

CHAPTER XV
UTILITIES

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**ARTICLE 1
GENERAL PROVISIONS**

15-101 DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 1999)

15-102 PUBLIC UTILITY COMMISSION; MEMBERS. The public utility commission, for the control of the light and water plants of the city, shall be composed of three members and one of whom shall be appointed by the mayor and confirmed by the council at the first regular meeting of the mayor and council in August of each year; each member of such board shall be a resident of the City, or a resident outside the City, but not more than three (3) miles from the corporate limits of the city; the term of the members of the board shall be three (3) years and until their successors are appointed and qualified. Before entering upon the duties of such office, each of the commissioners shall file an oath of office, as provided by the statutes of Kansas, and give bond in the sum of \$1,000.00 to be approved by the mayor and council for the faithful performance of his or her duties; the failure, neglect or refusal of any person appointed as such commissioner, for a period of 10 days from and after his or her appointment and confirmation, to qualify as herein provided, shall work a forfeiture of such appointment and confirmation, and another commissioner shall be appointed to fill the vacancy in such office. (Ord. #2148; Sept. 2003)

15-103 SAME; VACANCY. In cases of vacancy on the board, caused by death, resignation or cause or causes other than expiration of the term of appointment, the mayor shall appoint some proper and suitable person, to be confirmed by the council, to fill the unexpired term and such person shall qualify as provided in section 15-102. (Code 1993, 23-102)

15-104 SAME; CITY OFFICER MAY SERVE ON BOARD. Nothing contained in this article shall be held or construed as preventing the appointment of any person as a member of the board of commissioners by reason of the fact that he or she may be holding some other office in the city, unless such appointment be prohibited by the statutes of Kansas. (Code 1993, 23-103)

15-105 SAME; DUTIES. It shall be the duty of the public utility commission to take charge of and operate the waterworks and electric light plant owned by the city, in all particulars as authorized by the statutes of Kansas, and as specified in this article, and under the direction of the governing body of the city. (Code 1993, 23-104)

15-106 SAME; PURCHASES. The public utility commission shall have charge of and attend to the purchasing of all fuel, supplies and repairs required for the maintenance of the plants. The board shall process all accounts, bills and claims of all nature and kind incurred in the operation and management of the plants and the distribution systems of the city by first requiring itemized and verified claims accompanied by the usual statement of account of the vendor or party rendering the service or other written statement showing the required information. Claims for salaries or wages of the officers of employees need not be signed by the officer or employee, if a payroll claim is certified to by the administrative head of a department or group of offices or employees or his or her authorized representative that the salaries and wages stated therein were contracted or incurred for by the board. The written claim signed by the officer, employee or administrative head of a department shall state that the amounts claimed are correct, due and unpaid and that the amounts are due as salaries or wages for services performed by the person named. Upon receipt of the written claims from the vendors or parties rendering the service, including the payroll claims, the board shall twice each month review and allow or disallow the claims. Upon allowance thereof the claims shall be paid by warrant to be issued by the board and drawn upon the appropriate utility fund obligated for payment. The written claims shall be kept and preserved and shall be subject to inspection by the governing body at any time, provided however, claims shall be submitted for such inspection only on the request of the governing body and prior to or after payment. Only claims legally incurred by the board, its agents or employees, shall be approved and paid as herein provided. (K.S.A. 12- 826; Code 1993, 23-105)

15-107 SAME; RECOMMEND RATES. The public utility commission shall, from time to time, recommend to the governing body such schedule of rates and such renewal thereof, and the operation and extension of such plant, as in the judgment of the commission shall be reasonable and proper. The governing body shall by ordinance fix such rates of water, power or light as are recommended by the commission and approved by the governing body. (K.S.A. 12-828; Ord. 2142; Dec. 2002)

15-108 SAME; PUBLIC UTILITIES SUPERINTENDENT; EMPLOYEES.

(a) The general management, care, control and supervision of the city water and electric systems shall be in the superintendent of public utilities, who shall be appointed by the public utilities commission upon such terms and conditions as in the judgment of the commission shall be reasonable and proper. Before the appointment of the superintendent of the public utilities shall be binding or valid and before he or she shall be entitled to enter upon his or her duties as superintendent, such appointment must be submitted to the governing body and duly confirmed and approved by it.

(b) Said superintendent, once appointed and confirmed by the governing body, shall be subject to re-appointment and confirmation every three years after his or her original appointment. For good cause the superintendent may be suspended with pay at any time by the commission. The superintendent may be removed or suspended without pay by the commission. However, before the removal or suspension without pay of the superintendent shall be binding or valid such action must be submitted to the governing body and duly confirmed and approved by it.

(c) Upon the recommendation of the public utility superintendent, the commission shall provide for such employees as may be necessary to operate the plant, define their duties and fix their salaries. For good cause any such employees may be suspended with

pay at any time by the superintendent. Such employees may be removed or suspended without pay by the commission upon recommendation of the superintendent.

(d) The superintendent and all employees of the public utilities commission shall be subject to the requirements and entitled to the rights provided in the Clay Center Public Utilities Personnel Policies and Guidelines as it is currently published or as it may be revised from time to time. (Ord. 2142; Dec. 2002)

15-109 SAME; ACCOUNTING DEPARTMENT. The accounting department of the public utility commission shall be located in city hall and the public utilities clerk and public utilities assistant clerk shall handle the billing and collection of public utilities accounts and bookkeeping in connection therewith; and any and all funds received by the public utility commission, or other employees, shall be deposited daily with the city treasurer who shall immediately upon such sums being deposited with him or her, credit any and all amounts so received to the public utilities fund in the bank or banks named by the governing body of the city as the city depository which fund shall be paid out and disbursed only in accordance with the laws of the State of Kansas. (Code 1993, 23-108)

15-110 SAME; EXTENSION OF MAINS; TRANSMISSION OR PIPE LINES. No extensions of mains, transmission of pipe lines shall be made by the board until there shall be applications, in writing, made for and agreements signed by persons along the proposed extension in sufficient numbers so that the revenue in the judgment of the governing body shall be ample to justify making such extensions. Nor shall the board refuse to extend the mains or lines when it is shown to the satisfaction of the mayor and council that the same will be profitable to the plant and for such refusal the board may be removed from the office by the mayor and council members of the city. (K.S.A. 12-821; Code 1993, 23-109)

15-111 SAME; RULES AND REGULATIONS. The public utility commission is hereby empowered to make rules and regulations governing and defining duties of employees, office force, operation, distribution of electricity and water and payment of service furnished by the light and water department to its patrons not inconsistent with general statutes or city ordinances. (Code 1993, 23-110)

15-112 DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-113:117. (Code 1999)

15-113 CITY ATTORNEY TO COLLECT DELINQUENT ACCOUNTS. All delinquent accounts for utility services shall be turned over to the city attorney for collection. (Code 1993, 23-522)

15-114 PENALTY ADDED TO BILLS. Any user of services furnished by the public utilities department, who shall fail to pay the rate charged for the service, as provided by this article, on or before the 15th day of the month following the rendering of the services, shall pay an additional 10 percent as a penalty for failure to pay the bill when due, which penalty shall be added to and become a part of the original bill for the service. (Code 1993, 23-523)

15-115 PENALTY; DISCONTINUANCE OF SERVICE FOR FAILURE TO PAY BILL. If any user of utilities shall fail to pay for such water service by the 15th of the month in which the 10 percent penalty is added, as provided in section 15-114 of this article, such utility service shall be discontinued 10 days after notice, as provided in section 15-116. (Ord. #2207 - 11-06-07)

15-116 NOTICE. If a utility bill has not been paid on or before the 15th day of the month, as provided in this chapter, a 10 day delinquency and termination notice shall be issued, by mail, to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person. (Ord. #2207 - 11-06-07)

15-117 SAME; FINDING. If, 10 days after mailing of the delinquency and termination notice, the occupant or customer has failed to make payment in full, including the 10 percent penalty, to the Public Utilities Department, the Public Utilities Commissioner may find that service should be terminated, and service shall be terminated by the Public Utilities Department effective immediately. (Ord. #2207 - 11-06-07)

15-118 DISCONTINUANCE OF SERVICE FOR VIOLATIONS. If any water user shall violate any of the provisions of this article the public utilities department may discontinue utility service to him or her until such violation has been corrected. (Code 1993, 23-525)

15-119 UTILITY DEPOSIT.

(a) Each new customer making application for utility service, if they are to occupy a commercial property, industrial property or residential rental property, shall make a cash deposit to the city in the amount as specified in subsection (b) or furnish a written guaranty of payment from a responsible party as surety approved by the city. For residential real estate, the guaranty of payment from the property owner is acceptable to the city.

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

- (1) Commercial and industrial customers are required to pay a minimum of \$300.00 for electric service and water service or an amount equal to two month's revenues based on historical records and estimates at the time services are connected for this customer;
- (2) For residential rental property the deposit for electric service is \$200.00 and the deposit for water service is \$50.00.

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

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

(e) The city will retain the deposit until the customer changes, the business expands or service is terminated at that location.

(f) If a deposit for commercial, industrial or residential rental property is insufficient to cover the utility service furnished to the property, as outlined in Section 15-124, the unpaid bills for electric service or any other utility service furnished by the city shall

become a lien and encumber the real estate to which the services were furnished. (Ord. 2114; Sept. 2001)

15-120 RENTAL PROPERTY DEPOSIT. The customer shall be allowed to establish service at a new location on his or her original deposit, provided payment for all utility services is current and upon payment of a \$25.00 connection fee. For all deposits collected, the utility department shall keep a separate account of the date such deposit is received, the name and address of the depositor and the amount thereof. Interest on the deposit shall be credited annually to the customer at a rate determined by the Kansas Corporation Commission. Provided payment of all utility accounts is current, the deposit and all accrued interest shall be returned to the customer upon termination and upon surrender of the original deposit receipt. the payment of interest to the customer, the application of the deposit against unpaid accounts, the investment of such deposits and the forfeiture of unclaimed deposits shall be governed by the provisions of K.S.A. 12-822. (Ord. 2209, Nov. 07)

15-121 PETTY CASH FUND. A petty cash fund in the amount of \$2,000.00 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 1993, 23-701:702; Code 1999)

15-122 SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the public utilities clerk by check which shall state clearly the purpose for which issued. (Code 1993, 23-702; Code 1999)

15-123 SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the public utilities clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 1993, 23-703; Code 1999)

15-124 LIEN UPON PROPERTY; CUSTOMER NOT RENDERED SERVICE UNTIL ALL BILLS PAID; PROCEDURE FOR TRANSFER OF SERVICE TO ANOTHER CUSTOMER. Unpaid bills for electric service or any other utility service furnished by the city shall become a lien and encumber the real estate to which the services were furnished. After termination of electric service, such real estate shall not again be connected to receive service until all delinquent accounts are paid. Provided, however, that if the delinquent account is incurred by a tenant of residential rented or leased property and the city was previously notified by the owner that the property was rented, the landlord or property owner shall not be responsible to pay for service rendered after 10 days following the date the account became due, should the landlord desire restoration of service to his or her property. In the event a customer of the utility department shall move from one property serviced by electrical service to another property served by electrical service leaving unpaid utility accounts of any nature at or for the first property in excess of the required deposits, no electrical current shall be furnished to the customer at such property to which he or she moves until the accounts are paid in full. If the delinquent account at the first property was previously paid by the owner for restoration of

service and the city had been notified, the sum collected from the customer shall be reimbursed to the owner by the city. In the event a customer desires to terminate his or her usage of utility services and transfer such service to another party, the customer shall be required to make a request of the public utilities department to read the meter, and determine the charges due to the day of termination. The charges shall then be payable within 24 hours of the readout or the service shall be terminated. Should the request for termination and the readout occur on a weekend or holiday, the charges shall be payable by 12:00 noon of the next normal working day. If such charges remain unpaid and the service terminated, the amount of the unpaid charges shall become a lien upon the real estate to which the services were furnished, and the restoration of such service shall not be made until all delinquent accounts are paid in full. (Code 1993, 23-209)

ARTICLE 2 WATER

15-201 REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1999)

15-202 SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of usable water is sufficient for the usual demand of its consumers. (Code 1993, 23-517; Code 1999)

15-203 SERVICE CONNECTIONS REQUIRED.

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

(b) Before any connection is made to the city's water system an application must be made in writing to the public utilities clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 1993, 23-501; Code 1999)

15-204 APPLICATION FOR SERVICE.

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

(b) The application shall:

- (1) Contain an exact description including street address of the property to be served;
- (2) State the size of tap required;
- (3) State the size and kind of service pipe to be used;
- (4) State the full name of the owner of the premises to be served;
- (5) State the purpose for which the water is to be used;

- (6) State any other pertinent information required by the public utilities clerk;
 - (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.
- (c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-208. (Code 1993, 23-501; Code 1999)

15-205 CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 1993, 23- 02; Code 1999)

15-206 CONNECTIONS; SEPARATE. Each business unit, living quarters unit or apartment shall have a separate connection, unless special written permission otherwise is granted by the public utilities commission; that where permission is granted for a branch service, each service must have a separate meter and stop valve, and that any existing branch connection must be approved by the public utilities commission at any time major alterations are made to the property involved. (Code 1993, 23-503)

15-207 CONNECTING FEES. A water service customer must pay a connecting fee or service charge for water line installation equal to the cost of labor and material in providing the service to customer. No water service shall be provided to customer until the connecting fees are paid. (Ord. 2115; Sept. 2001)

15-208 CONNECTIONS; OUTSIDE CITY LIMITS. No water service shall be installed outside the city limits of the city; provided, however, that water service will be extended outside the limits of the city where the service is required for the operation of an automatic sprinkling system itself located outside the limits of the city but housed within a building which is partially within the limits of the city; and providing further, that water service will be extended outside the limits of the city if there is located outside the limit of the city a political subdivision or governmental unit desiring to be connected to city water service and the connection can be made to an existing adjacent waterline; and providing further, that water service will be extended outside the limits of the city if the governing body shall determine that the service to a new or existing business or industry will create opportunities for economic development, thereby benefitting the city at large. In the event any water service now being furnished outside the city limits shall be disconnected at the request of the owner, it shall not thereafter be reconnected unless such property is first annexed to the city. (Code 1993, 23-501)

15-209 PIPE EXTENSIONS FROM ONE PROPERTY TO ANOTHER; PERMIT. No person shall extend any water pipes from one property or street number to another without a special permit from the public utilities commission, in which case a full report shall be made to the public utilities department by the property owner, which report shall include a diagram of all underground pipes giving the exact location of the same with reference to the property lines. (Code 1993, 23-504)

15-210 STOP, WASTE AND CURB COSTS. The property owner shall install one or more stop and waste cocks in his or her supply pipe so that the water may be shut off and the house

plumbing entirely drained, and no smaller line than three-fourths inch shall be installed from the meter to any building. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1993, 23-505; Code 1999)

15-211 CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch and that pressure or temperature relief valves shall be placed on all hot water heaters installed with a suitable check valve installed ahead of the heating vessel. (Code 1993, 23-505; Code 1999)

15-212 UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. (Code 1999)

15-213 LINES AND METERS; REPAIR. The public utilities department shall, at its own expense, maintain and keep in repair all new water service lines from point of attachment to main, to and including curb stop valve and all new meters, up to one inch in size and enclosures if located in parking as specified, and that the public utilities department will, when necessary, maintain and replace all meters up to one inch in size, curb stops, and enclosures which are the property of the public utilities department. That all meters over one inch in size and their enclosures, shall be owned by the property owner and shall be maintained and kept in repair at the expense of such property owner. (Code 1993, 23-509)

15-214 SAME; ASSIGNMENT TO CITY. Property owners who own their own service lines, meters, curb stops, and enclosures will be billed for repairs to and replacement of these items, but if such property owners assign their service lines, meters (up to one inch in size) curb stops, and enclosures by written assignment to the public utilities department, then the public utilities department will at its own expense repair and replace such service lines, meters, curb stops and enclosures when necessary; provided, that if damage to such service lines, meters, curb stops, and enclosures result from negligence on the part of the property owners then, and in that event, such repairs or replacements shall be paid for by such property owners. (Code 1993, 23-51 0)

15-215 METERS.

- (a) All water furnished to customers shall be metered.
- (b) The city's responsibility stops at the curb stop. (Code 1999)

15-216 SAME; INSTALLATION. All water meters up to one inch in size shall be installed and owned by the public utilities department and all meters now installed or reinstalled shall be placed in the parking for the convenience of reading and repairing except that in the business district meters shall be installed in the parking if possible, or if there is no parking, then in the location most convenient for reading and repairing; the meter and curb stop shall be placed in a metal, tile, or concrete meter box with a cast iron cover as prescribed by the public utilities commission, and that where meters are installed inside of a building, the public utilities

department shall install the line to the curb stop and the meter adaptors for the installation of the meter. (Code 1993, 23-506)

15-217 SAME; CURB BOX COVERS. It shall be the duty of the property owner to keep the curb box cover or the meter box cover in view above the ground and not covered with dirt or other material and to keep the covers in place on the boxes. (Code 1993, 23-507)

15-218 SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct. (Code 1993, 23-511; Code 1999)

15-219 TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off. (Code 1993, 23-514; Code 1999)

15-220 LEAKS. The public utilities commission may adjust excessive water bills if there is a leak in the meter pit. If the leak is outside the pit, in an area of the property owner's responsibility, no adjustment shall be made. (Code 1993,23-520)

15-221 DISCONNECTION, RE-CONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and re-connection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. (Code 1999)

15-222 RECONNECTING SERVICE; EMERGENCY SHUTOFF. It shall be unlawful for any person to turn on any water service after the same has been turned off by the public utilities department for nonpayment of a water bill or because of unnecessary waste of water on the service line; and that no curb stop valve shall be turned on or off by any person other than an employee of the public utilities department, except in case of emergency caused by leaks or breaks of fixtures when a duly licensed plumber of the city may turn off such water, make the necessary repairs, and turn the water on again. (Code 1993, 23-515)

15-223 DISCONTINUANCE OF SERVICE; TURN ON FEE. The utility department hereby reserves the right to discontinue water service to any and all customers of the municipal water system when the same becomes necessary for repairs to the system, or any part thereof, or for nonpayment of a water bill after notice; and that when water service has been discontinued for nonpayment of a water bill, it shall not be resumed, except upon the payment of the water bills due and upon payment of a fee of \$25.00, for the restoration of water service, which sums shall be paid to the utility department at the time of the payment of the water bill. (Ord. 2207 11-06-07)

15-224 BILLS PAID BEFORE PROPERTY RECONNECTED. Water shall not be turned on to an property until all bills for water used on the property, plus penalties and turn off and on fees,

have been paid, regardless of any change in ownership or in the name in which the water account was carried; and that in the event a water customer of the city shall move from one property served water by the city leaving an unpaid bill for water due for the first mentioned property no water shall be furnished to the customer at the property to which he or she moves until the bill is paid in full. (Code 1993, 23-518)

15-225 UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-119 to secure payment of accrued bills or bills due on discontinuance of service. (Code 1999)

15-226 INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 1999)

15-227 PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:

- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
- (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;
- (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city. (Code 1999)

15-228 TAKING WATER FROM FIRE PLUG FOR PRIVATE USE. No person shall take water away from any city fire plug, draw cock or pipe for private use without first having secured a permit to do so from the public utilities commission and having paid public utilities department for such water; provided, that nothing herein shall be construed as limiting the fire department or other authorized departments of the city from using water for all authorized public purposes. (Code 1993, 23-513)

15-229 PIPING OR TAKING WATER FROM PREMISES. Consumers shall not permit water to be taken away from their premises or piped to adjacent premises, and that water shall be used only for the purposes stated in the application. (Code 1993, 23-512)

15-230 WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1999)

15-231 RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 1993, 23-508; Code 1999)

15-232 WATER RATES; RESIDENTIAL. The following rates shall apply to water supplied to all residential consumers for customary domestic services, including all churches for customary church uses, within the limits of the city at any location on the water distribution system:

First 100 cubic feet per month – \$30.00 (minimum).

There will be a \$1.33 charge per each additional 100 cubic feet of water used per

month.

Minimum bill per month – \$30.00.

The following service conditions shall apply to water service furnished all residential consumers in the city:

- (a) The above areas shall apply to any combination residential and business consumer where the business is operated solely by phone or mail, or away from the home, and goods and services are not made, rendered, shipped or stored from or at the home, and where no one other than the resident is employed.
- (b) Each dwelling unit (house, duplex or apartment unit, trailer, etc.) is to be individually metered and billed.
- (c) All uses are to be metered through a single meter.

15-233 SAME; BUSINESS. The following rates shall apply to water supplied to all business and institutional users (unless classified as residential) within the limits of the city at any location on the water distribution system:

First 100 cubic feet per month – \$35.00 (minimum).

There will be a \$1.58 charge per each additional 100 cubic feet of water used per month.

Minimum bill per month – \$35.00.

The following service conditions shall apply to water service furnished to all business and institutional consumers in the city:

- (a) The above rates shall apply to any duplex, apartment building, trailer court, etc., where dwelling units are not individually metered, or to any combination residential and business consumer not qualifying as residential.
- (b) Each meter is to be considered an individual consumer.
- (c) All uses for any one customer are to be metered through a single meter.

15-234 SAME; RURAL. The following rates shall apply to water supplied to a consumer located outside the city limits but served from the city's water distribution system:

First 100 cubic feet per month – \$45.00 (minimum).

There will be a \$2.00 charge per each additional 100 cubic feet of water used per month.

Minimum bill per month – \$45.00.

All service conditions applicable to water usage inside the city limits shall apply to usage outside the city limits and all other present service conditions for water usage outside of the city shall remain in effect.

15-235 SAME; MUNICIPAL UTILITIES. The following rates shall apply to water supplied to city electric utility and sewer treatment facility;

First 100 cubic feet per month -- \$35.00 (minimum).

There will be a \$1.58 charge per each additional 100 cubic feet of water used per month.

Minimum bill per month -- \$35.00.

15-236 SAME; WHOLESALE. The following rates shall apply to water supplied to other water distribution systems:

First 10,000 cubic feet per month – \$318.00 (minimum).

There will be a \$1.58 charge per each additional 100 cubic feet of water used per month.

Minimum bill per month – \$318.00.

15-237 SAME; ADDITIONAL CHARGES FOR LARGER METERS. The rates for water supplied to residential, business and rural consumers are predicated on the use of a 5/8 inch meter. If a larger meter is utilized, the following amounts shall be added to the minimum applicable rate, depending on the size of the meter:

<u>Size</u>	<u>Monthly Adder</u>
1"	\$ 10.00
1½ - 2"	\$ 20.00
3"	\$ 30.00
4"	\$ 40.00
5"	\$ 50.00
6"	\$ 60.00
8"	\$ 80.00
10"	\$100.00

(Ord. 2195; Dec. 2006)

15-238 ADDITIONAL SERVICE CHARGE; CONNECTIONS OUTSIDE CITY LIMITS. The payment of costs incurred in providing water service outside the corporate limits of the city shall be borne by the property owner, or party requesting such service, unless otherwise determined by the governing body. A service charge of \$5.00 per month for a two inch service; \$7.50 for a four inch service and \$10.00 for a six inch service shall be assessed. (Code 1993, 23-501)

15-239 EXTENSIONS; BENEFITS DISTRICTS; ASSESSMENT OF COSTS; PAYMENT BY CITY. When a water main is installed in territory not formerly served, a benefit district shall be designated therefore as provided by K.S.A. 126a01 et seq. and if such main is six inches or less in diameter, one-half of the cost thereof shall be assessed against such benefit district, and the other one-half thereof shall be paid by the water department of the city. If such main shall be over six inches in diameter then one-half of the cost of a six-inch main shall be assessed against such benefit district, and the remainder of the cost shall be paid by the water department of the city; and that the cost of fire hydrants shall not be assessed to such benefit district. (Code 1993, 23-521)

15-240 PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 15th day of the month following the service. For any billing not paid when due a late charge of 10 percent will be added to the bill. (Code 1999)

15-241 DELINQUENT ACCOUNTS; NOTICE; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15- 113:117. (Ord. 2207 11-06-07)

15-242 FIRE HYDRANT RENTAL. The city shall annually pay to the public utilities department a fire hydrant rental charge of \$36.00 per year per hydrant. (Code 1993, 23-604)

15-243 BULK AND HYDRANT SERVICE. Where water is sold for tank trucks or pick-up

types of containers, the charge shall be \$3.60 per 1,000 gallons. (Code 1993, 23-605)

15-244 USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1999)

15-245 CROSS-CONNECTIONS PROHIBITED. No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Code 1993, 23-530; Code 1999)

15-246 SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Code 1993, 23-531; Code 1999)

15-247 SAME; INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Code 1993, 23-532; Code 1999)

15-248 SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply. (Code 1993, 23-533; Code 1999)

15-249 REGULATION POLICY. There is hereby incorporated by reference for the purposes of constructing, removing, repairing and inspecting present and future cross connections to the water supply system of the city, that certain policy to be known as Manual of Regulations Regulating Backflow and Backsiphonage from Contaminations Due to Cross Connections for the City of Clay Center, Kansas, prepared and published by the _____ . Not less than three copies of the policy shall marked or tamped Official Copy as Incorporated by

Reference by Ordinance No. 1999, and all with the sections or portions thereof intended to be omitted clearly marked to show such deletions or amendments and filed with the city clerk, to be open to inspection and available to the public at all reasonable hours. (Code 1993, 23-534)

15-250 WATER RATIONING; USE RESTRICTED OR STOPPED. The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the governing body determines the public exigency so requires. (Code 1993, 23-526)

15-251 SAME; IMPOSING RESTRICTIONS Whenever the governing body determines that water use must be restricted or prohibited, they shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation.
(Code 1993, 23-527)

15-252 SAME; WATER RESTRICTIONS. In the event a proclamation of emergency is issued water usage will be restricted or prohibited first for uses in the following priority:

- (a) Watering lawns, gardens, trees, shrubs, plants and watering outside dwellings for such purposes as car, boat or trailer washings or washing exterior of dwellings;
- (b) Industrial uses of water including but not limited to car wash operations and packing plant operations;
- (c) Business uses other than industrial;
- (d) Home uses other than those set forth in subsection (a). (Code 1993, 23-528)

ARTICLE 3 ELECTRICITY

15-301 SERVICE ENTRANCE AND METER LOCATIONS. The city reserves the right to specify the location of service entrances and meters and may at any time, upon written notice, order any meter changed that may be located in any place not easily accessible for reading or for any other reason the meter is not desirably located. (Code 1993, 23-201)

15-302 OUTSIDE ELECTRIC METERS TO BE ENCLOSED OR WEATHERTIGHT. It shall be the duty of the residential property owners to cause all electric meters to be installed in a readily accessible location on the outside of the building and not on a porch or in any enclosed portion of a residential building. Business property owners shall cause all electric meters to be installed outside of the building where it is possible to do so. Electric meters located outside of the building where it is possible to do so. Electric meters located out of doors shall be enclosed in a meter box, or such meters shall be of a weathertight socket design. The city will furnish the enclosure or meter socket as required. When an underground service is installed, the point of attachment of such service and location of meter enclosure shall be at a point specified by the city. Should the meter be installed on a pole, a weathertight fusible interrupting device shall be installed above the point where the conductors enter the ground; service loop to interrupting device, conduit lead to bottom of trench, trenching, backfill and installation of meter enclosure shall be at the customer's expense. Should the meter be installed on a building the aforementioned procedures will be followed excepting that all line connections and installation

of customer furnished service loop will be installed by the city employees at the expense of the city. All maintenance of underground service line shall be at the customer's expense. Minimum trench depth of three feet. When the service is from a pad mounted transformer the customer will furnish an approved disconnecting device and conduit to underground trench at transformer location, conduit to meter. Connections to disconnecting devices will be made by the city at city expense. Trenching will be at a minimum depth of three feet and maintenance of underground conductors will be customer expense. (Code 1993, 23-202)

15-303 CONNECTING FEES. An electric service customer must pay a connecting fee or service charge for electric installation equal to the cost of labor and material in providing the service to customer. The city shall furnish and own the service line to the point of attachment. The service line shall consist of the overhead wires that are installed to the customer's building pole or other structure. The meter loop shall be installed by the customer at his or her expense and shall consist of the entrance head, conductor and conduit or entrance cable which runs from the point of attachment to the meter socket enclosure. The meter socket or enclosure will be furnished by the city at cost, but it shall be installed in the meter loop by an electrician employed by the customer. The city will furnish and install the meter at a cost to the customer for labor and materials upon completion of the meter loop and the meter shall remain the property of the city. Service shall not be furnished or where already furnished may be discontinued if any of the provisions herein specified are not complied with. (Ord. #2116; Oct. 2001)

15-304 SERVICE NOT CONNECTED UNTIL WIRING INSPECTED. No meter will be connected with the private wiring of any residence or other building or service until such private wiring has been inspected and approved by the city electrical inspector. (Code 1993, 23-204)

15-305 LATE OR NONPAYMENT OF BILL. The rate schedules are net charges. An additional charge of 10 percent of the amount of the bill shall be applied to the total bill if not paid on or before the due date shown thereon. A delinquent notice will be sent to the customer within five days after the due date. If the delinquent account has been incurred at residential rented or leased property, and the landlord or property owner has previously requested notification of delinquent accounts incurred at the address, the property owner shall also be mailed a copy of the delinquent notice. (Code 1993, 23-205)

15-306 SERVICE DISCONNECTED FOR FAILURE TO PAY BILL. If any consumer, customer or user of electrical current shall fail to pay for such electrical service within 10 days after the delinquent or due date, such electrical service shall be due without further notice. (Code 1993, 23-206)

15-307 RE-CONNECTION CHARGE. If a consumer or a customer's service has been discontinued, such service shall be restored and reconnected after payment of all delinquent accounts, if any, and payment of a reconnect charge of \$25.00, if performed during regular working hours. If the reconnection is accomplished after regular working hours, the reconnection charge shall be as determined by section 15-311. (Ord. 2207, 11-06-07)

15-308 CITY ATTORNEY TO COLLECT DELINQUENT ACCOUNTS. All delinquent accounts for electric service shall be turned over to the city attorney for collection if not paid

within 10 days following date the electric service was discontinued. (Code 1993 23-208)

15-309 LIEN UPON PROPERTY; CUSTOMER NOT RENDERED SERVICE UNTIL ALL BILLS PAID; PROCEDURE FOR TRANSFER OF SERVICE TO ANOTHER CUSTOMER. Unpaid bills for electric service or any other utility service furnished by the city shall become a lien and encumber the real estate to which the services were furnished. After termination of service, such real estate shall not again be connected to receive service until all delinquent accounts are paid. Provided, however, that if the delinquent account is incurred by a tenant of residential rented or leased property and the city was previously notified by the owner that the property was rented, the landlord or property owner shall not be responsible to pay for service rendered after 10 days following the date the account became due, should the landlord desire restoration of service to his or her property. In the event a customer of the utility department shall move from one property serviced by service to another property served by such utility service leaving unpaid utility accounts of any nature at or for the first property in excess of the required deposits, no such utility service shall be furnished to the customer at such property to which he or she moves until the accounts are paid in full. If the delinquent account at the first property was previously paid by the owner for restoration of service and the city had been notified, the sum collected from the customer shall be reimbursed to the owner by the city. In the event a customer desires to terminate his or her usage of utility services and transfer such service to another party, the customer shall be required to make a request of the public utilities department to read the meter, and determine the charges due to the day of termination. The charges shall then be payable within 24 hours of the readout or the service shall be terminated. Should the request for termination and the readout occur on a weekend or holiday, the charges shall be payable by 12:00 noon of the next normal working day. If such charges remain unpaid and the service terminated, the amount of the unpaid charges shall become a lien upon the real estate to which the services were furnished, and the restoration of such service shall not be made until all delinquent accounts are paid in full. (Code 1993, 23-209)

15-310 LINE EXTENSIONS. The utility will pay for like extensions to serve new residential and farm customers up to an amount not to exceed 100 percent of the estimated first year's billing for such consumers. For new commercial and other customers the utility's contribution shall not exceed 50 percent of the estimated first year's billing. Cost above this amount shall be paid by the prospective customer. The same percentages, applied against the estimated increase in load, shall pertain for enlargements or changes in lines, such as adding phases, changing voltages, etc. Line changes for normal growth (lines, transformers, etc.) will be at the utility's expense. Those provisions apply to poles, primary and secondary conductor, transformers and line appurtenances on the distribution circuit, plus meters and meter sockets. The consumer shall provide underground services, terminations, etc., acceptable to the utility, or shall pay for same to be furnished by the utility; except, for large residential users the utility will pay for either an overhead or for one-half of an underground service. (Code 1993, 23-210)

15-311 FEE FOR AFTER HOURS WORK. Any customer requesting service after regular working hours, defined as 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays, shall be required to pay a fee equivalent to the costs of labor and materials consumed in the performance of such service. (Code 1993, 23-211)

15-312 DELINQUENT ACCOUNT NOTIFICATION. At the end of each month the following information shall be submitted to the governing body by the utility department:

- (a) A list of all unpaid and delinquent accounts, identified by the name and address of the customer and the amount of the past due account, which have occurred in the reporting month; and,
- (b) A list of all services established, restored or terminated, identified by the name and address of the customer, performed during the month of the report. (Code 1993, 23-212)

15-313 RENTAL PROPERTY DEPOSIT. For all electric service hereafter established to new residential customers residing in rented or leased property, such customers shall pay a deposit fee of \$200.00 as security for the payment of bills. The deposit shall be collected from all new customers regardless of whether the service is transferred from a previous renter or the service is newly established. The property owner shall be required to notify the utility department of the addresses and descriptions of their rental units. As an alternative to the payment of the deposit by the customer, the property owner shall have the option of assuming full responsibility for the payment of all delinquent accounts incurred by the customer. This assumption of responsibility and wavier of deposit shall be evidenced by the property owner's execution of a form to be furnished by the utility department. The customer shall be allowed to establish service at a new location on his or her original deposit, provided payment for all utility services is current and upon payment of a \$25.00 connection fee. For all deposits collected, the utility department shall keep a separate account of the date such deposit is received, the name and address of the depositor and the amount thereof. Interest on the deposit shall be credited annually to the customer at a rate determined by the Kansas Corporation Commission. Provided payment of all utility accounts is current, the deposit and all accrued interest shall be returned to the customer upon termination and upon surrender of the original deposit receipt. The payment of interest to the customer, the application of the deposit against unpaid accounts, the investment of such deposits and the forfeiture of unclaimed deposits shall be governed by the provisions of K.S.A. 12-822. (Ord. 2209, Nov. 07)

15-314 ELECTRIC RATES; RESIDENTIAL; URBAN. The following rates shall apply to electrical energy supplied to all residential consumers for customary domestic uses within the limits of the city:

First	50 kWh/mo @	13.870/kWh
Next	50 kW/mo @	9.320/kWh
Next	900 kW/mo @	6.470/kWh
Next	1 000 kWh/mo @	6.400/kWh
Next	2000 kW/mo @	6.350/kWh

Minimum bill: \$8.00 per month

The following service conditions shall apply to the electrical service furnished all residential consumers in the city:

- (a) The above rates shall apply to any combination residential and business consumer were the business is operated solely by phone or mail, or away from the home, and goods and services are not made, rendered, shipped or stored from or at the home, or where no one other than the resident is employed.

- (b) Each dwelling unit (house, duplex or apartment unit, trailer, etc.) is to be individually metered and billed.
- (c) All uses are to be metered through a single meter. Power is for the exclusive use of the customer and is not to be resold or shared with others.
- (d) Such voltage and phase as the utility has immediately available to the site will be furnished without additional charge.
- (e) Single-phase service shall not be utilized on individual motors of over five horsepower nor for non-lighting loads aggregating over 20 kW (rated), except by special permission at the sole discretion of the utility. All motors over 1½ horsepower are to be nominal 220 V.
- (f) The minimum bills shall be increased according to the size of the customer's service entrance equipment. The increase over the basic minimum bill shall be the ampere rating of the service entrance equipment times the service supply voltage (times the square root of three for three-phase service only) times \$.85, divided by 1,000. The increase above the basic minimum bill shall be applied to customers with service entrance equipment rated in excess of 200 amperes.
- (g) When two or more flats, apartments or dwelling units are served by one meter, the kWh of each block shall be multiplied by the number of individual units so served.
- (h) Where rooms are rented out the residential rate shall apply to the first two rooms. Three rooms or more shall be considered an apartment and the use blocks multiplied by each multiple of three rooms rented.
- (i) Where a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided (1) the service is all taken through one meter, (2) the residential load exceeds the commercial load and (3) the connected commercial load does not exceed 3kW. In all other cases, the residential service will be separately metered and billed under the applicable rate, or billed as commercial.
- (j) Energy will be supplied from the utility's regularly-used voltages. Special requirements, if available, will be negotiated on an actual cost basis with the utility.
- (k) For rated classification required hereunder, the term residential shall be defined as the dwelling place or living quarters of the person requesting service; commercial shall be defined as the place goods or services are offered to the public including churches.
(Ord. 2119 10/01)

15-315 SAME; RESIDENTIAL; RURAL. The following rates shall apply to electrical energy supplied to all residential consumers for customary domestic uses outside of the limits of the city:

First	100 kWh/mo @	14.070/kWh
Next	900 kWh/mo @	6.900/kWh
Next	1 000 kWh/mo @	6.750/kWh
Next	3000 kWh/mo @	6.500/kWh
Over	5000 kWh/mo @	6.450/kWh
Minimum bill: \$9.50 per month		

The following service conditions shall apply to the electrical service furnished all residential

consumers outside of the city:

The above rates shall apply to any combination residential and business customer where the business is operated solely by phone or mail, or away from the home, and goods and services are not made, rendered, shipped or stored from or at the home, or where no one other than the resident is employed.

- (a) Each dwelling unit (house, duplex or apartment unit, trailer, etc.) is to be individually metered and billed.
 - (b) All uses are to be metered through a single meter. Power is for the exclusive use of the customer and is not to be resold or shared with others.
 - (c) Such voltage and phase as the utility has immediately available to the site will be furnished without additional charge.
 - (d) Single-phase service shall not be utilized on individual motors of over five horsepower nor for non-lighting loads aggregating over 20 kW (rated), except by special permission at the sole discretion of the utility. All motors over 1½ horsepower are to be nominal 220 V.
 - (e) The minimum bill shall be increased according to the size of the customer's service entrance equipment. The increase over the basic minimum bill shall be the ampere rating of the service entrance equipment times the service supply voltage (times the square root of three for three-phase service only) times \$.85, divided by 1,000. The increase above the basic minimum bill shall be applied to customers with service entrance equipment rated in excess of 200 amperes.
 - (f) When two or more flats, apartments or dwelling units are served by one meter, the kWh of each block shall be multiplied by the number of individual units so served.
 - (g) Where rooms are rented out the residential rate shall apply to the first two rooms. Three rooms or more shall be considered an apartment and the use blocks multiplied by each multiple of three rooms rented.
 - (h) Where a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided (1) the service is all taken through one meter. (2) the residential load exceeds the commercial load and (3) the connected commercial load does not exceed 3kWh. In all other cases, the residential service will be separately metered and billed under the applicable rate, or billed as commercial.
 - (i) Energy will be supplied from the utility's regularly used voltages. Special requirements, if available, will be negotiated on an actual cost basis with the utility.
- (Ord. 2119 10/01)

1 5-316 SAME; COMMERCIAL; URBAN. The following rates shall apply to electrical energy supplied to all Commercial consumers for business and institutional purposes (unless classified as residential or industrial) within the limits of the city:

First	100 kWh/mo@	13.570/kWh
Next	900 kWh/mo @	8.800/kWh
Next	9000 kWh/mo @	7.650/kWh
Next	10,000 kWh/mo@	7.200/kWh
Over	20,000 kWh/mo@	7.00/kWh

Minimum bill: \$9.00 per month.

Power Factor Adjustment:

The rates set forth in this schedule are based on maintenance by the customer of a power factor of not less than 95 percent, at all times. If it is determined, by measurements, that the power factor at time of customer's peak load is less than 95 percent, the monthly bill less energy cost adjustment charge will be increased by the ratio of 95 percent to the customer's power factor, expressed as a percentage.

The following service conditions shall apply to the electrical service furnished all commercial consumers in the city:

- (a) The above rates shall apply to any duplex, apartment building, trailer court, etc., where dwelling units are not individually metered, unless classified as industrial, or to any combination residential business consumer not qualifying as residential, or who elects to be classified hereunder.
- (b) Each meter is to be considered an individual customer.
- (c) All uses for any one customer are to be metered through a single meter. Power is for the exclusive use of the customer and is not to be resold or shared with others.
- (d) Such voltage and phase as the utility has immediately available to the site will be furnished without additional charge.
- (e) Single-phase service shall not be utilized on individual motors of over 10 horsepower, nor for non-fighting loads aggregating over 20 kW (rated), except by special permission at the sole discretion of the utility. All motors over 1½ horsepower are to be nominal 220 V or higher.
- (f) Lighting loads aggregating over 10 kW on three-phase services shall be balanced between phases.
- (g) The minimum bill shall be increased according to the size of the customer's service entrance equipment. The increase over the basic minimum bill shall be the ampere rating of the service entrance equipment times the service supply voltage (times the square foot of three for three-phase service only) times \$.85, divided by 1,000. The increase above the basic minimum bill shall be applied to customers with service entrance equipment rated in excess of 200 amperes.
- (h) Customers, operating equipment having a highly fluctuating or large instantaneous demand, or which requires electric service of quality exceed customary industry standards, shall be required to provide adequate corrective and/or protective equipment or isolating transformers, or as otherwise found necessary so as to not unduly interfere with or be affected by customary service to other customers. Such special service conditions shall be subject to such additional monthly charges as the utility deems pertinent.
- (i) The customer will be expected to maintain at his or her expense a power factor of 95 percent or better. If the power factor, as measured by the electric utility, is lower than this, the customer will be required to correct it.
- (j) Service shall be single and three phase at the standard primary and secondary voltages in use by the electric utility. (Ord. 2119 10/01)

15-317 SAME; COMMERCIAL; RURAL. The following rates shall apply to electrical energy supplied to all commercial consumers for business and institutional purposes (unless classified as residential or industrial outside of the limits of the city:

First 100 kWh/mo @ 15.720/kWh

Next	900 kWh/mo @	9.100/kWh
Next	9000 kWh/mo @	7.750/kWh
Next	10,000 kWh/mo @	7.500/kWh
Over	20,000 kWh/mo @	7.350/kWh

Minimum bill: \$12.00 per month.

Power Factor Adjustment:

The rates set forth in this schedule are based on maintenance by the customer of a power factor of not less than 95 percent, at all times. If it is determined, by measurements, that the power factor at time of customer's peak load is less than 95 percent, the monthly bill less energy cost adjustment charge will be increased by the ratio of 95 percent to the customer's power factor, expressed as a percentage.

The following service conditions shall apply to the electrical service furnished all commercial consumers outside of the city:

- (a) The above rates shall apply to an duplex, apartment building, trailer court, etc., where dwelling units are not individually metered, unless classified as industrial, or to an combination residential business consumer not qualifying as residential, or who elects to be classified hereunder.
- (b) Each meter is to be considered an individual customer.
- (c) All uses for any one customer are to be metered through single meter. Power is for the exclusive use of the customer and is not to be resold or shared with others.
- (d) Such voltage and phase as the utility has immediately available to the site will be furnished without additional charge.
- (e) Single phase service shall not be utilized on individual motors of over 10 horsepower, nor for non-lighting loads aggregating over 20 kW (rated), except special permission at the sole discretion of the utility. All motors over 1½ horsepower are to be nominal 220 V or higher.
- (f) Lighting loads aggregating over 10kW on three phase services shall be balanced between phases.
- (g) The minimum bill shall be increased according to the size of the customer's service entrance equipment. The increase over the basic minimum bill shall be the ampere rating of the service entrance equipment times the service supply voltage (times the square foot of three for three phase service only) times \$.85, divided by 1,000. The increase above the basic minimum bill shall be applied to customers with service entrance equipment rated in excess of 200 amperes.
- (h) Customers operating equipment having a highly fluctuating or large instantaneous demand, or which requires electric service of quality exceeding customary industry standards, shall be required to provide adequate corrective and/or protective equipment or isolating transformers, or as otherwise found necessary so as to not unduly interfere with or be affected by customary service to other customers. Such special service conditions shall be subject to such additional monthly charges as the utility deems pertinent.
- (i) The customer will be expected to maintain at his or her expense a power factor of 95 percent or better. If the power factor, as measured by the electric utility, is lower than this, the customer will be required to correct it.
- (j) Service shall be single and three phase at the standard primary and secondary

voltages in use by the electric utility. (Ord. 2119 10/01)

15-318 SAME; INDUSTRIAL; URBAN. The following rates shall apply to electrical energy supplied to all industrial consumers, as so classified hereunder, within the limits of the city:

First 2000 kWh/mo @ 8.500/kWh

Next 3000 kWh/mo @ 6.900/kWh

Next 15,000 kWh/mo @ 4.750/kWh

Over 20,000 kWh/mo @ 4.100/kWh

Minimum bill: \$10.00permonth. Power Factor Adjustment:

The rates set forth in this schedule are based on maintenance by the customer of a power factor of not less than 95 percent, at all times. If it is determined, by measurements, that the power factor at time of customer's peak load is less than 95 percent, the monthly bill less energy cost adjustment charge will be increased by the ration of 95 percent to the customer's power factor, expressed as a percentage.

The following service conditions shall apply to the electrical service furnished all industrial consumers in the city:

(a) The above rates shall apply to all business and institutional users (unless classified as residential or commercial) or to all business or industrial users which elect, by signed request, to be served hereunder. Such commitment shall be not less than 12 months duration, renewable automatically and indefinitely until canceled by the consumer.

(b) The above rates shall also apply to any other business or institutional user as is assigned to this classification at the option of the utility. Additional criteria for such assignment may include but not be limited to the following:

(1) Whenever the customer's average power factor during the period of utility's annual peak demand months is measured as less than 95 percent; or

(2) Whenever, in the judgment and sole discretion of the utility, the customer requests or exhibits any abnormal service conditions, capacities or voltage requirements.

(c) Each meter is to be considered an individual customer.

(d) All uses for any one customer are to be metered through a single meter. Power is for the exclusive use of the customer and is not to be resold or shared with others.

(e) Such voltage and phase as the utility has immediately available to the site will be furnished without additional charge.

(f) Single phase service shall not be utilized on individual motors of over 10 horsepower, nor for non-fighting loads aggregating over 20 kW (rated), except by special permission at the sole discretion of the utility. All motors over 1½ horsepower are to be nominal 220 V or higher.

(g) Lighting loads aggregating over 10 kW on three phase services shall be balanced between phases.

(h) The minimum bill shall be increased according to the size of the customer's service entrance equipment. The increase over the basic minimum bill shall be the ampere rating of the service entrance equipment times the service supply voltage (times the square foot of three for three phase service only) times \$.85, divided by 1,000. The increase above the basic minimum bill shall be applied to customers with service entrance equipment

rated in excess 200 amperes.

(i) Customers operating equipment having a highly fluctuating or large instantaneous demand, or which requires electric service of quality exceeding customary industry standards, shall be required to provide adequate corrective and/or protective equipment or isolating transformers, or as otherwise found necessary so as to not unduly interfere with or be affected by customary service to the customers. Such special service conditions shall be subject to such additional monthly charges as the utility deems pertinent.

(j) The customer will be expected to maintain at his or her expense a power factor of 95 percent or better. If the power factor, as measured by the electric utility, is lower than this, the customer will be required to correct it.

(k) Service shall be single and three the standard primary and secondary voltages in use by the electric utility. (Ord. 2119 10/01)

15-319 SAME; INDUSTRIAL; RURAL. The following rates shall apply to electrical energy supplied to all industrial consumers, as so classified hereunder, outside of the limits of the city:

First	2000 kWh/mo @	9.850/kWh
Next	3000 kWh/mo @	9.450/kWh
Next	15,000 kWh/mo @	8.500/kWh
Over	20,000 kWh/mo @	6.500/kWh

Minimum bill: \$12.00 per month.

Power Factor Adjustment:

The rates set forth in this schedule are based on maintenance by the customer of a power factor of not less than 95 percent, at all times. If it is determined, by measurements, that the power factor at time of customer's peak load is less than 95 percent, the monthly bill less energy cost adjustment charge will be increased by the ratio of 95 percent to the customer's power factor, expressed as a percentage.

The following service conditions shall apply to the electrical service furnished all industrial consumers outside of the city:

(a) The above rates shall apply to all business and institutional users (unless classified as residential or commercial) or to all business or industrial users which elect, by signed request, to be served hereunder. Such commitment shall be not less than 12 months duration, renewable automatically and indefinitely until canceled by the consumer.

(b) The above rates shall also apply to any other business or institutional user as is assigned to this classification at the option of the utility. Additional criteria for such assignment may include but not be limited to the following:

(1) Whenever the customer's average power factor during the period of utility's annual peak demand months is measured as less than 95 percent; or

(2) Whenever, in the judgment and sole discretion of the utility, the customer requests or exhibits any abnormal service conditions, capacities or voltage requirements.

(c) Each meter is to be considered an individual customer.

(d) All uses for any one customer are to be metered through a single meter. Power is for the exclusive use of the customer and is not to be resold or shared with others.

(e) Such voltage and phase as the utility has immediately available to the site will be

furnished without additional charge.

(f) Single phase service shall not be utilized on individual motors of over 10 horsepower, nor for non-lighting loads aggregating over 20 kW (rated), except by special permission at the sole discretion of the utility. All motors over 1½ horsepower are to be nominal 220 V or higher.

(g) Lighting loads aggregating over 10 kW on three phase services shall be balanced between phases.

(h) The minimum bill shall be increased according to the size of the customer's service entrance equipment. The increase over the basic minimum bill shall be the ampere rating of the service entrance equipment times the service supply voltage (times the square root of three for three phase service only) times \$.85. divided by 1,000. The increase above the basic minimum bill be applied to customers with service entrance equipment rated in excess of 100 amperes.

(i) Customers operating equipment having a highly fluctuating or large instantaneous demand, or which requires electric service of quality exceeding customary industry standards, shall be required to provide adequate corrective and/or protective equipment or isolating transformers, or as otherwise found necessary so as to not unduly interfere with or be affected by customary service to other customer. Such special service conditions shall be subject to such additional monthly charges as the utility deems pertinent.

(j) The customer will be expected to maintain at his or her expense a power factor of 95 percent or better. If the power factor, as measured by the electric utility, is lower than this, the customer will be required to correct it.

(k) Service shall be single and three phase at the standard primary and secondary voltages in use by the electric utility. (Ord. #2119; 10/01)

15-320 SAME; ENERGY COST ADJUSTMENT CLAUSE. Whenever the monthly average cost of energy (fuel, lube oil and purchased electric energy) exceeds (or is less than) 28.8 mills per kilowatt hour sold, a charge shall be added to (or deducted from) each customer's next monthly electric service bill in the amount of 0.1 mill per kWh for each 0.12 mill, or major fraction thereof, by which the average cost exceeds (or is less than) 28.8 mills. This energy cost adjustment shall be applied to all users to whom bills are rendered and from whom money normally is collected; likewise, all and only the energy sold to such users shall be the basis for the determination of the average cost. Cost of energy shall include all the direct costs of fuel, lube oil, and electric energy purchased, plus taxes, freight, surcharges or adjustments applied thereon. The energy cost adjustment shall be for the most recent month, being the sum of energy costs actually paid in that period adjusted by the previous months carryover revenue, divided by the sum of the estimated energy sold in the same period (the period being the normal period for billing and for bill payment most nearly coinciding under the city's normal accounting practices), minus the ECA base of 28.8 mills. The carry-over revenue is the difference between the actual total revenue recovered and the actual cost of energy. The formulas for calculating the ECA and carry-over revenue are as follows:

$$\text{ECA} = \frac{\$dc + \$co}{\text{kWh} \times 0.88} - \$0.0288$$

Where:

ECA = Energy cost adjustment factor applied to bills.

\$dc = Direct cost of energy as described above

\$co = Dollars carried over from previous month (see below)

kWhn = Net kilowatt hours furnished to the bus (equals gross kWh generated minus plant use kWh plus kWh purchased), as actually metered. = Multiplier which assumes 12% loss and free kilowatt hours (This is the assumed average which is corrected monthly by the carry-over dollars added to or subtracted from the actual monthly cost).

The monthly carry-over dollars which are to be applied to the present month are computed as follows:

$$\$co = [ECA' + 0.0288] [kWhs' - (kwhn' \times 0.88)]$$

Where

kwhs' = Actual kilowatt hours sold against which an energy cost adjustment charge is made from month immediately preceding.

KWhn' = Net kilowatt hours furnished to the bus from the month immediately preceding

ECA' = Energy cost adjustment factor applied in the month immediately preceding.

(Code 1993, 23-407)

ARTICLE 4 SEWERS

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

- (a) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the innerface of the building wall.
- (b) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- (c) B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.
- (d) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (e) Individual Domestic means any single family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city and on individual city or private water service meter, or connection to any such water service.
- (f) Industrial means any industrial business engaged in the manufacturing or processing of one or more products, and in which wastewaters are produced from such manufacturing or processing and said wastewaters are discharged directly or indirectly to the wastewater facilities of the city.
- (g) Multi-domestic means any multi-family residence, apartment or mobile home and any commercial business, office, institution, school, church or public entity having a direct or indirect connection to the wastewater facilities of the city and not having an individual water service meter but is served with city or private metered water by the owner of the property on which it is located.
- (h) Superintendent shall mean the superintendent of the city or his or her authorized deputy, agent or representative.
- (i) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (j) Sewer shall mean a pipe or conduit for carrying sewage.
- (k) Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

- (1) Combined Sewers shall mean sewers receiving both surface runoff and sewage, are not permitted.
- (m) Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- (n) Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (o) Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- (p) Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (q) User means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.
- (r) Wastewater means sewage, the combination of liquids and water carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or storm water that may be present.
- (s) Normal wastewater. The strength of normal wastewater shall be considered within the following ranges:
- (1) A five day biochemical oxygen demand of 300 milligrams per liter or less;
 - (2) A suspended solid concentration of 350 milligrams or less;
 - (3) Hydrogen ion concentration of 5.0 to 9.0. (Code 1993,19-101; Code 1999)

15-402 SEWER CONNECTION REQUIRED; MAINTAINING AND REPAIRING LINES; PENALTIES.

- (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein.
- (b) The owner of any such houses, buildings, or properties is required to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line. (Code 1993, 19-204; Code 1999)
- (c) The maintenance and repair of said sewer line and its connection with the City sewer main is the responsibility of the owner of the property it serves. It is the responsibility of the property owner to make repairs if there is a failure in the line or in the connection to the City sewer main and the responsibility of the City only when there is a failure in the City sewer main.
- (d) If the City sewer main is open and flowing, and the private sewer line has failed, it is the responsibility of the property owner to make the necessary repairs within seven (7) days. The City will not assist in or pay for any portion of said repair work.
- (e) In the event the property owner cannot be found and the failed sewer line impedes local usage of the City main lines, the City may take action to make said repairs.
- (1) The City shall send, by Certified Mail, Return Receipt Requested, a letter to the property owner, at his or her last known address, directing him or her to make repairs in said sewer line.
 - (2) If the property owner cannot be located or if said property owner fails to make repairs or have repairs made within 72 hours of having received notice from the City, the City may cause the private sewer line, to be repaired.
 - (3) City shall keep a record of all materials used and time involved in such an

action and the property owner shall be responsible for any cost and expenses incurred by the City with said repair.

(4) A bill shall be submitted to the owner of said property, and in the event the owner fails or refuses to pay the cost and/or expenses incurred by the City, such charges shall constitute a lien upon the real estate from which the sewer line extends, and shall be certified by the City Clerk to the county Clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in a like manner as other taxes are by law collectable.

(f) In the event the owner fails to make said repairs, he or she may be subject to criminal charges pursuant to the Uniform Public Offense Code, Section 9.5, Maintaining a Public Nuisance, and/or Section 9.6, Permitting a Public Nuisance, which is a Class C Misdemeanor, and will result in receiving a summons, and upon conviction thereof, shall be subject to confinement of up to One Month in Jail and/or the imposition of a fine of up to \$500.00, as provided for by Article 12, Uniform Public Offense Ordinance, incorporated by section 11-101 of the City Code, and any fines levied under this section may be in addition to any sanctions provided for by any other ordinances or sections of the City Code.

15-403 SAME; EXCEPTION, PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-402, properties shall be connected to a private sewage disposal system or septic system complying with the provisions of all sections of the City Code, and State and Federal Laws. Said private sewer system shall be operated at no expense to the City of Clay Center. (Code 2007)

15-404 PERMIT REQUIRED. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city. (Code 1993, 19-401; Code 1999)

15-405 PERMIT; CLASSES AND FEES. There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information required by the superintendent. For connections within an established sewer district, a permit and inspection fee of \$25.00 for a residential or commercial building permit and \$50.00 for an industrial building sewer permit shall be paid to the city at the time the application is filed. For connections outside of an established sewer district there shall be a permit and inspection fee of \$400.00 for a residential or commercial building permit plus \$150.00 for each additional family unit over one, and an industrial building sewer permit fee of \$750.00.

(Code 1993, 19-402)

15-406 APPLICATION. Any person desiring to make a connection to the city sewer system shall apply in writing to the City Clerk, using the City's Application for Building Permit. The City Clerk shall forward the Application for Building Permit to the Waste Water Superintendent, who shall review the proposed connection to ensure that all City, State and Federal requirements are met, prior to approval of the Building Permit.

Connection to the City Sewer system shall not occur until the Waste Water Superintendent has reviewed the completed property sewer line and given final approval of the connection. (Code 2007)

15-407 SAME; PERMIT. Before commencing construction of a private sewage disposal

system, the owner shall first obtain a written permit signed by the utility superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the utility superintendent. A permit and inspection fee of \$25.00 shall be paid to the city at the time the application is filed. (Code 1993,19-302; Code 1999)

15-408 COSTS. All costs and expense incident to the installation and connection of the building sewer shall be paid by the property 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 1993, 19-403; Code 1999)

15-409 SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Code 1993, 19-404; Code 1999)

15-410

(1) SAME; SPECIFICATIONS. Gravity Sanitary Sewers - When potable water pipes and gravity sanitary sewers are laid parallel to each other, the horizontal distance between them shall be not less than ten (10) feet (3.0 m). The distance shall be measured from edge to edge. The laying of water pipes and sanitary sewers shall be in separate trenches with undisturbed earth between them. In cases where it is not practical to maintain a ten (10) foot (3.0 m) separation, KDHE will consider proposals providing equivalent protection by other methods on a case-by case basis, if supported by data from the design engineer. Equivalent protection may require sanitary sewer construction with one of the following additional protective features: concrete encasement, vacuum sewers or jointless pipe such as polyethylene or cured-in-place.

When a water pipe and a sanitary sewer cross and the sewer is two (2) foot (0.6 m) or more (clear space) below the water pipe, no special requirements or limitations are provided herein.

At all other crossings, the sanitary sewer is to be constructed of one of the following materials (or approved equal) and pressure tested to assure water tightness pursuant to Chapter VI of the KDHE Minimum Standards of Design of Water Pollution Control Facilities:

Ductile iron pipe conforming to ASTM A536 or ANSI/AWWA C151/A21.51 with minimum thickness class 50, and gasketed, push-on, or mechanical joints in conformance with ANSI/AWWA C110/A21.10 or ANSI/AWWA C111/A21.11.

PVC pipe conforming to ASTM D3034 with minimum wall thickness of SDR41, ASTM F679, ASTM F789, or ASTM F794, with gasketed push-on joints in conformance with ASTM D32212.

Reinforced concrete pipe conforming to ASTM C76 with gasketed joints in conformance with ASTM C361 or ASTM C443.

Joints in the sewer pipe shall be located as far as practical from the intersected water main.

Where a water main is laid across or through an area where there is an existing sanitary sewer, which is not constructed of one of the above specified materials and is two (2) foot (0.6 m) or less below the water pipe, the existing sewer shall be encased in concrete with a

minimum of 6 in (15 cm) thickness for a ten (10) foot (3.0 m) distance on each side of the crossing or the crossed section of sewer replaced to meet the above specified construction requirements. KDHE will consider proposals providing equivalent protection by other means on a case-by-case basis, if supported by data from the design engineer. (Code 2007)

Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review.

No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. (Code 1993, 19-406; Code 1999)

(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the Waste Water Superintendent, the Street Commissioner, or the City Building Inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Code 1993,19-406; Code 1999)

(3) SAME. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including clean-out fittings. (Code 1999)

(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Code 1993, 19-407; Code 1999)

(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Code 1999)

(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C 12-19, except that no backfill shall be placed until the work has been inspected and approved. (Code 1999)

(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage. Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No

paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector. Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city. Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Code 1999)

15-411 SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Code 1993, 19-411; Code 1999)

15-412 CONNECTION SPECIFICATIONS. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code currently adopted by the City, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent. (Code 1993, 19-409)

15-413 INSPECTION AND CONNECTION. 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 1993, 19-410)

15-414 FAILURE TO CONNECT.

- (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.
- (b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants. (Code 1999)

15-415 PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article. (Code 1993, 19-203; Code 1999)

15-416 SAME; INSPECTION. The Waste Water Superintendent, or the Street Commissioner or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the City when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the superintendent. (Code 1993, 19-303; Code 1999)

15-417 SAME; DISCHARGE.

- (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health and Environment. No permit shall be issued for

any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-402, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials. (Code 1993,19-304:305; Code 1999)

15-418 SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Code 1993, 19-306; Code 1999)

15-419 DISPOSAL OF SEWAGE. It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; 12-1617g; Code 1993, 19-201; Code 1999)

15-420 DAMAGE TO SEWERS. It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Code 1999)

15-421 NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. (Code 1993, 19-202; Code 1999)

15-422 STANDARDS. The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. (Code 1999)

15-423 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the street commissioner, to meet all requirements of this article. (Code 1993, 19-405; Code 1999)

15-424 MUD, GREASE TRAPS. All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, lifter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer. (Code 1993, 19-506; Code 1999)

15-425 ROOF, FOUNDATION DRAINS.

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

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

(Code 1993,19-408, 501:502; Code 1999)

15-426 SAME; EXCEPTION. Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the street commissioner where there is a finding that such cooling water cannot be re-circulated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 1993, 20-114; Code 1999)

15-427 PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer:

- (a) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
 - (b) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
 - (c) 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) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
 - (e) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
 - (f) Noxious or malodorous gas or substance capable of creating a public nuisance.
- (Code 1993, 19-503; Code 1999)

15-428 OTHER DISCHARGES PROHIBITED AT DISCRETION OF SUPERINTENDENT. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150°F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg./l. 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 three-fourths 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 naturalized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent s 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) Excess 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 herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amendable 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. (Code 1993, 19-504)

15-429 **AUTHORITY OF SUPERINTENDENT TO CONTROL DISCHARGES.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which wastes contain substances or possess the characteristics enumerated in section 15-429 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 or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws. (Code 1993, 19-505)

15-430 **PRIMARY TREATMENT BY OWNER.** Where preliminary treatment or flow- equalizing facilities are provided for any waters or wastes, they shall be maintained in continuously satisfactory and effective operation by the owner at his or her expense. (Code 1993, 19-507)

15-431 **CONTROL MANHOLE FOR BUILDING SEWER.** Where 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 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 1993, 19-508)

15-432 **TESTING SPECIFICATIONS.** All measurements, tests and analyses of the characteristics of waters and waste s 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 premise 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.) (Code 1993,19-509)

15-433 AGREEMENT FOR HANDLING OF SPECIFIC DISCHARGE. No provision 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 1993, 19-510)

15-434 ENTRY UPON PRIVATE PROPERTY FOR INSPECTION. 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 1993, 19-601)

15-435 INDEMNIFICATION FOR CITY'S WRONGFUL ACTS. While performing the necessary work on private properties referred to in section 15-434 above, the superintendent or duly authorized employee 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 conditions. (Code 1993, 19-602)

15-436 ENTRY UPON EASEMENTS FOR INSPECTION. 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 1993, 19-603)

15-437 USER CHARGES ESTABLISHED. It is determined to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works. (Code 1993,19-701)

15-438 CHARGES SUFFICIENT TO PAY ALL MAINTENANCE AND REPLACEMENT. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the city may by ordinance designate to be paid by the user

charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works is herein established.
(Code 1993,19-702)

15-439 **FUND AND ACCOUNTS ESTABLISHED.** That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established herein, shall be deposited in a separate non-lapsing fund known as the operation, maintenance and replacement fund and will be kept in two primary accounts as follows:

- (a) An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (operation and maintenance account).
- (b) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposits in the replacement account shall be made at least annually from the operation, maintenance and replacement revenue in the amount of \$4,000.00 annually. (Code 1993, 19-703)

15-440 **SHORTAGE IN FUND; RATE ADJUSTMENT.** Fiscal year-end balances in the operation and maintenance account and the replacement account 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 the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjudgment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed. (Code 1993, 19-704)

15-441 **SAME; LATE PAYMENT PENALTY.** All users shall be billed monthly and the charges shall be payable monthly on or before the 15th day of the month following service. Payment shall be made at the office of the City light and water department. The charges shall be added to the normal utility bill rendered by the light and water department any payment not received by the due date shall be deemed delinquent. A late payment penalty of 10 percent of the user charge bill will be added to each delinquent bill. When any bill is not paid within 10 days of the due date water and/or sewer service to such premise shall be discontinued ~~and~~ until such bill is paid, after an opportunity for hearing, and subject to the provisions of K.S.A. 14-569. (Code 1993, 19-901:902)

15-442 **BILLS.**

- (a) Bills shall be rendered monthly and shall be collected as a combined utility bill.
- (b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate. (Code 1999)

15-443 **RATES BASED ON WATER USAGE.** Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meters acceptable to the city. (Code 1993, 19-801)

15-444 **AVERAGE WATER USE DETERMINED.** For residential contributors, including churches, monthly user charges will be based on average monthly water usage during the months of January, February, and March. If a residential contributor has not established a January, February and March average, his or her monthly user charge shall be the median charge of all other residential contributors.

For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for the contributor may be based on a wastewater meter or separate water meter installed and maintained at the contributor's expense, and in a manner acceptable to the city.
(Ord. 2135; Sept. 2002)

15-445 DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY.

(a) In the event any person, except the United States and the State of Kansas or any political subdivision thereof, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15-113:117.

(b) In lieu of terminating water service, the governing body may elect to assess such delinquent charges as a lien upon the real estate service as provided in section 15-124, and the city clerk shall certify such delinquent charges to the county clerk to be placed on the tax roll and collected in like manner as other taxes are collected.

(Code 1993, 19-902; Code 1999)

15-446 MINIMUM AND ADDITIONAL CHARGES. The minimum charge per month shall be \$3.60. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement, of \$4.60 per 500 cubic feet of water or a portion thereof as determined in section 15-445. (Ord. 2194; Nov. 2006)

15-447 OVERLOAD SURCHARGES For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is: \$ 0.85 per pound BOD.
\$.084 per pound SS (Code 1993, 19-804)

15-448 TOXIC POLLUTANTS; ADDITIONAL CHARGES. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the governing body.
(Code 1993, 19-805)

15-449 RATES APPLICABLE TO ANY LOCATION IF CONNECTED TO PUBLIC SEWER. The user charge rates established in this article apply to all users of the city's treatment works, regardless of their location. Persons not connected to a public sewer shall not pay a user charge. Every business shall be presumed to have a sewer connection until proof to the contrary is furnished.
(Code 1993, 19-806)

15-450 BIENNIAL RATE REVIEW. The city will review the user charge system at least every two years and revise user charges as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes. (Code 1993, 19-1001)

15-451 ANNUAL NOTIFICATION OF RATE. The city will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works. (Code 1993, 19-1002)

ARTICLE 5 SOLID WASTE

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

- (a) Commercial Waste. All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.
- (b) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;
- (c) Garbage. Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;
- (d) Multi-Family Unit. Any structure containing more than four individual dwelling units;
- (e) Refuse. All garbage and/or rubbish or trash;
- (f) Residential. Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;
- (g) Rubbish or Trash. All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
- (h) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.
- (i) Solid Waste. All non-liquid garbage, rubbish or trash.
(Code 1993, 11-401; Code 1999)

15-502 **COLLECTION.** All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Code 1993, 11-409; Code 1999)

15-503 **CONTRACTS.** The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 1999)

15-504 **FREQUENCY OF COLLECTION.** Solid waste in residential areas shall be collected not less than once each week. All commercial solid waste shall be collected at intervals as may be fixed by contract and to meet state requirements. (Code 1993, 11-411)

15-505 **COLLECTION EQUIPMENT.** All vehicles used for the collection and transportation of solid waste shall be maintained in a safe, clean, sanitary condition and shall be operated in such a manner as to prevent spillage therefrom. (Code 1993, 11-412)

15-506 **REQUEST FOR SERVICE.** A request for water service shall automatically constitute a request for refuse service. A termination of water service shall automatically terminate refuse service; provided, however, that the absence of public water service shall not relieve any owner or occupant of any residence, multi-family dwelling or commercial enterprise from the responsibility of complying with the provisions of this article. (Code 1993, 11-418)

15-507 DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Code 1993, 11-402, 10-403; Code 1999)

15-508 CONTAINERS. Residential containers shall have a capacity of not more than 20 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 1993, 11-403; Code 1999)

15-509 BULK CONTAINERS. On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 1993,11-404; Code 1999)

15-510 IMPROPER CONTAINERS. Refuse placed in an improper container shall not be collected. Rocks, dirt, sod, concrete or building materials are not considered normal household waste and will not be collected. (Code 1993, 11-407)

15-511 LOCATION OF CONTAINERS. All solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the city to use public property for such purpose, and pickup shall be at curbside or alley. (Code 1993, 11-408)

15-512 ENTER PRIVATE PREMISES. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 1993, 11-410; Code 1999)

15-513 OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 1993, 11-406; Code 1999)

15-514 WRAPPING GARBAGE. All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 1999)

15-515 HEAVY, BULKY WASTE. Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 1999)

15-516 HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

- (a) Explosive materials;
- (b) Rags or other waste soaked in volatile and flammable materials;
- (c) Chemicals;
- (d) Poisons;
- (e) Radio-active materials;
- (f) Highly combustible materials;
- (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
- (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public. (Code 1999)

15-517 PROHIBITED PRACTICES. It shall be unlawful for any person to:

- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
- (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
- (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
- (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted. (Code 1993, 10-404; 11-421; Code 1999)

15-518 OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 1999)

15-519 MISCELLANEOUS WASTE.

- (a) Books, magazines, and newspapers may be securely tied in bundles or placed in disposable containers in lieu of placing in an approved container; provided, that such bundles or containers contents shall not exceed a weight of 50 pound; and provided further, that no waste of any type shall be placed in a cardboard container;
- (b) Empty cardboard boxes shall be flattened. (Code 1993,11-405)

15-520 ROCKS; DIRT; BUILDING MATERIALS. Rocks, dirt, sod, concrete and building materials shall be disposed of only in sites and in a manner approved by the county in conjunction with the local and State Board of Health. (Code 1993, 11-414)

15-521 PERIODIC CLEAN-UP. Any person who from time to time may desire to dispose of unwanted objects, furniture, appliances, trash, lifter or other solid waste shall dispose of such refuse by delivering it, or having it delivered, to an approved disposal site to be disposed of in the same manner as provided for ordinary residential or commercial waste. (Code 1993, 11-415)

15-522 UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved

by the Kansas State Department of Health and Environment. (Code 1993,11-413, 421; Code 1999)

15-523 PRIVATE COLLECTORS; LICENSE REQUIRED.

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

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to lifter the streets and alleys of the city. (Code 1993, 11-416; Code 1999)

15-524 SAME; APPLICATION. Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application. (Code 1999)

15-525 SAME; INSURANCE. No permit shall be issued until and unless the applicant files and maintains with the city evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in such business, in an amount of not less than \$300,000.00 in the event of injury or death of two or more person sin any single accident, and in the amount of not less than \$50,000.00 for damage to property. Should such policy be canceled, the city shall be notified of such cancellation by the insurance carrier in writing not less than 15 days prior to the effective date of such policy. (Code 1993, 11-416)

15-526 SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk the sum of \$25.00 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1st of the calendar year in which said permit is issued. (Code 1999)

15-527 SAME; NUMBER TO BE DISPLAYED. The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 1999)

15-528 CLOSED VEHICLE. Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 1999)

15-529 RULES AND REGULATIONS. The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of

the city, and providing for a proper fee to be charged to the customer. (Code 1999)

15-530 FAILURE TO SECURE LICENSE. Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116. (Code 1999)

15-531 CHARGES. The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 1999)

15-532 SAME; FEE SCHEDULE. The following monthly service charge shall be levied against each residential dwelling unit for the collection and disposal of solid waste as required by the article: \$8.25 - per residential unit.

The residential collection and disposal charge shall be made to each residential water meter in the city and the charge shall be collected regardless of the amount of waste collected.

The city shall perform collection services for residential dwelling units only, and collection of commercial waste shall be the responsibility shall be the responsibility of the individual business, restaurant, store, factory, etc., by contract with private contractors holding a valid permit.

(Ord. 2157; Jan. 2004)

15-533 PARTIAL SERVICES. The service charges provided for in this article shall be uniformly charged on the basis of a full month irrespective of the fact that service may be for less than a full month. Where collections are made from each individual unit of a multi-family dwelling, an individual unit may be exempted from the monthly service fee upon written application of the owner that such dwelling unit has been vacant for the period of one month. Should the owner fail to advise the city at the time the unit again becomes occupied, he or she shall immediately become liable for all charges waived. (Code 1993, 11-420)

15-534 BILLING. Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 1993, 11-419; Code 1999)

15-535 SAME; DELINQUENT ACCOUNT. In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65- 3410; Code 1999)

ARTICLE 6 WATER CONSERVATION

15-601 PURPOSE. The purpose of this ordinance is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared.

15-602 DEFINITIONS.

- (a) "Water", as the term is used in this ordinance, shall mean water available to the City of Clay Center 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", as the term is used in this ordinance, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) "Waste of water", as the term is used in this ordinance, 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) "Notice," as the term is used in this Ordinance, shall mean such notice as the Governing Body of the City of Clay Center determines appropriate, including direct mail to the City's customers, publication in one or more newspapers having circulation within the territory of the City, television or radio news releases broadcast by stations serving the territory of the City, or any combination thereof.
- (e) "Governing Body," as the term is used in this Ordinance, shall mean the City Council.
- (f) "Personal notice," as the term is used in this Ordinance, shall mean written notice, hand delivered, to the person to whom notice is directed. Personal notice is accomplished on the date that the notice is delivered.
- (g) "Mailed notice," as the term is used in this Ordinance, shall mean written notice, placed in the United States Mail, First Class postage prepared, addressed to the person to whom notice is directed, at the last known address for such person according to the records of the City. Mailed notice is accomplished on the date that the notice is placed in the mail as described above.
- (h) 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.

15-603 DECLARATION OF A WATER SUPPLY WATCH. Whenever the Governing Body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage are present, it shall be empowered, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared, by resolution of the Governing Body, to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their adoption by the Governing Body of the City and giving of notice thereof.

15-604 DECLARATION OF WATER WARNING. Whenever the Governing Body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare, by resolution, that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared, by resolution, of the Governing Body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their adoption by the Governing Body of the City and giving of notice thereof.

15-605 DECLARATION OF WATER EMERGENCY. Whenever the Governing Body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare, by resolution, that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared, by resolution, of the Governing Body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their adoption by the Governing Body of the City, and giving of notice thereof.

15-606 VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water watch or water warning as provided in sections 15-603 and 15-604, the Governing Body of the City is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

- (a) Class 1 uses of water, as provided for in Section 15-602
- (b) Waste of water.

15-607 MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-605, the Governing Body 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 those approved by the Governing Body of 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.

15-608 EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-605, the Governing Body of the City may adopt emergency water rates 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).

15-609 REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-605, the Governing Body of the City 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.

15-610 VIOLATIONS, DISCONNECTIONS AND PENALTIES.

(a) Upon violation of any water use restrictions imposed pursuant to Sections 15-603, 15-604 and 15-605 of this Ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the City who is responsible for the violation or its correction shall be provided with either personal or mailed notice. Such notice shall contain the following information:

- (1) The customer(s) Name(s), Benefit Unit number and address where service is being provided;
- (2) The nature of the violation, the corrective action required and the deadline for completion of such corrective action;
- (3) A statement that the customer has the right to request a hearing and be heard at a hearing to be conducted in accordance with this article, as shown below.
- (4) A statement that water service shall be terminated unless corrective action is taken by the stated deadline.

(b) Any water user receiving a notice of violation as provided above shall have the right to a hearing prior to service termination. The request for hearing must be made by the customer owner within 10 days of the date of service of such notice, or hearing will be deemed irrevocably waived. The water district manager or such other person as appointed by the board of directors of the district shall conduct such hearing. The hearing shall be held within 15 days of the request for hearing. At such hearing, the customer and the district shall each have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses. The hearing officer shall promptly make his or her findings and shall enter his or her order accordingly. The hearing officer may adopt the finding of violation, contained in the notice, or may modify or reject such finding; may make new or additional findings of violation, and order corrective action in accordance with the resolution. Unless otherwise ordered by the hearing officer, water service shall be terminated the day after the date that the order of termination is issued by the hearing officer unless the required corrective action has been made prior to termination. The hearing officer's order shall be filed in the district's records, and a copy thereof shall be provided to the water user in the same manner as set forth in subsection (2) above.

(c) Any party aggrieved by the decision of the hearing officer may appeal the same by filing a written notice of appeal with the district. Notwithstanding the order of termination, service shall not be terminated if the notice of appeal has been received prior to termination. Any such appeal shall be set for hearing before the Governing Body at its next regularly scheduled meeting or special meeting. The determination of the Governing Body shall be final. The determination of the Governing Body shall be recorded in the minutes of its official proceedings, and notice thereof shall be provided to the customer in the same manner described in section (a), above. Violations of this resolution shall be an offense of the District's rules and regulations and may result in termination of service.

(d) Reconnection of service terminated as provided above shall be made only after the District has determined that the necessary corrective action has been completed and the fees provided by subsection (e), below, have been paid.

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

15-611 EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized City official from terminating the supply of water to any or all customers upon the determination of the Governing Body that emergency termination of water service is required to protect the health and safety of the public.

15-612 SEVERABILITY. If any provision of this resolution is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the resolution and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 2188 May 2006)