

CHAPTER XV: UTILITIES

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§ 15-101 DEFINITION.

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

UTILITY SERVICES. Includes water, electrical, sewer, solid waste (refuse), and other utility services provided by the city.
(2005 Code, § 15-101)

§ 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.

(c) In the event of a delinquent account at a rental property by a tenant, no new application for service shall be allowed for the rental unit until either the delinquent account is paid in full, or the city has been provided with evidence of the termination of the residency of the tenant or abandonment by the

tenant of the leasehold property. It shall be presumed that the tenant continues to reside at the premises unless it is shown that a new lease has been executed by parties whom are not related by blood or marriage to the delinquent tenant, the lease limits residents upon the leased property so as to exclude the delinquent tenant from lawful occupation of the premises, and evidence is provided to show the delinquent tenant has obtained a residence elsewhere.

(2005 Code, § 15-102) (Ord. 653, passed 2-16-2016)

§ 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 ten days from the date of the notice, unless the date on the notice to pay the charges due shall be on a Saturday, Sunday, or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;

(3) Notice that the customer has the right to a hearing before the designated Hearing Officer;
and

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

(c) Upon receipt of a request for hearing, the City Clerk shall advise the customer of the date, time, and place of the hearing that shall be held within three working days following receipt of the request.
(2005 Code, § 15-103) (Ord. 549, passed - -)

§ 15-104 SAME; FINDING.

Following the hearing, if the Hearing Officer shall find that service should not be terminated, then notice of such finding shall be presented to the City Clerk. If the Officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested, however, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The Hearing Officer has a right, for good cause, to grant an extension, not to exceed ten days, for the termination of such service.

(2005 Code, § 15-104)

§ 15-105 UTILITY DEPOSIT.

(a) At the time of making application for any 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 shall be in the following amounts:

(1) *Property owners.*

(A) Water service: \$100; and

(B) Electric: \$100.

(2) *Non-property owners.*

(A) Water service: \$100; and

(B) Electric service: \$100.

(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 1 of each 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 therefor, 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.

(K.S.A. 12-822) (2005 Code, § 15-105) (Ord. 580, passed 1-3-2006; Ord. 593, passed 11-20-2007)

§ 15-105A UTILITY DEPOSIT.

(a) Each new customer making application for utility service shall make a cash deposit to the city to serve as a guaranty for the payment of service thereafter furnished to the customer's premises.

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(b) The deposit(s) required by division (a) above shall not exceed an amount equal to the expected average bill for a three-month period for such utility service(s). At its discretion, the city may require a single utility deposit to be paid by the property owner or customer. If a single deposit is requested, the total amount of the deposit shall not exceed an amount equal to the expected average bills for a three-month period for all such utility services provided by the city.

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

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

§ 15-106 DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY.

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

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

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

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

§ 15-107 LANDLORD LIABILITY.

(a) Owners of premises served by utility service under this article shall be liable for payment of the costs 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 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 that a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within ten 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.

(c) If utility service is furnished to a leased premises on the application or 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.

(d) The city may collect the amount of the unpaid bill for utility services by any lawful means; provided, however, that in no event may the city place a lien, as provided in § 15-106(b), on real estate of the lessor.
(2005 Code, § 15-106)

§ 15-108 RECONNECTION CHARGE.

(a) Prior to reconnecting a utility service disconnected following a delinquency, the customer shall pay to the city the entire delinquent balance due and owing at the time of reconnection plus a reconnection charge of \$50 for reconnection of service for water and \$50 for reconnection of service for electricity. After regular working hours, the reconnection fee shall be \$100 for each service.

(b) In the event a customer of the Utility Department shall move from one property to another property served by the city utility services, leaving an unpaid bill for such services for the first mentioned property, no utility service shall be furnished to the customer at such property to which he or she moves until the prior bill is paid in full together with applicable reconnection fees.
(2005 Code, § 15-107) (Ord. 587, passed 3-20-2007)

§ 15-109 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.
(2005 Code, § 15-108)

§ 15-110 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.
(2005 Code, § 15-109)

§ 15-111 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.

(2005 Code, § 15-110)

§ 15-112 SUSPENSION OF UTILITY SERVICE BY OWNERSHIP.

Upon written application by a property owner, verifying the address of the property, the ownership of the property, the fact that the property is vacant, and that the property will not be used for any residential, commercial, or industrial use, the City Clerk may suspend the provision of utility services to a property for any of the utilities provided by the city and outlined in this chapter. The property owner may request the suspension of all city utilities, or only certain selected utilities, as may be requested, however, in the instance of any suspension of less than all utility services, the property owner must maintain trash service to the property. Trash service may only be suspended when all other utility services are suspended in accordance with this section. The city, at its discretion, may end the suspension of services and require the property owner to reestablish utility services upon a suspended property when the city deems the same necessary for the health, safety, or general welfare of its citizens, or the preservation of neighboring property. If utility services are re-established either at the request of the owner or at the order of the city, the property owner shall be required to tender all applicable re-connection fees and other charges established for disconnected or delinquent services, as necessitated by the suspension of service.

(Ord. 600, passed 11-20-2008)

§ 15-113 DISCONTINUANCE 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 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; or

(h) The City Foreperson or his or her authorized agent shall have the right to trim and remove trees/vegetation so that the utilities have clearance to avoid overhead equipment. The city is also authorized to provide vegetation clearance for winds up to 70 mph and/or ice of up to one-half inch thick. The city is also authorized to provide for the public's safety and to provide continuous uninterrupted utilities usage. No person shall impede city or utilities access to easement for utilities of city use.

(2005 Code, § 15-111) (Ord. 548, passed - -; Ord. 590, passed 8-8-2007)

ARTICLE 2: WATER

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§ 15-201 SUPERINTENDENT OF WATER AND SEWAGE.

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

(2005 Code, § 15-201)

§ 15-202 REGULATIONS.

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

(2005 Code, § 15-202)

§ 15-203 SERVICE NOT GUARANTEED.

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

(2005 Code, § 15-203)

§ 15-204 SERVICE CONNECTIONS REQUIRED.

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

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

(2005 Code, § 15-204)

§ 15-205 APPLICATION FOR SERVICE.

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

(b) The application shall:

- (1) Contain an exact description including street address of the property to be served;
- (2) State the size of tap required;
- (3) State the size and kind of service pipe to be used;

- (4) State the full name of the owner of the premises to be served;
- (5) State the purpose in which the water is to be used;
- (6) State any other pertinent information required by the City Clerk; and
- (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.

(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in § 15-207.
(2005 Code, § 15-205)

§ 15-206 CITY TO MAKE CONNECTIONS.

All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected only by city employees.
(2005 Code, § 15-206)

§ 15-207 CONNECTION FEES.

The fees for connection to the city waterworks system shall be as follows: new connections to the water system within the city up to 30 feet from a city water main: \$850 plus tax.
(2005 Code, § 15-207) (Ord. 502, passed - -)

§ 15-208 CURB COCKS.

There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles.
(2005 Code, § 15-208)

§ 15-209 CHECK VALVES.

Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the Water Superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.
(2005 Code, § 15-209)

§ 15-210 UNAUTHORIZED SERVICE.

It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees, to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the Mayor or the governing body.
(2005 Code, § 15-210)

§ 15-211 METERS.

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

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

(c) The city's responsibility stops at the property line.
(2005 Code, § 15-217)

§ 15-212 SAME; TESTING.

Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within 2%, the meter will be deemed correct and a charge of \$10 will be made to the customer.
(2005 Code, § 15-218)

§ 15-213 TAMPERING WITH METER.

It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the Water Department to turn any curb cock on or off.
(2005 Code, § 15-219)

§ 15-214 LEAKS PROHIBITED; PENALTY.

No allowances shall be made for water used or lost through leaks, carelessness, and neglect or otherwise after the same has passed through the meter, however, every customer shall have the right to appeal to the city a water bill or meter reading that he or she considers excessive.
(2005 Code, § 15-220)

§ 15-215 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 \$25 for reconnection during regular working hours. After regular working hours the reconnection fee shall be \$50.

(b) Any service disconnected for nonpayment of delinquent bill shall be reconnected in accordance with section 15-108.
(2005 Code, § 15-221) (Ord. 429, passed - -)

§ 15-216 UTILITY DEPOSIT.

At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in § 15-105 to secure payment of accrued bills or bills due on discontinuance of service.
(2005 Code, § 15-222)

§ 15-217 INTERRUPT SERVICE.

The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.
(2005 Code, § 15-223)

§ 15-218 PROHIBITED ACTS.

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

- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
- (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body; and
- (c) Remove, handle, or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.
(2005 Code, § 15-224)

§ 15-219 WASTING WATER.

- (a) (1) Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets, and all apparatus, including the service line leading from the property to the meter, in good condition at their expense.
- (2) Wasting water may include but is not limited to:
 - (A) Permitting water to escape down a gutter, ditch, or other surface drain;
 - (B) Failing to repair an irrigation system's malfunction; or
 - (C) Failing to repair a controllable water leak due to defective plumbing.

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

(c) In the event of a violation of this section, the Superintendent of Water, or such other person as may be designated by the city, shall give written notice of the violation and opportunity for hearing in accordance with § 15-608.

(d) The penalties for violating this section shall be the same as those set forth in § 15-608. (2005 Code, § 15-225)

§ 15-220 RIGHT OF ACCESS.

Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (2005 Code, § 15-229)

§ 15-221 RATES.

(a) 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:

- (1) Minimum monthly water charge (includes first 1,000 gallons per month): \$40;
- (2) Each 1,000 gallons per month thereafter: \$15; and
- (3) Minimum monthly water charge: \$40.

(b) The following monthly rates are hereby established and shall be paid for water furnished and sold by the city outside the corporate limits of the city:

- (1) Minimum monthly water charge (includes first 1,000 gallons per month): \$45;
- (2) Each 1,000 gallons per month thereafter: \$17; and
- (3) Minimum monthly water charge: \$45.

(2005 Code, § 15-230) (Ord. 651, passed 12-1-2015; Ord. 655, passed 8-16-2016)

§ 15-222 PAYMENT OF BILLS.

All water bills for the previous month's water service shall be paid on or before the fifteenth day of the month following the service.

(2005 Code, § 15-231) (Ord. 549, passed - -)

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

Water service shall be terminated for nonpayment of service fees or charges as provided in §§ 15-102 through 15-104.
(2005 Code, § 15-232)

§ 15-224 USE DURING FIRE.

No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm, it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire.
(2005 Code, § 15-233)

§ 15-225 CROSS-CONNECTIONS PROHIBITED.

No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private 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 and the Kansas Department of Health and Environment.
(2005 Code, § 15-212) (Ord. 493, passed - -)

§ 15-226 SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED.

Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where there is a hazard of contamination of the potable water supply system.
(2005 Code, § 15-213) (Ord. 493, passed - -)

§ 15-227 SAME; INSPECTION.

The City Building Inspector or other designate of the City Council 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.
(2005 Code, § 15-214) (Ord. 493, passed - -)

§ 15-228 SAME; 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.
(2005 Code, § 15-215) (Ord. 493, passed - -)

§ 15-229 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 Ord. 493, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.
(2005 Code, § 15-216) (Ord. 493, passed - -)

ARTICLE 3: ELECTRICITY

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- 15-301 Permit
- 15-302 All electricity to be metered
- 15-303 City reserves right to disconnect service
- 15-304 Payment of electric bills
- 15-305 Electric rates; residential use
- 15-306 Commercial rates
- 15-307 Energy cost adjustment

§ 15-301 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 provided in this article.
(2005 Code, § 15-302) (Ord. 401, passed - -)

§ 15-302 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.
(2005 Code, § 15-303) (Ord. 289, passed - -)

§ 15-303 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 nonpayment of electric bills as provided in §§ 15-102 through 15-104. 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 (\$100 after hours) has been paid.
(2005 Code, § 15-307) (Ord. 523, passed - -)

§ 15-304 PAYMENT OF ELECTRIC BILLS.

All electric bills for the previous month's electric service shall be paid on or before the fifteenth day of the month following the service.
 (2005 Code, § 15-308) (Ord. 549, passed - -)

§ 15-305 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; and

(b) User charge: \$0.1025 per KWH.
 (2005 Code, § 15-309) (Ord. 546, passed - -; Ord. 581, passed 5-16-2006)

§ 15-306 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: \$3.50; and

(b) User charge: \$0.095 per KWH.
 (2005 Code, § 15-310) (Ord. 442, passed - -; Ord. 581, passed 5-16-2006)

§ 15-307 ENERGY COST ADJUSTMENT.

(a) The rates for energy for all electric rate schedules shall be increased or decreased by \$0.00001 per kWh (KWH) for each \$0.00001 increase or decrease in the aggregate cost of energy per kWh as computed by the following formula:

$$\left[\frac{\text{The actual total purchased power cost for the previous twelve months}}{\text{The actual total kWhs purchased over the previous twelve months}} \right] \times \left[\text{The Average Annual System Loss Factor} \right] - \left[\text{Base Period Average Cost} \right] = \text{ECA}$$

(b) The Energy Cost Adjustment (ECA) will be applicable to retail rate schedules offered by the city. The cost of power during the base period is \$0.0476 per kWh, and the average annual system loss factor is the percentage difference between the previous 12-month period's sales divided by previous 12-month period's purchases, plus one. The average annual system loss factor shall not be based upon a loss ratio of more than 10%, and said percentage shall be the maximum allowed if the loss ratio exceeds that percentage.

(c) The Energy Cost Adjustment (ECA) shall be determined on a regular date on a monthly basis, as shall be determined by the city. The ECA shall be calculated on a rolling 12-month average, using the most current 12-month period for which data is available.
(Ord. 602, passed 2-19-2009)

ARTICLE 4: SEWERS

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§ 15-401 DEFINITIONS.

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

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

BUILDING DRAIN. 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 (one and one-half meters) outside the inner face of the building wall.

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

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

MAY. The act referred to is permissive.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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

PERSON. Any individual, firm, institution, company, association, society, corporation, or group.

PROPERLY SHREDDED GARBAGE. 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.

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

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

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

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

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory.

SLUG. 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.

STORM DRAIN. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes, other than unpolluted cooling water.

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

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

TOXIC. 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.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (2005 Code, § 15-401) (Ord. 494, passed - -)

§ 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.
(2005 Code, § 15-402) (Ord. 494, passed - -)

§ 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.
(2005 Code, § 15-403) (Ord. 494, passed - -)

§ 15-404 PRIVATE SEWAGE DISPOSAL SYSTEM; CONNECTION.

Where a public sanitary sewer is not available under the provisions of § 15-403, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
(2005 Code, § 15-404) (Ord. 494, passed - -)

§ 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.
(2005 Code, § 15-405) (Ord. 494, passed - -)

§ 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.
(2005 Code, § 15-406) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-407) (Ord. 494, passed - -)

§ 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 § 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 a material approved by the Superintendent.

(2005 Code, § 15-408) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-409) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-410) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-411) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-412) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-413) (Ord. 494, passed - -)

§ 15-414 SEPARATE SEWER.

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 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.

(2005 Code, § 15-414) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-415) (Ord. 494, passed - -)

§ 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 gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(2005 Code, § 15-416) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-417) (Ord. 494, passed - -)

§ 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. (2005 Code, § 15-418) (Ord. 494, passed - -)

§ 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. (2005 Code, § 15-419) (Ord. 494, passed - -)

§ 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. (2005 Code, § 15-420) (Ord. 494, passed - -)

§ 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. (2005 Code, § 15-421) (Ord. 494, passed - -)

§ 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, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and disposable dishes, or cups and milk containers, either whole or ground by garbage grinders;

(f) Any liquid or vapor having a temperature higher than 150°F (65°C);

(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°F and 150°F (0°C and 65°C);

(h) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths 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) (1) 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.

(2) 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; or

(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) (1) Any water or wastes having:

(A) A five-day BOD greater than 300 parts per million by weight;

(B) Containing more than 350 parts per million by weight of suspended solids; or

(C) Having an average daily flow greater than 2% of the average sewage flow of the city, shall be subject to the review of the Superintendent.

(2) 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:

(A) Reduce the biochemical oxygen demand to 300 parts per million by weight;

(B) Reduce the suspended solids to 350 parts per million by weight; or

(C) Control the quantities and rates of discharge of such waters or wastes.

(3) 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 affects on the wastewater treatment processes and/or land application of wastewater sludges and the receiving groundwaters at the wastewater sludge application sites; or

(r) 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.

(2005 Code, § 15-422) (Ord. 494, passed - -)

§ 15-423 DISCHARGES; NUISANCES.

(a) 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 § 15-422(f) through (r) 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:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge;

(4) 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 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.

(b) 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.

(2005 Code, § 15-423) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-424) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-425) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-426) (Ord. 494, passed - -)

§ 15-427 MEASUREMENTS, TESTS, AND ANALYSIS.

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.

(2005 Code, § 15-427) (Ord. 494, passed - -)

§ 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 therefor by the industrial concern.

(2005 Code, § 15-428) (Ord. 494, passed - -)

§ 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.

(2005 Code, § 15-429) (Ord. 494, passed - -)

§ 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.
(2005 Code, § 15-430) (Ord. 494, passed - -)

§ 15-431 PREMISES; SAFETY RULES.

While performing the necessary work on private properties referred to in § 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 § 15-426.
(2005 Code, § 15-431) (Ord. 494, passed - -)

§ 15-432 RATES.

The rates set out in § 15-436 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.
(2005 Code, § 15-433) (Ord. 494, passed - -)

§ 15-433 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.
(2005 Code, § 15-434) (Ord. 494, passed - -)

§ 15-434 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.

(2005 Code, § 15-435) (Ord. 494, passed - -)

§ 15-435 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. (2005 Code, § 15-436) (Ord. 494, passed - -)

§ 15-436 SEWER RATES.

(a) The minimum monthly charge and base volume (gallons) shall be:

- (1) Residential: \$45 for 1,000 gallons; and
- (2) Commercial: \$45 for 1,000 gallons.

(b) In addition, each contributor shall pay a user charge for operation, maintenance, and bond requirement of \$3 per 1,000 gallons in excess of the monthly minimum charge/usage. (2005 Code, § 15-437) (Ord. 651, passed 12-1-2015; Ord. 655, passed 8-16-2016)

§ 15-437 VIOLATION.

(a) Any person found to be in violation of any provision of this article, except § 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 division (a) above 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. (2005 Code, § 15-438) (Ord. 494, passed - -)

§ 15-438 PAYMENT OF SEWER BILLS.

All sewer bills for the previous month's sewer service shall be paid on or before the fifteenth day of the month following the service.

(2005 Code, § 15-439) (Ord. 549, passed - -)

§ 15-439 DELINQUENCY HEARINGS.

Delinquency hearings shall be held pursuant to the prior articles relating to utility bill delinquencies.

(2005 Code, § 15-440) (Ord. 494, passed - -)

§ 15-440 PAYMENTS; PERSON RESPONSIBLE.

The rates and charges herein established shall be collected from the customers of the city sewer utility system.

(2005 Code, § 15-441) (Ord. 494, passed - -)

§ 15-441 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.

(2005 Code, § 15-442) (Ord. 494, passed - -)

ARTICLE 5: SOLID WASTE

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§ 15-501 DEFINITIONS.

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

COMMERCIAL WASTE. All refuse emanating from establishments engaged in business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments, and nursing homes.

DWELLING UNIT. Any enclosure, building, or portion thereof occupied by one or more persons for and as living quarters.

GARBAGE. Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking, and serving of meat, produce, and other foods and shall include unclean containers.

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

REFUSE. All garbage and/or rubbish or trash.

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

RUBBISH or TRASH. All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings, and mineral refuse. **RUBBISH or TRASH** shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations.

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

SOLID WASTE. All non-liquid garbage, rubbish, or trash.
(2005 Code, § 15-501)

§ 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.
(2005 Code, § 15-502) (Ord. 477, passed - -)

§ 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.
(2005 Code, § 15-503) (Ord. 477, passed - -)

§ 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.
(2005 Code, § 15-504) (Ord. 477, passed - -)

§ 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.

(2005 Code, § 15-505) (Ord. 477, passed - -)

§ 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 that are compatible with the collection equipment being used. Containers shall be constructed of durable rust- and corrosion-resistant material that is easy to clean. All containers shall be equipped with tight-fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be water-tight, leak-proof, and weather-proof construction.

(2005 Code, § 15-506) (Ord. 477, passed - -)

§ 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.

(2005 Code, § 15-507) (Ord. 477, passed - -)

§ 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.

(2005 Code, § 15-508) (Ord. 477, passed - -)

§ 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.

(2005 Code, § 15-509) (Ord. 477, passed - -)

§ 15-510 HEAVY, BULKY WASTE.

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

(2005 Code, § 15-510) (Ord. 477, passed - -)

§ 15-511 HAZARDOUS MATERIALS.

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

(b) Hazardous material shall include:

(1) Explosive materials;

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

(3) Chemicals;

(4) Poisons;

(5) Radio-active materials;

(6) Highly combustible materials;

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

(8) Any other materials that may present a special hazard to collection or disposal personnel, equipment, or to the public.

(2005 Code, § 15-511) (Ord. 477, passed - -)

§ 15-512 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

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

(b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;

(c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency; and

(d) Bury refuse at any place within the city, except that lawn and garden trimmings may be composted.

(2005 Code, § 15-512) (Ord. 477, passed - -)

§ 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.

(2005 Code, § 15-513) (Ord. 477, passed - -)

§ 15-514 UNAUTHORIZED DISPOSAL.

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

(2005 Code, § 15-514) (Ord. 477, passed - -)

§ 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.

(2005 Code, § 15-515) (Ord. 477, passed - -)

§ 15-516 SAME; APPLICATION.

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

§ 15-517 RESERVED.

§ 15-518 SAME; NUMBER TO BE DISPLAYED.

The City Clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued.

§ 15-519 CLOSED VEHICLE.

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

(2005 Code, § 15-516) (Ord. 477, passed - -)

§ 15-520 RULES AND REGULATIONS.

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

(2005 Code, § 15-517) (Ord. 477, passed - -)

§ 15-521 FAILURE TO SECURE LICENSE.

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

(2005 Code, § 15-518) (Ord. 477, passed - -)

§ 15-522 CHARGES.

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

(2005 Code, § 15-519) (Ord. 477, passed - -)

§ 15-523 SAME; FEE SCHEDULE.

(a) The current monthly rate for disposing of solid waste by the city for residential use shall be as follows:

- (1) Residential: \$16 per unit; and
- (2) Business: \$4 per unit above vendor rate.

(b) The current monthly rater set in division (a) above may be changed by the City Council at any time as established herein. If the City Council makes a determination that the rate for disposal for solid waste should be changed, and a majority of the Council members present at any regular or special meeting establish a modified current monthly rate for solid waste, the same shall be considered the established rate and said change shall be effective upon notification of the public by way of publication in the official city newspaper. Upon the date of said publication, said newly established rate shall go into effect.

(c) A \$5 reinstatement fee shall be charged to anyone who has requested termination of their service.
(2005 Code, § 15-520) (Ord. 651, passed 12-1-2015)

§ 15-524 BILLING.

Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods, and penalties as water bills.
(2005 Code, § 15-521) (Ord. 477, passed - -)

§ 15-525 SAME; DELINQUENT ACCOUNT.

In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the City Clerk shall annually certify such unpaid bills to the County Clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected.
(K.S.A. 65-3410) (2005 Code, § 15-522) (Ord. 477, passed - -)

ARTICLE 6: WATER CONSERVATION

Section

- 15-601 Purpose
- 15-602 Definitions
- 15-603 Water Classes
- 15-604 Declaration of a water emergency
- 15-605 Voluntary conservation measures
- 15-606 Mandatory conservation measures
- 15-607 Emergency water rates
- 15-608 Regulations
- 15-609 Violations, disconnections, and penalties
- 15-610 Emergency termination

§ 15-601 PURPOSE.

The purpose of this article is to provide for a progressive water supply conservation program, including 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 by the governing body of the city.
(Ord. 637, passed 7-2-2013)

§ 15-602 DEFINITIONS.

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

CUSTOMER. 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.

WASTE OF WATER. Includes, but is not limited to:

- (1) Permitting water to escape down a street, roadway, or other surface intended for vehicle driving purposes, and/or any gutter, ditch, or other surface drain; or
- (2) Failure to repair a controllable leak of water due to defective plumbing.

WATER. Water available to the city for treatment by virtue of the city's water rights, water supply, water supply contracts, or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
(Ord. 637, passed 7-2-2013)

§ 15-603 WATER CLASSES.

The following classes of uses of water are established for the purposes of this article.

(a) *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 areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

(b) *Class 2.* Water used for any commercial, agricultural, or industrial purposes, except water actually necessary to maintain the health and personal hygiene of bona fide employees of such businesses or interests while such employees are engaged in the performance of their duties at their place of employment.

(c) *Class 3.* Domestic usage, other than that which would be included in either Classes 1 or 2.

(d) *Class 4.* Water necessary only to sustain human life and the lives of domestic livestock, pets, and maintain standards of hygiene and sanitation.
(Ord. 637, passed 7-2-2013)

§ 15-604 DECLARATION OF A WATER EMERGENCY.

In the event that the governing body of the city or the city's designated official determines that the city's water supply may be in subject to a shortage in supply or the governing body of the city determines there is need for conservation of the city's water resources for any reason, the city may begin the progressive three-stage water conservation program by declaring a water watch as described in division (a) below or, in times of need and/or duress, the governing body of the city may choose to declare any section of the program described in § 15-603 in effect at any time.

(a) *Stage 1: Declaration of water watch.* Whenever the governing body of the city finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

(b) *Stage 2: 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 publication in the official city newspaper. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the recommended restrictions on nonessential uses may be extended to private wells within the city limits.

(c) *Stage 3: 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 publication in the official city newspaper. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the mandatory restrictions on water use may be extended to private wells within the city limits.

(Ord. 637, passed 7-2-2013)

§ 15-605 VOLUNTARY CONSERVATION MEASURES.

Upon the declaration of a water watch or water warning as provided in § 15-604(a) or (b), the Mayor (or the City Manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

(a) Class 1 uses of water; and

(b) Waste of water.

(Ord. 637, passed 7-2-2013)

§ 15-606 MANDATORY CONSERVATION MEASURES.

Upon the declaration of a water supply emergency as provided in § 15-604(c), the Mayor (or the City Manager or authorized city official) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following conservation measures:

(a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;

(b) Restrictions on the uses of water in one or more classes of water use as described in § 15-603, 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 measures in divisions (a) through (e) above as the governing body of the city or authorized city official may deem appropriate and/or necessary.
(Ord. 637, passed 7-2-2013)

§ 15-607 EMERGENCY WATER RATES.

Upon the declaration of a water supply emergency as provided in § 15-604(c), the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

(a) Higher charges for increasing usage per unit of use (increasing block rates);

(b) Uniform charges for water usage per unit of use (uniform unit rate); or

(c) Extra charges in excess of a specified level of water use (excess demand surcharge).
(Ord. 637, passed 7-2-2013)

§ 15-608 REGULATIONS.

During the effective period of any water supply emergency as provided for in § 15-604(c), the Mayor (or City Manager or Water Superintendent or other authorized city official) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.
(Ord. 637, passed 7-2-2013)

§ 15-609 VIOLATIONS, DISCONNECTIONS, AND PENALTIES.

(a) If the Mayor, City Manager, Water Superintendent, or other authorized city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to §§ 15-606 or 15-608 of this article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and/or any other person known to the city to be responsible for the violation and/or the correction of said violation shall be provided with either actual or mailed notice. Said notice shall describe the violation(s) and order that the noted violation(s) be corrected, cured, or abated immediately or within such specified time as the city determines is reasonable for such correction, cure, or abatement under the circumstances. In the event the order is not cured within the time period given in the notice, the city may terminate water service to the customer subject to the following procedures:

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

(2) If such a hearing is requested by the customer charged with the violation, the customer shall be given a full opportunity to be heard by the city governing body or the city official designated as a hearing officer by the city governing body before termination is ordered; and

(3) The city governing body or the city official designated as a hearing officer by the city governing body shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$100 shall be paid for the reconnection of any water service terminated pursuant to division (a) above. In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$500 for any subsequent additional reconnections within a one-year period.

(c) Violations of this article shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this article shall be guilty of a municipal offense. Each calendar day in which a violation is observed shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 60 days.

(Ord. 637, passed 7-2-2013)

§ 15-610 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 such city official that emergency termination of water service is required to protect the health and safety of the public or for any other emergency as required or authorized by ordinance or as deemed necessity of the city by such city official or the governing body of the city.

(Ord. 637, passed 7-2-2013)

