

CHAPTER XV. UTILITIES

- Article 1. General Provisions
- Article 2. Water
- Article 3. Electricity
- Article 4. Sewers
- Article 5. Solid Waste
- Article 6. Water Conservation

ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 1998)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 1998)
- 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 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
 - (3) Notice that the customer has the right to a hearing before the designated hearing officer;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.
 - (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Code 1998)
- 15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing

officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 1998)

15-105. UTILITY DEPOSIT. (a) Each new customer making application for utility service shall make a cash deposit to the city in the amount as specified in subsection (b), the deposits to serve as a guaranty for the payment of service thereafter furnished to the customer's premises.

(b) The amount of the deposit required shall be fixed by the city clerk and shall at all times be reasonable and shall be based upon the value of the estimated maximum service rendered for a 60 day period.

(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.
(Ord. 588, Sec. 1; Code 1998)

15-106. LANDLORD LIABILITY. Reserved for Future Use.

15-107. PETTY CASH FUND. A petty cash fund in the amount of \$2,000 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 1998)

15-108. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 1998)

15-109. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount.
(Code 1998)

ARTICLE 2. WATER

- 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. (Code 1975, 21-101; Code 1998)
- 15-202. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1998)
- 15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1998)
- 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. (Code 1998)
- 15-205. APPLICATION FOR SERVICE. An application for water service shall designate the location of the property to be provided with water. He or she shall sign an agreement to abide by and be bound by all the rules and regulations now enforced, or hereinafter to be enforced, relating to the operation of the water department, and to pay the rates as are now or hereinafter fixed by the city until service is discontinued on request of customer in writing or for other reasons by the city.
All water accounts and applications for service shall be in the name of the owner of the premises or in the name of the actual resident of the building and the consumer of the water, and both the owner and the consumer shall be liable at all times for the water used in connection with the premises. The city is authorized to refuse service to any applicant other than the above named and if the city finds that the application is false or that a party other than those above named is actually using the water, the service may be disconnected. (Code 1975, 21-102; Ord. 425, Sec. 2)
- 15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 1975, 21-107; Code 1998)
- 15-207. COST OF INSTALLATION. The cost of each service connection shall be established by the city council. The cost of all installation and repair of piping and plumbing between the property line and any service lines or devices maintained by the

customer, and all extensions hereinafter made, as well as all repairs to same, shall be borne entirely by the applicant, although such service pipes and devices shall, at all reasonable times, be subject to inspection by a duly authorized official of the water department of the city, and repairs found to be necessary by such official, shall be made promptly, or the city may discontinue service until such repairs are made. (Code 1975, 21-113)

15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1975, 21-111; Code 1998)

15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1975, 21-112; Code 1998)

15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. (Code 1975, 21-118; Code 1998)

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.
(d) Each applicant for water service to be provided by the city shall pay meter installation charges as follows:
Meters for residential service - \$500.00.
Meters for commercial service - \$1,500.00.
Meter installation charges for water shall be paid prior to installation.

The term applicant for water service shall not include an application by the owner of rental properties for transfer of the meter from tenant to owner upon termination of a tenancy, providing the premises continues to be used as a rental property and is not used by the owner as his or her residence or place of business. (Code 1975, 21-106; Ord. 408, Secs. 1, 3;4; Code 1998)

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 two percent, the meter will be deemed correct and a charge of \$10.00 will be made to the customer. (Code 1975, 21-115; Code 1998)

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.
(Code 1998)

- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive.
(Code 1998)
- 15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. Any person that disconnects water services within the city and transfers its services to a new location within the city's water service area, shall be entitled to meter installation for water services without paying a new service charge provided that all services for city utilities at the previous location are paid to date.
(Code 1975, 21-119; Ord. 425, Sec. 1; Code 1998)
- 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 section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 1975, 21-103, 203; Code 1998)
- 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.
(Code 1975, 21-119; Code 1998)
- 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;
 - (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.
- (Code 1975, 21-108; Code 1998)
- 15-219. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1998)
- 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. (Code 1975, 21-116; Code 1998)

- 15-221. RATES. The rates per month for the use of water in the city shall be as follows:
 (a) The rate charge for water sold and delivered by the city within the city limits shall be based on the following schedule of usage for the month billed:
 0 to 1,000 gallons - \$14.50 (minimum charge)
 Next 9,000 gallons - \$2.75 per 1,000 gallons
 All over 10,000 gallons - \$1.65 per 1,000 gallons
 (b) The rate charge for water sold and delivered by the City outside the city limits shall be based on the following schedule of usage for the month billed:
 0 to 1,000 gallons - \$16.00 (minimum charge)
 Next 9,000 gallons - \$3.30 per 1,000 gallons
 All over 10,000 gallons - \$2.20 per 1,000 gallons.
 (Ord. 579, Secs. 1:2; Code 2006)
- 15-222. PAYMENT OF BILLS. All bills due the City of Udall for water service shall be payable by check or cash to the City Clerk at the city office. New Connect fee of \$15.00 and a deposit of \$40.00 will be required to establish service. Regular bills for water service shall be due and payable the first day of each month for the previous month's usage. Final bills rendered upon discontinuance of service and all other bills shall be due and payable upon rendition of the bill. A penalty often per cent (10%) of the amount thereof shall be added to any bill if not paid in the city office by 4:00 P.M. on the 20th day of the month in which due. Such penalty shall be added to and collected with the bill. If any customer fails or refuses to pay for such services on or before 4:00 P.M. on the 25th day of the month in which due, it shall be the duty of the superintendent to discontinue service to the customer failing to pay; provided, however, that any customer who has failed to pay their bill and whose service is subject to being discontinued for non-payment may request a hearing and be heard if such customer requests a hearing in writing and files such written request with the City Clerk at least five (5) days prior to the date service is subject to being discontinued. A hearing, if requested in the manner hereinbefore set forth, shall be held before the Mayor and the City Clerk no later than twenty-five (25) days following the due date of such bill. The City Clerk shall set the hearing date and give notice of the time and place of hearing to the customer who has filed the request. Service which has been discontinued for non-payment of a bill shall not be restored until all bills are paid in full and a service charge of twenty dollars (\$20.00) has been paid to reestablish services. (Ord. 579, Sec. 4; Code 2006)
- 15-223. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1998)
- 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. (Code 1998)
- 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, 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. 463, Sec. 1; Code 1998).

- 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 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. 463, Sec. 2; Code 1998)
- 15-227. SAME; INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Ord. 463, Sec. 3; Code 1998)
- 15-228. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply.
(Ord. 463, Sec. 4; Code 1998)
- 15-229. NOTICE. The city superintendent shall notify the owner, or authorized agent of the owner, of a building or premises in which there is found a violation of this article, of such violation. The city superintendent shall set a reasonable time for the owner to correct any such violation. If the owner fails to correct the violation within the specified time, the city superintendent shall discontinue delivery of water to the building or premises until the violation has been satisfactorily corrected.
(Ord. 463, Sec 5)

ARTICLE 3. ELECTRICITY

- 15-301. SUPERINTENDENT OF ELECTRICAL LIGHT AND POWER DISTRIBUTION SYSTEM. The electrical distribution system shall be owned by the city and the city council shall appoint a superintendent who shall have general supervision of the electrical distribution system. (Code 1975, 21-201)
- 15-302. CONTRACTS. That hereafter electrical service shall be made available only after the applicant consumer has made written application to the city clerk, who in turn shall notify the electrical power and light superintendent and has entered into a written contract. All electric accounts and applications for service shall be in the name of the owner of the premises or in the name of the actual resident of the building and the consumer of the electricity, and both the owner and the consumer shall be liable at all times for the electricity used in connection with the premises. The city is authorized to refuse service to any applicant other than the above named and if the city finds that the application is false or that a party other than those above named is actually using the electricity, the service may be disconnected.
(Code 1975, 21-202; Ord 425, Sec. 3)
- 15-303. APPLICATION FOR ELECTRIC SERVICE. Each applicant for electric service shall specify the location of the property to be provided with electrical power; and agrees to abide by the rules and regulations now in force or hereafter to be enforced regulating the operation of the electrical distribution system and to pay rates as are now or are hereinafter to be fixed by the city until service is discontinued on request of the customer in writing or for other reasons by the city.
(Code 1975, 21-203)
- 15-304. INDIVIDUAL SERVICE CONNECTIONS. There shall be a separate service connection for each detached residence or place of business. Each applicant for electric service to be provided by the city shall pay meter installation charges as follows:
Meters for residential service - \$20.00.
Meters for commercial service - \$40.00.
Meter installation charges for electricity shall be paid prior to installation.
- The term applicant for electric service, shall not include an application by the owner of rental properties for transfer of the meter from tenant to owner upon termination of a tenancy, providing the premises continues to be used as a rental property and is not used by the owner as his or her residence or place of business.
(Code 1975, 21-204; Ord. 408, Secs. 2:4)
- 15-305. SINGLE METER SERVICE. Hotels, rooming houses, apartments, cottages, camps and duplexes may be serviced to one meter provided that they are under one ownership or one lessee and all electrical power being used on one location. Two or more houses will not be permitted to be serviced to a single service under separate ownership. (Code 1975, 21-205)
- 15-306. INSTALLATION OF SERVICE. All service connections shall be made by or under the direction of city employees only. Service will be run to nearest point of

attachment which is safe and prudent. Should any additional service be required special contract agreements covering costs and minimum charges shall be negotiated. Any person that disconnects electrical with the city and transfers its service to a new location within the city's electrical service area, shall be entitled to meter installation for electrical service without paying a new service charge provided that all services for city utilities at the previous location are paid to date.
(Code 1975, 21-206; Ord. 425, Sec. 1)

15-307. METER TESTING SERVICE CHARGE. Upon written request and the deposit of \$1.00 by the consumer, the electrical superintendent shall cause a test to be made of the accuracy of the recording of any electric service meter. If, upon test, the meter is shown to be recording 3% or more in excess of the total usage, the \$1.00 testing deposit shall be returned to the customer, if less than 3%, the \$1.00 shall be retained by the city. (Code 1975, 21-207)

15-308. ELECTRIC RATES. The following electric rates are hereby established for the electric current sold by the City of Udall to-wit:

(a) Residential electric service to customers of the City:

Customer Minimum Charge	\$ 12.50
0 to 100 kwhr	\$0.093 per kwhr
101 to 300 kwhr	\$0.088 per kwhr
301 to 600 kwhr	\$0.077 per kwhr
All over 600 kwhr	\$0.066 per kwhr

The above schedule is the base rate to be charged each consumer. A fuel adjustment charge, hereinafter set out, shall be added to the base rate of each customer.

(b) Commercial electric service for commercial business, including service to recognized boarding homes, rooming houses, apartments, schools, churches and establishments of a commercial nature, including single-phase motor or power requirements up to a total of five horsepower and measured through to one meter and not resold, shall be supplied at the following rates:

Customer Minimum Charge	\$ 21.50
0 to 100 kwhr	\$0.110 per kwhr
101 to 500 kwhr	\$0.099 per kwhr
501 to 2,000 kwhr	\$0.088 per kwhr
All over 2,000 kwhr	\$0.077 per kwhr

Customers having low power factor equipment such as uncorrected power factor fluorescent lighting units, will be required to provide such devices with capacitors for power factor correction at the expense of the customer. The city shall not be obligated to furnish or continue service to radio transmitters, x-ray equipment or other apparatus, the operation of which causes disturbance on the city's electric distribution system, or is of such a character as to impair the satisfactory service to other customers.

(c) Power service shall be applicable to all customers having power installations of five horsepower motor load or over. Service shall be furnished at a single point of delivery through one metering connection, such point of delivery to be at the option of the city. Service hereunder is not available for resale. A power service

when established shall continue for a period of not less than 12 months. Power service shall be supplied at the following rates:

Customer Minimum Charge	\$ 21.50
0 to 40 kwhr	\$0.132 per kwhr
41 to 100 kwhr	\$0.121 per kwhr
101 to 500 kwhr	\$0.110 per kwhr
501 to 5,000 kwhr	\$0.099 per kwhr
5,001 to 15,000 kwhr	\$0.088 per kwhr
All over 15,000 kwhr	\$0.082 per kwhr

The above schedules shall be the base rate. A fuel adjustment charge, as hereinafter described, shall be added to the base rate of each customer on all kwhr used as needed when suppliers increase their rate to the City of Udall.

(d) Fuel adjustment charge as used in this article is the amount the city pays in excess of its base rate to the supplier of electricity for the city. All amounts in excess of the base rate paid by the city to the supplier of electricity, shall be passed on to the customer for each kilowatt hour used, and shall be designated as fuel adjustment charge. The fuel adjustment charge shall be in addition to base rate for each category of service hereinafter set forth.

(e) The voltage phase and transformer capacity for service under this schedule shall be at the discretion to the city. Where power is delivered at primary line voltage, a discount of two percent (2%) will be allowed on the monthly billing which is calculated under the above rate schedule. The city shall approve the customer's installation before establishing service at such primary voltage installations. Customers shall utilize reduced voltage starters or the equivalent thereof for all motors 25 h.p. and above, unless otherwise approved by the city for the specific installation. (Ord. 584, Secs. 1A:1E; Code 2006)

15-309.

PAYMENT OF BILLS. All bills due the City of Udall for electrical service shall be payable by check or cash to the City Clerk in the City Hall. A New Connect fee of \$25.00 and a deposit of \$150.00 will be required to establish service. Regular bills for electrical service shall be due and payable the first day of each month for the previous month's usage. Final bills rendered upon discontinuance of service and all other bills shall be due and payable upon rendition of the bill. A penalty often per cent (10%) of the amount thereof shall be added to any bill if not paid in the city office by 4:00 P.M. on the 20th day of the month in which due. Such penalty shall be added to and collected with the bill. If any customer fails or refuses to pay for such services on or before 4:00 P.M. on the 25th day of the month in which due, it shall be the duty of the superintendent to discontinue service to the customer failing to pay; provided, however, that any customer who has failed to pay their bill and whose service is subject to being discontinued for non-payment may request a hearing and be heard if such customer requests a hearing in writing and files such written request with the City Clerk at least five (5) days prior to the date service is subject to being discontinued. A hearing, if requested in the manner hereinbefore set forth, shall be held before the Mayor and the City Clerk no later than twenty-five (25) days following the due date of such bill. The City Clerk shall set the hearing

date and give notice of the time and place of hearing to the customer who has filed the request. Service which has been discontinued for non-payment of a bill shall not be restored until all bills are paid in full and a service charge of twenty dollars (\$20.00) has been paid to reestablish services. (Ord. 584, Sec. 1F; Code 2006)

- 15-310. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY;
Electric service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1998)
- 15-311. SERVICE SUBJECT TO INSPECTION. All services and devices shall, at all reasonable times, be subject to inspection by duly authorized officials of the electrical department of this city. Any repairs found to be necessary by such officials shall be made promptly by the consumer, or the city will disconnect services until such repairs are made. (Code 1975, 21-209)
- 15-312. METER READING. For the purpose of reading meters, the electrical superintendent, or his or her duly authorized employee, may legally enter upon any premise at any reasonable hour. (Code 1975, 21-210)
- 15-313. TAKING ELECTRICITY WITHOUT AUTHORITY. It is hereby declared unlawful for any person to take any electricity from the municipal electrical system of this city, in any manner whatever, except through a meter installed by the city, or from any premises now owned by him, her, or them, without the permission of the owner thereof. (Code 1975, 21-211)
- 15-314. RESERVATION OF RIGHT TO DISCONTINUE SERVICE. The city hereby reserves the right to discontinue service to any or all customers of the municipal electrical system, without notice, when the same is necessary for the repair of the system, or any part thereof. Charges for reconnection within the city limits shall be \$2.50, if made during regular working hours; and \$5.00 if made after working hours, or on holidays or Sundays. A charge of \$5.00 shall be made for all re-connections outside the limits of the city. (Code 1975, 21-212)
- 15-315. INTRODUCTION. (a) The Public Utility Regulatory Policies Act of 1978 (PURPA), under Section 210, requires the Federal Energy Regulatory Commission (FERC) to develop rules which encourage co-generation and small power production. Pursuant to Section 210, Register (45 FR 12214, February 24, 1980). The City of Udall Utility herein referred to as "utility" which is a non-regulated electric utility will implement, to the extent possible, the procedures and requirements of FERC Order No. 69, pursuant to these rules.
- (b) These rules shall apply to all entities willing and able to enter into an agreement with the utility. Provisions of these rules shall not supersede existing contracts. Entities who have the statue of "qualifying small power production facility" and/or "qualifying co-generation facility" (hereinafter referred to collectively as qualifying facility), pursuant to FERC Order No. 70 (45 FT 17959, March 20, 1980) are eligible to apply for service under these rules.
- (c) These rules represent general guidelines since the nature, size and character of qualifying facility can vary widely. The utility reserves the right to evaluate a qualifying facility on a case by case basis.

(Ord. 402, Sec. 1)

15-316. DEFINITIONS. For the purpose of this article, words and phrases listed below shall have the following meanings.

(a) Accredited Capacity: The electrical rating given to general equipment that meets the utility's criteria for uniform rating of equipment. This criteria includes but is not limited to reliability, availability, type of equipment, and the degree of coordination between the qualifying facility and the utility.

(b) Avoided Costs: Avoided costs means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

(c) Capacity Costs: The costs associated with providing the capability to deliver energy. They consist of the capital costs of facilities used to generate and transmit electricity or the cost to purchase such capacity from other utilities.

(d) Cogeneration Facility: Equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam), used for industrial, commercial, heating, or cooling purposed, through the sequential use of energy.

(e) Demand: The average rate in kilowatts at which electric capacity is made available as determined at the point of measurement during any 30 minute period or any other period to be determined by the utility.

(f) Energy: Electric energy as measured in kilowatt hours at the point of measurement.

(g) Energy Costs: The variable costs associated with the production of electric energy. They represent energy related cost only, or the average cost of purchased energy. Identifiable capacity charges included in purchased power agreements shall not be included in the calculation of the cost of purchased energy.

(h) Interconnection Costs: The reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged interconnected operations, but instead generated an equivalent amount of energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in a calculation of avoided costs.

(i) Point of Measurement: The point or points where energy and/or demand are metered.

(j) Point of Interconnection: The point or points at which the qualifying facility is to receive and/or deliver energy or capacity and energy under normal operating conditions.

(k) Present Utility Practice: Any of the practices, methods, and acts engaged in or approved by a significant portion of the electrical utility industry consistent with reliability, safety, and expedition.

(l) Qualifying Facility: A cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of Part 292-Regulations under Sections 201 and 210 of the Public Regulatory Policies Act of 1978 with regard to the small power production and cogeneration, as published in the Federal Register at 45 FR 12214, February 24, 1980.

(m) Rate: The price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any contract pertaining to the sale or purchase of electric energy or capacity.

(n) Sale: The sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(o) System Emergency: A condition on a utility system which is likely to result in imminent significant disruption of service to customers, or is imminently likely to endanger life or property.

(Ord. 402, Sec. 2)

15-317.

CONDITIONS OF SERVICE. The conditions listed in this paragraph shall apply to all qualifying facilities served under these rules

(a) No person shall enter upon the construction of any qualifying facility whether original installation or material alteration of existing installations, on any property in this city without first having secured a permit therefor. Application for such permit shall be made in writing with the city clerk upon blanks furnished by the city, describing the proposed work and the structure to be installed.

(b) The electrical inspector appointed by the city shall be empowered to inspect all new installations of, or existing, qualifying facilities, during reasonable hours. He or she shall have the authority to enter upon any premises in the discharge of his or her official duties for the purpose of making inspection. It shall be the duty of every person who may have installed any such qualifying facility within the corporate limits of the city to report the installation to the city clerk. It shall be the duty of every person to notify the city clerk prior to the initial energizing and start-up testing of the qualifying facility, and the utility shall have the right to have a representative present at such test.

(c) The utility shall purchase energy or capacity and energy from any qualifying facility who offers to sell energy or capacity and energy.

(d) The utility shall sell any capacity and energy that is required by the qualifying facility to the qualifying facility. The qualifying facility shall be billed under the applicable residential, general, industrial, or contractual service schedule.

(e) The utility may, at its option provide maintenance, and shall offer to provide interruptible, supplementary, and back-up power to the qualifying facility if requested by the qualifying facility.

(f) The qualifying facility shall execute a written agreement with the utility. The utility reserves the right to waive this requirement. The waiving of this requirement by the utility does not relinquish the utility's right to require the execution of a written agreement in the future.

(g) The qualifying facility shall not exceed 45 feet in height above natural grade; provided, however, such facility shall not be located closer to any adjacent property than the height of the qualifying facility unless this requirement is waived by the city.

(h) The utility shall interconnect and operate in parallel with the qualifying facility. The qualifying facility shall, to the point of interconnection, furnish, install, operate, and maintain in good order and repair and without cost to the utility such relays, jocks and seals, breakers, automatic synchronizers, and other control and protective equipment as shall be designated by the utility as being required as suitable for the operation of the qualifying facility in parallel with the utility's system. The qualifying facility shall take appropriate steps to insure that operating in parallel will not degrade in any fashion the quality of service that is normally maintained on the utility's system.

(i) Switching equipment capable of isolating the qualifying facility from the utility's system shall be accessible to the utility or its agent at all times.

(j) At its option, the utility or its agent may choose to operate, without notice or liability, the switching equipment described in subsection (i) above if, in the opinion of the utility or its agent, continued operation of the qualifying facility in connection with the utility's system may create or contribute to a system emergency or safety hazard. The utility's objection to purchase from the qualifying facility ceases when the utility or its agent operates the switching equipment described in subsection (i) above. The utility shall endeavor to minimize any adverse effects of such operation on the qualifying facility.

(k) The qualifying facility shall indemnify and hold harmless the utility from any and all liability arising from the operation and interconnection of the customer's facilities. The qualifying facility shall bear full responsibility for the installation and safe operation of the equipment required to generate and deliver energy or capacity and energy to the point of interconnection.

(l) The utility shall provide upon request sufficient data to allow the customer to determine the cost effectiveness of the qualifying facility if it goes into operation pursuant to these rules. The data given will conform to the outline given in Section 292.303 (Order No. 69-18 CFR Part 292).

(m) Any costs of interconnection which are over and above the interconnection costs that would be incurred due to the connection of a comparable non-generating customer and which are incurred by the utility due to the interconnection of the qualifying facility shall be the responsibility of the qualifying facility. Interconnection costs shall be paid to the utility upon demand.

(n) The utility may discontinue purchase from the qualifying facility if the utility determines that purchase from the qualifying facility would result in costs greater than those which the utility would incur if it did not make such purchases.

(o) The utility will give sufficient notice to the qualifying facility when it intends to invoke subsection (n).

(p) The utility may discontinue sales to the qualifying facility during a system emergency, providing that such discontinuance is on a nondiscriminatory basis.

(q) The qualifying facility shall when requested, make payment in advance to the utility for the costs of interconnection.

(r) The qualifying facility shall comply with all requirements of the National Electrical Safety Code as published in 1981, American National Standards Institute, Institute of Electrical and Electronic Engineers, American Society of Mechanical Engineers, and any other applicable local, state or national code and operate its equipment according to prudent utility practice. In case of any conflict in the foregoing codes or standards, the utility shall decide which shall govern.

(Ord. 402, Sec. 3)

15-318.

RATES FOR SALES. (a) The utility shall purchase the surplus energy or surplus capacity and energy from qualifying facilities. The rate paid by the utility to the qualifying facility for such surplus energy or surplus capacity and energy may be a negotiated rate.

(b) Qualifying facilities of 100 kW or less shall be paid a standard rate, except as otherwise stated in subsection (a), based on avoided cost as outlined in subsections (d) and (e). The installation of metering equipment shall be according to utility policy.

(c) For qualifying facilities of 100 kW or more, the qualifying facility may negotiate a contract with the utility. For qualifying facilities who choose not to negotiate, or in the event of an impasse in negotiations between the utility and the qualifying facility, avoided costs will be paid. Such avoided costs shall be determined as outlined in subsections (d) and (e), except as otherwise stated in subsection (a).

(d) Avoided energy costs shall be estimated or actual energy costs adjusted for the following items:

(1) The costs of savings to the utility resulting from variations in line losses from those that would have existed in the absence of purchase from the qualifying facility, if the utility generated or purchased an equivalent amount of energy.

(2) Sanctions imposed for noncompliance with these rules and any contract between the utility and the qualifying facility.

(e) Capacity payments shall be made in any case in which the qualifying facility enters into a legally enforceable contract to provide accredited capacity. The payment for the capacity purchase from the qualifying facility shall take into account the following items:

(1) Length of the contract term.

(2) Reasonable scheduling of maintenance.

(3) Willingness and ability of the customer to allow the utility to dispatch the customer's generation.

(4) The utility's ability to defer a purchase from another source or to defer construction of a facility or a portion of a facility.

(5) Sanctions imposed for noncompliance with these rules and any contract between the utility and the qualifying facility.

(6) Availability and reliability of the qualifying facility.

(f) Any tax or payment in lieu thereof imposed on the utility by any lawful authority on the production, transmission, sale, or purchase of energy or capacity and energy that would not occur due to a comparable non-generating customer shall be the responsibility of the qualifying facility.

(Ord. 402, Sec. 4)

15-319.

LIABILITY. (a) The qualifying facility shall defend, indemnify and hold harmless the utility from any and all liability arising from the operation and interconnection of the customer's facilities. The qualifying facility shall bear full responsibility for the installation and safe operation of the equipment required to generate and deliver energy or capacity and energy to the point of interconnection.

(b) The owner of a qualifying facility shall maintain workers compensation insurance as required by law and public liability insurance covering bodily injury and property damage in such an amount as the city shall determine by resolution duly adopted by the governing body of the city. Each public liability policy shall name the city as an additional insured.

(c) The city shall not be liable whether in contract or in tort or under any other legal theory to the owner of the qualifying facility, the owner's customers, or any other person or entity for (1) lost generation revenue (2) loss of use revenue or profit (3) cost of capital (4) substitute use or performance or (5) for any other incidental, indirect, special or consequential damages.

(Ord. 402, Sec. 5)

ARTICLE 4. SEWERS

15-401.

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

(a) Building Drain - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the innerface of the building wall.

(b) Building Sewer - shall mean the extension from the building drain to the public sewer or other place of disposal.

(c) B.O.D. (denoting Biochemical Oxygen Demand) - shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.

(d) PH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(e) Individual Domestic - means any single family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city and on individual city or private water service meter, or connection to any such water service.

(f) Industrial - means any industrial business engaged in the manufacturing or processing of one or more products, and in which wastewaters are produced from such manufacturing or processing and said wastewaters are discharged directly or indirectly to the wastewater facilities of the city.

(g) Multi-domestic - means any multi-family residence, apartment or mobile home and any commercial business, office, institution, school, church or public entity having a direct or indirect connection to the wastewater facilities of the city and not having an individual water service meter but is served with city or private metered water by the owner of the property on which it is located.

(h) Superintendent - shall mean the superintendent of the city or his or her authorized deputy, agent or representative.

(i) Sewage - shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

(j) Sewer - shall mean a pipe or conduit for carrying sewage.

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

(l) Combined Sewers - shall mean sewers receiving both surface runoff and sewage, are not permitted.

(m) Sanitary Sewer - shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(n) Storm Sewer or Storm Drain - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(o) Sewage Treatment Plant - shall mean any arrangement of devices and structures used for treating sewage.

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

(q) User - means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

(r) Wastewater - means sewage, the combination of liquids and water carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or storm water that may be present.

(s) Normal wastewater. - The strength of normal wastewater shall be considered within the following ranges:

(1) A five day biochemical oxygen demand of 300 milligrams per liter or less;

(2) A suspended solid concentration of 350 milligrams or less;

(3) Hydrogen ion concentration of 5.0 to 9.0.

(Code 2006)

15-402. **DISPOSAL OF SEWAGE.** (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) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or their facility intended or used for the disposal of sewage.

(Ord. 391, Art. II, Secs. 1:3)

15-403. **SEWER CONNECTION REQUIRED.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer or combined sewer of the city, 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 said public sewer is within 100 feet (30.5 meters) of the property line. (Ord. 391, Art. II, Sec. 4)

15-404. **PRIVATE SEWAGE DISPOSAL SYSTEM.** Where a public sanitary sewer is not available under the provision of section 15-403, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 391, Art. III, Sec. 1)

15-405. **SAME.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the city engineer. 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 city engineer. A permit and inspection fee of \$15.00 shall be paid to the city at the time the application is filed.

(Ord. 391, Art. III, Sec. 2)

- 15-406. SAME. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city engineer. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city engineer when the work is ready for final inspection, and before any un-ground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the city engineer. (Ord. 391, Art. III, Sec. 3)
- 15-407. SAME. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than three acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 391, Art. III, Sec. 4)
- 15-408. SAME. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-407, a direct connection shall be made to the public sewer in compliance with its article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 391, Art. III, Sec. 5)
- 15-409. SAME. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 391, Art. III, Sec. 6)
- 15-410. SAME. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 391, Art. III, Sec. 7)
- 15-411. SAME. When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or sand. (Ord. 391, Art. III, Sec. 8)
- 15-412. PERMIT; CONNECTION FEE. (a) 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. (b) There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of \$15.00 for a residential or commercial building sewer permit and \$20.00 for an industrial building sewer permit shall be paid to the city at the time the application is filed. (Ord. 391, Art. IV, Secs. 1:2)
- 15-413. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from

any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 391, Art. IV, Sec. 3)

- 15-414. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 391, Art. IV, Sec. 4)
- 15-415. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, one examination and test by the city engineer to meet all requirements of this article. (Ord. 391, Art. IV, Sec. 5)
- 15-416. BUILDING SEWER. The size, slope, alignment, 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 code or other applicable rules and regulations of the city and state. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 391, Art. IV, Sec. 6)
- 15-417. SAME. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 391, Art. IV, Sec. 7)
- 15-418. SAME. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 391, Art. IV, Sec. 8)
- 15-419. SAME. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and state, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city engineer before installation. (Ord. 391, Art. IV, Sec. 9)
- 15-420. SAME. The applicant for the building sewer permit shall notify the city engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city engineer or his or her representatives. (Ord. 391, Art. IV, Sec. 10)
- 15-421. SAME. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 391, Art. IV, Sec. 11)

- 15-422. DISCHARGES; PUBLIC SEWERS. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 391, Art. V, Sec. 1)
- 15-423. SAME. Storm water 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 city engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city engineer to a storm sewer, combined sewer, or natural outlet. (Ord. 391, Art. V, Sec. 2)
- 15-424. SAME. 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 liquids, solid, or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid 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, ashes, cinders, sand, mud, straw, shavings, metal, glass, gas, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- (Ord. 391, Art. V, Sec. 3)
- 15-425. SAME. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the city engineer that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the city engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquids or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade).
 - (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees centigrade).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the superintendent.

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

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city engineer for such materials.

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

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city engineer in compliance with applicable state or federal regulations.

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

(i) Materials which exert or cause:

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

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

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

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

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

(k) Any waters or wastes having (1) a five-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight or suspended solids, or (3) having an average daily flow greater than two percent of the average wastewater flow of the city, shall be subject to the review of the city engineer. Where necessary in the opinion of the city engineer, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city engineer and no construction of such facilities shall be commenced until the approvals are obtained in writing.
(Ord. 391, Art. V, Sec. 4)

15-426.

SAME. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the

characteristics enumerated in section 15-415 of this article, and which in the judgment of the city engineer, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create hazard to life or constitute a public nuisance, the city engineer may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Requirement payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-431 of this article.

If the city engineer permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the city engineer and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. 391, Art. V, Sec. 5)

15-427. SAME. Grease, oil and sand interceptors shall be provided when, in the opinion of the city engineer they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 391, Art. V, Sec. 6)

15-428. SAME. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 391, Art. V, Sec. 7)

15-429. SAME. When required by the city engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city engineer. 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. 391, Art. V, Sec. 8)

15-430. SAME. 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.

(The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.) (Ord. 391, Art. V, Sec. 9)

15-431. SAME. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 391, Art. V, Sec. 10)

15-432. VIOLATIONS. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 391, Art. VI, Sec. 1)

15-433. INSPECTION; PROPERTIES. The city engineer 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 city engineer or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waters or facilities for waste treatment. (Ord. 391, Art. VII, Sec. 1)

15-434. INSURANCE. While performing the necessary work on private properties referred to in section 15-433, the city engineer or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 15-429. (Ord. 391, Art. VII, Sec. 2)

15-435. INSPECTION; PRIVATE PROPERTIES. The city engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 391, Art. VII, Sec. 3)

- 15-436. **USER CHARGES.** The following classes of users and charges to those users for the sewer and wastewater treatment services provided by the city to its sewer and wastewater customers are hereby established:
- Class I: (a) Residential Users, Single Family Contributors: \$5.76 per month per residence.
- (b) Residential Users, Apartments and Apartment Complexes: \$5.76 per month per apartment.
- Class II: Light Commercial Users, Nonresidential Contributors which contribute between 30 and 250 gpd of less than or equal to normal domestic strength wastewater: \$2.75 per month.
- Class III: Medium Commercial Users: Nonresidential contributors which contribute between 250 and 650 gpd of less than or equal to normal domestic strength wastewater: \$14.13 per month.
- Class IV: Heavy Commercial Users: Nonresidential contributors which contribute more than 650 gpd of less than or equal to normal domestic strength wastewater \$29.03 per month.
- Class V: Light Institutional Users: \$3.41 per month.
- Class VI: Heavy Institutional Users: \$28.35 per month.
- (Ord. 494, Sec. 1)
- 15-437. **SEPARATE PREMISES.** A separate user fee shall be assessed for each building or premises served, without regard to whether each building or premises has a separate address and/or is separately metered for water services.
- (Ord. 494, Sec. 2)
- 15-438. **PAYMENT OF BILLS.** All bills for the previous month's sewer service charges shall be due on or before the 20th day of the month following the service. A penalty of 10% of the amount thereof shall be added to any bill if not paid in the city office by 4:00 p.m. on the 20th day of the month in which due. (Ord. 423, Sec. 1)
- 15-439. **CITY LIABILITY FOR DAMAGE.** The city shall not be liable for any damage to the property of any customer of any utility service furnished by the city due to backflow of the sewerage system, failure of the sewer or water supply, interruption of service or any other cause outside the direct control of the city.
- (Ord. 591, Sec. 1; Code 2006)
- 15-440. **INSPECTION AND MAINTENANCE.** (a) The consumer is required by this division to inspect, test, and overhaul backflow preventers in accordance with the following schedule or more often as determined by the city or its authorized representative:
- (1) Air gap separations shall be inspected at the time of installation and at least monthly.
- (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty (30) months.
- (3) Reduced pressure principle backflow preventers shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five (5) years.

(b) Inspections, tests, and overhauls of backflow preventers shall be made at the expense of the consumer and shall be performed by an approved tester.

(c) Whenever backflow preventers required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.

(d) The consumer must maintain a complete record of each backflow preventer from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. All records of inspections, tests, repairs, and overhauls shall be provided within thirty (30) days to the city or its authorized representative.

(e) All backflow preventers shall have a tag showing the date of the last inspection, test, or overhaul or other maintenance attached to it.

(f) Backflow preventers shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the city or its authorized representative.

(Ord. 591, Sec. 2; Code 2006)

15-441.

VIOLATIONS AND PENALTIES. (a) The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer where-in any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the city or its authorized representative, or if it is found that the backflow preventer has been removed or bypassed, or if an unprotected cross-connection exists.

(b) Water service to such premises shall not be restored until the consumer is in compliance with this cross-connection division to the satisfaction of the city or its authorized representative.

(c) Wilful neglect or failure to comply with the regulations of this division shall be termed a Class C misdemeanor violation of which there shall be a fine, the minimum of which shall be fifty dollars (\$50.00) and a maximum of five hundred dollars (\$500.00).
(Ord. 591, Sec. 3; Code 2006)

ARTICLE 5. SOLID WASTE

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

(a) Commercial Waste. - All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.

(b) Dwelling Unit. - Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;

(c) Garbage. - Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;

(d) Multi-Family Unit. - Any structure containing more than four individual dwelling units;

(e) Refuse. - All garbage and/or rubbish or trash;

(f) Residential. - Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;

(g) Rubbish or Trash. - All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;

(h) Single Dwelling Unit. - An enclosure, building or portion thereof occupied by one family as living quarters.

(i) Solid Waste. - All non-liquid garbage, rubbish or trash.
(Code 1975, 13-201; Code 1998)

15-502. COLLECTION. All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Code 1975, 13-203; Code 1998)

15-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 1998)

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.
(Code 1975, 13-207; Code 1998)

- 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. (Code 1975, 13-207; Code 1998)
- 15-506. BULK CONTAINERS. On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 1975, 13-208; Code 1998)
- 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. (Code 1998)
- 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. (Code 1998)
- 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. (Code 1998)
- 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. (Code 1998)
- 15-511. HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
- (a) Explosive materials;
 - (b) Rags or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;

- (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
- (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
(Code 1998)

- 15-512. PROHIBITED PRACTICES. It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
 - (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
 - (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
 - (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
(Code 1975, 13-215; Code 1998)
- 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.
(Code 1975, 13-217; Code 1998)
- 15-514. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment.
(Code 1975, 13-215; Code 1998)
- 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.
(Code 1975, 13-214; Code 1998)
- 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.
(Code 1998)
- 15-517. SAME; NUMBER TO BE DISPLAYED. The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be

conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 1998)

- 15-518. CLOSED VEHICLE. Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 1998)
- 15-519. RULES AND REGULATIONS. The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer.
(Code 1998)
- 15-520. FAILURE TO SECURE LICENSE. Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116.
(Code 1998)
- 15-521. CHARGES. The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city.
(Ord. 502, Sec. 1; Code 1998)
- 15-522. BILLING. Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 1975, 13-204; Code 1998)
- 15-523. SAME; DELINQUENT ACCOUNT. In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected.
(K.S.A. 65-3410; Code 1975, 13-204; Code 1998)

ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Ord. 454, Sec. 1; Code 1998)
- 15-602. DEFINITIONS. (a) Water - shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer - shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) Waste of Water - includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:
- Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
- Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
- (Ord. 454, Sec. 2; Code 1998)
- 15-603. DECLARATION OF A WATER EMERGENCY. Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 454, Sec. 3; Code 1998)
- 15-604. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:
- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.

(c) Use of water in swimming pools, fountains and evaporative air conditioning systems.

(d) Waste of water.
(Ord. 454, Sec. 4; Code 1998)

15-605. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

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

(b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;

(c) Restrictions on the sales of water at coin-operated facilities or sites;

(d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.

(Ord. 454, Sec. 5; Code 1998)

15-606. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-603, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

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

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

(c) Extra charges in excess of a specified level of water use (excess demand surcharge).

(Ord. 454, Sec. 6; Code 1998)

15-607. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-603, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 454, Sec. 7; Code 1998)

15-608. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is

reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

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

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

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

(b) A fee of \$50.00 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 violation and \$300.00 for any additional violations.

(c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.

(Ord. 454, Sec. 8; Code 1998)

15-609. **EMERGENCY TERMINATION.** Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public.
(Ord. 454, Sec. 9; Code 1998)