITY SERVICES. Includes water, electrical, sewer, solid waste (refuse), and other utility services provided by the city.
(1994 Code, § 15-101)

§ 15-102 DELINQUENT ACCOUNTS.

Unless otherwise provided, water, electric, sewer, solid waste (refuse), or other utility service shall be terminated for nonpayment of service fees or charges in accordance with §§ 15-103 and 15-104.
(1994 Code, § 15-102)

§ 15-103 NOTICE; HEARING.

(a) (1) 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.

(2) 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 ten 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 designated Hearing Officer; and

(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 that shall be held within three working days following receipt of the request. (1994 Code, § 15-103)

§ 15-104 SAME; FINDING.

Following the hearing, if the 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 ten days, for the termination of such service. (1994 Code, § 15-104)

§ 15-105 DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY.

(a) In the event that any person, except the United States or the state, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in §§ 15-102 to 15-104. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.

(b) In the event that any person, except the United States or the state, residing, occupying, using, or operating on property to which utility service(s) furnished by the city is not paid, the unpaid fees or charges shall constitute a lien upon the property to which the utilities are furnished. The amount of the unpaid fees or charges shall be certified by the governing body to the County Clerk of the county in which the property is located, to be placed upon the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law.

(c) The lien, described in division (b) above, shall not attach to property for unpaid utility fees or charges when the utility service(s) have been contracted for by a tenant and not by the landlord or owner of the property to which the utility service is provided.

(d) If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided by the city, the application shall not be accepted until all fees or charges are paid in full.

(e) 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.

ARTICLE 2: WATER

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§ 15-201 SUPERINTENDENT OF WATER AND SEWAGE.

The general management, care, control, and supervision of the city water system shall be in the Superintendent of Water and Sewage, who shall be appointed by the Mayor with the consent of the governing body.

(1994 Code, § 15-201)

§ 15-202 REGULATIONS.

The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article.

(1994 Code, § 15-202)

§ 15-203 SERVICE NOT GUARANTEED.

The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, and power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers.

(1994 Code, § 15-203)

§ 15-204 SERVICE CONNECTIONS REQUIRED.

(a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located 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.

(1994 Code, § 15-204)

§ 15-205 APPLICATION FOR SERVICE.

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

(b) The application shall:

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

(2) State the size of tap required;

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

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

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

(6) State any other pertinent information required by the City Clerk; and

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

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

(1994 Code, § 15-205) (Ord. B-150, passed - -)

§ 15-206 CITY TO MAKE CONNECTIONS.

All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected only by city employees.

(1994 Code, § 15-206)

§ 15-207 CONNECTION FEES.

The fees for connection to the city waterworks system shall be as follows:

(a) For connecting water main with three-fourths inch tap, three-fourths-inch service line and installing three-fourths-inch meter is \$350, plus tax; and

(b) For connecting water main with larger than a three-fourths-inch tap, service line or meter is \$450, plus tax.

(1994 Code, § 15-207) (Ord. B-252, passed - -)

§ 15-208 CURB COCKS.

There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles.

(1994 Code, § 15-208)

§ 15-209 CHECK VALVES.

Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the Water Superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.

(1994 Code, § 15-209)

§ 15-210 UNAUTHORIZED SERVICE.

It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees, to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the Mayor or the governing body.

(1994 Code, § 15-210)

§ 15-211 METERS.

(a) All water furnished to customers shall be metered.

(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street and on private property within three feet of the alley line when the main is in the alley. In the Business District the meters may be installed in the basement at a location specified by the city.

(c) The city's responsibility stops at the property line.
(1994 Code, § 15-211)

§ 15-212 SAME; TESTING.

Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within 2%, the meter will be deemed correct and a charge of \$10 will be made to the customer.
(1994 Code, § 15-212)

§ 15-213 TAMPERING WITH METER.

It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the Water Department to turn any curb cock on or off.
(1994 Code, § 15-213)

§ 15-214 LEAKS PROHIBITED; PENALTY.

No allowances shall be made for water used or lost through leaks, carelessness, and neglect or otherwise after the same has passed through the meter; however, every customer shall have the right to appeal to the city a water bill or meter reading that he or she considers excessive.
(1994 Code, § 15-214)

§ 15-215 DISCONNECTION, RECONNECTION CHARGE.

(a) Upon apply for utility services provided by the city, the applicant shall pay a non-refundable fee of \$40.

(b) If an applicant later requests to transfer utility services to another residence or business within the city, the transfer fee shall be a non-refundable fee of \$5.

(c) In the event a former resident of the city applies for utility services and the former resident had a past delinquent account with the city, the former resident/applicant shall pay a non-refundable fee of \$120. This provision shall not be applicable if the applicant applies for services more than five years after the delinquent account was incurred.
(1994 Code, § 15-215) (Ord. B-521, passed 7-18-2011)

§ 15-216 UTILITY DEPOSIT.

At the time of making application for water service, the property owner or customer shall make a

cash deposit in the amount and manner specified in § 15-105 to secure payment of accrued bills or bills due on discontinuance of service.

(1994 Code, § 15-216)

§ 15-217 INTERRUPT SERVICE.

The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.

(1994 Code, § 15-217)

§ 15-218 PROHIBITED ACTS.

It shall be a violation of this article for any unauthorized person to:

(a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;

(b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body; and

(c) Remove, handle, or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.

(1994 Code, § 15-218)

§ 15-219 WASTING WATER.

(a) (1) 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.

(2) Wasting water may include but is not limited to:

(A) Permitting water to escape down a gutter, ditch, or other surface drain;

(B) Failing to repair an irrigation system's malfunction; or

(C) Failing to repair a controllable water leak due to defective plumbing.

(b) It shall be a violation of this article and unlawful for any owner, occupant, or manager of real property served by the city water utility to waste water or to permit the wilful waste of water to occur.

(c) In the event of a violation of this section, the Superintendent of Water, or such other person as may be designated by the city, shall give written notice of the violation and opportunity for hearing in accordance with Ch. VI of this code.

(d) The penalties for violating this section shall be the same as those set forth in Ch. VI of this

code.

(1994 Code, § 15-219)

§ 15-220 RIGHT OF ACCESS.

Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines.

(1994 Code, § 15-220)

§ 15-221 RATES.

(a) Inside city limits.

(1) A minimum charge of \$26 for the first 2,000 gallons each month.

(2) In addition to the above charge of \$26 for the first 2,000 gallons each month thereafter, the charge for water usage in excess of 2,000 gallons per month shall be as follows:

(A) Two thousand one gallons to 5,000 gallons will be \$3 per 1,000 gallons;

(B) Five thousand one gallons to 10,000 gallons will be \$4 per 1,000 gallons; and

(C) Ten thousand one gallons and above will be \$6 per 1,000 gallons.

(b) Outside city limits.

(1) A minimum charge of \$52 for the first 2,000 gallons each month.

(2) In addition to the above charge of \$52 for the first 2,000 gallons each month, thereafter, the charge for water usage in excess of 2,000 gallons per month shall be as follows:

(A) Two thousand one gallons to 5,000 gallons will be \$6 per 1,000 gallons;

(B) Five thousand one gallons to 10,000 gallons will be \$8 per 1,000 gallons; and

(C) Ten thousand one gallons and above will be \$12 per 1,000 gallons.

(1994 Code, § 15-221) (Ord. B-531, passed 12-17-2012)

§ 15-222 PAYMENT OF BILLS.

(a) Water bills shall be due and payable on the first day of each month for water consumed the preceding month, and all accounts payable to the city for water and other services shall be paid on or before the sixteenth day of the month following the date due. On the event payment of the account rendered is not made on or before the seventeenth day of each month, said account shall be declared and determined delinquent and the city shall thereupon serve written notice to said delinquent customer. When delinquent, the city shall charge 10% on the unpaid balance. Before the twenty-fifth day of each

month, said delinquent customer may request a hearing before the City Clerk, or any representative appointed by the City Clerk. Unless such hearing is requested, such water service shall be discontinued and shut off on the twenty-sixth day of the month, and said city shall be authorized to apply the security deposit, if any, to said account.

(b) Water service shall be resumed to any customer upon payment in full of his delinquent account and the further sum of \$25 for turning the water off and on, and/or the deposit of a sum in cash to secure the payment of bills to accrue (or to restore or increase such deposit) in the amount authorized herein. (1994 Code, § 15-222) (Ord. B-433, passed 8-9-1999)

§ 15-223 DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY.

Water service shall be terminated for nonpayment of service fees or charges as provided in §§ 15-102 through 15-104. (1994 Code, § 15-223)

§ 15-224 USE DURING FIRE.

No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm, it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (1994 Code, § 15-224)

§ 15-225 CROSS-CONNECTIONS PROHIBITED.

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 and distributing system of the city unless specifically approved by the State Department of Health and Environment and the governing body. (1994 Code, § 15-228)

§ 15-226 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 that 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.

§ 15-227 SAME; 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 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 city's water supply.

§ 15-228 SAME; PROTECTION FROM CONTAMINANTS.

Under 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 that 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.

ARTICLE 3: ELECTRICITY

[Reserved]

ARTICLE 4: SEWERS

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§ 15-401 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

B.O.D. (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system that 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.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWERS. Sewers receiving both surface runoff and sewage are not permitted.

INDIVIDUAL DOMESTIC. 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.

INDUSTRIAL. 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.

MULTI-DOMESTIC. 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.

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; and
- (3) Hydrogen ion concentration of 5.0 to 9.0.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWER. A sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWER. A pipe or conduit for carrying sewage.

STORM SEWER or STORM DRAIN. A sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUPERINTENDENT. The Superintendent of the city or his or her authorized deputy, agent, or representative.

SUSPENDED SOLIDS. 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.

USER. Any person as defined in § 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.

WASTEWATER. Sewage, the combination of liquids and water-carried wastes from residences, commercial, and industrial buildings, institutions, governmental agencies, together with any ground, surface, or stormwater that may be present.
(1994 Code, § 15-301)

§ 15-402 SEWER CONNECTION REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so; provided, that said public sewer is within 140 feet of the property line.
(1994 Code, § 15-302)

§ 15-403 PERMIT; CONNECTION FEE.

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

(b) There shall be charged a fee of \$15 payable at the time of making application for the permit.
(1994 Code, § 15-303)

§ 15-404 APPLICATION.

(a) 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.

(b) The application shall contain:

- (1) The legal description of the property to be connected;
- (2) The name and address of the owner or owners of the property;
- (3) The kind of property to be connected (residential, commercial, or industrial); and
- (4) The point of proposed connection to the city sewer line.

(1994 Code, § 15-304)

§ 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.

(1994 Code, § 15-305)

§ 15-406 SEWER CONNECTION.

(a) 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.

(b) 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.

(1994 Code, § 15-306)

§ 15-407 SEWER FOR EACH BUILDING.

(a) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building.

(b) In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(1994 Code, § 15-307)

§ 15-408(1) SAME; SPECIFICATIONS.

The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and water-proof. Any part of the building sewer that is located within ten 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.
(1994 Code, § 15-308(1))

§ 15-408(2) SAME; SPECIFICATIONS; SIZE AND SLOPE OF BUILDING SEWER.

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 one-eighth-inch per foot and for four-inch pipe, not less than one-fourth-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.
(1994 Code, § 15-308(2))

§ 15-408(3) SAME; SPECIFICATIONS; ELEVATION.

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.
(1994 Code, § 15-308(3))

§ 15-408(4) SAME; SPECIFICATIONS; LIFT.

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.
(1994 Code, § 15-308(4))

§ 15-408(5) SAME; SPECIFICATIONS; CESSPOOL, SEPTIC TANK, OR VAULT.

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.
(1994 Code, § 15-308(5))

§ 15-408(6) SAME; SPECIFICATIONS; EXCAVATIONS.

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.
(1994 Code, § 15-308(6))

§ 15-408(7) SAME; SPECIFICATIONS; JOINTS.

(a) All joints in the building sewers shall be made water-tight. If recommended by the City Inspector, a water pressure test shall be made on the completed sewer to ensure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of five psi, without leakage.

(b) 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.

(c) All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the City Inspector.

(d) Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.

(e) Joints between any two different types of pipes shall be made with lead, asphaltic jointing materials, or concrete, as approved by the city. All joints shall be water-tight and constructed to ensure minimum root penetration and to the satisfaction of the city.
(1994 Code, § 15-308(7))

§ 15-409 SEWER EXCAVATIONS; DAMAGES.

All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb, and gutters, sidewalks, parkways, and other public property removed or damaged during the installation of the building sewer shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city.
(1994 Code, § 15-309)

§ 15-410 FAILURE TO CONNECT.

(a) If any person as defined in § 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.
(1994 Code, § 15-310)

§ 15-411 PRIVY UNLAWFUL.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article.
(1994 Code, § 15-311)

§ 15-412 PRIVATE SEWER SYSTEM.

Where a public sanitary sewer is not available under the provisions of § 15-402, the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 15-411 to 15-416.

§ 15-413 SAME; PERMIT.

Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Utility Superintendent. The application shall be accompanied by any plans, specifications, or other information deemed necessary by the Utility Superintendent. A permit and inspection fee as set by the governing body shall be paid to the city at the time the application is filed.

§ 15-414 SAME; INSPECTION.

(a) 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.

(b) The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

§ 15-415 SAME; DISCHARGE.

(a) (1) 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 State Department of Health and Environment.

(2) 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 § 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.

§ 15-416 SAME; ADDITIONAL REQUIREMENTS.

(c) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City or County Health Officer.

§ 15-417 DISPOSAL OF SEWAGE.

(a) 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.

(b) 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 the state.

(K.S.A. 12-1617e; K.S.A. 12-1617g)

§ 15-418 DAMAGE TO SEWERS.

It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system.

(1994 Code, § 15-313)

§ 15-419 NATURAL OUTLET.

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes, or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article.

(1994 Code, § 15-314)

§ 15-420 STANDARDS.

The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing, and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city.

(1994 Code, § 15-315)

§ 15-421 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utility Superintendent, to meet all requirements of this article.
(1994 Code, § 15-316)

§ 15-422 MUD, GREASE TRAPS.

All garages, filling stations, milk plants, or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste, or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer.
(1994 Code, § 15-317)

§ 15-423 ROOF, FOUNDATION DRAINS.

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

(b) All discharges prohibited in division (a) above 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.
(1994 Code, § 15-318)

§ 15-424 SAME; EXCEPTION.

Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the Utility Superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city.
(1994 Code, § 15-319)

§ 15-425 PROHIBITED DISCHARGES.

No person shall discharge any of the following waters or wastes to any public sewer:

- (a) Liquid or vapor having a temperature higher than 150°;
- (b) Water or waste that 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; and

(i) Noxious or malodorous gas or substance capable of creating a public nuisance.
(1994 Code, § 15-320)

§ 15-426 BILLS.

(a) Bills shall be rendered monthly as provided in § 15-222 and shall be collected as a combined utility bill.

(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more, the charge shall be not less than full regular minimum monthly rate.
(1994 Code, § 15-321)

§ 15-427 DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.

(a) In the event any person, except the United States and the state, shall fail to pay the user charges when due, water service shall be terminated as provided in §§ 15-102 to 15-104.

(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in § 15-106 shall apply to sewer service fees, charges, and services.
(1994 Code, § 15-322)

§ 15-428 SEWER SERVICE CHARGE.

(a) The minimum charge per month shall be \$4.93. In addition, each contributor shall pay a user charge rate for operation and maintenance. including replacement and debt retirement of \$5.52 per 1,000 gallons of water.

(b) For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for

operation and maintenance, including replacement and debt retirement shall be as follows.

\$0.2378	per extra pound of BOD
\$0.2378	per extra pound of SS

(1994 Code, § 15-323) (Ord. B-537, passed 10-21-2013)

ARTICLE 5: SOLID WASTE

Section

- 15-501 Definitions
- 15-502 Collection
- 15-503 Contracts
- 15-504 Duty of owner, occupant
- 15-505 Containers
- 15-506 Bulk containers
- 15-507 Enter private premises
- 15-508 Ownership of solid waste
- 15-509 Wrapping garbage
- 15-510 Heavy, bulky waste
- 15-511 Hazardous materials
- 15-512 Prohibited practices
- 15-513 Objectionable waste
- 15-514 Unauthorized disposal
- 15-515 Private collectors; license required
- 15-516 Same; application
- 15-517 Same; fee
- 15-518 Same; number to be displayed
- 15-519 Closed vehicle
- 15-520 Rules and regulations
- 15-521 Failure to secure license
- 15-522 Charges
- 15-523 Same; fee schedule
- 15-524 Billing
- 15-525 Same; delinquent account

§ 15-501 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

DWELLING UNIT. Any enclosure, building, or portion thereof occupied by one or more persons

for and as living quarters.

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.

MULTI-FAMILY UNIT. Any structure containing more than four individual dwelling units.

REFUSE. All garbage and/or rubbish or trash.

RESIDENTIAL. Any structure containing four or fewer individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes.

RUBBISH or TRASH. 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.

SINGLE-DWELLING UNIT. An enclosure, building, or portion thereof occupied by one family as living quarters.

SOLID WASTE. All non-liquid garbage, rubbish, or trash.
(1994 Code, § 15-401)

§ 15-502 COLLECTION.

All solid waste accumulated within the city shall be collected, conveyed, and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste.
(1994 Code, § 15-402)

§ 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.
(1994 Code, § 15-403)

§ 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 a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.
(1994 Code, § 15-404)

§ 15-505 CONTAINERS.

(a) Residential containers shall have a capacity of not more than 30 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.

(b) 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.
(1994 Code, § 15-405)

§ 15-506 BULK CONTAINERS.

On premises where excessive amounts of refuse accumulate or where cans or bags are impractical, bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices that are compatible with the collection equipment being used. Containers shall be constructed of durable rust- and corrosion-resistant material that 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 water-tight, leak-proof, and weather-proof construction.
(1994 Code, § 15-406)

§ 15-507 ENTER PRIVATE PREMISES.

Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article.
(1994 Code, § 15-407)

§ 15-508 OWNERSHIP OF SOLID WASTE.

Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees, or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city.
(1994 Code, § 15-408)

§ 15-509 WRAPPING GARBAGE.

All garbage shall be drained of all excess liquid and wrapped in paper or other disposable container before being placed in solid waste containers.
(1994 Code, § 15-409)

§ 15-510 HEAVY, BULKY WASTE.

Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person

controlling same.
(1994 Code, § 15-410)

§ 15-511 HAZARDOUS MATERIALS.

(a) No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste.

(b) Hazardous material shall include:

(1) Explosive materials;

(2) Rags or other waste soaked in volatile and flammable materials;

(3) Chemicals;

(4) Poisons;

(5) Radio-active materials;

(6) Highly combustible materials;

(7) Soiled dressings, clothing, bedding, and/or other wastes, contaminated by infection or contagious disease; and

(8) Any other materials that may present a special hazard to collection or disposal personnel, equipment, or to the public.
(1994 Code, § 15-411)

§ 15-512 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

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

(b) Interfere in any manner with employees of the city or its 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; and

(d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
(1994 Code, § 15-412)

§ 15-513 OBJECTIONABLE WASTE.

Manure from cow lots, stables, poultry yards, pigeon lofts, and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article.

(1994 Code, § 15-413)

§ 15-514 UNAUTHORIZED DISPOSAL.

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

(1994 Code, § 15-414)

§ 15-515 PRIVATE COLLECTORS; LICENSE REQUIRED.

(a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.

(1994 Code, § 15-415)

§ 15-516 SAME; APPLICATION.

Any person desiring to collect or transport solid waste within the city shall make application for a license to the City Clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the County Health Officer issued not more than 15 days prior to the date of application.

(1994 Code, § 15-416)

§ 15-517 SAME; FEE.

No license shall be issued unless the applicant shall pay to the City Clerk the sum of \$100 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1 of the calendar year in which said permit is issued.

(1994 Code, § 15-417)

§ 15-518 SAME; NUMBER TO BE DISPLAYED.

The City Clerk shall issue a license receipt together with a number, which shall be painted on each

vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued.

(1994 Code, § 15-418)

§ 15-519 CLOSED VEHICLE.

Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys.

(1994 Code, § 15-419)

§ 15-520 RULES AND REGULATIONS.

The collection and transportation of trash and waste materials shall be at all times under the general supervision of the Mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer.

(1994 Code, § 15-420)

§ 15-521 FAILURE TO SECURE LICENSE.

Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in § 1-116.

(1994 Code, § 15-421)

§ 15-522 CHARGES.

The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city.

(1994 Code, § 15-422)

§ 15-523 SAME; FEE SCHEDULE.

(a) (1) Each residence receiving garbage and/or rubbish collection services within the city limits shall be charged \$17 per month for said service, and each business or establishment other than residential receiving garbage and/or rubbish collection service shall be charged a minimum of \$35 per month for each dumpster. A request for water service shall automatically constitute a request for refuse service. A termination of water service shall automatically terminate refuse service. The charges for collection of garbage and/or rubbish and charges for water and sewer service in the city are hereby declared to be

parts of one debt to the city insofar as the same affect any one customer, and the refusal or failure to pay any part of such debt for any monthly period of service in accordance with the rules and regulations established by the governing body of the city shall be sufficient cause for discontinuing water and sewer services. The garbage and rubbish collection fee shall be charged to the water bill of any person receiving the garbage and/or rubbish collection service.

(2) Upon application by residents who are 65 years of age or over being made to the City Clerk prior to the twentieth day of any given month, such applicants upon proof of their age, shall be charged a reduced rate of \$15.50 per month for garbage and/or rubbish collection within the city, provided, however, that such a reduced rate shall be available only for the residence of the eligible applicants and not for business properties. Persons already receiving the reduced rate do not need to reapply.

(c) The rates and collecting charges as set out in division (a) shall become effective on September 1, 2015.

(1994 Code, § 15-423) (Ord. B-545, passed 8-17-2015)

§ 15-524 BILLING.

Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods, and penalties as water bills.

(1994 Code, § 15-424)

§ 15-525 SAME; DELINQUENT ACCOUNT.

In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the City Clerk shall annually certify such unpaid bills to the County Clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected.

(K.S.A. 65-3410) (1994 Code, § 15-424)

ARTICLE 6: WATER CONSERVATION

Section

- 15-601 Purpose
- 15-602 Definitions
- 15-603 Regulations

§ 15-601 PURPOSE.

In order to conserve the water supply of the city; to meet the needs and demands of the citizens of the city; and to eliminate waste in the use of such water, it shall be and is made unlawful for any person, firm, corporation, or entity of any nature, to use water contrary to and in violation of the following provisions. This article shall be known as and referred to as the “Water Allotment and Conservation Ordinance” of the city.

(Ord. B-534, passed 4-15-2013)

§ 15-602 DEFINITIONS.

(a) Generally. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OUTDOOR WATERING. The irrigation with water of lawns, shrubs, flowers, trees, gardens, and other outdoor vegetation for personal, private, commercial, or governmental purposes; the filling or adding of water to public or private swimming pools; the washing down with water of buildings, machinery, vehicles, and appliances for personal or private purposes; and other similar practices and acts.

ULTRA LOW-FLOW MEANS. In the case of faucets and showerheads, devices which substantially restrict the flow of water, while only providing sufficient water for the purpose intended; and in the case of water closets or toilets, means devices which restrict the use of water per flush to one and sixth-tenths gallons, or less.

(b) Specifically.

(1) For the purpose of this article, “water user”, “customer”, and “water service account” shall be synonymous.

(2) For the purpose of this article, “residential water user”, in addition to meaning private residential water user, also means and includes residents of apartments, duplexes, and other like multiple- resident facilities, but shall not include hospitals, nursing homes, residence halls, dormitories, or other similar uses.

(Ord. B-534, passed 4-15-2013)

§ 15-603 REGULATIONS.

(a) The use of water for the washing down of sidewalks, walkways, driveways, parking lots, gas station aprons, and all other hard-surfaced areas, and other similar practices, shall be prohibited; provided, that upon application, a special permit to allow such usage may be granted by the City Clerk, if sufficient documentation and need, such as reasonable hazard to public safety can be shown.

(b) The escape or loss of water through breaks or leaks within the water user’s plumbing or distribution system for any substantial period of time shall be prohibited, it being presumed that a period of eight hours after the water user discovers or should have discovered such leak or break, is a substantial period of time.

(c) Outdoor watering, including, but not limited to, the irrigation of lawns, shrubs, flowers, trees, gardens, and other outdoor vegetation, shall be prohibited between the hours of 10:00 a.m. and 7:00 p.m., and the hours between 10:00 p.m. and 5:00 a.m., for the period of May 1 through September 30 of each year. Upon application, a special permit shall be issued to allow watering newly seeded lawns at the above times.

(d) No water user shall allow substantial amounts of water to escape or drain from private property onto public property, including, but not limited to, public sidewalks, rights-of-way, streets, alleys, and highways; provided, that SUBSTANTIAL shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter, or other drainage system. For purposes of this section, it shall be conclusively presumed that the resident or residents of property from which water escapes or drains knows of such escape or draining, however, the escape of water from private property due to washing of vehicles shall not be construed as substantial, provided the user of the water has not allowed water to flow from hose or open tap when not directly being used to wash down the vehicle.

(e) (1) Any person, firm, or corporation accused of violating the provisions of division (a) through (d) above shall be notified in writing that such accusation has been made and the accused party may request a hearing before the City Clerk, or any representative appointed by the City Clerk, and may present evidence in defense of such accusation.

(2) If a request for hearing is not served on the City Clerk within three days following the service of the written accusation on the accused party or if the City Clerk finds that the allegations or such accusation are true, the following penalties shall be imposed.

(A) Upon a first violation, the accused party shall be issued a formal written warning.

(B) Upon a second violation, water service shall be terminated on the property involved and a resumption of services fee in the sum of \$50 shall be paid before water service shall be resumed.

(C) Upon a third violation, water service shall be terminated on the property involved and a resumption of services fee in the sum of \$200 shall be paid before water service is resumed.

(D) Upon a fourth violation and any subsequent violations, water service shall be terminated on the property involved and a resumption of services fee in the sum of \$250 shall be paid before water service is resumed.

(E) These provisions are cumulative, and for purposes of determining the number of violations committed, the previous 24 months shall be considered. Any violations previous to the preceding 24 months shall not be considered as violations for the purpose of assessing penalties in this section.

(Ord. B-534, passed 4-15-2013)

ARTICLE 7: WELLHEADS AND AQUIFERS

Section

- 15-701 Definitions
- 15-702 Prohibited uses
- 15-703 Exceptions
- 15-704 Performance standards and wellhead/aquifer protection
- 15-705 Limitation of city liability
- 15-706 Enforcement, violation, and penalty

§ 15-701 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AQUIFER. A water-bearing rock medium; rock or sediment formation that can store and transmit water to wells.

(1) **CONFINED AQUIFER.** An aquifer overlain and underlain by confining beds that have significantly lower hydraulic conductivity than that of the aquifer medium; also called an “artesian aquifer”.

(2) **UNCONFINED AQUIFER.** An aquifer above which there are no confining rock layers of lower hydraulic conductivity to stop or significantly decrease water movement.

AUTHORIZED REPRESENTATIVE. Any representative of the City of Victoria, Kansas, who is designated by the governing body to administer this article.

CLASS V INJECTION WELL. A class of injection wells, as defined by the Environmental Protection Agency (EPA) , ranging from cesspools to automotive service station disposal wells; does not include disposal of municipal or hazardous wastes (Class I or IV) oil or gas activity wells (Class II), or mineral extraction wells (Class III).

CONFINED FEEDING. A feeding operation involving animal unit(s) in either a confined area where manure may concentrate or in a situation where the concentration of animal(s) is such that vegetative cover cannot be maintained.

CONTAMINATION. The process of making groundwater impure, unclean, inferior, or unfit for domestic uses by introduction of undesirable elements.

CONTINGENCY PLANS. Detailed plans for control, containment, recovery, and clean up of hazardous material released during floods, fires, equipment failures, leaks, and spills.

DEVELOPMENT. The carrying out of any surface or structure construction, reconstruction, or alteration of land use or intensity of use.

ELLIS COUNTY ENVIRONMENTAL CODE. The environmental code adopted by the Ellis County Commissioners.

FACILITY. Something built, installed, or established for a particular purpose.

HAZARDOUS MATERIAL. A material which is defined in one or more of the following categories.

CARCINOGENIC. A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.

CORROSIVE. Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

EXPLOSIVE. A reactive gas, liquid, or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure, or combinations thereof. Examples: dynamite; organic peroxides; and ammonium nitrate.

HIGHLY TOXIC. A gas, liquid, or solid so dangerous to humans as to afford an unusual hazard to life. Examples: parathion and chlorine gas.

IGNITABLE. A gas, liquid, or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorus and gasoline.

MODERATELY TOXIC. A gas, liquid, or solid which through repeated exposure or in a single large dose can be hazardous to man. Example: atrazine.

LEAKS AND SPILLS. Any unplanned or improper discharge of a potential contaminant, including any discharge of a hazardous material.

PRIMARY CONTAINMENT FACILITY. A tank, pit, container, pipe, or vessel of first containment of a liquid or chemical.

PUBLIC WATER SUPPLY SYSTEM. A system for the provision to the public of piped water for human consumption, if such system has at least ten service connections or regularly serves an average of at least 25 individuals at least 60 days out of the year. Such term shall include any source, treatment, storage, or distribution facilities under control of the operator of the system and used primarily in connection with the system, and any source, treatment, storage, or distribution facilities not under such control but which are used in connection with such system.

SECONDARY CONTAINMENT FACILITY. A second tank, catchment pit, pipe, or vessel that limits and contains a liquid or chemical leaking or leaching from a primary containment area.
(Ord. B-368, passed 6-12-1995)

§ 15-702 PROHIBITED USES.

The following are prohibited in the city:

(a) Confined feeding within 300 feet of existing public water supply well;

(b) Disposal of wastewater treatment sludge;

(c) Hazardous waste or radioactive waste disposal sites;

(d) Class V wells receiving hazardous or radioactive waste; and

(e) Sanitary and construction/demolition landfills and other commercial dumpsites.

(Ord. B-368, passed 6-12-1995)

§ 15-703 EXCEPTIONS.

(a) The governing body of the city, shall have the power to authorize in specific cases a variance from the specific terms of this article, which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship, provided that the spirit of this article shall be observed, public safety, and welfare secured, and substantial justice done.

(b) (1) In considering the granting of an exception herein, the governing body of the city, shall require the applicant to show that the property was acquired in good faith and that the strict application of the terms of this article prohibit all use of the property.

(2) The governing body shall also find, before granting an exception, that the exception arises from a condition which is unique to the property in question and which is not ordinarily found in the same type of property owner; that the granting of the exception will not adversely affect the rights of adjacent property owners or residents; that the granting of the exception will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and that the granting of the exception will not be opposed to the general spirit and intent of this article.

(Ord. B-368, passed 6-12-1995)

§ 15-704 PERFORMANCE STANDARDS AND WELLHEAD/AQUIFER PROTECTION.

The following standards shall apply within the city.

(a) New or replacement septic tanks and associated drain fields for containment and disposal of human waste shall conform with regulations established by the County Environmental Code.

(b) Non-public and semi-public water wells shall conform with regulation established by the County Environmental Code.

(c) (1) Owners of existing underground storage tanks (USTs) and above ground storage tanks are required to notify the authorized representative immediately of any release detection, unexplained inventory losses, upgrades, new installations, and fines assessed by other agencies for violations. Existing UST facilities shall comply with local, state, and federal fire and environmental UST regulations regarding tanks and pressurized lines.

(2) The authorized representative will make periodic inspections for compliance with local, state, and federal regulations and will spot check inventory records.

(3) Newly constructed or reconstructed UST installations shall have double containment for both piping and tanks. This shall be accomplished with either a below-ground vaulted tank, a double walled tank, or other approved technology. All piping shall be double walled.

(4) The authorized representative shall be notified of new UST installation so that it can be inspected. Installation shall be in compliance with existing local, state, and federal fire and environmental UST programs.

(d) (1) All automotive and equipment service operations shall comply with EPA prohibitions of the disposal into Class V wells of gasoline, diesel fuel, waste oil, antifreeze, degreasers, brake fluids, transmission fluids, or other non-sanitary waste. Those petroleum wastes which can not be recycled shall be disposed of according to federal, state, and local waste regulations.

(2) All material used for spill clean-up and all wastes shall be disposed of according to federal, state, and local waste regulations.

(e) Any facility (excluding households) involving collection, handling, manufacture, use storage, transfer, or disposal of hazardous materials shall prepare and have on file with the city, an acceptable contingency plan designed to prevent hazardous materials from contaminating the aquifer should floods, fire, or other natural catastrophes or equipment failure occur.

(1) The authorized representative shall develop a public program for schools, business, governmental entities, and households in the city. Residents shall be encouraged to utilize the household hazardous waste facility.

(2) The authorized representative shall be informed immediately of all leaks and spills of material that might potentially contaminate groundwater.

(f) No person shall transfer the ownership of any property to which water is supplied until and unless the property has been inspected and found in compliance with the city's cross-connection and backflow prevention requirements as defined by law.
(Ord. B-368, passed 6-12-1995)

§ 15-705 LIMITATION OF CITY LIABILITY.

Nothing in this article shall be construed to imply that the city, by issuing a permit, has accepted any of an owner/developer's liability if a permitted development contaminates groundwater.
(Ord. B-368, passed 6-12-1995)

§ 15-706 ENFORCEMENT, VIOLATION, AND PENALTY.

(a) It shall be the duty of the authorized representative to enforce this article. The owner or agent of a building or premises in or upon which a violation of any provision of this article has been committed or shall exist, shall be punished by a fine not to exceed \$500 or imprisonment for six months, or both for each offense. Each and every day that such violation continues shall constitute a separate offense.

(b) In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of this article, the authorized representative, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful activity, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

(Ord. B-368, passed 6-12-1995)

