

## 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 1993)
- 15-102. DELINQUENT ACCOUNTS. (a) 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 this article.  
(b) In the event of a delinquent account, the customer shall not be rendered utility service at any other property until the delinquent account is paid in full. (Ord. 550, Sec. 1; Code 2005)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.  
(b) The notice shall state:  
(1) The amount due, plus delinquency charge;  
(2) Notice that service will be terminated if the amount due is not paid within five days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;  
(3) Notice that the customer has the right to a hearing before the designated hearing officer;  
(4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.  
(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Ord. 549, Sec. 2; Code 2005)

15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 1993)

15-105. UTILITY DEPOSIT. (a) At the time of making application for utility service, the applicant shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills due on discontinuance of service. Receipt thereof shall be issued to each such depositor.

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

Property Owners:

- (1) Water Service - ~~\$50;~~ 100<sup>00</sup>
- (2) Electric Service - ~~\$50;~~ 100<sup>00</sup>

Non-Property Owners:

- (1) Water Service - ~~\$100;~~ 200<sup>00</sup>
- (2) Electric Service - \$200.

(c) The deposits so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the meter deposit fund. Interest shall be payable at the rate determined by the state corporation commission yearly and credited to the customer's account January 1st of each calendar year.

(d) On the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor who is the owner of the premises wherein such utility service is being furnished and has not been delinquent in payment of any utility service charge during the past year. Interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefore together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.

(f) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the utility fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended.

(Ord. 550, Sec. 2; Code 2005)

15-106. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article shall be liable for payment of the cost of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event a delinquency arises involving leased premises, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry. If the delinquent billing, interest and penalty are not paid within 15 days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.

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

(Code 2005)

15-107. RECONNECTION CHARGE. Prior to reconnecting a utility service disconnected following a delinquency, the customer shall pay to the city the entire balance due and owing at the time of reconnection plus a reconnection charge of \$50.00 for reconnection of service for water and \$50.00 for reconnection of service for electricity. After regular working hours the reconnection fee shall be \$100.00. (Ord. 523)

15-108. PETTY CASH FUND. A petty cash fund in the amount of \$1 000 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 1993)

15-109. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 1993)

15-110. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 1993)

15-111. DISCONTINUE OF SERVICES. The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:

(a) When the customer so requests.

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

(c) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility service from the city.

(d) When the customer refuses to grant employees of the city utility department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, or maintenance or replacement.

(e) When the customer violates any rule, regulation or ordinance of the city a pertaining to utility services, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services delivery system.

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

(g) When the customer issues a check on or after the delinquency date to the city in payment of utility service which is returned by the bank as non-collectible or insufficient funds.

(Ord. 548, Sec. 1; Code 2005)

## ARTICLE 2. WATER

- 15-201. SUPERINTENDENT OF WATER. The general management, care, control and supervision of the city water system shall be in the superintendent of water, who shall be appointed by the mayor with the consent of the governing body. (Code 1993)
- 15-202. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1993)
- 15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1993)
- 15-204. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located public water mains, is hereby required at his or her own expense to make connection to such public water main.
- (b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 1993)

15-205. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.

(b) The application shall:

- (1) Contain an exact description including street address of the property to be served;
- (2) State the size of tap required;
- (3) State the size and kind of service pipe to be used
- (4) State the full name of the owner of the premises to be served;
- (5) State the purpose for which the water is to be used;
- (6) State any other pertinent information required by the city clerk;
- (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.

(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207.  
(Code 1993)

15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 1993)

15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be as follows:

- (a) For new connections to the water system within the city up to 30 feet from a city water main - \$850 plus tax;
- (b) For new connections to the city rural water system up to 30 feet from a water main - \$500.

(Ord. 502)

15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1993)

15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1993)

15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body.  
(Code 1993)

- 15-211. **CROSS CONNECTIONS; PURPOSE.** The purpose of this article is to protect the public water supply of the city from contamination due to backflow or backsiphonage from any cross connection; and to prohibit and eliminate all cross connections to the public water supply; and to provide for the maintenance of a continuing effective cross connection control program. This program shall include regularly scheduled inspections to detect and eliminate current cross connections as well as to prevent any future cross connections. (Ord. 493, Sec. 1)
- 15-212. **SAME; PROHIBITED.** No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private water supply, or any source of contamination may enter the regular public water supply of the city, unless the source is approved by the city council of the city and the Kansas Department of Health and Environment. (Ord. 493, Sec. 2)
- 15-213. **PROTECTIVE BACKFLOW PREVENTERS REQUIRED.** Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where there is a hazard of contamination of the potable water supply system. (Ord. 493, Sec. 3)
- 15-214. **INSPECTION.** The city building inspector or other designate of the city council of the city shall have the right of entry into any building or premise in the city as frequently as necessary in order to ensure that plumbing has been installed in a manner as to prevent the possibility of contamination of the public water supply of the city. (Ord. 493, Sec. 4)
- 15-215. **PROTECTION FROM CONTAMINANTS.** Pursuant to the authority given under home rule powers and K.S.A. 65-163a, the city may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the city. In addition, the city may immediately terminate water service to a premises where a backflow or backsiphonage condition exists which may be hazardous to the health of customers served by this public water supply system of the city. (Ord. 493, Sec. 5)
- 15-216. **INCORPORATION BY REFERENCE.** There is hereby incorporated by reference for the purpose of regulating cross connections between the public water supply and any sources of contamination that certain manual adopted by the governing body of the city known as "Manual of Regulations Regulating Backflow and Backsiphonage of Contaminants Due to Cross Connections for the City of Scranton Public Water Supply". No fewer than three copies of the manual shall be marked or stamped, "Official Copy as Adopted by Ordinance No.493", and to which shall be attached a copy of Ordinance No. 493, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 493, Sec. 6)

- 15-217. METERS. (a) All water furnished to customers shall be metered.  
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.  
(c) The city's responsibility stops at the property line.  
(Code 1993)
- 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 and a charge of \$10 will be made to the customer.  
(Code 1993)
- 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)
- 15-220. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive.  
(Code 1993)
- 15-221. DISCONNECTION, RECONNECTION CHARGE. (a) Prior to reconnecting a utility service disconnected at the request of the customer, the customer shall pay to the city a reconnection fee of \$15 for reconnection during regular working hours. After regular working hours the reconnection fee shall be \$30.  
(b) Any service disconnected for nonpayment of delinquent bill shall be reconnected in accordance with section 15-107.  
(Ord. 429, Sec. 3; Code 1993)
- 15-222. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 1993)
- 15-223. 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 1993)

- 15-224.            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 1993)
- 15-225.            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 1993)
- 15-226.            WATER RATIONING. 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)
- 15-227.            SAME; PROCEDURE. Whenever the governing body determines that water use must be restricted or prohibited, it shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation. (Code 1993)
- 15-228.            SAME; PRIORITY USE. In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:  
    (a) Water lawns, gardens, trees, shrubs, plants and water outside dwellings for such purposes as car, boat, or trailer washing or washing exterior of dwellings;  
    (b) Industrial uses of water, including but not limited to carwash operations and packing plant operations;  
    (c) Business use, other than industrial;  
    (d) Home uses other than those set forth in subsection (a).  
    (Code 1993)
- 15-229.            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 waterlines.  
    (Code 1993)



15-230. RATES. (a) Rates within the City Limits. The following monthly rates are hereby established and shall be paid for water furnished and sold by the city within the corporate limits of the city:  
First 1,000 gallons or less -\$15;  
Each 1,000 gallons thereafter - \$7;  
Minimum monthly water charge -\$15.  
(b) Rural Rates. The following rates are hereby established and shall be paid for water furnished and sold by the city outside the city's corporate limits:  
First 1,000 gallons or less \$15;  
Each 1,000 gallons thereafter - \$7;  
Minimum monthly water charge - \$15.  
(Ord. 543, Sec. 1; Code 2005)

15-231. 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.  
(Ord. 549, Sec. 3; Code 2005)

15-232. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1993)

15-233. 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 1993)

### ARTICLE 3. ELECTRICITY

- 15-301.           **APPLICATION FOR SERVICE.** Any person desiring a connection with the electric distribution system of the city shall apply in writing to the city clerk on a form furnished for that purpose for a permit to connect to such system. The application shall contain a description of the property to be served, the estimated amount of electricity to be used per month and the uses to which the electricity is to be put, and shall be accompanied by a connection fee of \$100.00 (Code 1993)
- 15-302.           **PERMIT.** Upon receipt of an application as provided for in this article, if the same is in proper form, the city clerk shall refer the same to the city electrician who shall promptly inspect all wiring to be connected to the city system under the application and endorse his or her approval or disapproval on the application and return it to the city clerk. If the city electrician shall have endorsed his or her approval on the application, the city clerk shall then issue a permit to connect. No connection shall be made to the electric distribution system of the city until a permit has been issued as in this article provided. (Ord. 401)
- 15-303.           **ALL ELECTRICITY TO BE METERED.** All electricity furnished by the electrical distribution system of the city shall be measured by meters furnished by the city for that purpose. (Ord. 289; Code 1993)
- 15-304.           **EVERY PREMISES TO HAVE SEPARATE CONNECTION.** Unless special permission is granted by the city council, each premises shall have a separate and distinct service connection, and where permission is granted for branch services, each service must have a separate meter and cutoff. (Code 1993)
- 15-305.           **ACCESS TO PROPERTY.** The city foreman or his or her authorized agent shall have the right of access at all reasonable hours to any premises connected to the city electric distribution system for the purpose of reading meters, inspecting the location and condition of all wiring and fixtures therein, and seeing that the rules and regulations of this article are being observed. It shall be unlawful for any person to prevent, hinder or delay the city foreman or his or her authorized agent in the discharge of their duties under the provisions of this article. (Code 1993)
- 15-306.           **TAKING ELECTRICITY WITHOUT AUTHORITY.** It shall be unlawful for any person to take any electricity from the electrical distribution system of the city except through a meter installed by the city or to turn on electricity on any premises where, because of violation of ordinances of the city, such electricity has been turned off by the city, or its duly authorized agents, without first obtaining written authority from the city council. (Code 1993)

- 15-307. CITY RESERVES RIGHT TO DISCONNECT SERVICE. The city hereby reserves the right to discontinue service to any or all customers of the electric distribution system of the city without notice when the same is necessary for the repair of the system, or after reasonable notice and an opportunity for a hearing before the city council, for the non-payment of electric bills as provided in sections 15-102:104. When service has been discontinued for nonpayment of the bill, it shall not be resumed until the bill plus penalties due thereon and a reconnection fee of \$50.00 (\$100.00 after hours) has been paid. (Ord. 523)
- 15-308. PAYMENT OF ELECTRIC BILLS. All electric bills for the previous month's electric service shall be paid on or before the 15th day of the month following the service. (Ord. 549, Sec. 4; Code 2005)
- 15-309. ELECTRIC RATES; RESIDENTIAL USE. The monthly rates for electricity sold by the city for residential use shall be as follows:  
(a) Basic Service Charge - \$3.50;  
(b) User Charge — \$0.0875 per KWH.  
(Ord. 546, Sec. 1; Code 2005)
- 15-310. COMMERCIAL RATES. The commercial rate is available to establishments of a commercial nature and shall include single phase motors of up to five horsepower, all service to be supplied through one meter and shall not be resold. Monthly commercial rates for electricity sold shall be as follows:  
(a) Basic Service Charge - \$3.00.  
(b) User Charge - \$0.081 per KWH.  
(Ord. 442; Code 1993)

## 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) 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.
- (b) 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 into the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
- (c) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- (d) Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
- (e) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (f) Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (g) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (h) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (i) Person shall mean any individual, firm, institution, company, association, society, corporation, or group.
- (j) Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
- (k) Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (l) Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- (m) 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.
- (n) Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- (o) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (p) Sewer shall mean a pipe or conduit for carrying sewage.
- (q) Shall is mandatory; May is permissive.

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

(s) Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes, other than unpolluted cooling water.

(t) Superintendent shall mean the superintendent of sewage works of the city or his or her authorized deputy, agent, or representative.

(u) 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.

(v) Toxic shall mean a substance which causes a deleterious or poisoned condition in biological organisms utilized for wastewater treatment, human beings, fish, wildlife, or any other living organism, plant or animal.

(w) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 494, Art. I, Secs. 1:23)

### Prohibitions

15-402.

SEWER. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(b) To discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) It shall be unlawful to construct or maintain any private, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Ord. 494, Art. II, Secs. 1:3)

15-403.

SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, 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, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(Ord. 494, Art. II, Sec. 4)

15-404.

PRIVATE SEWAGE DISPOSAL SYSTEM; CONNECTION. Where a public sanitary sewer is not available under the provisions of section 15403, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 494, Art. III, Sec. 1)

- 15-405. SAME; APPLICATION. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent or his or her authorized agent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent or his or her authorized agent. A permit and inspection fee shall be paid at the time the application is filed. (Ord. 494, Art. III, Sec. 2)
- 15-406. SAME; PERMIT. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent or his or her authorized agent. He or she shall be allowed to inspect the work at any state of construction and in any event; the applicant for the permit shall notify the superintendent or his or her authorized agent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the superintendent or his or her authorized agent. (Ord. 494, Art. III, Sec. 3)
- 15-407. SAME; REQUIREMENTS. The type capacities, location, and layout of a private sewage disposal system shall comply with all recommendations and requirements of the Osage County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 494, Art. III, Sec. 4)
- 15-408. SAME; DIRECT CONNECTION. At such time as public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-407, a direct connection shall be made, within 90 days, to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material approved by the superintendent. (Ord. 494, Art. III, Sec. 5)
- 15-409. SAME; OPERATION AND MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 494, Art. III, Sec. 6)
- 15-410. SAME; HEALTH OFFICER. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Osage County Health Officer. (Ord. 494, Art. III, Sec. 7)

### **Conditions of Construction**

- 15-411. PERMIT. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. (Ord. 494, Art. IV, Sec. 1)

- 15-412. CONNECTION AND DISCONNECTION. Connection or disconnection to a public sewer shall require a building sewer permit. The owner or his or her agent desiring to make a connection or disconnection shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee shall be paid to the city at the time the application is filed. (Ord. 494, Art. IV, Sec. 2; Code 2005)
- 15-413. COSTS AND EXPENSES. All costs and expense incident to the installation and connection or disconnection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 494, Art. IV, Sec. 3; Code 2005)
- 15-414. SEPARATE SEWER. A separate and independent building sewer shall be provided for every building, except where one building standards at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 494, Art. IV, Sec. 4)
- 15-415. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article. (Ord. 494, Art. IV, Sec. 5)
- 15-416. CONSTRUCTION. The size, slope, alignment, and materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench; shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation. (Ord. 494, Art. IV, Sec. 6)
- 15-417. ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 494, Art. IV, Sec. 7)
- 15-418. DISCHARGE. No person shall discharge or cause to be discharged, either directly or indirectly, any storm water, surface water, ground water, roof runoff, or subsurface drainage, including street drainage, interior and exterior foundation or footing drains, sump pumps from foundation drains, roof downspouts or drains, crawl space drains, garage drains, areaway and yard drains, uncontaminated cooling water, unpolluted industrial process waters, or any other source of surface runoff or ground water, to any sanitary sewer. (Ord. 494, Art. IV, Sec. 8)

15-419. INSPECTIONS. 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. (Ord. 494, Art. IV, Sec. 9)

15-420. BARRICADES. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 494, Art. IV, Sec. 10)

#### **Further Prohibitions**

15-421. COMBINED OR STORM SEWERS. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet. (Ord. 494, Art. V, Sec. 1)

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

- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Cleaning, stripping or paint solvents.
- (c) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of the two mg/l as CN in the wastes as discharged in the public sewer.
- (d) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ash, cinders, sand, mud, a straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and disposable dishes, cups and milk containers, either whole or ground by garbage grinders.
- (f) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
- (g) 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 degrees Fahrenheit (0 degrees and 65 degrees Centigrade).



(h) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horse-power (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(i) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(j) Any waters or wastes containing arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, potassium, selenium, silver, zinc, PCBs, nitrogen and phosphorous, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degree that any such substance received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials. The superintendent may set limitations based upon waterquality of the receiving stream, treatment plant efficiency, inhibition of treatment plant processes and impact of sludge processing land application and groundwater impacts.

All industrial and commercial facilities using silver in manufacturing or as part of a process operation, including but not limited to the development and/or printing of photographic pictures or x-rays, precious metal plating, or any operation where silver is reasonably expended to be found in the facilities wastewater, shall not discharge silver bearing wastewater to the public sewer without first treating the wastewater to remove the silver or subjecting the wastewater to a silver recovery process.

(k) Any water or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(l) 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.

(m) Any waters or wastes having a pH in excess of 9.5.

(n) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride, or sodium sulfate).

(2) Excessive discoloration (such as but not limited to, dye wastes, paint pigments and 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.

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

(p) Any water or wastes having:

- (1) A five-day BOD greater than 300 parts per million by weight;
- (2) Containing more than 350 parts per million by weight of suspended solids;
- (3) Having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the superintendent;

Where necessary in the opinion of the superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million by weight;
- (2) Reduce the suspended solids to 350 parts per million by weight; or
- (3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(q) Any waste considered toxic and/or hazardous and/or defined as toxic hazardous by the Kansas Department of Health and Environment and/or the Environmental Protection Agency and/or having toxic effects on the wastewater treatment processes and/or land application of wastewater sludges and the receiving groundwaters at the wastewater sludge application sites.

Any user which discharges any toxic pollutant which causes an increase in the cost of managing the effluent or sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with substances causes identifiable increase in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased cost. The charge to each such user shall be as determined by the superintendent.

(Ord. 494, Art V, Secs. 3:4)

15-423.

**DISCHARGES; NUISANCES.** If any waters or wastes are discharged, or are approved to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-422 (f)-(q) of this article, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:

- (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;
- (d) Require any user which discharges any toxic pollutant or other substances which causes an increase in the cost of managing the effluent or waste sludge land application from the city's treatment works, or any user which discharges any substance which singularly or by interaction with the substances a causes identifiable increases in the cost of operation, maintenance, or replacement of the

works, to pay for such increased cost of operation or remediation of treatment plant or land application sites. The charges associated with the cost recovery to such user shall be determined by the wastewater superintendent.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.  
(Ord. 494, Art. V, Sec. 5)

15-424. INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid waters containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.  
(Ord. 494, Art. V, Sec. 6)

15-425. PRELIMINARY TREATMENT. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 494, Art. V, Sec. 7)

15-426. INDUSTRIAL WASTES. When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.  
(Ord. 494, Art. V, Sec. 8)

15-427. MEASUREMENTS, TESTS AND ANALYSES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (Ord. 494, Art. V, Sec. 9)

15-428. **INDUSTRIAL CONCERN.** No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern. (Ord. 494, Art. V, Sec. 10)

15-429. **PROTECTION OF SEWAGE WORKS.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 494, Art. VI, Sec. 1)

### **Access**

15-430. **IDENTIFICATION.** 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 representative 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. (Ord. 494, Art. VII, Sec. 1)

15-431. **PREMISES; SAFETY RULES.** While performing the necessary work on private properties referred to in section 15-430, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 15-526. (Ord. 494, AK. VII, Sec. 2)

15-432. **PRIVATE PROPERTY.** 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.

## User Charge Rates

15-433.           **RATES.** The rates set out in section 15-437 shall be applied to each customer receiving sewage service for the purpose of operation, maintenance, replacement, revenue bond retirement, general improvement, modification and billing for the city sewage collection and treatment system and shall be based on the average of metered water use for the months of December, January and February. The rate so determined shall be applied to the subsequent 12 month period and shall be revised annually. New service customers with no historical water use record shall pay the base charge until a water use history is established. Any business customers who have increased consumption of 100% of the average in certain months can request the clerk to average the bill on a yearly basis and be assessed at that rate until the next annual review.  
(Ord. 494, Art. VIII, Sec. 1)

15-434.           **BILLING.** The city shall notify each user annually in conjunction with a regular bill of the rate being charged for operation, maintenance, replacement, and debt service for wastewater treatment. (Ord. 494, Art. VIII, Sec. 2)

15-435.           **USER CHARGE SYSTEM; REVIEW.** The city shall conduct an "in-house" review of the user charge system at least every two years and revise user charge rates as necessary to ensure the system generates adequate revenues to pay the costs of operation, maintenance, and replacement costs among users. An independent review shall be conducted at least every five years.  
(Ord. 494, Art. VIII, Sec. 3)

15-436.           **ACCOUNT; REPLACEMENT NEEDS.** The city shall establish an account designated for the specific purpose of insuring replacement needs over the useful life of the treatment works (equipment replacement account). Deposits to this account shall be made at least annually from the operation, maintenance and replacement revenue in the amount of 41,600. At such time as an adequate reserve is established in the account, the city may elect to modify this annual deposit, after consultation with the Kansas Department of Health and Environment. (Ord. 494, Art. VIII, Sec. 4)

- 15-437. SEWER RATES. The minimum monthly charge and base volume (gallons) shall be:  
Residential - \$20 for 1000 gallons.  
Commercial -\$20 for 1000 gallons.  
In addition, each contributor shall pay a user charge for operation, maintenance and bond retirement of \$2 per 1,000 gallons in excess of the monthly minimum charge/usage. (Ord. 556, Sec. 1; Code 2005)

#### **Violations & Penalties**

- 15-438. VIOLATION. (a) Any person found to be in violation of any provision of this article except section 15-429 shall be served by the city with notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such permanently cease all violations.  
(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$100 for each violation. Each 24 hour period in which any such violation shall continue shall be deemed a separate offense.  
(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. 494, Art. IX, Secs. 1:3)
- 15-439. PAYMENT OF SEWER BILLS. All sewer bills for the previous month's sewer service shall be paid on or before the 15~2~ day of the month following the service. (Ord. 549, Sec. 5; Code 2005)
- 15-440. DELINQUENCY HEARINGS. Delinquency hearings shall be held pursuant to the prior articles relating to utility bill delinquencies. (Ord. 494, Art. IX, Sec. 5)
- 15-441. PAYMENTS; PERSON RESPONSIBLE. The rates and charges herein established shall be collected from the customers of the city sewer utility system. (Ord. 494, Art. IX, Sec. 7)
- 15-442. COMPLIANCE WITH REGULATIONS. All sewer pipes and connections shall comply with and be installed in accordance with the provisions of the Uniform Plumbing Code, Edition 1976, published by the international Association of Plumbing and Mechanical Officials, excepting where otherwise specified by ordinance. (Ord. 494, Art. IX, Sec. 9)

## 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 sewing 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 or rubbish and trash.  
(Code 1993)
- 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. (Ord. 477, Sec. 1; Code 1993)
- 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.  
(Ord. 477, Sec. 1; Code 1993)
- 15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.  
(Ord. 477, Sec. 1; Code 1993)

- 15-505.           CONTAINERS. Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. 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. (Ord. 477', Sec. 1; Code 1993)
- 15-506.           BULK CONTAINERS. On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Ord. 477, Sec. 1; Code 1993)
- 15-507.           ENTER PRIVATE PREMISES. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 477, Sec. 1; Code 1993)
- 15-508.           OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Ord. 477, Sec. 1; Code 1993)
- 15-509.           WRAPPING GARBAGE. All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Ord. 477, Sec. 1; Code 1993)
- 15-510.           HEAVY, BULKY WASTE. Heavy accumulations such as brush; tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner of person controlling same. (Ord. 477, Sec. 1; Code 1993)



- 15-511.           **HAZARDOUS MATERIALS.** No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
- (a) Explosive materials;
  - (b) Rags or other waste soaked in volatile and flammable materials;
  - (c) Chemicals;
  - (d) Poisons;
  - (e) Radio-active materials;
  - (f) Highly combustible materials;
  - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
  - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Ord. 477, Sec. 1; Code 1993)
- 15-512.           **PROHIBITED PRACTICES.** It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
  - (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
  - (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
  - (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
- (Ord. 477, Sec. 1; Code 1993)
- 15-513.           **OBJECTIONABLE WASTE.** Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article.
- (Ord. 477, Sec. 1; Code 1993)
- 15-514.           **UNAUTHORIZED DISPOSAL.** No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Ord. 477, Sec. 1; Code 1993)
- 15-515.           **PRIVATE COLLECTORS; LICENSE REQUIRED.** (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Ord. 477, Sec. 1; Code 1993)

15-516.           **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. (Ord. 477, Sec. 1; Code 1993)

15-517.           **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. (Ord. 477, Sec. 1; Code 1993)

15-518.           **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. (Ord. 477, Sec. 1; Code 1993)

15-519.           **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. (Ord. 477, Sec. 1; Code 1993)

15-520.           **SOLID WASTE RATES; RESIDENTIAL USE.** The monthly rates for disposing of solid waste by the city for residential use shall be as follows:  
Residential - \$9.03 per unit;  
(b) \$5.00 reinstatement fee shall be charged to anyone who has requested termination of their service.  
(Ord. 544, Sec. 1; Code 2005)

15-521.           **BILLING.** Solid waste charges shall be billed monthly and shall be included on 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. (Ord. 477, Sec. 1; Code 1993)

15-522.

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; Ord. 477, Sec. 1; Code 1993)