

CHAPTER XV. UTILITIES

- Article 1. General Provisions
- Article 2. Water
- Article 3. Electricity (Reserved)
- 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, sewer, and other utility services provided by the city. (Ord. 242; Code 2016)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, sewer, or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 2016)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
- (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid within 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. (Ord. 242; Code 2016)
- 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. (Ord. 242; Code 2016)

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

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

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

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

(Ord. 242; Code 2016)

15-106. BILLINGS AND PENALTIES. (a) All billings for city utility services shall be mailed by common carrier to the customer on or about the 1st day of each month.

(b) All city utility services shall be due and payable on or before the 15th day of each month; except when such date falls on Saturday, Sunday or holiday, in which case all bills shall be due on the next regular business day.

(c) After the 15th day of the month, or later as provided in the foregoing section, in addition to the principal amount owed, a penalty of \$10 or 10% of the unpaid balance, whichever shall be greater, shall be due and payable.

(d) All payments received are credited first to any penalty and any unpaid balance with the remainder credited to the current bill.

(e) A customer questioning the accuracy of a meter reading may request a meter re-read. However, if a customer requests a meter re-read more than two times in a 12 month period and the city feels the meter is accurate, the meter will be removed and tested for accuracy. If the meter is found to be accurate, the customer will receive a copy for the accuracy report and pay \$45 for the test.

(f) City utility services will be terminated for nonpayment upon notice to the customer at the billing address when the bill is unpaid on or before the 10th day of the month following billing. If service is terminated, a reconnect fee of \$25 will be charged in addition to delinquency charges before city utility services will be reinstated.

(g) If service is reconnected by anyone other than authorized city personnel prior to full payment of the account balance on the above stated fees, the water meter shall be removed or locked. Service will be re-established only after full payment of the past due account balance plus a \$25 meter installation or unlocking fee.

(h) The disconnect notice shall provide the customer with the amount of the unpaid debt, information concerning the customer's right to request a hearing within five days of the date of the notice, and notice of the date that service will be terminated if the debt remains unpaid.

(i) A \$30 charge will be charged back to the customer's account for a check returned for insufficient funds.

(j) When any customer has been previously notified of a delinquency as set out herein and is delinquent a second time, requiring notice, a \$50 deposit may be required to continue city utility services. When a deposit is required, the water meter

shall be pulled and not replaced until the deposit is paid in full. Upon terminating the service, the deposit shall be returned to the customer together with interest at the statutory rate less any outstanding city utility charges due to the city.
(Ord. 230; Code 2016)

15-107. DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY. (a) In the event that any person, except the United States or the state of Kansas, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in sections 15-102:104. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.

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

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

(d) If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided by the city, the application shall not be accepted until all fees or charges are paid in full.
(Code 2016)

15-108. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article shall be liable for payment of the costs of any utility service account delinquency arising from service provides to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event that a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry.

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

(d) The city may collect the amount of the unpaid bill for utility services by any lawful means. Provided, however, that in no event may the city place a lien, as provided in subsection (b) of 15-106, on real estate of the lessor.
(Ord. 242; Code 2016)

- 15-109. PETTY CASH FUND. A petty cash fund in the amount of \$200 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. (Ord. 242; Code 2016)
- 15-110. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Ord. 242; Code 2016)
- 15-111. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Ord. 242; Code 2016)

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 annually by the mayor with the consent of the governing body. (Code 2016)
- 15-202. CONTRACT WITH CITY. The rules and regulations hereinafter set forth shall constitute and be considered a part of this contract with every person, company, firm, corporation supplied with water from the municipal water system of the city. Every person, company, firm, or corporation, hereinafter sometimes called consumer, who accepts and utilizes water or requests the use of water shall be held to have consented to be bound hereby. (Ord. 123, Sec. 1; Code 2016)
- 15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, and power service connections are in good working order and the supply of water is sufficient for the usual demand of its consumers. The city does not guarantee any specific water pressure for its services. The city shall not be liable for any damages done or accidents due to the lack of pressure, or insufficient water supply or break in the mains, or the shutting off of the water supply, or the failure of power or other energy used for pumping. (Ord. 123, Sec. 2; Code 2016)
- 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 2016)
- 15-205. INSTALLATION OF SERVICE. The installation of water service lines and meters and the connection of the same to the city public water supply shall be upon approved application for service pursuant to section 15-206 of the municipal code of the city.
(a) Each premise, unit, business, and place of business shall be on a separate water meter, with separate water service, and shall be connected to the sewer system of the city. No master metering of water service shall be permitted without prior approval by the governing body.
(b) A \$25 application fee along with a \$75 deposit fee will accompany each application for water service from the city. Additionally, each applicant for water service shall bear all actual costs for connecting and maintaining proper connection with the city public water supply.
(c) All water mains, water meters, water service lines, and other appurtenances connected to the city public water supply, shall be constructed and installed by a licensed plumber or approved water main contractor, pursuant to the specifications of and subject to inspection by the city.

(d) Upon proper installation, all water mains, water meters, and water service lines connecting water meters with the city public water supply, shall become the sole property of the city.
(Ord. 128, Sec. 1; Code 2016)

15-206. APPLICATION FOR SERVICE. (a) Every person who desires connection with the city water mains shall make application in writing to the city clerk for service. The application shall be in such form as shall from time to time be prescribed by the governing body.

(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 15-208.

(Ord. 123, Sec. 7; Code 2016)

15-207. 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 2016)

15-208. CONNECTION FEES. The fees for connection to the city waterworks system shall be as follows:

(a) For new construction connecting water main with three-fourths inch tap, three-fourths inch service line and installing three-fourths inch meter - \$1,000 plus tax;

(b) For connecting water main where the city has previously installed a meter can and the service line is installed and ready for the connection and meter installation - \$100 plus tax.

(Ord. 236; Code 2016)

15-209. 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 2016)

15-210. 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 2016)

- 15-211. 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 2016)
- 15-212. VACANT LOTS. All vacant lots and tracts of land which have a water meter placed thereupon and which do not receive water service shall pay the minimum charge for the placement of the water meter in the amount of \$18 per month for each water meter. Such minimum charge shall commence 120 days after construction is completed on the water system. (Ord. 123, Sec. 8; Code 2016)
- 15-213. UNAUTHORIZED USE OF HYDRANTS. No person, firm, or corporation, unless authorized by the city council, shall take or remove water from any public or private hydrant, plug, street, wash, draw, cock, hose, pipe, or fountain except for fire purposes or in any way use or take any water for private use without paying for same as herein provided. Water necessary for municipal uses such as firefighting, flushing of streets and sewers, street sweepers, and dust control may be obtained from fire hydrants by the city. (Ord. 123, Sec. 9; Code 2016)
- 15-214. 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 2016)
- 15-215. 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 2016)
- 15-216. 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 2016)
- 15-217. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, and neglect or otherwise after the same has passed through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 2016)
- 15-218. 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. (Code 2016)

15-219. 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 2016)

15-220. 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 2016)

15-221. 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 2016)

15-222. WASTING WATER. (a) 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. Wasting water may include but is not limited to:

- (1) Permitting water to escape down a gutter, ditch, or other surface drain;
- (2) Failing to repair an irrigation system's malfunction; or
- (3) Failing to repair a controllable water leak due to defective plumbing.

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

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

(d) The penalties for violating this section shall be the same as those set forth in section 15-608.
(Code 2016)

15-223. 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 2016)

15-224. RATES. Each and every person, firm, or corporation who shall be furnished water service, whether within or beyond the city limits by the municipal water system of the city, shall pay to the city a charge therefore based upon the following scheduled rates, to wit:

- (a) Residential Premises Inside the City Limits:
 - (1) A base usage rate of \$20.22 per month or any part thereof; and
 - (2) For all usage per 1,000 gallons of water per month, a charge of \$4.68 per 1,000 gallons.
- (b) Residential Premises Outside the City Limits:
 - (1) A base usage rate of \$20.22 per month or any part thereof; and
 - (2) For all usage per 1,000 gallons of water per month, a charge of \$7.02 per 1,000 gallons.
- (c) Non-Residential Use Inside City Limits:
 - (1) A base usage rate of \$20.22 per month or any part thereof; and
 - (2) For all usage per 1,000 gallons of water per month, a charge of \$4.68 per 1,000 gallons.
- (d) Non-Residential Use Outside City Limits:
 - (1) A base usage rate of \$28.08 per month or any part thereof; and
 - (2) For all usage per 1,000 gallons of water per month, a charge of \$7.02 per 1,000 gallons.

The rates, fees, and charges established by this article for the use of and services rendered by the waterworks system of the city may be altered, amended, or changed from time to time by city resolution duly adopted by the governing body. No change or amendment of such rates, fees, and charges shall have the effect of applying to services furnished by the municipal water system prior to the effective date of such resolution.

(Ord. 185; Code 2016)

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 2016)

15-226. CROSS CONNECTIONS; PURPOSE. The purpose of this article is to protect the public water supply of the city from contamination due to backflow or backsiphonage from any cross connection; and to prohibit and eliminate all cross connections to the public water supply; and to provide for the maintenance of a continuing effective cross connection control program. This program shall include regularly scheduled inspections to detect and eliminate current cross connections as well as to prevent any future cross connections.

(Ord. 127, Sec. 1; Code 2016)

15-227. CROSS-CONNECTIONS PROHIBITED. No person, company, corporation, or institution shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private water supply, or any source of contamination may enter the regular public water supply of the city unless the source is approved by the city council and the Kansas Department of Health and Environment. (Ord. 127, Sec. 2; Code 2016)

- 15-228. SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where there is a hazard of contamination of the potable water supply system. (Ord. 127, Sec. 3; Code 2016)
- 15-229. SAME; INSPECTION. The water superintendent or other designate of the city council shall have the right of entry into any building or premises in the city as frequently as necessary in order to ensure that plumbing has been installed in a manner as to prevent the possibility of contamination for the public water supply of the city. (Ord. 127, Sec. 4; Code 2016)
- 15-230. SAME; INCORPORATION BY REFERENCE. There is hereby incorporated by reference for the purpose of regulating cross connections between the public water supply and any sources of contamination that certain manual adopted by the governing body of the city known as "Manual of Regulations Regulating Backflow and Backsiphonage of Contaminants Due to Cross Connections for the City of Bentley, Kansas, Public Water Supply." One copy of the manual shall be marked or stamped "Official Copy as Adopted by Ordinance No. 127," and to which shall be attached a copy of this article, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Ord., 127, Sec. 5; Code 2016)
- 15-231. SAME; PROTECTION FROM CONTAMINANTS.
- (a) Pursuant to the authority given under home rule authority and K.S.A. 65-163a, the city may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water supply system and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the city. In addition, the city may immediately terminate water service to a premises where a backflow or backsiphonage condition exists which may be hazardous to the health of customers served by this public water supply system of the city.
- (b) All premises of any kind or character where a backflow prevention system or device is required or has been installed, shall no less than annually have such system or device checked by a properly trained and licensed professional and confirmed to be in working order and effective in insuring no backflow or backsiphonage condition may occur or exist. Proof of compliance with this annual inspection shall be provided by filing the same, in writing, signed by the individual or company representative performing the inspection, on or before June 30 of each calendar year beginning with the first full year after installation and annually before the June 30th date thereafter. (Ord. 267; Code 2016)
- 15-232. USER FEE. A monthly fee of eighteen dollars (\$18) shall be assessed to households located within the city limits of the City, not connected to the municipal water system. Such fee shall represent a user fee associated with the derived benefits accruing from access to water service and capacity in case of an emergency event and the attendant benefits directly and indirectly derived from that availability. (Ord. 235; Code 2016)

ARTICLE 3. ELECTRICITY
(Reserved)

ARTICLE 4. SEWERS

15-401. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

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

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

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

(d) Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

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

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

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

(h) Person shall mean any individual, firm, company, association, society, corporation, or group.

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

(j) Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

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

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

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

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

(o) Sewage Works shall mean all facilities for collection, pumping, treating and disposing of sewage.

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

(q) Shall is mandatory; May is permissive.

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

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

(t) Superintendent shall mean the (superintendent of sewage works and/or of water pollution control) of the city of Bentley, Kansas, or his or her authorized deputy, agent, or representative.

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

(v) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 260; Code 2016)

15-402. SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city on any street, alley, or right-of-way in which areas are now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install a suitable toilet facility therein, and to connect such facility directly with the proper public sewer in accordance with the provisions of this article, within 30 days after date of official notice to do so, provided such public sewer is within 300 feet of the property line. (Ord. 260; Code 2016)

15-403. APPLICATION; CONNECTION FEE.

(a) No 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 city.

(b) Applications for sewer service shall be made at the city offices on behalf of the customer requesting sewer service. The application shall be in such form as shall be prescribed by the city. Every customer using sewer service from the city's system shall be deemed to have consented and agreed to the terms and provisions of all applicable city ordinances, rules and regulations. The city or its contractor shall make all taps in sewer mains. However, the applicant shall pay all of the cost of connection to the city sewer service. Upon receiving the application the city will provide applicant an estimate of the cost of connection to the city sewer service. When the applicant has paid the city the amount of the estimate cost, the city shall make all necessary taps and connections to the city's sewer system.

An applicant's right to connect to a city sewer does not include the right to construct a sewer or drain across the property belonging to some other person. Such right must be obtained from the owner of such property and should be in the form of a legal easement and shall be filed in the office of the register of deeds.

(c) If a sewer connection is made without a sewer permit and without inspection, then such connection shall be closed and disconnected from the sewer by the order of the city.

(Ord. 260; Code 2016)

15-404. CLASSES OF PERMITS. (a) There shall be two classes of building sewer permits:

(1) For the residential and commercial services, and

(2) For the service to establish and produce an industrial waste.

In either case, the owner or his or her agent shall make application on a special form furnished by the city. Permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. Permit inspection fees as prescribed by the ordinances and resolutions of the city shall be paid to the city at the time the application is filed.

(b) Permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to another owner, another user, or different premises, nor shall it be transferred to a new or significantly changed operation. Permits for establishments producing industrial wastes shall be issued for a specified time period, not to exceed 2 years. If the user is not notified by the city 30 days prior to the expiration of the permit, the permit shall be extended 1 additional year. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
(Ord. 260; Code 2016)

15-405. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be paid 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. 260; Code 2016)

15-406. SEWER CONNECTION. The connection of a building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his or her expense install a "Y" branch in the public sewer location specified by the superintendent. When the public sewer is greater than 12 inches in diameter and no properly located "Y" branch is available, a neat hole may be cut in the public sewer to receive the building sewer with entry in the downstream direction at an angle of about 45 degrees. A 45 degree elbow may be used to make such connections with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of the connection shall be at the same or a higher elevation as the invert of the public sewer. The smooth, neat joints shall be made, and the connection be made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.
(Ord. 260; Code 2016)

15-407. 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 feasibly 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. 260; Code 2016)

15-408(1). SAME; SPECIFICATIONS. The building sewer shall be cast iron soil pipe, ASTM specifications (A74-42), or equal; vitrified clay sewer pipe, ASTM specifications (C13-44T), or plastic pipe PVC 1120 SDR41 of ASTM designation D-1784. Joints for PVC pipe shall be either O-ring rubber gasket joints or solvent cemented joints, or equal. All joints shall be right and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron sewer pipe. (Ord. 260; Code 2016)

- 15-408(2). SAME; SPECIFICATIONS. The size and slope of the building sewer shall be subject to approval of the superintendent, but in no event shall the diameter be less than four inches or six inches. The slope of such six inch pipe shall not be less than 1/8 (1.4) inch per foot slope shall be the minimum for that size connection. (Ord. 260; Code 2016)
- 15-408(3). SAME; SPECIFICATIONS. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid on uniform grade and in straight alignment insofar as possible. Changes in direction shall be made with properly curved pipe and fittings. (Ord. 260; Code 2016)
- 15-408(4). SAME; SPECIFICATIONS. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer. The use of any pumping equipment, for which cross connections of a public water supply system are needed, is prohibited. (Ord. 260; Code 2016)
- 15-408(5). SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Ord. 260; Code 2016)
- 15-408(6). SAME; SPECIFICATIONS. All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications (c12-19) except that no backfill shall be placed until the work has been inspected. (Ord. 260; Code 2016)
- 15-408(7). SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.
- Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector.
- Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.
- Joints between any two different types of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Ord. 260; Code 2016)

- 15-409. SEWER EXCAVATIONS. All excavations for public sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city.
(Ord. 260; Code 2016)
- 15-410. NOTIFICATION FOR INSPECTION. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his or her representative.
(Ord. 260; Code 2016)
- 15-411. FAILURE TO CONNECT. (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.
(b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants. (Ord. 260; Code 2016)
- 15-412. PRIVY UNLAWFUL. 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. 260; Code 2016)
- 15-413. PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-402 the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 15-412 to 15-417. (Ord. 260; Code 2016)
- 15-414. SAME; PERMIT. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utility superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the utility superintendent. A permit and inspection fee of \$50 shall be paid to the city at the time the application is filed.
(Ord. 260; Code 2016)
- 15-415. SAME; INSPECTION. The utility superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.
(Code 2016)
- 15-416. SAME; DISCHARGE. (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health. 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 one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-402, a direct connection shall be made within 60 days to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials.
(Ord. 260; Code 2016)

15-417. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Ord. 260; Code 2016)

15-418. DISPOSAL OF SEWAGE. It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; K.S.A. 12-1617g; Code 2016)

15-419. DAMAGE TO SEWERS. No unauthorized person shall maliciously, willfully, or negligently break damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediately arrest under charge of disorderly conduct. (Ord. 260; Code 2016)

15-420. NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
(Ord. 260; Code 2016)

15-421. STANDARDS. The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city.
(Code 2016)

15-422. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article. (Ord. 260; Code 2016)

15-423. GREASE, OIL AND SAND INTERCEPTORS.

(a) Interceptors Required: Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients.

(b) Interceptors Not Required: Interceptors shall not be required for private living quarters or dwelling units.

(c) Type, Capacity, Construction and Maintenance: All interceptors shall be of a type and capacity approved by the city and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be constructed under the supervision of the city and shall be maintained by the owner, at his expense, in a continuously efficient operation at all times.
(Ord. 260; Code 2016)

15-424. CONTROL MANHOLE. 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 constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.
(Ord. 260; Code 2016)

15-425. ROOF, FOUNDATION DRAINS. No person shall make connections 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 public sanitary sewer. (Ord. 260; Code 2016)

15-426. STORMWATER; ETC. DISCHARGE. (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
(b) Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged by approval of the superintendent to a storm sewer, or natural outlet. (Ord. 260; Code 2016)

15-427. PROHIBITED DISCHARGES. (a) No person shall discharge, or cause to be discharged, any storm water, ground water, roof runoff, subsurface drainage, or any water from downspouts, yard drains, yard fountains and ponds, sump pumps, septic tanks, or lawn sprays, into any sanitary sewer. Water from swimming pools, boiler drains, blow off pipes, or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection so the discharge can be precooled, if required, and flows into the sanitary sewer at a rate not to exceed the capacity of the sanitary sewer, provided the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this article; and provided, that the water from an air conditioning or cooling unit shall in no event exceed (1/10) gallon per minute per ton capacity of the unit. Dilution of any waste discharged to the sanitary sewer system is prohibited, whether accomplished by the combination of 2 or more waste streams or by the addition of other liquids solely for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.
(b) No person shall discharge, or cause to be discharged, any of the following described waters, wastes, liquids, substances, or materials into any public sanitary sewer.

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

(2) Solid or viscous substances in quantities or sizes (that will not pass through a ½ inch screen) which may cause obstruction, interference, or pass through to the POTW such as, but not limited to, bulk solids, petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, grease or garbage, ashes, cinders, sand, mud, straw, grass clippings, shavings, metal, glass, rags, feathers, tar, plastics, wood, rubber, animal grease or oil, whole blood, paunch manure, hair, meat fleshings, entrails, bones, hooves, toenails, bristles, horns, chicken feet or heads (or of other fowl), yeast, spent grains, spent hops, whey, whole or separated milk, waste paper, dishes or cups, milk containers, etc., either whole or ground by garbage grinders, or lime slurry, lime residue, slops, asphalt residues, residues from refining, manufacturing or processing of fuels of any kind, or lubricating oils, chemical residues, paint residues, or fiberglass.

(3) Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are capable of causing objectionable odors or hazard to life and property, or which forms solids in concentrations exceeding limits established herein or creates any other condition deleterious to structures or treatment processes, or requires unusual facilities, attention, or expense to handle such materials.

(4) Any waters or wastes having a pH lower than 6 or higher than 10, or containing any chemical or corrosive property that is hazardous or capable of causing damage to structures, equipment, or personnel of the sanitary sewer system. (Ord. 260; Code 2016)

15-428.

INDUSTRIAL AND HARMFUL WASTES.

(a) No person shall discharge, or cause to be discharged, the following substances, materials, waters, or wastes if it appears likely in the opinion of the city that such substances or wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the natural outlet, or can otherwise endanger life, limb, public property; or constitute a nuisance. In forming an opinion as to the acceptability of the wastes, the city will give consideration to factors including 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 wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The prohibited substances are:

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

(2) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not in excess of 100 mg/L, or other substances that may solidify or become viscous at temperatures above 32° F, or 0° C.

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

(4) Any waters or wastes containing iron, chromium, copper, zinc, and similar obnoxious, toxic, or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create any hazard in the receiving waters of the wastewater treatment plant, or interfere with the beneficial use of the sludge, in concentrations exceeding the limits that may be established by the city as necessary.

(A) All other heavy metals and toxic substances, including, but not limited to, the following, shall be excluded from the wastewater system unless a permit specifying the conditions of pretreatment, concentrations, volumes, etc., is obtained from the city: pesticides, rhenium, strontium, tellurium, herbicides, fungicides, or any other fluoride other than that in the public water supply.

(B) Any substance with a chemical oxygen demand (COD) over 430 mg/L.

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

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

(7) Materials that exert or cause:

(A) Excessive discoloration (including dye wastes and vegetable tanning solutions).

(B) Unusual biochemical oxygen demand (BOD), suspended solids, or soils and grease greater than the amounts established in #10 listed below.

(C) Unusual volume of flow or concentration of wastes constituting slugs shall be regulated to equalize the flow and/or concentration to levels acceptable to the city if such waste can damage the collection facilities, impair the treatment process, incur treatment costs exceeding those for normal domestic wastewater, or render the waste unfit for stream disposal and industrial use.

(8) Waters or wastes containing substances that are not amendable to treatment or reduction by the sewage treatment process employed, or are amendable 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.

(9) Except in quantities or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person or corporation to discharge waters or wastes to the sanitary sewer that:

(A) Can deposit grease or oil in the sewer lines in such a manner as to clog the sewers.

(B) Can overload skimming or grease handling equipment.

(C) Are not amenable to bacterial action, and will, therefore, pass to the receiving waters without being affected by normal wastewater treatment processes.

(10) Any waters or wastes having concentrations as follows:

(A) Five day BOD concentration in excess of 400mg/L.

(B) Suspended solids concentration in excess of 200mg/L.

(C) Oil and grease concentration in excess of 100mg/L.

(b) No person shall discharge or cause to be discharged substances, materials, water or wastes which create a public nuisance. No materials shall be discharged, other than aqueous mixtures generated during normal process operations, that are considered hazardous as defined by 40 C.F.R. section 261.21 (ignitable), section 261.22 (corrosive), section 261.23 (reactive), section 261.24 (EP toxicity), section 261.31 (hazardous waste from nonspecific sources). Under no

circumstances shall concentrated hazardous wastes be discharged to the sewer system.

(c) When necessary, in the opinion of the city, the owner shall provide and operate at his own expense, such pretreatment as may be required to reduce the BOD, suspended solids, oil and grease, heavy metals, chemicals, or other toxic and harmful substances to meet any of the requirements of this article.

(d) The sanitary sewer system shall be used, whenever such system is available, by all persons discharging any wastewater, industrial waste, or other polluted liquids, unless an exception is granted by the city.

(e) Industrial Users; Permit:

(1) Copy of NPDES Permit to City; Compliance with Standards:

(A) Industrial users with their own Kansas Department of Health and Environment (KDHE) NPDES permit for industrial wastewater systems shall furnish a copy of said permit to the city and shall comply with said permit and all other KDHE quality standards, rules and regulations currently existing or as hereinafter amended.

(2) Failure to Comply; Penalty:

(A) The procedure and penalties for failure to comply with this section shall be identical to those adopted by KDHE, now existing or hereinafter amended. Further, notice from KDHE shall constitute notice from the city.

Bi) If industrial user shall not comply with above stated limitations, any and all fees, penalties, assessments, or costs assessed against the city shall be reimbursed to the city by the industrial user; provided further, if industrial user shall fail to reimburse the city for fees, penalties, assessments, or costs within 90 days of final determination by the field officer of the Kansas Department of Health and Environment, said fee, penalty, assessment, or costs shall double and the city shall immediately terminate services to said industrial user. (Ord. 260; Code 2016)

15-429.

SPECIAL HANDLING OF INDUSTRIAL OR HARMFUL WASTES.

(a) City Options: If any waters or wastes are discharged, or are proposed to be discharged to the wastewater collection system, that contain the substances or possess the characteristics enumerated in sections 15-427 and 15-428 of this article, and that, in the judgment of the city, may have a deleterious effect upon the POTW, processes, equipment, or that otherwise create a hazard to life or constitute a health hazard or public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharges; and/or

(4) Require an agreement to treat such wastes. The agreement shall remain in effect for a period of one year and shall be renewable at the discretion of the city. Payment to cover the cost of handling and treating the wastes shall be under the provisions of this article.

(b) Review and Approval: If the city permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinance, and laws. (Ord. 260; Code 2016)

- 15-430. PERMIT REQUIRED FOR INDUSTRIAL CONNECTIONS. Any person applying to the city for a permit to make any connection for industrial wastes shall furnish the following information:
- (a) A plat of the property showing accurately all existing sanitary sewers and storm drains.
 - (b) Plans and specifications, approved by a professional engineer, licensed to practice in the state, covering any work proposed to be performed under the permit.
 - (c) A complete schedule of all process waters and industrial wastes produced or expected to be produced at the property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses.
 - (d) The name and address of the firm who will perform the work covered by the permit.
 - (e) A completed application for a permit to discharge industrial waste submitted to the city accompanied by any and all applicable fees as set by resolution. (Ord. 260; Code 2016)
- 15-431. INFORMATION AND COOPERATION OF INDUSTRIAL USERS. Industrial users shall cooperate at all times with the city in the inspection, sampling, and study of the industrial wastes and any facilities provided for pretreatment. The industrial user shall also furnish any additional information relating to the installation or use of the industrial sewer as may be requested by the city and shall operate and maintain any waste pretreatment facilities as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times and at no expense to the city. Industrial users shall be required to develop a Spill Prevention Plan and submit a copy of said plan to the city. The user shall notify the city immediately in the event of any accident or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by agreement and permit. (Ord. 260; Code 2016)
- 15-432. CONDITIONS FOR INDUSTRIAL USER PERMITS.
- (a) Application for Permit: No industrial user, now so doing, shall deposit or discharge any industrial waste into any sanitary sewer that leads to any of the city treatment plants, or deposit or discharge any waste stipulated in sections 15-427 and 15-428 of this article, without first completing an application for an industrial user permit.
 - (b) Existing Users; Conditions: Existing industrial users shall apply for a wastewater discharge permit and must meet the following conditions:
 - (1) Formal application is submitted on a form issued by the city within 60 days after the effective date of this article.
 - (2) Where applicable, plans and specifications for pretreatment facilities have been approved by the city.
 - (3) The applicant has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - (A) Payment of sewer user charges, surcharges, and industrial cost recovery charges as required.
 - (B) Installation and operation of pretreatment facilities where applicable.
 - (C) Sampling and analysis to determine quantity and strength of wastes, following procedures as stipulated herein.

(D) Provision of a control manhole subject to the provisions of this article, and subject to the approval of the city.

(c) New Users; Conditions: New industrial users shall apply at least 90 days prior to connecting to the sanitary sewer system and must meet the following conditions:

(1) Normal application is submitted on a form issued by the city.

(2) Where applicable, pretreatment facilities and/or flow regulating devices approved by the city have been installed.

(3) The applicant has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:

(A) Payment of sewer user charges, surcharges, and industrial cost recovery charges as required.

(B) Sampling and analysis to determine quantity and strength of wastes, following procedures as stipulated herein.

(C) Provision of a control manhole subject to the provisions of this article, and subject to approval of the city.

(d) Permittee Report to City: Upon receipt of an industrial user permit granted under this section, each industrial user shall submit to the city, and each 3 months thereafter for one year, a report on the contents of the wastewater being discharged into the public sewer system. Thereafter each industrial user shall report biennially or more often if directed to do so by the city. These reports shall be in such form and contain such information as the city may require. The industrial user shall grant the city access to the facilities for the purpose of verifying the user's reports.

(e) Term of Permit; Payment of Charges: Industrial user permits granted under this section shall be issued for a period of 24 months and shall be renewable, provided the user complies with all requirements of this article including the payment of all applicable sewer user charges, industrial user surcharges, and industrial cost recovery charges. (Ord. 260; Code 2016)

15-433.

ISSUANCE AND RENEWAL OF INDUSTRIAL USER PERMITS.

(a) Permit Issuance: The city shall issue and renew industrial user permits for any person, firm or establishment discharging any industrial waste into any sanitary sewer which leads to any of the city wastewater treatment plants.

(b) Reports to City:

(1) A certified biennial report prepared by a KDHE certified laboratory, shall be submitted to the city certifying that there have been no changes in operational procedures, flow rates, BOD, suspended solids, or oil and grease values, or if there have been such changes, furnishing the information thereof in such detail as may be required by the city.

(2) Failure to submit such report shall constitute cause for the suspension or revocation of the industrial user permit.

(3) Any significant changes in the flow rate, BOD, and suspended solids values or other characteristics of the industrial waste being discharged shall be reported to the city by the industrial user within 15 days of such changes.

(Ord. 260; Code 2016)

15-434.

MEASUREMENTS, TESTS AND ANALYSES OF WASTES.

(a) Standards: 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 procedures set forth in standard analysis methods, and shall

be determined at the control manhole provided or upon suitable samples taken at the control manhole.

(b) Determination by Independent Firm: For purposes of reporting wastewater characteristics required under this section, the determination of flow, BOD, and suspended solids shall be made by a KDHE certified laboratory. The time of selection of the sample shall be at the sole discretion of the city, but at least on a biennial basis for the purpose of determining the industrial wastewater contribution to the sanitary sewer system of the city. (Ord. 260; Code 2016)

15-435.

ENTRANCE FOR INSPECTIONS ALLOWED. (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 a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in (a) above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be 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 15-424

(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 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. 56; Code 1990)

15-436.

SEWER USER CHARGE.

(a) Payment of Charges. For the purpose of providing funds for the operation and maintenance of the sanitary sewer system of the city, each respective user who does not discharge wastes prohibited by section 15-427 and 15-428 of this article shall pay a sewer service charge and a sewer user charge in the amount established by resolution.

(b) Monthly Rates Established by Council. The residential user's monthly wastewater contribution shall be established by the Bentley City Council as deemed necessary to maintain a viable system by the average winter usage (November thru March) and set by the Bentley City Council as needed.

(c) Term of Estimated Contribution. The estimated monthly wastewater contribution from a user shall prevail until a new estimated monthly wastewater contribution is approved by the Bentley City Council which may review the same from time to time as needed.

(d) Industrial Users; Volume of Use. For industrial users, the monthly wastewater contribution shall be determined by the amount of water used unless wastewater volume is measured with an approved by volume measuring device in the control manhole.

(e) Nonresident Users. For nonresident users of the city sewer system, the following conditions apply:

(1) Sewer User Charge: All users of the city sanitary sewer system having connection serving property beyond the city boundaries shall be charged according to the same rates on water used per month, as set forth in the city resolution.

(2) City Not Obligated to Provide Services: The city does not obligate itself to furnish sanitary sewer services to any person whomsoever, but will furnish such service as is reasonable within its financial ability to do so.

(f) Charges for Extraneous Flows. Operation and maintenance costs for extraneous flows not directly attributable to users (i.e., infiltration/inflow) shall be proportionately distributed among all users of the sanitary sewer system based on wastewater volume of the users. The city shall adjust the sewer user charge rate and minimum sewer user charge as necessary to recover these costs.

(g) Biennial Review of User Charge Rates. The basis for determining the sewer user charge rates shall be reviewed at least biennially and shall be adjusted as necessary to reflect any increase or decrease in wastewater treatment costs based on the immediately preceding years' experience

(h) Annual Notification of User Charges. Each residential user of the sanitary sewer system shall be notified by the city, at least annually, and in conjunction with a regular bill, of the rate and that portion of the sewer user charge which is attributable to wastewater treatment services.

(Ord. 260; Code 2016)

15-437. **RESALE OF WATER; BILLINGS.** If water is sold by the city and metered to a person for resale to water consumers who are users of the city sewer system, such first purchaser shall be responsible to the city for the billing and collecting of all sewer user charges of said consumers and shall account to the city for all such sewer user charges at the time such first purchaser pays his water bill. If requested by the city, a purchaser of water for resale to consumers shall furnish and certify the number and addresses of all of his water customers who are users of the city sanitary sewer system. (Ord. 260; Code 2016)

15-438. **SURCHARGE FOR INDUSTRIAL USERS.**

(a) Authority to Assess Surcharge. If the city determines that an industrial waste is acceptable for admission to the sanitary sewer system, under the discretionary powers given in this article, the industrial user shall be charged and assessed a surcharge, in addition to any sewer user charges, if these wastes have concentrations greater than normal domestic wastewater.

(b) Calculation. The industrial user's surcharge shall be calculated by the following formula:

$$CS = [BC (B) + SC (S) + PC (P)] Vu$$

Where:

CS = Industrial user's monthly surcharge for wastewaters of excessive strength.

- BC = O&M cost for treatment of a pound of biochemical oxygen demand (BOD).
- B = Concentration of BOD from an industrial user above 200 mg/L in pounds per million gallons.
- SC = O&M cost for treatment of a pound of suspended solids.
- S = Concentration of suspended solids from an industrial user above 200 mg/L in pounds per million gallons.
- PC = O&M cost for treatment of a pound of oil and grease.
- P = Concentration of oil and grease from an industrial user above 40 mg/L in pounds per million gallons.
- Vu = Industrial user's wastewater contribution, in millions of gallons
- Per month unit costs shall be calculated as follows:
- $$Bc = \frac{0.35 \text{ Ct}}{Bt} \quad Sc = \frac{0.15 \text{ Ct}}{St} \quad Pc = \frac{0.03 \text{ Ct}}{Pt}$$

Where:

0.35 Ct = Portion of annual O&M cost of wastewater treatment plant attributable to BOD

0.15 Ct = Portion of annual O&M cost of wastewater treatment plant attributable to suspended solids

0.03 Ct = Portion of annual O&M cost of wastewater treatment plant attributable to oil and grease

Bt = Annual total BOD loading to the wastewater treatment plant in pounds

St = Annual total suspended solids loading to the wastewater treatment plant in pounds

Pt = Annual oil and grease loading to the wastewater treatment plant in Pounds

(c) Additional Payment. When total suspended solids, BOD, oil and grease, and/or any other pollutant of water or waste accepted for admission to the city sanitary sewer system exceeds the values of these constituents for normal domestic wastewater, the industrial user shall pay the industrial user surcharge in addition to any sewer user charges.

(d) Use of Recording Meter or Doing Estimate. If an industrial user's wastewater flow is measured by a recording meter of a type approved by the city, and if such industrial user maintains such device in a proper condition to accurately measure such flow, then the industrial user's monthly wastewater contribution (Vu), in thousands of gallons, shall be that volume measured by the recording device. Otherwise, a percentage of water consumption shall be the basis for estimating wastewater flow, such percentage of water returned as wastewater being determined by the city.

(e) Installation of Device at User's Cost. An industrial user may, at his own cost, install an approved wastewater flow measuring device in a control manhole, as provided for, to accurately measure wastewater flow for purposes of determining his monthly contribution of wastewater volume to the sanitary sewer system.

(f) Analyses or Tests to Determine Surcharge. The surcharge for BOD, suspended solids, oil and grease, and any other pollutant, shall be based upon the analyses as required in section 15-434. The applicable surcharge determined by such tests shall be assessed and shall continue for 12 months unless subsequent tests determine that the surcharge should be changed.

(g) Periodic Review and Adjustment. The industrial user's surcharge shall be reviewed at least biennially, at the same time that the user charge is being reviewed, and shall be adjusted to reflect any changes in wastewater treatment costs. Any excess funds collected shall be applied to payment of industrial user surcharges for the following year, and unit costs shall be adjusted accordingly.

(h) Billing. Billing shall be by the month and shall be shown as a separate item on the regular bill for water and sewer charges, and shall be paid monthly in accordance with existing practices. (Ord. 260; Code 2016)

15-439. PRIVATE DEVELOPMENTS. Sanitary sewer mains or interceptors, either serving or within new subdivisions, shall be constructed of sufficient size and capacity to accommodate the anticipated conditions resulting from gravity flow from or to any mains or interceptors intended to serve the subdivision and any property that may be connected into the mains or interceptors at any future date. (Ord. 260; Code 2016)

15-440. SANITARY SEWER; OUTSIDE CITY LIMITS. (a) No sanitary sewer constructed outside the city boundaries, the flow of which is discharged or is to be discharged into the sanitary sewer system of the city, shall be connected with the sanitary sewer system of the city unless such sanitary sewer shall have been constructed in compliance with all the terms of this article.

(b) Whenever it is proposed to construct any sanitary sewer outside city boundaries and connect with the sanitary sewer system of the city, the complete plans, specifications, and estimate of costs of such sewer shall be submitted to the city.

(c) If the city finds from an examination of such plans and specifications that the proposed sanitary sewer complies with the laws of the state and that the design of the sewer is such that it will be practical to connect the same with the sanitary sewage system of the city, then the construction of such sewage system shall be authorized. (Ord. 260; Code 2016)

15-441. SAME; ENGINEERING AND INSPECTION FEES. (a) For any sanitary sewer to be hereafter constructed outside the city boundaries, if such sewer is to be connected directly or indirectly with the sanitary sewer system of the city, then an inspection and engineering fee shall be paid to the city clerk at the time of the submission of the plans and specification of such sewer to the city.

(b) Such fee shall be an amount based on the estimated cost of such construction and inspection and shall be computed as provided for in the general schedule of fees approved by the city council. (Ord. 260; Code 2016)

15-442. SAME; INSPECTION REQUIREMENTS. (a) Inspector Required: Whenever the owner of a proposed sanitary sewer shall commence the construction of such sewer, he shall notify the city, and the city shall thereupon place a qualified inspector on such construction job, the inspector shall remain on duty at all times during the construction of such sanitary sewer.

(b) Such inspector shall see that such sewer is constructed in compliance with the laws of the state, and in accordance with the plans and specifications as approved by the city.

(c) When such sewer is completed, if the city finds that such sewer has been in all respects constructed as provided for in this article, and that all fees as provided for in this article have been paid, then the city, upon the request of the

owner of such sewer, shall authorize the connection of such sewer with the sanitary sewer system of the city. (Ord. 260; Code 2016)

- 15-443. SAME; FILING OF SEWER PLANS. Upon completion, final acceptance by the city and the connection of such sewer with the sanitary sewer system of the city, the original tracings of all plans and profiles for the construction of such sanitary sewer shall be corrected by the engineer who prepared the same to show such sewer as it is actually built, and all of such original tracings of the plans and profiles shall be filed with the city. (Ord. 260; Code 2016)
- 15-444. SAME; MAINTENANCE OF SEWERS. (a) Prior to the authorization provided in this article, the person desiring to construct such sewer shall enter into a contract with the city to provide for the operation and maintenance (O&M) of such sewer for such period as it remains beyond the city boundaries.
(b) The city shall assume no liability or obligation for the operation and maintenance of the sanitary sewer system as long as the district served by such sewer remains outside the city boundaries. (Ord. 260; Code 2016)
- 15-445. SAME; SEWER SUBJECT TO REGULATIONS. After the sewer has been connected with the sanitary sewer system of the city, all the terms of this article shall be in full force and effect and shall apply to all persons in the district served by such sanitary sewer. (Ord. 260; Code 2016)
- 15-446. SAME; SPECIAL SEWER CONNECTION PERMIT. (a) No person shall connect, or authorize to be connected, any premises that are located outside the city limits to, or with, any sanitary sewer that shall connect directly or indirectly with the sanitary sewer system of the city, without first obtaining a special sewer connection permit.
(b) Any person desiring to obtain a special sewer connection permit shall make application to the city and furnish a detailed plan of the desired connection. After inspection of the plan and existing sewer facilities, the application will be presented to the city council. Special sewer connection permits shall be issued only with the approval of the city council.
(c) Upon approval by the city council of the issuance of the permit, the applicant therefore shall first pay to the city clerk the fee as prescribed in the general schedule of fees approved by the city council. (Ord. 260; Code 2016)
- 15-447. VIOLATIONS; PENALTIES. (a) Any person, firm or corporation that violates any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed \$100 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
(b) When it appears to the city that the violation was not committed with malice or by gross negligence, prosecution may be deferred temporarily by the city to allow the offender to conform to and/or comply with the requirements of this article. In such event, the city shall give the offender written notice describing the nature of the violation and fixing a reasonable time limit for the correction of the violation. Such notice shall inform the violator that failure to heed the notice with the time named will result in prosecution in accordance with this section.
(c) Each day upon which a violation occurs constitutes a separate offense. In addition thereto, such person, firm or corporation may be enjoined from continuing

such violation, and shall be subject to civil liability for any damage or loss caused the city. (Ord. 260; Code 2016)

15-448.

PERMITTEE REQUEST FOR RESONSIDERATION.

(a) Filing of Request: Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the city, interpreting or implementing the provisions of this article, or in any permit issued herein, may file with the city a written request for reconsideration within 15 days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

(b) City Representative to Meet with Petitioner: Upon receipt of such request for reconsideration, a designated representative of the city shall set a time and place to meet with the person and shall give the petitioner written notice thereof.

(c) Hearing: The hearing shall be commenced within not more than 15 days after the day on which the petition is filed; provided, that, upon the application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such 15 day period, and in the judgment of the city the petitioner has submitted a good and sufficient reason for such postponement. At such hearing, the city may sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this article, and the rules and regulations adopted pursuant hereto have been complied with. If the city sustains or modifies such notice, it shall be deemed to be a final order. (Code 260; Code 2016)

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 2016)
- 15-502. SOLID WASTE FEES. Solid waste collection and disposal fees shall be set by a resolution passed by the governing body of the city.
(Ord. 142, Sec. 1; Code 2016)
- 15-503. RELIEF AND COLLECTION. Any person subject to payment of any solid waste collection and disposal fees pursuant to section 15-503 of the municipal code of the city, may request relief from such fees and/or services from the governing body of the city. The decision of the governing body shall be binding. The city may collect delinquent solid waste collection and disposal fees as provided in K.S.A. 65-3410. (Ord. 142, Sec. 2; Code 2016)
- 15-504. 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 2016)
- 15-505. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.
(Code 2016)

- 15-506. 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 2016)
- 15-507. 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 2016)
- 15-508. BULK CONTAINERS. On premises where excessive amounts of refuse accumulate 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 2016)
- 15-509. 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 2016)
- 15-510. 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 2016)
- 15-511. 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 2016)
- 15-512. 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 2016)

- 15-513. **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 2016)
- 15-514. **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 2016)
- 15-515. **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 2016)
- 15-516. **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 2016)
- 15-517. **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 2016)

- 15-518. 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 2016)
- 15-519. SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk the sum of \$500 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 2016)
- 15-520. 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 2016)
- 15-521. 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 2016)
- 15-522. 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 2016)
- 15-523. 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 2016)
- 15-524. 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. (Code 2016)
- 15-525. SAME; FEE SCHEDULE. (Reserved)

- 15-526. 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 2016)
- 15-527. 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 2016)

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. (Code 2016)
- 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. (Code 2016)
- 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. (Code 2016)
- 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.
- (Code 2016)

- 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.
- (Code 2016)
- 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).
- (Code 2016)
- 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. (Code 2016)
- 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 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 city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.

(Code 2016)

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.

(Code 2016)