

## CHAPTER XV. UTILITIES

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### ARTICLE 1. GENERAL PROVISIONS

- 15-101. COMBINED SYSTEM. The water and sewerage systems of the city are hereby combined into a single system to be known as the municipal utility system. (Ord. 1037, Sec. 18-101; Code 1999, 15-101)
- 15-102. FUNDS CREATED; TRANSFER AUTHORIZED. All funds of the waterworks and sewerage systems are authorized to be transferred to the following municipal utility service funds which are hereby created.
- (a) All current operating funds of both systems shall be transferred to the municipal utility operating fund.
  - (b) All current funds budgeted or being held in trust to pay principal and interest on bonds and/or notes of the utility system shall be transferred to the municipal utility bond fund.
  - (c) All current funds budgeted or being held in trust as a reserve to finance debt service and/or future utility expansion shall be transferred to the municipal utility reserve fund.
- (Ord. 1037, 18-103:104; Code 1999, 18-102)
- 15-103. USE OF REVENUES. All revenues derived from the furnishing of water and sewer service and all other revenue from whatsoever source shall be set aside and used in the following priority:
- (a) Pay current operating and maintenance expenses of the municipal utility system;
  - (b) Pay principal and interest on bonds and/or notes currently outstanding;
  - (c) Assigned to the municipal utility reserve or bond sinking fund;
  - (d) Set aside for any other purpose as may be required in a bond agreement or authorized by the city governing body;
  - (e) All or part of any surplus over and above these requirements may, at the discretion of the governing body, be budgeted to be transferred to the city's general fund or any other fund as provided in K.S.A. 12-825d.
- (Ord. 1037, 18-102; Code 1999, 18-103)
- 15-104. FUTURE EXPANSION. The governing body of the city covenants that it will levy and collect sufficient rates, fees and charges for services furnished by the municipal utility system to meet all requirements of any bond hereinafter issued pursuant to K.S.A. 12-862 et seq. (Ord. 1037, 18-103; Code 1999, 18-104)

- 15-105.        PETTY CASH FUND. (a) There is hereby established a petty cash fund for the municipal utility system in the amount of \$1,000. The fund is established for the purpose of paying postage, freight and other emergency expenses, including refund of deposits made to secure the payment of delinquent accounts and interest due thereon.
- (b) The city clerk shall be custodian of the petty cash fund which shall be deposited in a designated depository bank in the city.
- (c) Payments from the petty cash fund shall be by checks issued on the basis of an itemized claim certified by the claimant to be true and correct. Each check shall state clearly the purpose for which it is drawn. The payee of any such check shall certify thereon over his or her signature that the named services were rendered, supplies furnished or funds received, as the case may be.
- (K.S.A. 12-825a; Ord. 1037, 18-105; Code 1992; Code 1999, 18-105)
- 15-106.        REPLENISHING FUND. Whenever the petty cash fund becomes low, the city clerk shall prepare vouchers covering such expenses as have been made from the fund and shall submit the same together with the paid checks to the city council for audit and allowance. Warrants shall be issued in the regular manner to the petty cash fund to restore such fund to its established amount. (Ord. 1037, 18-106; Code 1999, 18-106)
- 15-107.        UTILITY SUPERINTENDENT. There is hereby created the position of superintendent who shall have the direct management of the municipal system under the general supervision of the city council. (Ord. 1037, 18-107; Code 1999, 18-107)
- 15-108.        SAME; DUTIES. The utility superintendent shall have the following duties; including such other duties and responsibilities as may be assigned from time to time by the city governing body. He or she shall:
- (a) Cause records to be kept as will account for the fiscal and property affairs of the municipal utility system;
- (b) Report monthly to the city council the fiscal, physical and operational condition and status of the system;
- (c) Make recommendations for improvement and operation of the system;
- (d) Employ such permanent and temporary personnel as may be required for the efficient operation of the system;
- (e) Purchase materials and make repairs to insure the continued operation of the system.
- (Ord. 1037, 18-108; Code 1999, 18-108)
- 15-109.        CITY CLERK; CASHIER. The city clerk shall be the cashier of the municipal utility system. Duties shall include:
- (a) Maintain all accounts and fiscal records of the utility system;
- (b) Audit and approve all claims against the utility system;
- (c) Furnish a monthly financial statement showing receipts and expenditures, including delinquent accounts, to the governing body;
- (d) Prepare and collect all utility bills;
- (e) Deposit and account for all utility funds.
- (Code 1999, 18-109)

15-110.           BAD DEBT CHARGES. All bills for utility services or other charges which are determined to be bad debt and turned over for outside collection, including the State of Kansas set-off program, shall be subject to a fee of twenty-five percent (25%) of the total of the delinquent amount. This bad debt administrative charge shall be applied prior to the referral for collection. (Ord. 1352; Code 2010)

15-111.           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 provides 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 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.

(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 finished.

(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 on real estate of the lessor.

(Code 2013)

## ARTICLE 2. WATER SERVICE

- 15-201. DEFINITIONS. The following words as used in this article shall have the meanings herein ascribed to them:
- (a) Owner - means the legal or equitable holder of the title of record of the real property connected or to be connected to, the municipal utilities system.
  - (b) Customer- means the party in whose name the account for municipal utilities system services is carried by the city.
  - (c) Consumer - means the party using the service.
  - (d) Party - means all persons, associations, firms, co-partners, societies or corporations.
  - (e) Water Service or Service - means the supplying and sale of water to customers.
  - (f) Water Service Installations or Service Connections - means the necessary pipes, docks, apparatus and equipment, in place, and necessary to connect water main and bring water therefrom to the owner's water pipes.
  - (g) Water Pipes or Piping - means such water lines as shall be furnished by the owner to connect to the service installation of the city and to supply water to his or her premises.
- (Ord. 1037, 18-120; Code 1999, 18-201)
- 15-202. ACCESS TO PROPERTY. The superintendent and his or her duly authorized assistants shall have free access at all reasonable hours to any premises where it may be necessary to ascertain the readings of the meter, location or condition of water pipe or other fixtures attached to the city waterworks or to shut off or to turn on water from or to any premises, or from or to any hydrant, pipe or other attachment, or for the purpose of seeing that the rules and regulations of this chapter are observed, or for any purpose that the water superintendent may deem essential for the operation of the works, prevention of waste or protection of revenue from the water works. Upon the refusal, neglect or failure of any customer, consumer or owner to abide by this provision of this chapter, the water may be discontinued upon 24 hours' notice to the customer. (Ord. 1037, 18-121; Code 1999, 18-202)
- 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, power and service connections are in good working order and the supply of water is sufficient for the usual demands of the customers. The city shall not be liable for any damage done or accident incidental to the lack of pressure or insufficient water supply, or break in main, or the shutting off of the water supply, or failure of energy used for pumping, or excessive pressure. (Ord. 1037, 18-122; Code 1999, 18-203)
- 15-204. (Reserved for future use)
- 15-205. RESPONSIBILITY IN TURNING ON WATER. In turning on water, the city or the municipal utility system, or the officers or employees thereof shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections or any other causes. (Ord. 1037, 18-124; Code 1999, 18-205)
- 15-206. SHUTTING OFF MAINS. The city hereby reserves the right at without notice, to shut off the water in mains for the purpose of making extensions or for other

purposes. All consumers having boilers, or hot water tanks within their premises not supplied by tanks but depending upon the pressure in the mains to keep them supplied with water are hereby cautioned against the danger of collapse. (Ord. 1037, 18-125; Code 1999, 18-206)

15-207. FIRE PRESSURE. All customers and consumers of city water are hereby notified that in case of fire the municipal utility system furnishes water in putting out fires and all mains and lines may be subjected to pressure greater than normal, and that no claim will be allowed against the city for any leaks or rupture or other damage or injury caused by such fire pressure. (Ord. 1037, 18-126; Code 1999, 18-207)

15-208 - 15-212. (Reserved for future use).

15-213. APPLICATION FOR SERVICE. Any person, firm, or corporation desiring a connection with the city water system shall apply in writing to the city clerk giving the exact description of the property to be served, the connection desired and paying the connection fee thereof. This request to the municipal utility system for water service shall constitute an application for sewer service, if available. One service cannot constitute a service without including all services available. Thereupon, the city clerk will issue the permit for such service. (Ord. 1037, 18-201; Code 1999, 18-213)

15-214. SERVICE CONNECTION FEE. (a) For connecting property of the consumer with the city water system, the costs will include pipe, all fittings, the meter, meter box, curb stop, and all other necessary parts plus labor at the current rates.

(b) On all water lines outside of the city limits on which there is more than one consumer, there shall be a master meter set at the city limits and one person shall be responsible for all water running through the master meter. There shall be an additional charge for the cost of the meter and installation of such master meter. (Ord. 1037, 18-202; Code 1992; Code 1999, 18-214)

15-215. ITEMS INCLUDED IN CONNECTION FEE. The service connection fee established in section 15-214 shall include the necessary service connection labor, curb cock and box, meter box and cover, with pipe and fittings to reach the distance from the main to the curb cock of the consumer. The meter will be furnished but title to it remains in the city. (Ord. 1037, 18-203; Code 1999, 18-215)

15-216. SERVICE CONNECTIONS. All taps on water mains shall be driven, street excavations made, corporation cocks inserted, pipes installed from main to curb, and curb cock installed in an iron box to which the consumer's service pipe is to be connected, by city employees only, under the supervision of the Public Works Supervisor or designated officer. (Ord. 1037, 18-130; Code 1999, 18-216)

15-217. SERVICE PIPE TO BE INSTALLED. City service pipe shall be that part of the water system to the landowners property line. No one except regular municipal utility system employees shall do any plumbing work on any of the city service pipe or installations. (Ord. 1087, Sec. 1; Code 1999, 18-217)

15-218. CHARACTER OF PIPE. All city service pipe and fittings shall be PVC plastic minimum schedule 40, galvanized wrought iron, brass copper or cast iron and shall be laid not less than four feet below the established grade, or as low as street mains. (Ord. 1037, 18-132; Code 1992; Code 1999, 18-218)

- 15-219. CURB, STOP AND WASTE COCKS. There shall be a curb stop in every service line attached to the mains. Curb stops shall be furnished with strong and suitable "T" handles and shall be enclosed in a substantial iron case covered with a tight fitting iron lid. There shall be one or more stop and waste cocks attached to every supply pipe at some point between the curb cock and meter so that the water can be shut off and the meter and house plumbing drained. (Ord. 1037, 18-133; Code 1999, 18-219)
- 15-220. CHECK VALVE REQUIRED. Check valves are required on all connections to steam boilers and on any other connections deemed by the water superintendent to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water systems where the steam pressure may be raised in excess of 40 pounds per square inch. (Ord. 1037, 18-134; Code 1999, 18-220)
- 15-221. TRENCHING AND BACKFILLING. All excavations made by plumbers in public ground shall not be kept open longer than absolutely necessary to make the connections required and while open shall be protected by suitable barriers, guards and lights as provided in the ordinances of the city. Backfilling shall be thoroughly compacted and left in a condition satisfactory to the Public Works Supervisor or designated officer. Where unsatisfactory, the water superintendent shall place the same in satisfactory condition and the cost thereof shall be charged to the plumber and his or her license suspended unless said sum is paid. (Ord. 1037, 18-135; Code 1999, 18-221)
- 15-222. SEPARATE CONNECTIONS. Unless special permission is granted in such cases as multiple dwelling homes and apartments or mobile home parks or other such places, by the governing body of the city, in which cases the governing body shall determine by resolution the number of connections, or meters required, each premises shall have a separate and distinct connection. Where permission is granted for branch service pipes, each branch pipe must have its own curb cock and separate meter. (Ord. 1037, 18-136; Code 1999, 18-222)
- 15-223. ALL WATER TO BE METERED. All water furnished by the municipal water plant shall be measured by meters approved by the city for that purpose. (Ord. 1037, 18-137; Code 1999, 18-223)
- 15-224. COST OF INSTALLATION BORNE BY THE CONSUMER. The cost of original installation and replacements of all plumbing between the city service and any service devices maintained by the consumer and all extensions thereafter made, shall be borne entirely by the consumer. Such service pipes and services shall at all reasonable times be subject to inspection by the duly authorized officials of the municipal utility system and repairs found necessary by such official shall be made promptly or the city will discontinue service until such repairs are made. (Ord. 1037, 18-138; Code 1999, 18-224)
- 15-225. EXTENSION OF WATER MAINS. The city may extend its water main within or without the city by construction or purchase, when applications have been made and agreements entered into by persons along the proposed extension that, in the judgment of the governing body, will produce a revenue sufficient to pay interest on

- the cost of the extension and the operating cost of the service furnished. (Ord. 1037, 18-139; Code 1999, 18-225)
- 15-226. INDIVIDUAL INSTALLATION OUTSIDE THE CITY LIMITS. Any person, firm or corporation whose premises are outside the city limits may, after contracting with the city, connect with the municipal water pipes inside the city limits, provided a curb cock and meter installed are inside the city limits. If the meter be installed outside the city limits then the meter shall be installed at the city water line and all pipe and service connections shall be subject to the provisions of this article. (Ord. 1037, 16-140; Code 1999, 18-226)
- 15-227. METERS. Every consumer shall provide a suitable place where a meter can be installed and the city shall install and maintain the meter, but maintenance shall be at the expense of the consumer in case of damage by his or her neglect. If, at any time, the consumer desires to have the meter tested for accuracy, the same shall be done by the city. (Ord. 1037, 18-141; Code 1999, 18-227)
- 15-228. METER AND CURB BOX FREE FROM RUBBISH. Each consumer shall keep the meter box and curb cock free from rubbish, except the meter box may be packed in winter to keep the meter from freezing. Each consumer shall have his or her meter accessible and unobstructed so it may be read to determine water used. (Ord. 1037, 18-150; Code 1999, 18-228)
- 15-229. READING METERS. For the purpose of reading meters, duly authorized employees of the municipal utility system may legally enter upon any premises at a reasonable hour. (Ord. 1037, 16-142; Code 1999, 18-229)
- 15-230. WATER ACCOUNT IN NAME OF OWNER. All water accounts carried on the books of the municipal utility system shall be when the owner in fee simple of the property served or his or her authorized agent and the owner shall at all times be liable for the water upon the premises, whether he or she is occupying the same or not. (Ord. 1037, 18-143; Code 1999, 18-230)
- 15-231. WASHING STREET. When the water supply is sufficient and upon the petition of persons, firms or corporations occupying buildings abutting upon any street or part of street in the city in which such persons, firms or corporations agree to pay for the water used, the city will supply the water to wash such street or part of street, and the cost of the water charged to such persons so occupying the buildings in such portion to be determined by the governing body of the city. (Ord. 1037, 18-144; Code 1999, 18-231)
- 15-232. USE OF WATER DURING FIRE. It shall be unlawful for any person to use or allow to be used during a fire, any water from the city water system, except for the purpose of extinguishing the fire and upon the sounding of the fire alarm, it shall be the duty of every person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during said fire. (Ord. 1037, 18-145; Code 1999, 18-232)
- 15-233. TAKING WATER WITHOUT AUTHORITY. It shall be unlawful for any person, firm or corporation to take any water from the city water system except for municipal use, unless the same be drawn through a meter installed by the city or from any

premises not owned by him, her or them without the permission of the owner thereof. (Ord. 1037, 18-146; Code 1999, 18-233)

- 15-234. NO CLAIM FOR DAMAGES AGAINST THE CITY. It is stipulated that no claim for damages or loss shall be made against the city by reason of breaking or leaking or failure of any pipe, pipe fittings, fire plugs, or fire department services, or act of omission or council in connection with any such items. The acceptance of service shall constitute acknowledgment of this provision. (Ord. 1037, 18-147; Code 1999, 18-234)
- 15-235. WATERING LAWNS, ETC. The mayor is hereby authorized to designate the time and districts in which the water of the city may be used for watering of lawns, gardens, trees, shrubs, flowers or other vegetation. Reasonable notice of any such designation shall be given through radio, television, newspaper, or handbills, or any one of such methods distributed in the district. Any person violating any such order shall upon conviction be fined in any sum not more than \$25.00 for each offense. Each day or part thereof the water is used after notice has been given as aforesaid in violation of any such order shall constitute a separate offense. (Ord. 1037, 18-448; Code 1999, 18-235)
- 15-236. CONSUMER NOT TO FURNISH WATER. It shall be unlawful for any consumer to furnish water to another consumer. There shall be separate meters for each consumer. (Ord. 1037, 18-149; Code 1999, 18-236)
- 15-237. WATER USE OUTSIDE OF CITY. The city does hereby reserve the right at all times to refuse to allow any person the use of city water outside of the city limits. (Ord. 1167, Sec. 1; Code 1999, 18-237)
- 15-238. SAME; APPLICATION. Any person desiring to use city water outside of the city limits who is not already using city water, shall apply to the governing body of the city for permission to connect to city water. (Ord. 1167, Sec. 2; Code 1999, 18-238)
- 15-239. SAME; MUST ABIDE BY CODES. Any person permitted to use city water outside of the city limits for primarily residential reasons and purposes shall first agree to abide by and shall abide by and be governed by and conform to all city ordinances containing building codes and restrictions, building codes and those zoning restrictions that may be applicable as determined by the city governing body. (Ord. 1167, Sec. 3; Code 1999, 18-239)
- 15-240. SAME; TERMINATION. That the city does hereby expressly reserve the right to terminate any person from using city water outside of the city limits. The city will give 30 days prior written notice to the landowner at their last known address where the water is primarily being used, that the water service is going to be discontinued and no longer furnished to the property. (Ord. 1167, Sec. 4; Code 1999, 18-240)
- 15-241. SAME; GOVERNING BODY TO MAKE DETERMINATION. The governing body of the city shall determine whether or not water being used outside of the city limits will be used primarily for residential reasons and purposes. (Ord. 1167, Sec. 5; Code 1999, 18-241)

- 15-242.       **CROSS-CONNECTIONS PROHIBITED.** No person shall establish or permit to be established or maintained or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Ord. 1191, Sec. 1; Code 1999, 18-242)
- 15-243.       **PROTECTIVE BACKFLOW DEVICES REQUIRED.** Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Ord. 1191, Sec. 2; Code 1999, 18-243)
- 15-244.       **INSPECTION.** The city Public Works Supervisor or designated officer or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Ord. 1191, Sec. 3; Code 1999, 18-244)
- 15-245.       **PROTECTION FROM CONTAMINANTS.** Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its water superintendent may refuse to deliver water through pipes and mains to any premiss where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city Public Works Supervisor or designated officer may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply. (Ord. 1191, Sec. 4; Code 1999, 18-245)

### ARTICLE 3. WATER RATES

- 15-301. WATER RATES. (a) The rates to be charged for water sold from the municipal utility system of the city shall be set by resolution or policy of the governing body.
- (b) In addition to the above charges, there will be added all of those Kansas state taxes and Kansas state special assessment taxes mandated to be charged by the city for the State of Kansas.  
(Code 2010)
- 15-302. ADDITIONAL SERVICE THROUGH ONE METER. Owners, lessee, or occupant of premises, including private homes, apartment houses and mobile home parks, business buildings, office buildings and all other premises that furnish extra or additional water service through any one meter shall pay \$5.00 per month for each extra water service in addition to all other charges for water service provided herein. Such owners, lessee or occupant shall do his or her own collection for any additional water service from his or her tenants. (Ord. 1071, Sec. 2; Ord. 1112, Sec. 1; Code 1999, 18-302)
- 15-303. (Reserved for future use)
- 15-304. CHARGE TO TURN THE WATER OFF AND ON. A charge, in an appropriate amount as set by the governing body, shall be made each time the water is turned off or is turned on by the city for any purposes whether requested by the user of water or not, or because of delinquency in payment of his or her utility bill. (Code 2010)
- 15-305. PAYMENT OF BILLS; PENALTY. All utility bills and accounts payable to the municipal utility system for water and services in connection therewith, shall be due and payable to the city clerk at his or her office on the first day of each month. All such accounts shall be paid on or before the 10th day of the month they are due and payable and a penalty of 10% of the amount due shall be added to each bill not paid as provided, which shall be collected at the time the bill is finally paid. (Ord. 1037, 18-305; Code 1999, 18-305)
- 15-306. DELINQUENT ACCOUNTS. Water, electric or other utility service shall be terminated for nonpayment of service fees or charges as provided in sections 15-306:307. (Code 1981; Code 1999, 18-306)
- 15-307. NOTICE; HEARING. 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, with a copy mailed to the occupant of the premises if the occupant and the customer are not the same person. The notice shall state:
- (a) The amount due, plus penalty;
  - (b) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice;
  - (c) Notice that the customer has the right to a hearing before the designated hearing officer;
  - (d) 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.

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.  
(Code 1981; Code 1999, 18-307)

- 15-308. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such find shall be presented to the water superintendent. 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 1981; Code 1999, 18-308)
- 15-309. DEPOSIT. All persons who are not owners of real estate in the city are required to make a deposit of \$70.00 before water service will be turned on. The deposit shall bear interest at the minimum rate per annum as mandated by applicable law and shall be credited on January 1st of each year on the water service bill. When the deposit is withdrawn, all unpaid charges for water or service shall be first deducted from the deposit and the balance repaid the user. (K.S.A. 12-822; Ord. 1185, Sec. 1; Code 1999, 18-309; Code 2010)
- 15-310. FORFEITURE OF DEPOSIT. All unclaimed deposits shall be forfeited if unclaimed after three years from the date service was discontinued. (K.S.A. Supp. 12-822; Ord. 1037, 18-307; Code 1999, 18-310)
- 15-311. INTERRUPTION OF SERVICE. The city hereby reserves the right to discontinue water service to any or all consumers without notice when the same is necessary in the repair of the system. (Ord. 1037, 18-309; Code 1999, 18-311)
- 15-312. PROPERTY OWNER RESPONSIBLE. The property owner shall be responsible for all water usage on the property, whether he or she is occupying the same or not. All unpaid utility charges shall become a lien against the property if allowed to go uncollected. (Ord. 1088, Sec. 1; Code 1999, 18-312)
- 15-313. WATER CONNECTIONS; DELINQUENCIES. There shall be no new water connections for any tenant who leaves a delinquent water bill at a previous rental property located within the city limits. (Ord. 1154, Sec. 1; Code 1999, 18-313)

## ARTICLE 4. SEWERAGE SYSTEM

15-401. DEFINITIONS. The following words and terms as used in this article shall be construed as follows:

(a) Normal Domestic Wastewater - means wastewater that has a BOD concentration of not more than 180 mg/1 and a suspended solids concentration of not more than 180 mg/1.

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

(c) Replacement - means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

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

(e) Shall - is mandatory; May - is permissive.

(f) SS (denoting Suspended Solids) - means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

(g) Treatment Works - means any devices and systems for the collection, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes, including waste in combined storm water and sanitary sewer systems.

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

(i) User Charge - means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

(j) Water Meter - means a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city.

(k) Pass Through Discharge - means a discharge which exits the Public Owned Treatment Works (POTW) into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's National Pollutant Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of the violation.

(Ord. 1095, Sec. "A"; Code 1999, 18-401; Code 2013)

15-402. USER CHARGES. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this article. (Code 1999, 18-402)

- 15-403. SAME; DESIGNATED USES. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in section 15-404, shall be credited to two primary accounts as follows:
- (a) An account designated for the specific purpose of defraying operation and maintenance costs of the treatment works (Operation and Maintenance Account).
  - (b) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Credits to the replacement account shall be made monthly from the operation, maintenance and replacement revenue, in the amount of \$553.00.  
(Code 1999, 18-403)
- 15-404. SAME; BALANCE. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed. (Ord. 1095, Sec. "B"; Code 1999, 18-404)
- 15-405. INJURY TO SEWER SYSTEM. It shall be unlawful for any unauthorized person maliciously, willfully or negligently to break, damage, destroy, deface, tamper with or carry away any structure, appurtenance or equipment which is a part of the city sewer lines or sewage treatment works of the city. (Ord. 1037, 18-401; Code 1999, 18-405)
- 15-406. PERMIT FOR CONNECTION REQUIRED. It shall be unlawful for any person to uncover, open or to connect to or to use any public sanitary sewer lateral or main in the city without obtaining a permit for such connection or use, from the municipal utility system. (Ord. 1037, 18-402; Code 1999, 18-406)
- 15-407. CLOGGING PROHIBITED. It shall be unlawful for any person to place, throw or deposit in, or to permit the discharge into any public sewer, manhole, drain, catch basins, or water closet or sink, any dead animal, offal, un-ground garbage, or discharge any fish, fruit or vegetable waste or other solid matters or materials or obstruction of any kind, whatever such nature, or in such quantities as shall clog, obstruct or fill such public sewer, drain or catch basins, or which shall interfere with or prevent the effective use or operation thereof. (Ord. 1037, 18-403; Code 1999, 18-407)
- 15-408. PROHIBITED DISCHARGES. Except as may hereinafter be provided, no person shall discharge or cause to be discharged, any of the following wastes, water, liquids or ingredients into the public sewer system of the city:
- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65.55 degrees Celsius).
  - (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.

(c) Any gasoline, benzene, naphtha, fuel oil and other flammable or explosive liquid, solid or gas.

(d) Any garbage that has not been properly shredded.

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(f) Any waters or waste having a pH (the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution) lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(g) Any waste waters containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant.

(h) Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plan.

(i) Any noxious or malodorous substance capable or creating a public nuisance.

(j) Any pass through discharge which exits the Public Owned Treatment Works (POTW) into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's National Pollutant Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of the violation.

(Ord. 1037, 18-404; Code 1999, 18-408; Code 2013)

15-409. WASTE SUBJECT TO REVIEW. The Public Works Supervisor or designated officer shall review and approve the admission into the public sewers of any waters or wastes which:

(1) Have a five-day biochemical oxygen demand (the quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory proceed in five days at 20 degrees centigrade, expressed in parts per million by weight, greater than 300 parts per million weight;

(2) Contain more than 350 parts per million by weight of suspended solids;

(3) Contain any quantity of substances having the characteristics described in section 15-408; or

(4) Have an average daily flow greater than two percent of the average daily sewage flow of the city.

(Ord. 1037, 18-405; Code 1999, 18-409)

15-410. PRELIMINARY TREATMENT. (a) Where necessary in the opinion of the Public Works Supervisor or designated officer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

(1) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight;

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in section 15-408; or

(3) Control the quantities and rates of discharges of such waters or wastes.

(b) Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval by the city superintendent, and the division of sanitation, the Kansas State Board of Health and Environment. No construction of such facilities shall be commenced until the approvals are obtained in writing. Where preliminary treatment facilities are provided for any wastes or waters, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.  
(Ord. 1037, 18-405; Code 1999, 18-410)

15-411.           **MANHOLE FOR INSPECTION OF INDUSTRIAL WASTES.** When required by the Public Works Supervisor or designated officer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required shall be accessible and safely located and shall be constructed in accordance with the plans approved by the utility 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. 1037, 18-406; Code 1999, 18-411)

15-412.           **GREASE, OIL, SAND INTERCEPTORS.** All garages, filling stations, stables, barns and other places having a wash rack, connected with and draining into the sewer system of the city, shall be provided with a proper and sufficient sand and mud interceptor or catch basin with at least 48 cubic feet of space for sediment below the inlet and outlet pipes. All such interceptors for garages, filling stations, stables, barns, and other places must be properly baffled or otherwise arranged or equipped to prevent oils, gasoline, greases, hair, mud, sand or silt from entering or draining into the building sewer or sewer system and under no circumstances or conditions shall any of the liquids or substances be permitted to drain or enter into the sewer. All of the aforesaid interceptors shall be constructed and built in accordance with plans and requirements as may be set out by the utility superintendent. Each such interceptor shall be so located as to be easily accessible for inspection and cleaning and shall be connected to the building sewer drain through a trap installed and located in accordance with the city plumbing regulations for traps in soil pipes. Each such interceptor shall be cleaned and maintained by the occupant of the premises, at his or her own expense, and operated and cleaned as often as necessary to be continuously effective and in no event less often than 30 days. (Ord. 1037, 16-407; Code 1999, 18-412)

15-413.           **STORM WATER.** Storm water from roofs, paved areas, yards, courts, air-conditioning units and foundation drains and all other unpolluted drainage or industrial process waters, shall not be permitted to drain or run into the sanitary sewers, but shall drain or be discharged into storm sewers or to available natural water courses or outlets. (Ord. 1072, Sec. 1; Code 1999, 18-413)

15-414.           **TESTS, MEASUREMENTS.** All tests, measurements and analysis of the characteristics of sewage and other waste liquids referred to in this article shall be made in accordance with standard methods for the examination of water and sewage. Such tests shall be taken at the manhole provided by section 18-411 or by suitable samples taken at such manhole. If no control manhole is otherwise available, tests may be taken at the nearest downstream manhole in the city sewer below the point of connection to the building sewer. (Ord. 1037, 18-409; Code 1999, 18-414)

- 15-415. SPECIAL CONTRACTS, INDUSTRIAL WASTES. Nothing herein shall be construed to deny or limit the authority of the city to enter into special agreements with any class or category of industrial concerns to dispose of or treat wastes or sewage of unusual strength or characteristics upon the basis of special charges for treatment and disposal of such wastes. The city further reserves the right granted by the laws of Kansas to charge and collect service fees for the treatment and disposal of all sewage and wastes lawfully discharged into the city sewage disposal system by any user thereof. (K.S.A. 14-567, Ord. 1037, 18-410; Code 1999, 18-415)
- 15-416. PRIVATE SEWAGE DISPOSAL. (a) It shall be unlawful for any person to discharge, dispose or deposit any sewage, polluted liquid wastes or solids or any human excrement or night soil, into or upon any street, alley or public grounds in the city or to dispose of or deposit the same upon any private premises in the city.  
(b) It shall be further unlawful to discharge any sewage, or human or animal excrement into any abandoned well, pit or other excavation in the city. No privy vault, cesspool, sink or reservoir, except the same be water-tight, shall be lawfully permitted or located within 50 feet of any well, spring or source of water used for drinking or culinary purposes, nor shall the same empty into, or discharge or flow, into any ditch, drain or stream in the city.  
(Ord. 1037, 18-411; Code 1999, 18-416)
- 15-417. RIGHT OF ENTRY. It shall be the duty of all health, building and police officers of the city to enforce the provisions of this article and report violations thereof to the city governing body. Any such officer is authorized to enter upon any premises in the city at any reasonable hour, to perform any duty imposed upon such officer by this article or other ordinances of the city. (Ord. 1037, 18-412; Code 1999, 18-417)
- 15-418. CONNECTION TO PUBLIC SEWER. All persons and property owners owning dwelling houses or buildings within the city, which buildings or building are or shall be located near a public sewer or in a block within any such sewer district in the city through which a sewer extends, shall make such connections with the sewer system of the city for the purpose of disposing of all substances from any such building affecting the public health which may be lawfully and properly disposed of by means of such sewer. (Ord. 1037, 18-413; Code 1999, 18-418)
- 15-419. DISCONTINUANCE OF PRIVATE SEWER DISPOSAL. Within four months after any sewer shall be available to any premises under the conditions of section 15-418, it shall be the duty of all persons and property owners to connect, or cause to be connected to such sewer all dwelling houses or buildings in which a system of sanitary plumbing shall have been installed. It shall be thereafter be unlawful for any such persons or person to dispose of sewage by means of a private sewage disposal system not connected to the public sewer. (Ord. 1037, 18-414; Code 1999, 18-419)
- 15-420. FAILURE TO CONNECT. If any person or persons shall fail, neglect or refuse to comply with the conditions of any notice directed to him, her or them under the foregoing provisions hereof, within 10 days, the city council may direct the Public Works Supervisor or designated officer to advertise for bids for construction and making of the sewer connections and plumbing required herein and to contract with the lowest responsible bidder or bidders to make such connection. Thereafter, the city council shall, by ordinance, assess the costs of such work and the expenses

thereof, including any fees or charges required for plumbing permits, inspections or connections to the sewer, against the property and premises so connected and certify same to the county clerk for collection and payment as other assessments are certified. Such assessment may be paid in equal installments with interest at six percent over a period of three years. (Ord. 1037, 18-415; Code 1999, 18-420)

15-421. REMOVAL, SEPTIC TANKS, PRIVIES. Upon the connection of any house or other building to the city sanitary sewer system, it shall be the duty of the owner or occupants of such premises to remove all sources of filth from such premises or to cover, bury, or fill all pet privies, cesspools or septic tanks and to discontinue use of the same.

The building contractor shall remove all temporary sanitary facilities and return the ground on which located to a sanitary clean condition upon completion of the building works. (Ord. 1037, Sec. 18-416:417; Code 1999, 18-421)

15-422. TEMPORARY SANITARY FACILITIES; SPECIAL BUILDING PERMITS.

(a) When permits are issued by the city for the construction or location of any dwelling house or building in the city for human occupancy and a sanitary sewer lateral is not immediately available for connection of the building sewer drain, the utility superintendent may authorize the construction of temporary facilities, either a septic tank system or sanitary privy, under the conditions of section 15-419 hereof, for such occupancy which shall be valid until sanitary facilities are available.

(b) In all cases, the building permit shall authorize the construction of temporary privies for use of workmen at such place until facilities connected to the sanitary sewer are available. All privy buildings shall be kept in a clean condition at all times.

(Code 1999, 18-422)

15-423. PERMIT REQUIRED FOR PRIVATE SANITARY DISPOSAL. It shall be unlawful for any person or persons to construct or locate any structure or works on his or her premises for the disposal of human excrete or body wastes without a permit from the utility superintendent. No permit may be issued for any such structure or works within a block where connections to the public sewer are available to such persons. The city may adopt and promulgate standard plans and specifications for the construction of septic tanks and privies which shall be required for the construction of such works or structures as a condition of the permit authorizing the same. Such plans and specifications shall be based upon the recommendations and health standards of the Kansas State Department of Health and Environment or some standard plumbing code authority. The Public Works Supervisor or designated officer shall supervise and inspect the construction of such structures and works and approve the same upon completion. Nothing herein shall be construed to deny the authority of the Kansas State Department of Health and Environment to abate any septic tank, cesspool or privy in the city as a nuisance. (Ord. 1037, 18-418; Code 1999, 18-423)

15-424. COMPLIANCE WITH PLUMBING REGULATIONS. The notice to any person or persons given by the city shall require that the connection to the sewer system shall comply with the plumbing regulations of the city for construction of plumbing and installation of plumbing fixtures within buildings and the laying of building sewer drains to the public sewer. For purposes of this article, the notice may require that not less than the following plumbing fixtures be connected to the building soil pipe; one

kitchen sink or slop sink, one wash basin or lavatory, one bathtub or shower stall and one water closet; provided, that all such installations shall be made upon an application, the issuance of a permit and the payment of inspection and permit fees as in other cases. (Ord. 1037, 18-419; Code 1999, 18-424)

15-425. CONNECTIONS OUTSIDE CITY LIMITS. This article shall apply equally to all persons and premises, including those, if any, now connected to the city's sewer system, which premises are beyond the city limits. The premises shall be subject to the same inspection as provided for premises within the city. (Ord. 1037, 18-420; Code 1999, 18-425)

15-426. SAME; APPLICATION. The owners or owner of any premises situated outside of but adjacent to the city, upon proving themselves to be the owners of premises and upon compliance with provisions, restrictions and limitations of the code and all other ordinances of the city pertaining to building construction, plumbing and electrical installation and to public health, safety and sanitation may make application as a concession but not as a matter of right for a license to connect the premises to the city's sewer system and to discharge usual and ordinary sewage from the premises to the sewer system. (Ord. 1037, 18-421; Code 1999, 18-426)

15-427. SAME; LICENSE TO BE ISSUED UPON COUNCIL APPROVAL. The city clerk upon receiving such application shall present it to the governing body at the next regular meeting. The governing body, if it finds that all requirements hereof have been complied with and that the sewer to which the applicant desires to connect is not and will not become overloaded and that the sewage from such premises can be disposed of without expense to the city in excess of the uniform connection fees herein established and annual license fees herein fixed may direct the city clerk to issue the license applied for. The licensee shall pay all costs of lines, pipes, connections, fixtures and other charges for making the sewer connection. (Ord. 1037, 18-422; Code 1999, 18-427)

15-428. SAME; APPLICATION. Any such owner or owners desiring to make such sewer connection shall apply in writing to the city clerk. Such application shall state:

- (a) The legal description of the premises.
- (b) The name and addresses of the legal, equitable and beneficial owners of the premises.
- (c) The number and kind of sewer intake openings to be connected.
- (d) The exact point of proposed connection.
- (e) That the applicants will comply with this and all other present and future ordinances of the city, the same as though such premises were within the city. The application shall be signed by all owners of the premises.

(Ord. 1037, 18-423; Code 1999, 18-428)

15-429. SAME; FORM OF LICENSE. The license certificate to be issued hereunder shall be in substantially the following form:

"Upon the application of (reciting applicant's name or names) the City of Phillipsburg, Kansas, suffers applicant to connect the following described premises (Legal Description) to the city's sewer.

(Code 1999, 18-429)

## **ARTICLE 5. SEWER USE CHARGES**

- 15-501.           **CONNECTION CHARGE.** No property within the city limits shall be connected to a sanitary sewer constructed until a sewer connection charge of \$10.00 has been paid.  
                    (b) In addition to subsection (a), no property within the city limits shall be connected to the East Sewer Extension Project on or after December 1, 1996, until the special assessment fee for (i) residential use property in the amount of \$5,000 and bond interest has been paid, or (ii) commercial use property in the amount of \$10,000 and bond interest has been paid.  
                    (Ord. 1252, Sec. 1; Code 1999, 18-501; Code 2010)
- 15-502.           **SAME; OUTSIDE CITY.** No property located outside the city shall be permitted to connect to any city sewer until a sewer connection fee equal to one and one-half times the connection fee inside the city has been paid. (Code 1999, 18-502)
- 15-503.           **USER CHARGES.** Appropriate service charges, based on residency in volume you use, shall be set by resolution or policy of the governing body.  
                    (Code 2010)
- 15-504.           **ADDITIONAL CHARGES.** Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the sewage treatment works; or any user discharging any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall be billed for such increased costs. The charge to be made shall be determined by the city governing body upon recommendation of the utility superintendent. (Ord. 1095, Sec. C-3; Code 1999, 18-504)
- 15-505.           **ANNUAL REVIEW.** The city will review user charges at least annually and will revise user rates as necessary to ensure the system generates adequate revenues to pay the costs of operation and maintenance, including replacement. Such review shall insure that the distribution of costs is fairly proportioned among the user classes. (Ord. 1095, Sec. C-S; Code 1999, 18-505)
- 15-506.           **SAME; NOTICE TO USER.** Each user will be notified at least annually, in conjunction with a regular bill of the rate being charged for operations, maintenance, including replacement of the treatment works. (Ord. 1095, Sec. C-S; Code 1999, 18-506)
- 15-507.           **BILLS; WHEN DUE.** Sewer service charges shall be billed monthly along with regular water bills. All bills are due and payable by the first day of each month. Failure to pay the bill by the 10th day of the month will result in a penalty being added as provided in section 15-305. (Code 1999, 18-507)
- 15-508.           **DELINQUENT ACCOUNTS.** In the event a sewer service charge is not paid by the 10th day of the month in which it becomes due, the city may terminate water service after notice and hearing as provided in sections 15-306:307. (Code 1999, 18-508)

15-509. SAME; LIEN AGAINST PROPERTY. In lieu of terminating sewer service as provided in section 15-508, the amount of any unpaid sewer service charges may be certified to the county clerk, placed upon the tax roll and collected in like manner as other taxes. (Code 1999, 18-509)

## ARTICLE 6. SOLID WASTE

15-601. DEFINITIONS. For the purpose of this article the words and terms used herein shall have the following meanings:

(a) Solid Waste - means garbage, refuse and other discarded materials including, but not limited to, solid waste materials resulting from industrial, commercial and domestic activities; all non-liquid garbage, rubbish and trash.

(b) Bulky Waste - means large items of refuse including, but not limited to, appliances, furniture, tires, large auto parts, tree branches exceeding four inches in diameter and stumps.

(c) Construction and Demolition Wastes - means building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings or other structures and pavements.

(d) Garbage - means the animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.

(e) Hazardous Waste - or solid or liquid wastes which require special handling and disposal, means pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, oils and solvents and similar chemicals and materials and shall include containers and materials that have been contaminated with hazardous waste.

(f) Refuse - means unwanted and discarded materials resulting from commercial, industrial and agriculture operations and from normal community activities. Refuse includes in part the following: garbage, rubbish, ashes and other residue; street refuse, dead animals, animal waste, abandoned vehicles, agriculture, commercial and industrial waste, commercial and demolition waste, sewage treatment residue; provided, however, that the term "refuse" does not include any uncontaminated earth, stone or materials.

(g) Sanitary Landfill Operation - means a method of disposing of solid wastes on land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment and covering with a layer of six inches of compacted earth at the conclusion of each day's operation.

(h) Solid Waste Disposal Area - also referred herein as "disposal area" or "disposal site," means any area used for the disposal of refuse from more than one residential premises or one or more commercial, industrial, manufacturing, or municipal operation.

(i) Residential - means any structure containing four or less dwelling units, rooming house having no more than four persons in addition to the family of the owner of operator and mobile homes.

(j) Dwelling Unit - means any enclosure, building or portion thereof occupied by one or more persons for and as living quarters.

(k) Multi-Family Unit - means any structure containing more than four individual dwelling units.

(l) Commercial Waste - means all solid waste emanating from establishments engaged in business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.

(m) Solid Waste Management System - means the entire process of storage, collection, transportation, processing and disposal of solid wastes by any person engaging in such process as a business or any city authority, county or any combination thereof. (Ord. 1038, Sec. 18-501; Code 1999, 18-601)

- 15-602. REFUSE RECEPTACLES. (a) Poly-kart refuse receptacles will be provided by the city.  
(b) Business firms shall, if required, have an approved shielded trash receptacle other than the city provided receptacle. Larger receptacles for business will be purchased by the user.  
(Code 2010)
- 15-603. SAME; REGULATIONS. (a) No refuse or waste resulting from the repair, remodeling or demolition of buildings, sidewalks or other structures shall be deposited for collection in the refuse containers.  
(b) Garbage must be drained and wrapped in paper prior to being deposited in the refuse container.  
(c) Toxic and hazardous wastes shall be stored in a manner approved by the utility superintendent or his or her designated representative.  
(d) Refuse and receptacles are hereby prohibited in front yards or city right-of-way of any resident within the city, except on the day of the pick-up or shielded by an approved storage container. A front yard shall be defined as that space extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.  
(e) Refuse and receptacles are hereby prohibited in any residential side yard or backyard or city right-of-way which abuts upon any street of the city except on the day of pick-up or shielded by an approved storage container.  
(Ord. 1038, Sec. 18-502; Ord. 1220, Sec. 5; Code 2010, 18-603)
- 15-604. UNAUTHORIZED DISPOSAL. (a) No person shall throw or permit anyone in his or her employ to throw into any street, alley or other public place, any solid waste except as in this article provided.  
(b) It shall be unlawful for any person, persons or business to allow any waste to accumulate so as to constitute a nuisance or fire hazard.  
(Ord. 1038, 18-503; Code 1999, 18-604)
- 15-605. INTERFERENCE WITH RECEPTACLES PROHIBITED. No unauthorized person shall interfere with solid waste receptacles or their contents in any manner, nor remove the same, nor remove any of its contents thereof nor place anything therein. (Ord. 1038, 18-504; Code 1999, 18-605)
- 15-606. TRANSPORTATION OF SOLID WASTE. All solid waste hauled by any person shall be contained, tied or enclosed so that leaking, spilling or blowing are prevented. In the event of any spillage, the person shall immediately clean up the litter. Nothing herein provided shall prevent any resident of the city from hauling his or her residential refuse, rubbish and or garbage to the Phillips County sanitary landfill, provided the same shall be hauled as herein provided and within the operating hours of the sanitary landfill. Such right, however, shall not relieve the resident of complying with all sections of this article including the payment of the municipal utility system charge for such service. (Ord. 1038, 18-505; Code 1992; Code 1999, 18-606)
- 15-607. COLLECTION OF SOLID WASTE. The city shall provide for the collection of all solid wastes in the city which can be handled by the city's solid waste compactor truck. (Ord. 1038, 18-506; Code 1999, 18-607)

- 15-608. ENTER PRIVATE PREMISES. Solid waste personnel employed by 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. 1038, 18-507; Code 1999, 18-608)
- 15-609. FREQUENCY OF COLLECTION. Solid waste in residential areas shall be collected once each week. All commercial waste shall be collected at intervals as may be fixed by the owner and the city's authorized representative but in no case less than once per week. (Ord. 1038, 18-507; Code 1999, 18-609)
- 15-610. DISPOSITION OF WASTE. All solid waste shall be disposed of in the Phillips County sanitary landfill. (Ord. 1038, 18-508; Code 1992; Code 1999, 18-610)
- 15-611. ROCKS, DIRT, AND CONSTRUCTION RUBBLE AND LARGE VOLUMES.  
Rocks, dirt, concrete and construction rubble shall be disposed of at the Phillips County sanitary landfill. Large volumes of any item, over and above normal residential waste, shall be disposed of in the Phillips County sanitary landfill. All the above items and categories shall bear a sanitary landfill charge and will not be received under normal residential sanitary utility charges, this solid waste being over and above, and of a different nature than residential waste, additional charges shall be set by the Phillips County Sanitary Landfill. (Ord. 1038, 18-509; Code 1992; Code 2010)
- 15-612. Reserved.
- 15-613. SOLID WASTE CHARGES. (a) The solid waste charges shall be levied against each householder, single dwelling unit, multi-family unit, business, institution, user and industry in the city each month for the collection and disposition of solid waste. The failure to pay shall be cause for discontinuing all collections and solid waste services and the city reserves the right to discontinue any solid waste service to any customer upon the failure to pay the full charges for the solid waste services.  
(b) Rates for solid waste disposal shall be set by resolution or policy of the governing body. (Code 2010)
- 15-614. BILLING. (a) Bills for solid waste collection shall be rendered monthly and shall be a part of the utility bills.  
(b) The landlord of any premises shall be responsible for payment for service provided to that premises if the tenant does not pay for the service.  
(c) Delinquent refuse bills shall carry the same due dates, grace periods and penalties as water bills.  
(Code 1999, 18-615)
- 15-615. DELINQUENT ACCOUNTS. Any solid waste bill which remains unpaid for a period of 60 days after the date upon which it became due shall be certified to the county clerk as a lien upon the real property placed upon the tax roll and collected in the same manner as other taxes. (K.S.A. 65-3410; Ord. 1038, 18-513; Code 1999, 18-616)

- 15-616.           **PROHIBITED PRACTICES.** It shall be unlawful for any person, firm or corporation to:
- (a) Deposit solid waste in any container other than that owned, leased or provided for him or her or under his or her control without written consent of such owner and, or with the intent of avoiding payment of the solid waste charge.
  - (b) Interfere in any manner with employees of the city in the collection of solid waste.
  - (c) Burn solid waste unless a variance has been granted according to section 7-204.
  - (d) Dispose of solid waste in an unapproved site.
  - (e) Any person to transport solid waste in any manner that will allow leaking, spilling or blowing.
- (Code 2010, 18-617)

- 15-617.           **ACCUMULATION OF TRASH UNLAWFUL.** It shall be unlawful for any person to allow to accumulate on any lot or in any part of any building, or outside and adjacent to any building, or in any alley, sidewalk, street or premises any material of any kind which is unsightly, unhealthy or unsafe. Such material shall include, without limitation, rubbish, trash, garbage, wastepaper, boxes, packing material, equipment, supplies, machinery or vehicles and parts thereof, household furniture, appliances, building materials, weeds, dead and dying trees or shrubs, and similar material of any kind.
- The restriction in this section shall not apply to material stored temporarily in approved solid waste receptacles upon private or public property for authorized collection as provided in this article. (Code 1981, 9-406; Code 1999, 18-618)

## ARTICLE 7. WATER DROUGHT/EMERGENCY

15-701. 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. 1364; Code 2013)

15-702. DEFINITIONS.

(a) Water, as used in this article shall mean water available to the City of Phillipsburg 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.

(b) Customer, as used in this article shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) Waste of water, as used in this article 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.

(d) The following classes of uses of water are established for the purposes of this article:

**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.

**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.

**Class 3:**

Domestic usage, other than that which would be included in either class 1 or 2.

**Class 4:**

Water necessary only to sustain human life and the lives of domestic livestock pets and maintain standards of hygiene and sanitation.  
(Ord. 1364; Code 2013)

15-703. WATER CONSERVATION PROGRAM. 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 City's water resources for any reason, the City may begin the progressive three (3) stage water conservation program by declaring a water watch as described in section 15-703(a) 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 section 15-703 in effect at any time:

(a) 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) 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) 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.1364; Code 2013)

15-704. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or water warning as provided in Sections 15-703(a) or (b), the mayor, city clerk, or public works supervisor 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.

(b) Waste of water.

(Ord. 1364; Code 2013)

15-705. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in Section 15-703(c), the mayor, the city clerk, public works supervisor, 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 section 15-702(d), 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 this sections 15-7059(a-e) as the governing body of the City or authorized city official may deem appropriate and/or necessary.
- (Ord. 1364; Code 2013)

15-706. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in 15-703(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. 1364, Code 2013)

15-707. REGULATIONS. During the effective period of any water supply emergency as provided for in 15-703(c), the mayor, city clerk, public works supervisor, 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. 1364; Code 2013)

15-708. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city clerk, public works supervisor, 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 15-705 or 15-707 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

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 \$50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the second reconnection and \$300.00 for any subsequent additional reconnections within a 1 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 \$100.00. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. (Ord. 1364; Code 2103)

15-709. 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 necessary of the City by such city official or the governing body of the City.  
(Ord. 1364; Code 2103)

15-710. SEVERABILITY. If any provision of this article is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the article and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 1364; Code 2013)