

CHAPTER XV. UTILITIES

Article 1. General Provisions

Article 2. Water

Article 3. Sewers

Article 4. Solid Waste

Article 5. Gas

Article 6. Water Conservation

ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, gas, sewer, solid waste (refuse) and other utility services provided by the city. (Ord. 662, Sec. 1; Code 1996)
- 15-102. UTILITY SERVICES PROVIDED. The gas, water and sewer services furnished by the city shall be furnished in accordance with the rates, rules and regulations adopted by the governing body of the city. The charges for such services shall be computed and collected monthly. A month as used in this article means a period of approximately 30 days ending when the meter is read. (Ord. 662, Sec. 2; Code 1996)
- 15-103. APPLICATION FOR SERVICE. Application shall be made in person and identification provided, and upon acceptance of such application the city shall as promptly as practicable supply the customer with service. The customer will be required to complete a contract for service before service is initiated. A security deposit may also be required and collected prior to service connection. (Ord. 662, Sec. 3; Code 1996)
- 15-104. PAYMENT DUE DATE. All bills due the city for utility service shall be payable monthly on the 1st day of the calendar month following the month in which the utility services are consumed or rendered. (Ord. 662, Sec. 4; Code 1996)
- 15-105. DELINQUENT BILLS; TERMINATION OF SERVICE. Utility bills not paid by the 17th day of the month shall be deemed delinquent, and unless otherwise provided, the utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-106 to 15-111. (Ord. 662, Sec. 5; Code 1996)
- 15-106. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the 17th day of the month as provided in this article, a delinquency and termination notice shall be issued by the city clerk and mailed to the customer at his or her last known address.
- (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 shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the customer until 10:00 a.m. on the next business day to pay the charges;

(3) Notice that the customer has the right to a hearing before the designated hearing officer;

(4) Notice that the request for a hearing must be in writing 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.

(Ord. 662, Sec. 6; Code 1996)

15-107. SAME; HEARING OFFICER. The city administrator shall be the hearing officer for the purposes of this article and shall provide to the utility customer a hearing upon the issues concerning disconnect, and shall give to the utility customer the opportunity to present anything relevant to the issues at the hearing. At the conclusion of the hearing, the hearing officer shall determine whether the city shall proceed to disconnect the utility services involved.

(Ord. 662, Sec. 7; Code 1996)

15-108. 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. 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.

(Ord. 662, Sec. 8; Code 1996)

15-109. COLD WEATHER RULE; ESTABLISHED. Between November 1st and the following March 31st, the cold weather rule shall be in effect for all residential customer who have unpaid arrearages and who meet the requirement of the "Good Faith Test." For purposes of the cold weather rule, the good faith test shall require the customer to:

(a) Inform the city of the customer's inability to pay his or her utility bill in full;

(b) Give the city sufficient information to allow determination of payment agreement to be made; and

(c) Apply for federal, state and local or other funds available for the payment of utility bills for which the customer may be eligible. The city shall notify the customer, at the time the customer is required to meet these requirements of assistance available.

(Ord. 662, Sec. 9; Code 1996)

15-110. SAME; REQUIREMENT. (a) Services shall not be disconnected for any customer who qualified under the cold weather rule and who meets the good faith test if the customer makes an initial payment to the city of 25 percent of the bill for the most recent period of \$45.00, whichever is greater, plus 12 of the arrearage and pays the remaining arrearage in 11 equal payments in the months immediately following the initial payment.

(b) A customer may be disconnected or prevented from qualifying for the cold weather rule upon the customers breach of the good faith test if (1) it is

documented that diversion of service has occurred and the customer has benefitted from such diversion, or (2) the customer has defaulted in making payments on the agreement made under the cold weather rule and remains in default. In no event shall a customer's service be disconnected when the national weather service office forecasts that the temperature will drop below 35° Fahrenheit within the following 36 hour period.

(Ord. 662, Sec. 10; Code 1996)

15-111. DISCONTINUANCE OF SERVICE. (a) The city may discontinue or refuse a particular utility service to any customer without notice or hearing for any of the following reasons:

(1) When the customer so requests; or

(2) When it is determined by an employee of the city utility department, fire department or police department that the continuance of a particular service constitutes a dangerous condition presenting a likely immediate threat to the health of safety of persons or the property on or near the customer's premises.

(b) The city may discontinue or refuse a particular utility service to any customer following compliance with notice and hearing requirement for any of the following reasons:

(1) Nonpayment of utility bills and charges;

(2) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility services from the city;

(3) When the customer refuses to grant employees of the city utility access to equipment installed upon the premise of the customer for the purpose of inspection, meter reading, maintenance or replacement;

(4) When the customer violates any rule, regulation, or law of the city pertaining to utility service, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility delivery system; or

(5) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage, or use of the utility services or the utility delivery system situated or delivered on or about the customer's premises.

(Ord. 662, Sec. 11; Code 1996)

15-112. RE-CONNECTION FEES. (a) A fee is hereby established for the reconnection of the following utility services within the city service area:

(1) Water - \$25.00 (after hours \$50.00);

(2) Gas - \$25.00 (after hours \$50.00).

(b) The reconnection fee shall apply to all service accounts which have been forwarded to the service department for termination whether or not actual physical disconnect has taken place.

(Code 2016)

15-113. PETTY CASH FUND. (a) There is hereby created and established a petty cash fund of the city in the amount of \$470.00. A city check will be drawn on the general, water, sewer and gas fund to be used in increasing the petty cash fund.

(b) The petty cash fund shall be deposited in a bank that is designated as a depository of city funds, and paid out by checks on the order of the city clerk.

(c) The checks shall state clearly the purpose for issuance which shall be to pay postage, transportation charges, and emergency expenses including refunds of deposits made to secure payments of accounts.

(d) The payees of such check shall certify thereon that such services were rendered, supplies furnished, or refund received or a transaction otherwise made in accordance for which the check was written.

(e) Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering such expenses as have been paid from the petty cash fund, and shall submit the same to the governing body for audit and allowance of the amount from the regular city funds. Checks issued therefore shall be payable to the petty cash fund to its original amount, for use as herein provided.

(Ord. 648, Sec. 1:5; Code 1996)

15-114.

DELINQUENT BILLS; LATE FEE. A late fee based upon a percentage of the amount delinquent may be established by a resolution of the City Council of the city of Cheney, Kansas and applied to utility bills, which are delinquent for more than thirty days. Such late fee may be amended from time to time by a resolution of the City Council of the city of Cheney, Kansas. (Ord. 820; Code 2016)

ARTICLE 2. WATER

- 15-201. SERVICE; FORM AND CONTENTS. Every person who desires connection with the city water mains shall make application in writing to the city clerk. The application shall be in such form as shall, from time to time, be prescribed by the city governing body and shall contain an agreement wherein the applicant shall be bound by the terms of this and all other city ordinances, rules and regulations. (Code 1976)
- 15-202. Reserved for future use.
- 15-203. CONSENT BY WATER USERS. Every person using water from the city's waterworks systems shall be deemed to have consented and agreed to the terms and provisions of the ordinance codified in this article, and to have acknowledged the right of the city to discontinue water services without notice in the event of the failure of such consumer to make timely payments of all rates and charges fixed and established by this article, or to otherwise comply with the terms and provisions of this article. (Code 1976)
- 15-204. RESPONSIBILITY FOR MAINTENANCE. The applicant shall be responsible for the maintenance, repair, installation and any leakage in the piping from the meter to the place of use. The line shall be, at all times, maintained in good and proper condition by the consumer. (Code 1976)
- 15-205. WATER SUPERINTENDENT. The city shall appoint a resident of the city to act as water superintendent whose duty it shall be to investigate and examine all installations, complaints and maintenance of all lines, meters; and, when directed, shall shut off the water to any consumer; and shall act in such other capacity relating to the city waterworks as may be determined from time to time by the city. (Code 1976)
- 15-206. METERS; GENERALLY. All water furnished to consumers by the city shall be measured by meters purchased and installed by the city at the consumer's expense. After the initial installation and purchase of the meters, the maintenance of same shall be the city's sole responsibility; provided, however, the consumer shall give to the city water superintendent ample and reasonable written notice of any defects in or to the meters. The meters shall be placed where appropriate on the parking where they are easily accessible, and shall be installed in a meter box or tiling not less than 18 inches in diameter, and the top of the meter shall not be more than 15 inches from the top of the box or tile, and the box or tile shall be furnished with a substantial covering. The consumer shall not damage, destroy, tamper with or enter into the meter or meter boxes, and the consumer shall keep same free from dirt, debris and trash so that access may be readily had at all times to the meter and service pipe. The meter shall remain the sole property of the city. (Code 1996)
- 15-207. METERS; TESTING. The city shall have the right at any time to test the meter. If such testing is not pursuant to the request of the consumer, it shall be without charge. If made at the request of the consumer, the charge shall be \$5.00. (Code 1976)

- 15-208. METERS; CHARGES ADJUSTMENT. Whenever the city finds a meter to be inoperative, an adjustment of charges for the preceding billing period shall be made by averaging the water used for the corresponding billing period of the prior year; or, if such records are not available, from the best other method practicable. (Code 1976)
- 15-209. Reserved for future use.
- 15-210. TAKING WATER FOR PRIVATE USE; TAPPING MAIN BY PLUMBERS; PERMISSION REQUIRED. No person, unless authorized by the city or its water superintendent, shall take or remove water from any public or private hydrant, plug, street, wash, drawn, cock, hose, pipe, fountain (except for fire purposes or any use of the fire department in case of fire) or in any way use or take any water for private use without paying for same as herein provided. Further, no plumber or any other person shall be permitted to tap the mains of the city until permission has been granted in writing by the governing body. (Code 1976)
- 15-211. RIGHT OF ENTRY; SHUTOFF RIGHT. The water superintendent, or other authorized city employee, shall have at all reasonable hours access to any premises supplied with water to make necessary examination of plumbing or water fixtures, and for the purpose of reading meters as herein provided, termination of water services, for purpose of making repairs, and for other necessary purposes. The city reserves the right at any time to shut off the water at the main for the purpose of making repairs or extensions or for other necessary purposes. (Code 1976)
- 15-212. FAILURE BY CONSUMER TO MAINTAIN LINE; SHUTOFF; TURN ON CHARGE. All leaks occurring in the service pipes at any point beyond the main must be repaired at the expense of the consumer of the premises, and if not done, or in the event the consumer fails to properly maintain the service pipe in good repair and in a proper manner and after 24 hours' notice, the water service may be discontinued until such repairs are made, and a charge of \$10.00 will be made for turning on the water; and, in addition, the consumer and owner of the property shall immediately pay for the cost of making the repairs. (Code 1996)
- 15-213. BILLS; PAID WHERE. All water bills shall be paid at the office of the city clerk or at such other places as may be designated by the city. (Code 1976)
- 15-214. SHUTOFF WITHOUT NOTICE; WHEN. Water service may be shut off to any consumer without notice when applicable under sections 15-219 and 15-220, if such consumer shall tamper or in any way interfere with any meter, connection, service pipes, valves or other appurtenances belonging to the city, or for any violation by a consumer of the terms of this article or any other applicable ordinance of the city, or statutes of the state. (Code 1976)
- 15-215. CITY NOT LIABLE TO MAINTAIN SPECIFIC WATER PRESSURE. The city does not guarantee to maintain any specific water pressure for its services, and no complaint concerning the pressure shall give any right of claim against the city. (Code 1976)

- 15-216. USE OF WATER BY CITY FROM HYDRANTS PERMITTED. Water necessary for municipal uses, such as fire-fighting, flushing of street and sewers, street sweepers and dust control, may be obtained from fire hydrants by the city. (Code 1976)
- 15-217. SERVICE REFUSAL WHEN WATER MAY BECOME CONTAMINATED. The water department, pursuant to the provisions of the statutes of the state, may refuse to deliver water to any premises whereon any condition exists which might lead to a contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied. (Code 1976)
- 15-218. BILLING DATE. A water bill shall be forwarded to all users and consumers in the city each and every month. (Code 1976)
- 15-219. SERVICE TERMINATION FOR NONPAYMENT. All bills remaining unpaid for a period of 17 days after the date of mailing shall be considered delinquent, whereupon a notice of delinquency shall be issued. This notice shall allow an additional 10 days' grace before service is discontinued. Consumers are responsible for furnishing the city clerk with their current address for billing purposes. (Code 1996)
- 15-220. SERVICE INTERRUPTION WHEN. In instances where the public health, safety or welfare so requires, the water department shall have the right to shut off the flow of water in its mains without notice, but will endeavor, insofar as possible and practical, to notify consumers affected by the intention to so interrupt the service. Interruption of service under such conditions, or in the event of activities and actions beyond the control of the city, shall not give rise to any claim on the part of any consumer against the water department of the city. (Code 1976)
- 15-221. WATER RATES; GENERAL USE; RATE 1G. The rates per month for the use of water in the city for general use shall be as follows:
(a) A service charge of \$13.00 which shall include the first 1,000 gallons, plus \$1.80 per each 1,000 gallons over the first 2,000 gallons.
(b) Premises occupied by more than one unit and being serviced by one meter, including but not limited to duplexes, apartment houses and mobile home parks, shall be subject to the minimum monthly rates reflected above and in addition thereto there shall be made a charge of \$2.80 per month for each additional unit which may be served through or by such meter.
(c) Rates for customers outside the city limits:
(1) Customers served by the city water utility at sites outside the corporate limits of the city, will have a minimum monthly rate of \$26.00. Minimum rates include the first 2,000 gallons.
(2) Usage above 2,000 gallons per month will be charged at the same rate as currently paid by the residents within the city.
(Ord. 670, Sec. 1; Ord. 707, Sec. 2; Res. No. 151; Code 2005)
- 15-222. SAME; RATE 1C. The rate for customer averaging in excess of 200,000 gallons per month on an annualized basis and discharging excess water to the storm drainage system shall be as follows:

(a) A service charge of \$10.50 which shall include the first 2,000 gallons, (Step 2) for an additional 5,000 - \$1.35 per 1,000 (Step 3) for an additional 10,000 gallons - \$1.10 per 1,000 gallons; (Step 4) for all over 17,000 gallons - \$.75 per 1,000.

(b) Effective January 9, 1994, Step 4 will be dropped and all over 7,000 will be charged at the Step 3 rate. Effective January 9, 1995, Step 3 will be eliminated at all water used over 2,000 gallons will be charged at the Step 2 rate. Effective January 9, 1997, the rate reverts to Rate 1G.
(Ord. 670, Sec. 2; Code 1996)

15-223. SERVICE CONNECTIONS AND FEES. No one shall tap or hook onto or into the city water lines without first applying for water service as provided by city ordinance. In addition, the following fees, being the reasonable estimated expense relating to the provision of a new water service is established.

(a) A 3/4 inch or smaller meter - \$350.00.

(b) A 1 inch meter - \$450.00.

(c) Larger service charges will be based on the fee schedule enacted by Resolution No. 151.

Outside the City Limits - taps must be made and meters set on individually owned easements adjacent to the city line tapped. Owners are responsible for maintenance of the line past the meter.

(a) Fees for water meters 1 inch or less - \$750.00.

(b) Larger than 1 inch meters - charges will be based on the fee schedule enacted by Resolution No. 151.

(Ord. 707, Sec. 1; Res. No. 151; Code 2005)

15-224. SERVICE FEES. (a) A service fee is hereby established for the following services within the city:

(1) Water Connection Fee - \$25.00.

(b) The connection fee shall apply to all new service accounts and does not require fee for customer.

(c) Re-connection fees owed due to termination for nonpayment must be paid in full before service is restored.

(Ord. 656, Sec. 4; Res. No. 151; Code 2005)

15-225. CROSS CONNECTIONS; DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this policy:

(a) Air gap - separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

(b) Approved tester - means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the city.

(c) Authorized representative - means any person designated by the city to administer this cross connection control ordinance.

(d) Auxiliary water - supply means any water source or system, other than the city that may be available in the building or premises. This does not include other KDHE permitted public water supply systems.

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

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

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

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

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

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

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

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

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

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

(Ord. 647, Sec. 1; Code 1996)

15-226. CROSS CONNECTION CONTROL GENERAL POLICY. (a) Purpose. The purpose of this policy is:

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

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

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

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

(c) Intent. This policy will be reasonably interpreted by the city. It is the intent of the city to recognize the varying degrees of hazard and to apply the

principle that the degree of protection shall be commensurate with the degree of hazard. If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at his or her own expense. Failure or refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided.
(Ord. 647, Sec. 2; Code 2005)

15-227. CROSS CONNECTIONS PROHIBITED. (a) No water service connection shall be installed or maintained to any premise where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the city or its authorized representative.

(b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.
(Ord. 647, Sec. 3; Code 2005)

15-228. SURVEY AND INVESTIGATIONS. (a) The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

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

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

(Ord. 647, Sec. 4; Code 1996)

15-229. WHERE PROTECTION IS REQUIRED. (a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the city or its authorized representative or the KDHE, actual or potential cross connects exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

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

(1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the city or its authorized representative and the KDHE.

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

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

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

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

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

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

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

(1) Agricultural chemical facilities.

(2) Auxiliary water systems, wells.

(3) Boilers.

(4) Bulk water loading facilities.

(5) Car washing facilities.

(6) Chemical manufacturing, processing, compounding or treatment plants.

(7) Chill water systems.

(8) Cooling towers.

(9) Feedlots.

(10) Fire protection systems.

(11) Hazardous waste storage and disposal sites.

(12) Hospitals, mortuaries, clinics or others as discovered by sanitary surveys.

(13) Irrigation and sprinkler systems.

(14) Laundries and dry cleaning.

(15) Meat processing facilities.

(16) Metal manufacturing, cleaning, processing and fabricating plants.

(17) Oil and gas production, refining, storage or transmission properties.

(18) Plating plants.

(19) Power plants.

(20) Research and analytical laboratories.

(21) Sewage and storm drainage facilities -- pumping stations and treatment plants.

(22) Veterinary clinics.

(Ord., 647, Sec. 5; Code 1996)

15-230. BACKFLOW PREVENTION DEVICES. (a) Any backflow prevention device required by this article shall be of a model or construction approved by the city or its authorized representative and the KDHE.

(1) Air Gap. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

(2) Reduced Pressure Principal Backflow Prevention Assembly. The term RRPBPA shall mean an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located testcocks and tightly closing shut-off valves at each end of the assembly, satisfactory for most toxic materials. Significant pressure loss (10 psi or more) must be inspected and tested annually. Repaired as necessary.

(3) Douglas Check Valve Assembly. The term DCVA shall mean an assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a non-health hazard. Minor pressure loss must be tested and inspected annually. Repaired as necessary.

(4) Pressure Vacuum Breaker. The term PUB shall mean an assembly containing and independently operating internally loaded check valve and an independently operating loaded air inlet valve located in the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves attached to each end of the assembly. Must be installed a minimum of 12 inches above highest point of usage. No back pressure, only back siphonage. Can operate under constant pressure. Must be inspected and tested annually. Repaired as necessary.

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

Cross connection control devices must be inspected, tested and repaired by a trained technician. All devices should be installed such that they will be accessible for regular inspection and testing.

(Ord. 647, Sec. 6; Code 1996)

15-231. INSTALLATION. (a) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the city or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the city or its authorized representative agrees otherwise.

(b) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

(c) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All device shall be installed according to manufacturers' recommendations.

(Ord. 647, Sec. 7; Code 1996)

- 15-232. INSPECTION AND MAINTENANCE. (a) The consumer is required by this article to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the city or its authorized representative.
- (1) Air gap separations shall be inspected at the time of installation and at least monthly.
 - (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected and internally, cleaned, and repaired whenever needed and at least every 30 months.
 - (3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
- (b) Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the consumer and shall be performed by an approved tester.
- (c) Whenever backflow prevention devices required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.
- (d) The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. All records of inspections, tests, repairs, and overhauls shall be provided within 30 days to the city or its authorized representative.
- (e) All backflow prevention devices shall have a tag showing the date of the last inspection, test, or overhaul or other maintenance.
- (f) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the city or its authorized representative.
- (Ord. 647, Sec. 8; Code 1996)

- 15-233. VIOLATION AND PENALTIES. (a) The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the court or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
- (b) Water service to such premises shall not be restored until the consumer is in compliance with the cross connection ordinance to the satisfaction of the city or its authorized representative.
- (Ord. 647, Sec. 9; Code 1996)

ARTICLE 3. SEWERS

15-301. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

(a) BOD (denoting Biochemical Oxygen Demand) - means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

(b) Building Drain - means 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 (1.5 meters) outside the innerface of the building wall.

(c) Building Sewer - means the extension from the building drain to the public sewer or other place of disposal.

(d) Combined Sewer - means a sewer receiving both surface runoff and sewage.

(e) Garbage - means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(f) Industrial Wastes - means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

(g) Natural Outlet - means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(h) Normal Domestic Wastewater - means wastewater than has a BOD concentration of not more than 250 mg/1 and a suspended solids concentration of not more than 300 mg/1.

(i) One Equivalent Residential Home Unit - means any residential unit with an average monthly water usage during the months of January, February and March (as set forth in section 15-345 which is not more than 25 percent greater than the median of all other city residential average water usage during these three months.

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

(k) Person - means any individual, firm, company, association, society, corporation or group.

(l) pH- means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(m) Property Shredded Garbage - means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

(o) Replacement - means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designated and constructed.

(p) Residential Contributor - means any contributor to the city's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

(q) SS (denoting suspended solids) - shall mean solids that either float on the surface of or are in suspension in water, sewage, or there liquids and which are removable by laboratory filtering.

(r) Sanitary Sewer - means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(s) Sewage - means 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.

(t) Sewage Treatment Plant - means any arrangement of devices and structures used for treating sewage.

(u) Sewage Works - means all facilities for collecting, pumping, treating and disposing of sewage.

(v) Sewer - means a pipe or conduit for carrying sewage.

(w) Shall is mandatory; May is permissive.

(x) Slug - means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

(y) Storm Drain (sometimes term storm sewer) - means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(z) Superintendent - means the superintendent of sewage works of the city or his or her authorized deputy, agent or representative.

(aa) Suspended Solids - means 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.

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

(cc) Useful Life - means the estimated period during which a treatment works will be operated.

(dd) User Charge - means the total wastewater service charge which is levied to cover the total city cost of operation, maintenance, replacement and annual debt requirement (bond and interest costs) for the construction of treatment facilities, of the wastewater treatment works.

(ee) Watercourse - means a channel in which a flow of water occurs, either continuously or intermittently.

(Code 1976, 13.16.010, 13.20.010)

- 15-302. **DEPOSITING WASTE.** It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste. (Code 1976, 13.16.020)
- 15-303. **SEWAGE DISCHARGE; TREATMENT REQUIRED.** It is unlawful to discharge to any natural outlet within the city any sewage or other polluted wastes, except whether suitable treatment has been provided in accordance with subsequent provisions of this article. (Code 1976, 13.16.030)
- 15-304. **PRIVIES, SEPTIC TANKS AND CESSPOOLS.** Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Code 1976, 13.16.040)
- 15-305. **TOILET FACILITIES AND SEWER CONNECTION REQUIRED.** The owner of all houses, buildings or property used for human occupancy, employment, recreational or other purposes, situated within the city on any street, alley or right-of-way in which areas are now located or may in the future be located a public sanitary sewer of the city is required at his or her expense to install a suitable toilet facility therein, and to connect such facility directly with the proper public sewer in accordance with provisions of this article within 90 days after date or official notice to do so, provided such public sewer is within 100 feet of the property line. The owner must have city water service to get sewer service. (Code 1976, 13.16.050; Code 2005)
- 15-306. **MALICIOUS DAMAGE PROHIBITED.** No unauthorized person shall maliciously, willfully or negligently break damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Code 1976, 13.16.060)
- 15-307. **UNPOLLUTED WATER; DISCHARGE TO SANITARY SEWER PROHIBITED.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface, drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any city sanitary sewers. (Code 1976, 13.16.070)
- 15-308. **UNPOLLUTED WATER; DISCHARGE TO STORM SEWERS.** Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged by approval of the superintendent to a storm sewer, or natural outlet. (Code 1976, 13.16.080)
- 15-309. **PROHIBITED SUBSTANCES.** 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 two mg/1 as CN in the wastes a discharge 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 viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Code 1976, 13.16.090)

15-310.

SUBSTANCES PROHIBITED BY SUPERINTENDENT; DESIGNATED. No person shall discharge or cause to be discharge 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 plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150°F (60°C);

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 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 (0.76 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 waste 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 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 or sodium sulfate),

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined in section 15-301.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Any waters or wastes having (1) a six-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 a slug, as defined in section 15-301 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 biochemical 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 any 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.

(Code 1976, 13.16.100)

15-311.

SUBSTANCES PROHIBITED BY SUPERINTENDENT; PROCEDURE.

(a) 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 15-310, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may;

(1) Reject the wastes;

(2) Requirement pretreatment to an acceptable condition for discharge to the public sewers;

(3) Requirement control over the quantities and rates of discharge; and/or

(4) Requirement payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-316.

(b) Plans, specifications, and any other pertinent information related to the proposed preliminary treatment facility shall be submitted for approval of the superintendent and Kansas State Department of Health and Environment. No construction of such facilities shall be commenced until such set of approvals are obtained in writing.

(Code 1976, 13.16.110)

- 15-312. INTERCEPTORS REQUIRED WHEN. 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. (Code 1976, 13.16.120)
- 15-313. MAINTENANCE OF PRELIMINARY TREATMENT AND FLOW-EQUALIZING FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Code 1976, 13.16.130)
- 15-314. CONTROL MANHOLE; REQUIRED WHEN. 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 constructed 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. (Code 1976, 13.16.140)
- 15-315. CONTROL MANHOLE; SAMPLE ANALYSES. (a) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this article 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 constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
(b) The costs for all measurements, tests and analysis for private sewers and wastewaters, shall be paid for by the owner. (Code 1976, 13.16.150)
- 15-316. SPECIAL AGREEMENTS; TREATMENT BY CITY. 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. (Code 1976, 13.16.160)

- 15-317. **GENERALLY.** 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 a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Code 1976, 13.16.170)
- 15-318. **SAFETY RULES; COMPANY HELD HARMLESS.** While performing the necessary work on private properties referred to in section 15-317, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe considerations as required in section 15-314. (Code 1976, 13.16.180)
- 15-319. **EASEMENT RIGHTS.** 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 sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Code 1976, 13.16.190)
- 15-320. **BUILDING SEWER CONNECTION.** Where a public sanitary sewer is not available under the provisions of section 15-305 the building sewers shall be connected to a private sewage disposal system complying with the provisions of this article. (Code 1976, 13.16.200)
- 15-321. **PERMIT; REQUIRED.** Before commencement of construction of private sewage disposal system, the owner shall first obtain a written permission signed by the superintendent. 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 deemed necessary by the superintendent. A permit and inspection fee of \$25.00 shall be paid to the city clerk at the time the application is filed. (Code 1976, 13.16.210)
- 15-322. **PERMIT; INSPECTION.** A permit for a private sewage disposal system shall to become effective until the installation is completed to the satisfaction of the superintendent. He or she shall be allowed to inspect the work in any state of construction. In any event, the application for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. Inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Code 1976, 13.16.220)

- 15-323. ABANDONMENT; SEWER CONNECTION. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-305 a direct connection shall be made within 60 days to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with approved materials. (Code 1976, 13.16.230)
- 15-324. REQUIREMENTS; DISCHARGE PROHIBITED WHERE. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the local and/or county health department. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Code 1976, 13.16.240)
- 15-325. MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Code 1976, 13.16.250)
- 15-326. ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Code 1976, 13.16.260)
- 15-327. CONSTRUCTION NEAR WATER LINE PROHIBITED. Any and all private sewage disposal or treatment facility shall not be constructed within 50 feet of any public or private water line. (Code 1976, 13.16.270)
- 15-328. PERMIT REQUIRED. No unauthorized 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 superintendent. (Code 1976, 13.16.280)
- 15-329. CLASSES DESIGNATED. There shall be two classes of building sewer permits:
(a) For the residential and commercial services; and
(b) For the service to establish and produce an industrial waste.
In either case, the owner or his or her agent shall make application on a special form furnished by the city. Permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit inspection fee of \$25.00 for residential and commercial building permit and \$50.00 for industrial builder sewer permit. It shall be paid to the city clerk at the time application is filed.
(Code 1976, 13.16.290; Res. No. 151; Code 2005)
- 15-330. COSTS. 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. (Code 1976, 13.16.300)
- 15-331. SEPARATE SEWER REQUIRED WHEN. A separate and independent building sewer shall be provided for every building or other unit to be connected to the city sewer system. Exceptions to this would be for buildings that are at the rear of another, or at an interior lot with no private sewer, or a private sewer cannot be

constructed to city sewer line due to the lack of easements or public right-of-way. Approval to extend any building sewer from the front building to the rear building must be obtained from the city. Approval for any two buildings using a common building sewer will be reviewed by the city for each individual case.

(Code 1976, 13.16.310)

- 15-332. OLD SEWERS; APPROVAL REQUIRED. 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.
(Code 1976, 13.16.320)
- 15-333. CODE COMPLIANCE REQUIRED. All building sewers shall comply to the latest adopted edition of the Uniform Plumbing Code. (Code 1976, 13.16.330)
- 15-334. SIZE AND SLOPE. The size and slope of the building sewers shall be subject to approval by the superintendent. In no case shall any building sewer be less than four-inch diameter. The minimum slope and grade for a four inch building sewer shall be at 1/4 inch per foot; for all six inch lines, 1/8 inch per foot; and for all eight inch lines, 1/16 inch per foot. (Code 1976, 13.16.340)
- 15-335. CONSTRUCTION REQUIREMENTS. 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 therefore be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid on uniform grade and in straight alignment insofar as possible. Changes in direction shall be made with approved pipe and fittings. (Code 1976, 13.16.350)
- 15-336. SEWAGE LIFTING; PUMPS PROHIBITED WHEN. In all buildings in which any building drain is too low to permit gravity flow to public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer. The use of any pumping equipment, for which cross-connections of a public water supply system are needed, is prohibited.
(Code 1976, 13.16.360)
- 15-337. EXCAVATION; PIPE LAYING. All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by superintendent. 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 by the superintendent. (Code 1976, 370)
- 15-338. EXCAVATION; REQUIREMENTS. All excavations for public sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city.
(Code 1976, 13.16.380)
- 15-339. CONNECTION TO PUBLIC SEWER LINE; REQUIREMENTS. All connections of building sewers to a public sewer line shall be made by cutting a neat hole in the public sewer pipe and installing an approved saddle for the connection. All coupons and other material cut from the public sewer pipe, shall be retained and given to the

superintendent, to ensure that no portion of the materials removed from the pipe entered the public sewer during the cutting and tapping. The saddle shall be a standard sanitary sewer type, approved by the superintendent, of the correct size for the building sewer and installed to direct flows in the same directions as the building sewer. All joints shall be watertight and if directed by the superintendent, a concrete encasement shall be placed around the saddle and joints. No part of the new saddle shall extend past the inside wall of the public sewer pipe. For eight and 10 inch public sewers, the invert flow line of the building sewer shall be installed a minimum of four inches above the flow line of the public sewer; and for 12 inch or larger public sewer lines, a minimum of six inches above the flow line.
(Code 1976, 13.16.390)

- 15-340. CONNECTION TO PUBLIC SEWER LINE; INSPECTION. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his or her representative.
(Code 1976, 13.16.400)
- 15-341. PROHIBITED CONNECTIONS. No person shall make connections of roof down spouts, exterior and interior foundation drains areaway drains or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to any city public sanitary sewers.
(Code 1976, 13.16.410)
- 15-342. WRITTEN NOTICE; CORRECTION TIME LIMIT. Any person found to be violating any provision of this article except section 15-306 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.
(Code 1976, 13.16.420)
- 15-343. PENALTY. Any person who shall continue any violation beyond the time limit provided for in section 15-342 shall be guilty of a code violation and on conviction thereof shall be fined in the amount not exceeding \$100.00 for each violation. Each 24 hour period in which any such violation shall continue shall be deemed a separate offense. (Code 1976, 13.16.430)
- 15-344. COST LIABILITY. Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Code 1976, 13.16.440)
- 15-345. SUPERINTENDENT OF SEWAGE WORKS. The sanitary sewer system of the city shall be operated and managed by a superintendent of sewage works, which superintendent shall be appointed by the mayor with the consent of the council, and who shall serve reappointment or until a successor is appointed.
(Code 1976, 13.20.020)

- 15-346. USER CHARGE SYSTEM; PURPOSE. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, replacement costs and may, if the governing body determines that it is appropriate, cover annual bond and interest costs for the costs of improvements made for the sanitary sewer system. (Code 1976, 13.20.030)
- 15-347. FUNDS; DESIGNATED. That portion of the total user charge collected which is designated for operation and maintenance, replacement, and annual bond debt purposes shall be deposited in three separate non-lapsing funds known as the "operational and maintenance fund," "replacement fund" and "bond debt fund," which shall be kept as follows:
- (a) A fund designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (operation and maintenance account);
 - (b) A fund designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposit in the replacement account shall be made at least annually from revenue received in the amount of not less than \$4,000 annually;
 - (c) A fund designated for the specific purpose of paying annual costs for bond and interest costs incurred for previous improvements made to the sanitary sewer system (bond and interest fund).
- (Code 1976, 13.20.040)
- 15-348. FUNDS; USE; DISPOSITION OF MONEYS. Fiscal year-end balances in these three funds shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in any of the three accounts shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for these three separate accounts. The user charge rate(s) shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year in which the moneys were borrowed. (Code 1976, 13.20.050)
- 15-349. CLASSES OF USERS; ESTABLISHED; CHARGE DETERMINATION. The following classes of users and charges to those users are established:
- (a) For residential contributors monthly user charges will be based on average monthly water usage during the months of January, February and March. If a residential contributor for the previous year has not established water usage for each of the months of January, February, and March, the lowest previous months will be substituted on a one for one basis to establish a three month average. New contributors will be assessed the system average.
 - (b) For industrial and commercial contributors except extra strength and except users discharging toxic pollutants, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of, 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(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the city.
 - (c) Each occupied living unit in any multiple-family dwelling, which multiple-family residence is not serviced by separate meters for each unit, shall be charged

the minimum rate and, in addition, each unit shall be charged a user fee prorated by the number of units in the dwelling for all gallonage consumed in excess of the minimum.
(Code 1976, 13.20.060; Ord. 673, Sec. 1; Code 1996)

15-350. USER CHARGES; GENERALLY. All users, except extra strength users and users discharging toxic pollutants, shall pay a \$13.00 minimum bill for up to the first 2,000 gallons of calculated monthly usage and then \$3.10 per 1,000 gallons of calculated monthly usage in excess of the first 2,000 gallons.
(Ord. 737, Sec. 1; Res. No. 151; Code 2005)

15-351. USER CHARGES; EXTRA STRENGTH USERS. The charge to users which contribute greater than normal domestic strength wastewater bill is as follows:
The surcharge shall be computed by the following equation:
$$Cs = Bc(B) + Sc(S) / 8.34 Vu$$

Cs = A surcharge of waste waters of excessive strength.
Bc = Operation and maintenance cost of treatment of a unit of biochemical oxygen demand (BOD).
B = Concentration of BOD from a user above a base level as stated in section 15-301(h).
Sc = Concentration and maintenance cost for treatment of a unit of suspended solids (SS).
S = Concentration of suspended solids from a user above a base level as stated in section 15-301(h).
8.34 = Unit Factor.
Vu = Volume in million gallons.
(Code 1976, 13.20.080)

15-352. USER CHARGES; TOXIC POLLUTANT DISCHARGERS. Any user which discharges any toxic pollutants which cause an increase in cost to the city shall pay for such increased costs. The charge to each such user shall be determined by the engineer for the city. (Code 1976, 13.20.090)

15-353. USER CHARGES; PAYMENT; PROCEDURES; REMEDIES. Statements for sewer service charges established in this article shall be sent monthly and shall be paid on or before the 17th day of the month following the month or portion thereof in which the service was utilized by the customer. If any statement be not paid by the 17th day of the month as aforesaid, a charge of two percent of the amount of the bill shall be added thereto and if any statement is not paid by the 27th day of the month a charge of five percent of the amount of the bill shall be added thereto and collected therewith. In the event any person, firm, corporation or organization shall neglect, fail or refuse to pay the service charges fixed hereby, such charges shall constitute a lien upon the real estate served by the connection to the sewer, and shall be certified by the city clerk to the county clerk of Sedgwick County, Kansas to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible.
(Code 1976, 13.20.100)

- 15-354. CONNECTION TO SEWER SYSTEM; APPLICATION; FEES. All persons or entities desiring to make any connection with the sewer system shall first make application to the city clerk upon the appropriate form furnished by the city. The application shall contain an agreement on the part of the applicant to comply with all rules, regulations, conditions, and provisions of the city regulating to the sewer system. All such connections shall require fees as follows:
- (1) The connection fee for the initial connection of each residential dwelling unit is \$750.00.
 - (2) The engineer for the city shall calculate the residential dwelling unit usage equivalency for all non-residential structures. The connection fee for the initial connection of each non-residential structure shall be its residential dwelling unit usage equivalency is \$25.00 times number of units, however, in no cases shall the amount be less than \$750.00.
 - (3) The inspection fee for connections within the city limits is \$25.00.
 - (4) The inspection fee for connections outside the city limits if \$50.00.
- (Ord. 737, Sec. 2; Res. No. 151; Code 2005)

- 15-355. CHARGES; ADJUSTMENT. The sewer service charge shall be reviewed annually and adjusted, if needed, to reflect actual treatment works operation and maintenance costs, replacement and annual bond and interest costs for the system. The adjusted rates shall be in proportion to each user's contribution to the total wastewater loading of the treatment works. Each user shall be notified annually with the regular bill the user charges which are attributable to the wastewater treatment service. (Code 1976, 13.20.120)

ARTICLE 4. SOLID WASTE

- 15-401. **DEFINITIONS.** In addition to the words, terms and phrases elsewhere defined in this ordinance, the following words, terms and phrases as used in this ordinance shall have the following meanings:
- (a) **Contract program hauler** means any individual, firm, partnership, corporation, or company under contract with the City of Cheney, Kansas to provide the weekly collection of solid waste at the public street curb of each residential dwelling unit.
 - (b) **Contract recycling program hauler** means any individual, firm, partnership, corporation, or company under contract with the City of Cheney, Kansas to provide curbside recycling.
 - (c) **Curbside recycling** means the weekly collection, by the contract recycling program hauler, of recyclable materials, contained in bags and containers provided by the contract recycling program hauler, at the public street curb of each residential dwelling unit.
 - (d) **Recyclable materials** means newspaper, glossy paper including magazines and catalogs, white and pastel colored office paper, tin, steel, or aerosol cans, and all plastics #1- #7, glass jars & bottles, cardboard and brown paper sacks, motor oil in separate containers, and automotive batteries.
 - (e) **Residential dwelling unit** means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property, located within the corporate limits of the City of Cheney, Kansas, which receives a monthly water and/or sewer utility bill from the City of Cheney, Kansas.
 - (f) **Solid waste** means and shall include putrescible waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and non-putrescible materials such as paper, tin cans, bottles, glass and ashes but not lawn and tree waste, appliances, furniture, electronics, construction waste, batteries, tires, motor oil or hazardous materials.
 - (g) **Solid waste utility** means the utility created by this ordinance to administer the curbside recycling system set forth in this ordinance.
(Ord. 859; Code 2016)
- 15-402. **CREATION OF SOLID WASTE UTILITY.** The City of Cheney, Kansas does hereby establish a solid waste utility, a system for the collection of solid waste and a curbside recycling system and declares its intention to be responsible for the operation and administration of said solid waste utility, a system for the collection of solid waste and a curbside recycling system.
(Ord. 836; Code 2016)
- 15-403. **FINDINGS AND DETERMINATIONS.** (a) It is found, determined, and declared that the elements of said system for the collection of solid waste are of benefit and are designed to provide services to all residential dwelling units within the corporate limits of the City of Cheney, Kansas.
- (b) It is further found, determined, and declared that the elements of said curbside recycling system which provides for the collection and recycling of recyclable materials are of benefit and are designed to provide services to all residential dwelling units within the corporate limits of the City of Cheney, Kansas.

(c) It is further found, determined, and declared that the system for the collection of solid waste should be provided by a contract program hauler pursuant to a written contract with the City of Cheney, Kansas.

(d) It is further found, determined, and declared that the collection and recycling of recyclable materials, as part of said curbside recycling system, should be provided by a contract recycling program hauler pursuant to a written contract with the City of Cheney, Kansas.

(Ord. 836; Code 2016)

15-404. ADMINISTRATION. The solid waste utility, under the direction of the city administrator or his/her designee, shall have the power to:

(1) Administer and oversee the operation of a system for the collection of solid waste and a curbside recycling system;

(2) Negotiate consecutive contracts with a contract program hauler to undertake the weekly collection of solid waste at the public street curb of each residential dwelling unit as part of the system for the collection of solid waste established pursuant to this article;

(3) Negotiate consecutive contracts with a contract recycling program hauler to operate the curbside recycling system pursuant to this article;

(4) Administer and enforce this article and all contracts, regulations and procedures adopted relating to the operation of the system for the collection of solid waste and the curbside recycling system;

(5) Advise the city council on matters relating to the system for the collection of solid waste and the curbside recycling system;

(6) Make recommendations to the city council concerning establishing ordinances and regulations concerning the collection of solid waste, recycling and solid waste management;

(7) Collect the solid waste fees established pursuant to this article and make payments to the contract program hauler and the contract recycling program hauler pursuant to any contract entered into pursuant to this article; and

(8) Analyze the cost of services and benefits provided by the system for the collection of solid waste and the curbside recycling system and the fees and other revenues of the solid waste utility annually.

(Ord. 836; Code 2016)

15-405. SOLID WASTE FEE ESTABLISHED. There is imposed on each and every residential dwelling unit located within the corporate limits of the City of Cheney, Kansas a solid waste fee as established by a resolution of the City Council. Such solid waste fee may be amended from time to time by a resolution of the City Council. (Ord. 836; Code 2016)

15-406. SOLID WASTE FEE COLLECTION. (a) The solid waste fee shall be billed and collected monthly with the monthly utility bill. The solid waste fee shall be part of a consolidated statement for utility customers which shall be paid by a single payment. In the event that a partial payment is received, the payment shall be applied to the gas, water and sewer portions of the account first and then to the solid waste fee portion of the account. Unless otherwise provided for herein, all bills for solid waste fees shall become due and payable in accordance with rules and regulations that pertain to gas, water and sewer utility charges. Solid waste fee bills for any given property shall initially be the responsibility of the person who is paying

for water and/or sewer service for the property. If no person is in possession of the property, then the solid waste fees shall be the responsibility of the property owner.

(b) Solid waste fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of gas, water and sewer utility charges. In addition to any other remedies or penalties provided by this article or any other ordinance of the city, failure to pay such charges promptly when due shall subject such user to discontinuance of water services and the city administrator, or the city administrator's designee, is empowered and directed to enforce this provision as to any and all delinquent users in accordance with provisions for failure to pay water and sewer utility charges. Users shall be entitled to notice and shall have the right to a hearing in accordance with provisions for failure to pay water and sewer utility charges, before such users' water service is discontinued for failure to pay solid waste fees.

(c) Solid waste fees authorized to be charged in this article when delinquent may be certified by the City Clerk of Cheney, Kansas to the County Clerk of Sedgwick County to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, thereafter, constitute a lien upon the real estate against which such charges were made in accordance with the provisions of K.S.A. 12-808c.

(Ord. 859 Code 2016)

15-407. **SOLID WASTE UTILITY ENTERPRISE FUND.** Solid waste fees collected by the city shall be paid into an enterprise fund which is created, to be known as the "solid waste utility fund." Such fund shall be used for the purpose of paying the contractual debts incurred by the City of Cheney, Kansas pursuant to the provisions of this article and all other operating expenses of the utility.

(Ord. 836; Code 2016)

ARTICLE 5. GAS

- 15-501. **MONTHLY CUSTOMER SERVICE CHARGE; RATES.** The rates and monthly customer service charges for all persons and entities receiving gas from the gas system of the City of Cheney, Kansas shall be established pursuant to a fee schedule enacted by Resolution of the Governing Body.
(Ord. 814, Sec. 1; Code 2016)
- 15-502. **INCREASES OR MODIFICATION OF RATES.** The rates as set forth in section 15-501 may for good reason be changed, altered or amended by the governing body. In addition, without further notice or ordinance, in the event the cost of natural gas to the city is increased by its supplier, the city may increase the MCF consumption rate. The rate increase shall go into effect on the first of the month, 30 days after the city's cost is so increased. (Code 1976)
- 15-503. **DISCONTINUANCE OF SERVICE; TEMPORARY.** Any customer desiring to discontinue gas service on a temporary basis, may make request therefor at the office of the city clerk not less than three days prior to the date customer desires service discontinued. After the effective date of the discontinuance, all charges for such gas service shall cease for the period during which the service is shut off; provided, however, that any temporary period of such discontinuance shall not be less than 30 days.
Where gas service is turned off and shut off for a period of less than 30 days, the customer shall be charged either for the gas service actually used or charged, or for the minimum bill established hereunder, whichever is greater.
(Code 1976)
- 15-504. **METER TESTING.** Any customer or the city may object in writing to any meter reading, provided the objection is made in writing and delivered by the customer to the city clerk, or if objection is made by the city, by the city clerk to the customer, within 29 days following the date upon which the reading complained of was taken. The objection must state in detail the particulars of such objections and identify with particularity the meter complained of. In such event, the reading objected to shall not be considered conclusive, but shall be subject to future alteration or adjustment upon the completion of the testing.
If the customer objects to such reading, the customer shall, at the time of filing the objection as above provided, deposit with the city clerk a meter test deposit of not less than \$10.00. If the meter is found to be within the accuracy limits established, as referred to in section 15-505 of this article, the entire meter test deposit will be retained in order to help defray the expense of such test. In all other cases, the meter test deposit shall be refunded to the customer.
(Code 1976)
- 15-505. **METER CHARGES AND ADJUSTMENT.** A meter registering not more than two percent fast or no more than two percent slow shall be treated for all purposes hereof as one registering correctly.
If upon testing the meter is found to be more than two percent fast, the city shall refund to the customer such percentage of the amount of his or her bill for the period since the last meter test, but in no case more than six months prior to the date of removal of such meter from service; provided, however, that no part of any minimum bill shall be refunded.

If upon testing the meter is found to be more than two percent slow, the city may collect, and the customer shall pay, the amount estimated to be due from the customer for gas used, but not charged, for services rendered not to exceed the six months previous to the date of removal of such meter. The filing of an objection to any meter reading shall under no circumstances stay the regular delivery of gas by the city, or the punctual payment of the monthly gas bill by the customer.
(Code 1976)

15-506. METER FAILURE. If any meter shall wholly fail to register, or its readings are so unreliable that they cannot be taken for the basis of an adjustment, the city shall estimate the charges for gas used by computing the average monthly billing as previously defined herein. In the event the property has not received gas service for the 12 months immediately preceding, then the city clerk shall be entitled to charge the average monthly billing utilized on similar properties located in the city within the preceding 12 months. (Code 1976)

15-507. AUTHORITY OF CITY CLERK. The city clerk or governing body in estimating charges hereunder, or in performing duties hereunder, may utilize the services of any other city employee familiar with the gas service or without any other expert who may be able to render any assistance or advice. (Code 1976)

15-508. DEFINITIONS. Customer or user as herein defined shall be considered the party whose name is registered with the city as the party applying for the service. The city for all purposes shall be entitled to utilize the name and address so given and registered with the city at the time of application, unless the name and/or address has been changed and modified in writing conforms and in the manner approved by the city. Any customer or user shall be responsible for notifying city clerk in writing of the name of any tenant or occupant of the facility being serviced.
(Code 1976)

ARTICLE 6. WATER CONSERVATION

- 15-601. 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 an emergency is declared. (Ord. 724, Sec. 1; Code 2005)
- 15-602. DEFINITIONS. (a) Water - shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer - shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) Waste of Water - includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:
- Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
- Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
(Ord. 724, Sec. 2; Code 2005)
- 15-603. 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. 724, Sec. 3; Code 2005)
- 15-604. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, 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. 724, Sec. 4; Code 2005)

15-605. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, 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. 724, Sec. 5; Code 2005)

15-606. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-603, 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. 724, Sec. 6; Code 2005)

15-607. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-603, 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. 724, Sec. 7; Code 2005)

15-608. 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 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

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

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

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

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

(c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00. 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. 724, Sec. 8; Code 2005)

15-609.

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. 724, Sec. 9; Code 2005)