

CHAPTER XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 1986)
- 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 1986)
- 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 1986)
- 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 1986)

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

(b) Cash deposits for any one or the combined services of electricity, water and sewer service shall be \$75.

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

(d) The deposit and interest accrued shall be payable in cash upon demand by the property owner depositing the same or it may be credited on the payment of any bill rendered; provided, that at the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor who is owner of the premises wherein such water service is being furnished and has not been delinquent in payment of any water service charge during the past year. Interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto.

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

(Code 1986)

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

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

(Code 1986)

- 15-106A. **LIABILITY OF PROPERTY OWNER; LIEN.** (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.
- (b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.
- (c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
- (d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.
- (Ord. 1019, Sec. 1; Code 1986)

15-107. **PETTY CASH FUND.** A petty cash fund in the amount of \$1,000 may be 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 1986)

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 1986)

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 1986)

ARTICLE 2. WATER

15-201. **SUPERINTENDENT OF WATER AND SEWAGE.** The superintendent of water and sewage shall have day to day control of the city water system. The general management, care, control and supervision of the city water system shall be in the city administrator. (Code 1986)

- 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 1986)
- 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 1986)
- 15-204. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located public water mains, is hereby required at his or her own expense to make connection to such public water main.
 (b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection.
(Code 1986)
- 15-205. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.
 (b) The application shall:
 (1) Contain an exact description including street address of the property to be served;
 (2) State the size of tap required;
 (3) State the size and kind of service pipe to be used;
 (4) State the full name of the owner of the premises to be served;
 (5) State the purpose for which the water is to be used;
 (6) State any other pertinent information required by the city clerk;
 (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.
 (c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207.
(Code 1986)
- 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 1986)
- 15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be as published in the Operations and Policy Manual which is provided for in section 1-401. (Code 1986)
- 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 1986)

- 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 1986)
- 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 city administrator. (Code 1986)
- 15-211. INCORPORATING CROSS CONNECTION CODE OF 1988. There is hereby incorporated by reference for the purpose of regulating Cross Connection in the Municipal Potable Water System, The Sabetha Cross Connection Code of 1988, developed by Sabetha city officials. No fewer than three copies of the "Cross Connection Code of 1988" shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1128," and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The superintendent of water and wastewater, and all administrative departments of the city charged with the enforcement of this section shall be supplied, at the cost of the city, such number of official copies of the Cross Connection Code of 1988, similarly marked, as may be deemed expedient. (Ord. 1128, Sec. 1)
- 15-211a. CROSS CONNECTIONS PROHIBITED. No person shall make or permit to be made a cross connection whereby a private, auxiliary, emergency water supply or non-potable water supply may enter the supply or distribution system of the municipality, unless permitted under the Cross Connection Code of the City of Sabetha, Kansas. (Ord. 1128, Sec. 2)
- 15-212. METERS. (a) All water furnished to customers shall be metered.
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.
(c) The city's responsibility stops at the property line.
(Code 1986)
- 15-213. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10 will be made to the customer. (Code 1986)
- 15-214. 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 1986)

15-215. 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 1986)

15-216. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish a water service disconnection and reconnection charge and publish the same in the Operations and Policy Manual. 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. (Code 1986)

15-217. 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 1986)

15-218. 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 1986)

15-219. 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 1986)

15-220. 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 1986)

15-221. 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 1986)

15-222. RATES. The rates per month for the use of water in the city shall be as follows:
(a) Customers within corporate limits of the city

Minimum Charge:

<u>Meter Size</u>	<u>Minimum Charge</u>
3/4" or less	\$ 8.34
1"	20.82

1½"	41.46
2"	66.40
3"	124.60
4"	214.09
6"	428.19

Step Schedule

Over the first 1000 gallons a charge of \$4.02 for each 1000 gallons or fractional portion thereof used.

(b) Customers outside the corporate limits of the city:

<u>Meter Size</u>	<u>Minimum Charge</u>
¾" or less	\$ 20.55
1"	39.27
1½"	70.23
2"	107.64
3"	194.94
4"	329.17
6"	650.32

Step Schedule

Over the first 1,000 gallons a charge of \$4.02 for each 1,000 gallons or fractional portion thereof used.

(Ord. 1167, Sec. 1)

- 15-223. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 15th day of the month following the service. For any billing not paid when due a late charge of 2 percent will be added to the bill. (Code 1986)
- 15-224. 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 1986)
- 15-225. 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 1986)

ARTICLE 2a. WATER CONSERVATION

- 15-2a01 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. 1134, Sec. 1)
- 15-2a02. DEFINITIONS. (a) Water, as the term is used in this article, 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, as the term is used in this article, shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) Waste of Water, as the term is used in this article, 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) Motor Vehicle, as the term is used in this article, includes all vehicles requiring license by the State of Kansas.

(e) 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. 1134, Sec. 2)

15-2a03. **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. 1134, Sec. 3)

15-2a04. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-2a03, the city administrator 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.
(b) Washing of automobiles.

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

(d) Waste of water.

(Ord. 1134, Sec. 4)

15-2a05. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-2a03, the city administrator 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) Restriction 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. 434, Sec. 5)

15-2a06. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-2a03, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

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

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

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

(Ord. 1134, Sec. 6)

15-2a07 REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-2a03, the city administrator is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, and 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. 1134, Sec. 7)

15-2a08. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city administrator, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to sections 15-2a05 or 15-2a07 of this article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and 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 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 hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50 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 for the second violation and \$300 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. In addition, such customer may be required by the court to serve a definite term of confinement in the 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 mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the county jail which shall be fixed by the court and which shall not exceed 30 days.

(Ord. 1134, Sec. 8)

15-2a09. EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 1134, Sec. 9)

15-2a10. WATER WELL DRILLING. It shall be unlawful for any person to commence, permit, or allow any activities for the drilling or other means of obtaining a water well within the corporate limits of the city, without having first obtained a water well permit from the city clerk's office. (Ord. 1145, Sec. 1)

15-2a11. SAME; PERMIT. The water well permit shall not be issued by the city clerk until the clerk has received the following from the applicant:

(a) A non-refundable application fee of \$5.

(b) The written street address and legal description of the property where the proposed well is to be located.

(Ord. 1145, Sec. 2)

15-2a12. SAME; PENALTY. The penalty for violating any provisions of section 15-2a10:2a11 shall be a fine not to exceed \$200 and each continuing violation shall be deemed to be a separate offense which shall have an additional fine of \$10 for each day such well is operated in violation of those sections. (Ord. 1145, Sec. 3)

ARTICLE 3. SEWERS

15-301.

DEFINITIONS. Unless otherwise indicated by the specific context, the meanings of the terms used in this article are as follows:

(a) BOD (denoting Biochemical Oxygen Demand) - 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 milligrams per liter.

(b) Building Drain - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (1.5 meters) outside the building wall.

(c) Building Sewer - The extension from the building drain to the public wastewater collection system or other place of disposal.

(d) Combined Sewer - A sewer receiving both surface water and sewage.

(e) Garbage - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(f) Industrial Wastes - The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(g) Natural Outlet - Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(h) Person - Any individual, firm, company, association, society, corporation or group.

(i) pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(j) Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food which have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/8 inch (1.27 centimeters) in any dimension.

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

(l) Sanitary Sewer - A sewer which carries wastewater and to which storm, surface and groundwater are not intentionally admitted.

(m) Sewage - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(n) Sewage Treatment Plant - Any arrangement of devices and structures used for treating sewage.

(o) Sewage Works - All facilities for collecting, pumping, treating and disposing of sewage.

(p) Sewer - A pipe or conduit for carrying wastewater.

(q) Shall is mandatory, May is permissive.

(r) Slug - Any discharge of water, wastewater or industrial waste which is concentration of any given constituent or in which the quantity of flow for any period of duration longer than 15 minutes exceeds more than five times the average 24 hour concentration or flow quantities during normal operation.

(s) Storm Drain (Storm Sewer) - A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

(t) Superintendent - The city engineer and/or his or her authorized deputy, agent or representative.

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

(v) Watercourse - A channel in which a flow of water occurs, either continually or intermittently.

(Ord. 977, Art. I, Secs. 1:33; Code 1986)

15-302. UNLAWFUL SEWAGE DEPOSITS. (a) It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage or other objectionable waste in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city.

(b) It shall be unlawful to discharge any wastewater or other polluted waters into any natural outlet except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Ord. 977, Art. II, Secs. 1:2)

15-303. PRIVYS; SEPTIC TANKS. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 977, Art. II, Sec. 3)

15-304. CONNECTIONS REQUIRED. (a) The owner(s) of all houses, buildings or properties used for human occupancy, employment recreation or other purposes, situated within the city and abutting any street, alley or right-of-way in which there is now located or may be located in the future, a sanitary sewer of the city is hereby required to install, at his or her expense, 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 the official notice to do so, provided that the public sewer is within 150 feet of the property line.

(b) No sewer connection will be permitted for areas outside the city limits until the developer or owner obtains approval from the governing body. Any sewer lines needed to connect with existing city sewer mains and laterals must conform to city and state specifications.

(Ord. 977, Art. II, Secs. 4:5)

15-305. PRIVATE DISPOSAL SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-304, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 977, Art. III, Sec. 1)

15-306. SAME; PERMIT, FEES. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the city clerk. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of \$25 shall be paid to the city clerk at the time the application is filed.

(Ord. 977, Art. III, Sec. 2)

- 15-307. SAME; INSPECTION. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. 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 superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 96 hours of the receipt of notice by the superintendent or his or her representative. (Ord. 977, Art. III, Sec. 3)
- 15-308. SAME; SPECIFICATIONS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Kansas Department of Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool system shall be permitted to discharge to any natural outlet. In the case of a private water supply, the minimum lot size will be 40,000 square feet. No septic tank or cesspool system shall be permitted to discharge to any natural outlet. (Ord. 977, Art. III, Sec. 4)
- 15-309. SAME; CONNECTION TO PUBLIC SYSTEM. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-308, a direct connection shall be made to the public wastewater collection system in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 977, Art. III, Sec. 5)
- 15-310. SAME; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 977, Art. III, Sec. 6)
- 15-311. SAME; ADDITIONAL REQUIREMENTS STATE BOARD OF HEALTH. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 977, Art. III, Sec. 6)
- 15-312. CONNECTION, CONSTRUCTION; PERMITS, FEES. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the superintendent.
(b) There shall be one class of building sewer permit for residential and commercial service.
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 \$10 for a residential or commercial building sewer permit shall be paid to the city clerk at the time the application is filed. (Ord. 977, Art. IV, Secs. 1:2)
- 15-313. SAME; COSTS BORNE BY OWNER. 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. 977, Art. IV, Sec. 3)

15-314. SEPARATE SEWER FOR EVERY BUILDING. A separate and independent building sewer shall be provided for every building; except where one building standards at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 977, Art. IV, Sec. 4)

15-315. OLD BUILDING SEWERS. (a) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent to meet all requirements of this article.

(b) Any property owner demolishing a building on the owned premises shall have a duty to disconnect the property sewer line from the trunk line and properly cap the trunk line in a permanent fashion.

(Ord. 977, Art. IV, Sec. 5; Code 1986)

15-316. SEWER SPECIFICATIONS. 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 Uniform Plumbing Code as hereinafter modified.

(a) Minimum internal pipeline diameter for all building sewers shall be four inches.

(b) Building sewers shall be constructed of one of the following pipeline materials:

(1) Extra-strength vitrified clay pipeline and fittings conforming to ASTM C 700.

(2) Polyvinyl chloride (PVC) gravity sewer pipe and fittings, Type PSP or PSM conforming to ASTM Standards D 3033 or D 3034. All PVC sewer pipe shall be at least Schedule 40.

(3) Reinforced concrete pipe properly coated and not less than 36 inches in diameter conforming to ASTM C 76.

(4) ABS composite sewer pipe conforming to ASTM D 1680.

(5) Reinforced plastic mortar pipe conforming to ASTM D 3262.

(6) Asbestos-cement non-pressure sewer pipe conforming to ASTM C 428.

(7) Cast or ductile iron pipe with a minimum pressure rating of 150 pounds per square inch conforming to Federal Specification WW-P421b, or ANSI A21.51, A21.6 or A21.8, except that iron used in the manufacture of pipe shall have minimum design strength value, in pounds per square inch, of 21,000 for bursting strength and 45,000 for modules of rupture.

(Ord. 977, Art. IV, Sec. 6)

15-317. SEWER ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 977, Art. IV, Sec. 7)

15-318. DOWNSPOUTS, DRAINS. No person shall make connection of roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface

runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 977, Art. IV, Sec. 8)

- 15-319. CONNECTION TO PUBLIC SEWER. The connection of the building sewer into the public sewer shall conform to the requirements of the uniform plumbing code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation. (Ord. 977, Art. IV, Sec. 9)
- 15-320. INSPECTION BEFORE CONNECTION TO PUBLIC SEWER. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his or her representative within 96 hours of the receipt of notice. (Ord. 977, Art. IV, Sec. 10)
- 15-321. BARRICADES AND LIGHTS. 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. 977, Art. IV, Sec. 11)
- 15-322. STORM AND SURFACE WATER. (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or combined sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.
(Ord. 977, Art. V, Secs. 1:2)
- 15-323. UNLAWFUL DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
(b) 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.
(c) Any waters or wastes having a pH lower 6.0 or more than 9.0, or having any other 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 obstructions 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, rags, feathers, tar, plastics, wood, unground

garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
(Ord. 977, Art. V, Sec. 3)

15-324.

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

(a) Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit (49 degrees Centigrade).

(b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 120 degrees Fahrenheit (0 and 49 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 (.076 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether 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 superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent 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 superintendent in compliance with applicable state or federal regulations.

(h) Materials which exert or cause:

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

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

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

(j) 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 of suspended solids, or (3) having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the superintendent. Where necessary, in the opinion of the superintendent the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to (1) reduce the bio-chemical 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 other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. 977, Art. V, Sec. 4)

15-325. SAME; PROCEDURE. 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 15-324, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or would otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes,

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

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

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or user charges under the provisions of this article.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 977, Art. V, Sec. 5)

15-326. INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid 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 superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 977, Art. V, Sec. 6)

15-327. PRETREATMENT AT OWNERS EXPENSE. Where preliminary treatment of flow-equalizing facilities are provided for any water wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his or her expense. (Ord. 977, Art. V, Sec. 7)

15-328. INSPECTIONS, MANHOLES. (a) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be construed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(b) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be performed by a laboratory approved by the superintendent and 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 the 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 building sewers of a premises 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 building sewers whereas pH's and heavy metals are determined from periodic grab samples.)

(c) Any pretreatment standards as established by state, federal, or other public agencies of jurisdiction for such discharge will be used as the minimum requirements by the superintendent as applied to this article.
(Ord. 977, Art. V, Secs. 9:10)

15-329. UNLAWFUL ACTS. No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper with any structures, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct. (Ord. 977, Art. VI, Sec. 1)

15-330. ENTERING PREMISES; INSPECTIONS. (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Any report, record, or information taken for purposes of administering this article shall remain confidential to the superintendent, except that such report, record, or information may be disclosed to other officials, employees, or authorized representatives of the city and except for such effluent information as may be required by federal and state regulations.

(b) While performing the necessary work on private properties referred to in (a) above, the superintendent 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 this article.

(c) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater collection system lying within said 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. 977, Art. VII, Secs. 1:3)

15-331. VIOLATIONS; PENALTIES. (a) Any person found to be violating any provisions of this article, except section 15-329, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided in (a) above, shall be in violation of this article. Each 24 hour period in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall be liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.

(Ord. 977, Art. X, Secs. 1:3; Code 1986)

15-332. SEVERABILITY. The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts. (Ord. 977, Art. XI, Sec. 2)

15-333. SEWER RATES. A sewer maintenance charge system is hereby established, pursuant to the federal regulations that a charge system must generate sufficient revenue to offset the operation, maintenance and replacement costs of the sewage treatment system, as follows:

(a) A monthly sewer service charge shall be made to all water customers connected to the city water system. This sewer service charge shall be determined as follows:

(1) Residential customers: A base charge of \$5 per month plus an amount equal to \$.85 per 1,000 gallons, or a fractional portion thereof, used in a one month average of the months of January, February and March, provided, however, that if the readings for January, February and March are not available, then the rates shall be determined on the last actual reading. The minimum charge shall be \$5 per month.

(2) Business customers: A base charge of \$5 per month plus an amount equal to \$.85 per 1,000 gallons, or fractional portion thereof, of water used per month. The minimum charge shall be \$5 per month.

(3) Other: For contributors who contribute wastewater, the strength of which is greater than normal domestic waste is subject to a surcharge in addition to the normal user charge as follows.

\$0.070 per pound BOD (Biochemical Oxygen Demand)

\$0.025 per pound SS (Suspended Solid)

Pretreatment of industrial wastes may be required.

(b) No un-metered water will be permitted through the city sanitary sewer lines.

(c) The first year of operational, maintenance and replacement costs shall be based upon engineer's estimates as to such costs.

(d) The sewer usage charge shall be reviewed annually and revised to accomplish the following:

(1) maintain proportional distribution of operational, maintenance and replacement costs, among user and user classes as required by federal regulations.

(2) generate sufficient revenue to pay the total operations, maintenance and replacement costs necessary to the proper operation and maintenance of the treatment works system.

(3) apply excess revenue collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(e) Each user shall be notified by notice in the regular billings at least annually of the rate and that portion of the user charges which are attributable to waste water treatment services.

(f) When BOD, suspended solids, or other pollutant concentrations from a user exceed the range of concentration of these pollutants in normal domestic sewage as defined in paragraph 26(e) a surcharge added to the base charge, calculated by means of the following formula, will be levied.

$$C_s = (B_c (B) + S_c (S) + P_c (P)) Vu$$

Where:

C_s = A surcharge for wastewaters of excessive strength.

B_c = Cost for treatment of a unit of biochemical oxygen demand (BOD).

B = Concentration of BOD from a user above a base level.

S_c = Cost for treatment of a unit of suspended solids.

S = Concentration of SS from a user above a base level.

P_c = Cost for Treatment of a Unit of any pollutant.

P = Concentration of any pollutant from a user above a base level.

Vu = Volume contribution from a user per unit of time.

(Ord. 1154, Secs. 1:2; Ord. 1217, Sec. 1)

ARTICLE 4. ELECTRICITY

15-401. RATES; RESIDENTIAL - CORPORATE LIMITS. The rates per month for the use of electricity shall be as follows:

(a) Availability - Available for residential service through one meter to single-occupancy dwelling units for all domestic household and ordinary farm use.

(b) Monthly Rate - Monthly customer charge of \$5; All Kwh at \$.0613 per Kwh.

(c) Fuel Adjustment Clause - All energy sold under this schedule shall be subject to a fuel cost adjustment as set forth in FAC-90.

(d) Winter Season Heating Rate - If customer permanently installs and uses as the primary source of heat two Kw or more of electric space heating equipment and so informs the city in writing, then in calculating the monthly charges during the heating season, or block of 1000 Kwh will be classified as space heating for which the customer will be charged \$.0513 per Kwh. The heating season shall begin after the September meter reading and continue through the April meter reading. This block will begin after 1000 Kwh of usage in a month.

(e) Minimum Bills - Minimum bills do not include the applicable fuel adjustment. The minimum monthly bills shall be \$5.50.

(Ord. 1274, Sec. 1)

15-402. SAME; COMMERCIAL - CORPORATE LIMITS. (a) Availability - Available to customers who do not meet the requirements of the availability and character of service clauses of the residential rate, who desire multiphase service or whose metered load does not exceed 25 KW of demand.

(b) Monthly Rate - Monthly customer charge of \$8; All KWH at \$0.0697 per KWH.

(c) Fuel Adjustment Clause - All energy sold under this schedule shall be subject to a fuel cost adjustment as set forth in FAC-95.

(c) Minimum Bill - Minimum bills do not include the applicable fuel adjustment. The minimum monthly bill shall be the monthly customer charge of \$8.

(Ord. 1274, Sec. 1)

15-403. SAME; LARGE POWER - CORPORATE LIMITS. (a) Availability - Consumers whose metered load at any time exceed 25 kilowatts of demand.

(b) Monthly Rate - Monthly customer charge of \$8

(c) Demand Charge - \$6 per KW of billing demand.

(d) Energy Charge - All KWH \$0.0385 per KWH.

(e) Fuel Adjustment Clause - All energy sold under this schedule shall be subject to a fuel cost adjustment as set forth in FAC-95.

(f) Minimum Bill - Minimum bills do not include the applicable fuel adjustment. The minimum monthly bill shall be the highest of the following:

(1) \$6 per KW of the current monthly billing demand.

(2) \$6 per KW of the highest monthly billing demand registered in any of the preceding 11 months.

(3) \$150.

(g) Determination of Billing Demand - The metered demand is based on the maximum 30-minute demand, as registered by a demand meter. The demand will be determined by the KW of the demand registered in the billing month or any of the preceding 11 months, whichever is greater. The metered demand (KW) shall be adjusted where the customer's power factor falls below 85 percent. The adjusted billing demand shall be determined by dividing 85 percent by the monthly power factor percentage metered, and multiplying the result by the monthly metered demand.

(Ord. 1274, Sec. 1)

- 15-404. RESIDENTIAL; RURAL. (a) Availability. Available for residential service through one meter to single-occupancy dwelling units for all domestic household and ordinary farm use.
- (b) Monthly Rate. Monthly customer charge of \$7. All KWH at \$0.0680 per KWH.
- (c) Final Adjustment Clause. All energy sold under this schedule shall be subject to a fuel cost adjustment as set forth in FAC-95.
- (d) Winter Season Heating Rate. If customer permanently installs and uses as the primary source of heat two KW or more of electric space heating equipment and so informs the city in writing, then in calculating the monthly charges during the heating season, a block of 1000 KWH will be classified as space heating for which the customer will be charged \$0.0580 per KWH. The heating season shall begin after the September meter reading and continue through the April meter reading. This block will begin after 1000 KWH of usage in a month.
- (e) Minimum Bills. Minimum bills do not include the applicable fuel adjustment. The minimum monthly bills shall be \$7.
(Ord. 1274, Sec. 1)
- 15-405. COMMERCIAL; RURAL. (a) Availability. Available to customers who do not meet the requirements of the availability and character or service clauses of the residential rate, who desire multiphase service or whose metered load does not exceed 25 KW.
- (b) Monthly rate. Monthly customer charge of \$9.50. All KWH at \$0.0697 per KWH.
- (c) Fuel Adjustment Clause. All energy sold under this schedule shall be subject to a fuel cost adjustment as set forth in FAC-95.
- (d) Minimum Bill. The minimum monthly bills do not include the applicable fuel adjustment. The minimum monthly bill shall be \$950
(Ord. 1274, Sec. 1)
- 15-406. LARGE POWER; RURAL. (a) Availability. Consumers whose metered load at any time exceeds 25 kilowatts of demand.
- (b) Monthly Rate. Monthly customer charge of \$9.50. Demand Charge -\$6 per KW of billing demand. Energy charge - All KWH at \$0.0385 per KWH.
- (c) Fuel Adjustment Clause. All energy sold under this schedule shall be subject to a fuel cost adjustment as set forth in FAC-95.
- (d) Minimum Bill. Minimum bills do not include the applicable fuel adjustment. The minimum monthly bill shall be the highest of the following:
- (1) \$6 per KW of the current monthly billing demand.
 - (2) \$6 per KW of the highest monthly bill demand registered in any of the preceding 11 months.
 - (3) \$150.
- (e) Determination of Billing Demand. The metered demand is based on the maximum 30-minute demand, as registered by a demand meter. The demand will be determined by the KW of the demand registered in the billing month or any of the preceding 11 months, whichever is greater. The metered demand (KW) shall be adjusted where the customer's power factor falls below 85 percent. The adjusted billing demand shall be determined by dividing 85 percent by the monthly power

factor percentage metered, and multiplying the result by the monthly metered demand.

(Ord. 1274, Sec. 1)

15-407. PAYMENT. Monthly bills will be rendered NET, payable within 15 days of the date of the bill, and will become delinquent thereafter. Two percent shall be added to the net amount on the date the bill becomes delinquent as stated thereon. (Ord. 1274, Sec. 1)

15-408. FUEL COST COMPUTATION FORMULA. The rates for energy to which this adjustment is applicable shall be increased or decreased by \$.00001 per kilowatt-hour (KWH) for each \$.00001 (or major fraction thereof) increase or decrease in the aggregate cost of energy per KWH as computed by the following formula:

$$\frac{(G + P)}{(S)} \frac{(Sa)}{(I)} - b = \text{Adjustment}$$

WHERE

G = The actual total cost of power generated for the latest month for which data are available.

P = The actual total purchased power cost for the latest month for which data are available.

S = The actual total KWH generated and purchased for the latest month for which data are available.

b = The cost of fuel and purchased power used in generation during the base period divided by KWH sold during the base period. The base period is defined as the period from which data were taken in establishing the base rates to which the energy adjustment will be applied. b = \$0.02883/KWH.

I = Actual sales in Kwh for the most recent 12 month period ended December 31.

Sa = Actual purchases and generation in KWH for the most recent 12 month period ended December 31.

(Ord. 1274, Sec. 1)

15-409. MODEL STANDARDS ADOPTED. The Model Standards of Billing Practices recommended by the Kansas Corporation Commission, is hereby adopted as the Billing Practices for jurisdictional customers of the Sabetha Municipal Electric System. (Ord. 1146, Sec. 1)

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 or rubbish and trash.
(Ord. 904, Sec. 1; Code 1986)

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 1986)

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 1986)

15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Ord. 904, Sec. 2; Code 1986)

15-505. CONTAINERS. Residential containers shall have a capacity of not more than 35 gallons. They shall be of galvanized metal other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Ord. 905, Sec. 1; Code 1986)

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 1986)

15-507. ENTER PRIVATE PREMISES. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 905, Sec. 1; Code 1986)

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 1986)

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 1986)

15-510. HEAVY, BULKY WASTE. Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner of person controlling same. (Ord. 904, Sec. 3; Code 1986)

15-511. HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

- (a) Explosive materials;
 - (b) Rags or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Ord. 904, Sec. 3; Code 1986)

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 1986)

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 1986)

15-514. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Ord. 904, Sec. 4; Code 1986)

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 hauling or disposing of his or her own solid waste proving it is done in such manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Ord. 905, Sec. 1; Code 1986)

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. (Code 1986)

15-517. SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk the sum of \$15 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1st of the calendar year in which said permit is issued. (Code 1986)

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. (Ord. 904, Sec. 3; Code 1986)

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. (Ord. 904, Secs. 5:6; Code 1986)

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 1986)