

## CHAPTER XV. UTILITIES

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### ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, gas, sewer, solid waste (refuse) and other utility services provided by the city. (Code 2012)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 2012)
- 15-103. NOTICE; HEARING. (a) A delinquency and termination notice shall be issued by the City Clerk contemporaneously with the monthly utility bill which is mailed, first-class postage prepaid, to the address provided by the person responsible for the bill. A copy of the notice shall also be sent to the occupants of the premises if different from the responsible party.
- (b) Contents of the notice shall include:
    - (1) The amount due, plus late fees and penalties, if applicable;
    - (2) A statement that service shall be discontinued on the 25<sup>th</sup> day of the month unless payment is received in full;
    - (3) A statement that a hearing shall be available upon request to address disputed billing upon written notice, served upon the City Clerk by the end of business the 20<sup>th</sup> day of the month in which the termination notice was served upon the customer. In the event that the 20<sup>th</sup> day of the month falls on a weekend or holiday for which City Hall is not open for business, notice shall be served upon the city clerk no later than close of business the next working day thereafter.
  - (c) Procedural requirements are as follows, and provided in writing to each applicant for hearing by the City Clerk:
    - (1) Notice of the hearing date will be provided to the customer by the City Clerk upon receipt of the request for hearing by the customer.
    - (2) All hearings shall be conducted on the 24<sup>th</sup> day of the month in which the termination notice was served upon the customer. Time of the hearing shall be agreed upon by customer and city clerk. All hearings shall be heard at City Hall, 110 North Union Street, McLouth, Kansas unless otherwise noticed. In the event the 24<sup>th</sup> day of the month falls on a weekend or holiday for which City Hall is not open for business, the hearing shall be held the next working day thereafter at the time and location provided above.

- (3) All hearings shall be presided over by the Mayor or his/her designee.
  - (4) All findings of the hearing officer shall be final.
- (Ord. 2003-03; Code 2012)

15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 2012)

15-105. UTILITY DEPOSIT. (a) All applications for utility services shall be accompanied by a cash deposit in the amount of \$300 to secure payment of accrued bills or bills past due for non-payment or discontinuation of service. The person making the application and deposit shall be deemed to be the responsible party for payment of utility service bills and charges. Receipt thereof shall be issued to each such responsible person. The \$300 shall be considered an undivided amount for water, sewer, gas, and any additional services provided by the city and billed on a periodic basis to the responsible party.

(b) Any applicant whose utility services have been suspended or terminated by reason of nonpayment of utility charges within a five year period prior to the subsequent application, at the same or different location, whether to the city of McLouth or other municipality or supplier, shall be required to post a deposit in twice the amount as set forth in subsection (a).

(c) The deposits so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined annually by the state corporation commission, and credited to the responsible party's account.

(d) For responsible parties making deposits for leased or rented property, the total deposit shall be retained for the length of the tenancy. For responsible parties making deposits for property owned or being purchased by the responsible party pursuant to a mortgage recorded by the register of deeds, the deposit may be returned to the responsible party after the passage of two years, and in the discretion of the governing body for the city, if all utility service bills are current, no debt is past-due, and there have been no excessive delinquent payments received on the account.

(e) Upon termination of services, and upon demand and notice by the responsible party, the deposit and any accrued interest previously credited to the account shall be returned by the responsible party, provided no outstanding debt on any utility is owed. Failure of the responsible party to make full payment for any and all utility service bill or bills due and owing at the time of termination for services or the next billing cycle may result in withholding any amount up to and including the full amount of the deposit and accrued interest necessary to satisfy the unpaid debt or debts, regardless of which utility or utilities remain unpaid or delinquent. If any balance above the amount of the deposit withheld remains, the

city shall have the right to seek full reimbursement through any legal means available.

(f) Any deposit not funded to the responsible party within three years of discontinuation of services shall be deposited in the water fund of the city upon compliance with the provisions of K.S.A. 12-822, as amended.  
(Ord. 2004-06; Code 2012)

15-106. DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY. (a) In the event that any person, except the United States or the state 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.

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

(Code 2012)

15-107. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article shall be liable for payment of the costs of any utility service account delinquency arising from service 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.  
(Code 2012)

15-108.       PETTY CASH FUND. A petty cash fund in the amount up to \$1,000 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 2012)

15-109.       SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 2012)

15-110.       SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 2012)

15-111.       CONNECTION FEES. (a) Application Permit. Any person desiring to connect to a utility owned, regulated, or operated by the City of McLouth, Kansas shall apply for a connection permit, obtained from the city clerk. Person shall be defined to include any individual, corporation, sole proprietorship, partnership, limited partnership, joint venture, or other business organization or legal entity.

(b) Applicability. (1) Connection permits shall be required for any water, sewer or gas connection. Each service shall be considered a separate connection, and each shall require a separate permit and separate fee.

(2) As applied to multiple-residence structures, to include, but not limited to, duplexes, apartment buildings, mobile home parks: each distinct unit which requires a separate meter for any utility, and each distinct units which is to be connected to the municipal sewer system, shall be considered as independent connections, and each shall require a separate permit and fee for each connection requested, irrespective of the number of units owned or controlled by any person or applicant.

(c) Connection Charge. The applicant for a connection permit shall, at the time of application, pay a sum of \$500 for each service connection requested.

(1) Water service connection fee shall not include the cost of any water meter required.

(2) Gas service connection fee shall not include the cost of any gas meter required, or yard lines required.

(Ord. 2003-01; Code 2012)

- 15-112. DISCONNECTION CHARGE; RECONNECTION FEE. (a) Whenever the City receives written request to terminate service from the person responsible for the utility charge to terminate water, sewer or gas utility service, such request shall result in a \$5 disconnection fee to be added to the final billing.
- (b) Services disconnected for non-payment shall not be reconnected until the delinquent bill is paid in full, to include penalties and interest, as applicable. In addition, a reconnection fee of \$25 shall be paid for the first reconnection following disconnection for nonpayment in any calendar year.
- (c) Request for reconnection shall be made between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday at City Hall, providing business is being conducted on that day.
- (d) Request for reconnection at times other than provided for in section (c) shall require a reconnection fee of \$50 if no disconnection for nonpayment has occurred in the previous 12-month period.
- (e) A second and subsequent reconnection request received in an 12-month period shall require a reconnection fee of \$50 if said request is received as provided for in section (c); or \$70 as provided for in section (d).  
(Ord. 2000-09; Code 2012)
- 15-113. UTILITY BILLS. All utility bills shall be rendered monthly for water, sewer, solid waste and gas and shall be due and payable on the 15th day of each month. Whenever payment is not made by the due date, the city shall have the right to terminate utility service after notice and hearing, as provided for in section 15-103. Before service shall be restored, the customer shall pay the bill, late fee in an amount equal to 10% of the unpaid bill and the reconnection fee provided for in section 15-112. (Ord. 2000-01; Code 2012)
- 15-114. UTILITY RATES. (a) Rates for water, sewer, and solid waste disposal services shall be set by resolution adopted by the governing body. Any change in these rates set by the governing body shall be published in the official city newspaper once prior to the effective date of the rate change.
- (b) A fee is to be levied upon customers outside the corporate city limits of McLouth, Kansas who are served by utilities provided by the City of McLouth, Kansas. This fee shall be in the amount of \$5, which shall be in addition to the regular rate for each particular utility service provided. This additional fee shall be deemed appropriate to defray the cost of operation, repairs, maintenance, extension and enlargement of said utilities systems as well as all charges incidental to the operation of said systems.
- (c) The monthly rate for natural gas reflects the purchase cost and transportation to the City of McLouth, Kansas, with the City adding not more than \$2 per thousand cubic feet over purchase and transportation cost. Due to the constant fluctuations of natural gas costs, the City can change this monthly rate without prior notification.  
(Ord. 2008-03; Code 2012)

## ARTICLE 2. WATER

- 15-201. SUPERINTENDENT OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the superintendent of water and sewage, who shall be appointed by the mayor with the consent of the governing body. (Code 2012)
- 15-202. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1984, 15-102; Code 2012)
- 15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1984, 15-103; Code 2012)
- 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 2012)
- 15-205. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.  
(b) The application shall:  
(1) Contain an exact description including street address of the property to be served;  
(2) State the size of tap required;  
(3) State the size and kind of service pipe to be used;  
(4) State the full name of the owner of the premises to be served;  
(5) State the purpose for which the water is to be used;  
(6) State any other pertinent information required by the city clerk;  
(7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.  
(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207. (Code 2012)
- 15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb

cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 2012)

15-207. 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 1984, 15-106; Code 2012)

15-208. 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 1984, 15-107; Code 2012)

15-209. 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 2012)

15-210. 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 2012)

15-211. 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 1984, 15-110; Code 2012)

15-212. 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 1984, 15-111; Code 2012)

15-213. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 1984, 15-112; Code 2012)

15-214. 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 2012)

15-215. 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 1984, 15-115; Code 2012)

15-216. 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 2012)

15-217. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 2012)

15-218. 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 1984, 15-118; Code 2012)

15-219. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 2012)

15-220. 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 2012)

15-221. 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 of McLouth, Kansas, unless said source is approved by the city council of the City of McLouth, Kansas, and the Kansas Department of Health and Environment. (Ord. 92-2; Code 2012)

15-222. 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. 92-2; Code 2012)

15-223. SAME; INSPECTION. The city utilities a or other designate of the city council of the City of McLouth, Kansas 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 of the public water supply of the City of McLouth, Kansas. (Ord. 92-2; Code 2012)

15-224. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the authority given under Home Rule Powers and K.S.A. 65-163a, the City of McLouth, Kansas, may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the city. In addition, the city may immediately terminate water service to a premises where a backflow or backsiphonage condition exists which may be hazardous to the health of customers served by this public water supply system of the City of McLouth, Kansas. (Ord. 92-2; Code 2012)

15-225. 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 of McLouth, Kansas, known as "MANUAL OF REGULATIONS REGULATING BACKFLOW AND BACKSIPHONAGE OF CONTAMINANTS DUE TO CROSS CONNECTIONS FOR THE CITY OF MCLOUTH, KANSAS, PUBLIC WATER SUPPLY". One copy of said manual shall be marked or stamped, "Official Copy as Adopted by Ordinance No. 92-2", and to which shall be attached a copy of that ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 92-2; Code 2012)

15-226. INDIVIDUAL METERS REQUIRED FOR EACH MOBILE HOME OCATED WITHIN A MOBILE HOME PARK AFTER MAY 1, 2004.

(a) On or before May 1, 2004, each individual mobile home located within a mobile home park, as defined by the Zoning Regulations of the City of McLouth, 1995 Edition, shall be required to have an individual water meter specifically designated for that particular mobile home, and no other structure or mobile home shall receive water service from that meter.

(b) Meters are to be installed at the mobile home park owner's expense.

(c) Meters installed on or before May 1, 2004 may be of any design available from the City; provided, however, that any mobile home replaced with another mobile home unit on the same lot after May 1, 2004 shall be required to have the meter installed in a meter-pit similar to typical residential structures within the City.

(d) From the effective date of Ord. 2003-05 and prior to May 1, 2004, and in the event that a mobile home park owner elects to have two or more mobile homes serviced by a common water meter, payment and remedies available to the City for failure to make satisfactory payment of periodic service charge bills shall

subject the mobile home park owner to the provisions of Section 15-106, *et. seq.*  
to include, but not limited to, termination of services.  
(Ord. 2003-05; Code 2012)

### **ARTICLE 3. GAS SERVICE**

- 15-301.       **RULES.** The rates, rules and regulations hereinafter set forth shall constitute and be considered a part of contract with every person, company, firm or corporation supplies with gas from the gas system of the city, and every person, company, firm or corporation, hereinafter called the consumer, who accepts and uses gas shall be held to have consented to be bound thereby. (Code 1984, 15-401; Code 2012)
- 15-302.       **GAS SERVICE LINES AND YARD LINES.** The City shall install and maintain yard lines from the gas service lines to the point at which the yard line enters the building or buildings to be served by gas. The property owner shall pay the initial costs of the installation of the gas service lines and yard lines and thereafter the City shall maintain the service lines and yard lines at the expenses of the City. If the City adopts a replacement program for cast iron gas mains, laterals, service lines under which a yard line is replaced pursuant to the adopted program, then the property owner shall pay the costs of replacement of the yard line from the end of gas service lines to the point at which the yard lines enter the building or buildings to be served. Only city employees covered by the Anti-Drug Program for the City of McLouth shall install or repair gas service lines and yard lines. (Ord. 90-9; Code 2012)
- 15-303.       **NO INTER-CONNECTIONS.** No plumber, consumer or other person shall extend pipes from one property or street number to another one. (Code 1984, 15-412; Code 2012)
- 15-304.       **STOP COCK.** There shall be a stop cock placed in each service line, protected by a cast iron service box and consumers shall not allow such boxes to become stopped up or covered with dirt and shall keep same in view above the ground at all times. No stop cock shall be turned off by any consumer at any time, but in case of accident or damage to any line, the consumer shall promptly notify the city clerk who shall arrange for cut-off service. (Code 1984, 15-414; Code 2012)
- 15-305.       **PROHIBITED ACTS.** No person shall remove, obstruct, alter or injury any pipe, connection, valve, box, meter or in any way injure or damage any building, machinery, fixture, or appurtenance of the gas system of the city, or carry off or injure any pipe, tools, fixtures, supplies or apparatus, or other property appertaining to the gas system of the city. In addition to penalties otherwise available under this code, the municipal court may order a person found guilty of violating this section to pay any and all costs of repair or replacement incurred by the city due to such violation. (Code 1984, 15-417; Code 2012)
- 15-306.       **UNAUTHORIZED TURNING ON GAS.** If any person or persons shall turn the gas on or cause same to be turned on upon any premises where gas may be shut off for any of the reasons herein provided, without authority from the superintendent, he or she shall be deemed guilty of a violation of this article. In

addition to penalties otherwise available under this code, the municipal court may order a person found guilty of violating this section to pay any and all costs incurred by the city due to such violation. (Code 1984, 15-418; Code 2012)

- 15-307. EXCAVATIONS; DAMAGE PREVENTION PROGRAM. The City of McLouth, KS recognizes its obligation mandated by Section 192.614 and the final rule implements S 3 (a)(2) of the National Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(a)(2) to have a damage prevention program to reduce the risk of excavation damage to buried gas pipelines in populated areas. (Ord. 90-7; Code 2012)
- 15-308. SAME; RULES AND REGULATIONS. This article shall be and provide for rules and regulations to meet the above state requirements. (Ord. 90-7; Code 2012)
- 15-309. SAME; IDENTIFICATION OF EXCAVATORS.  
(a) The City of McLouth, KS recognizes the identity of the majority of the excavators normally conducting their business in the local area.  
(b) The City of McLouth, KS also recognizes that outside excavators may contract their business within the City; therefore, the following procedures shall be followed:  
(1) Notification of this article, after its publication, shall be followed by a notice in the official city newspaper and by the means of an advertisement format to provide all persons, including the general public, of the requirements.  
(2) A copy of this article and any additional regulations shall be provided to all local known excavators.  
(3) A copy of this article and any regulations allowed thereto shall be provided an applicant for an excavation permit.  
(4) It is recognized that the purpose of the program is to provide the best, under known technology, a procedure under which all concerned, *i.e.*, the public, the contractors and the City of McLouth, KS with a tool to assure the safety needed to relate to an excavation near existing gas lines.  
(Ord. 90-7; Code 2012)
- 15-310. SAME; DEFINITION OF EXCAVATION ACTIVITES. "Excavation Activities" shall mean any excavation, including, but not limited to, excavation for any building, structure, underground line, pole, tower foundation, as well as blasting, boring tunneling, backfilling, and including removal of any above or below ground structure by either explosives or mechanical means, as well as any other earth moving operation. (Ord. 90-7; Code 2012)
- 15-311. SAME; LOCATION OF COVER AREAS. (a) This article is applicable to the location of all gas lines located on public right-of-ways, or city owned easements.  
(b) This article does not pertain to the privately owned gas service lines.  
(Ord. 90-7; Code 2012)
- 15-312. SAME; LOCATION OF GAS LINES. The City of McLouth, KS will provide the location of all gas lines on public right-of-way and/or city owned easements upon request after the application for same has been requested under the provisions outlined elsewhere in this article. (Ord. 90-7; Code 2012)

- 15-313. SAME; EXCAVATION PERMIT; APPLICATION. Any person, persons, or firms desiring to excavate near a gas line shall observe the following:
- (a) Apply for a permit from the city clerk, with a payment therefor in an amount of \$5. Said permit to be issued in duplicate. The original to remain filed in the city clerk's office and the duplicate furnished the contractor requesting the permit.
  - (b) The permit shall contain, but not be limited to, the following information:
    - (1) Name and address of the applicant.
    - (2) Time and date of commencement of activities.
    - (3) Date and application.
    - (4) Telephone number of applicant.
    - (5) Description of project, including footage involved, if applicable.
    - (6) Estimated time and date for completion of project.
    - (7) Evidence of insurance coverage.
    - (8) Dates of inspection by the City and final approval date by the City.
- (Ord. 90-7; Code 2012)
- 15-314. SAME; BLASTING INSURANCE. (a) If blasting is required on the project, a special insurance policy, provided by the applicant, shall be provided in an amount designated by the City Administrator, and/or Mayor.
- (b) If permission is granted for blasting, the City, or the applicant, must provide a leak detection survey which will be performed prior to acceptance by the City.
- (Ord. 90-7; Code 2012)
- 15-315. SAME; INSPECTION. The City will provide inspection at no cost to excavation applicant. (Ord. 90-7; Code 2012)
- 15-316. SAME; EMERGENCY CALL PROCEDURE. The City of McLouth, KS does provide "on call" service in and after normal working periods by request made to the Police Department and/or Sheriff Department. (Ord. 90-7; Code 2012)
- 15-317. SAME; INSURANCE REQUIREMENTS. (a) All excavators requiring a permit under the provisions of this article shall provide or have on file with the City insurance coverage in the following amounts:
- (1) \$300,000 General Liability Single Limit or \$100,000/\$300,000 for Bodily Injury and \$100,000 Property Damage. Completed operations coverage in the amounts outlined above.
  - (2) Said insurance coverage shall provide for a 10 day notice of cancellation to the City of McLouth, KS.
- (Ord. 90-7; Code 2012)
- 15-318. SAME; PENALTY. Failure to comply with this article shall provide, after the establishment of guilt, a maximum fine of \$500. (Ord. 90-7; Code 2012)

#### ARTICLE 4. SEWERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Hydrogen ion concentration of 5.0 to 9.0.

(Code 2012)

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 and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 140 feet of the property line. (Code 1984, 15-202; Code 2012)

15-403. PERMIT; 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) There shall be charged a fee of \$\_\_\_\_\_ payable at the time of making application for the permit.

(Code 2012)

15-404. APPLICATION. Any person desiring to make a connection to the city sewer system shall apply in writing to the city clerk who shall forward the application to the utility superintendent. The application shall contain:

(a) The legal description of the property to be connected;

(b) The name and address of the owner or owners of the property;

(c) The kind of property to be connected (residential, commercial or industrial);

(d) The point of proposed connection to the city sewer line.

(Code 1984, 15-204; Code 2012)

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. (Code 1984, 15-206; Code 2012)

15-406. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the utility superintendent and at a location designated by the superintendent. (Code 1984, 15-207; Code 2012)

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. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Code 1984, 15-208; Code 2012)

15-408(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. [Code 1984, 15-208(1); Code 2012]

15-408(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. [Code 1984, 15-208(2); Code 2012]

15-408(3) SAME. 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 at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. [Code 1984, 15-208(3); Code 2012]

15-408(4) SAME. At buildings in which the 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 to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. [Code 1984, 15-208(4); Code 2012]

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. [Code 1984, 15-208(5); Code 2012]

15-408(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. 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 and approved. [Code 1984, 15-208(6); Code 2012]

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 type 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.

[Code 1984, 15-208(7); Code 2012]

15-409. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Code 1984, 15-210; Code 2012)

- 15-410. 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.  
(Code 1984, 15-211; Code 2012)
- 15-411. PRIVY UNLAWFUL. 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 except as provided in this article. (Code 1984, 15-212; Code 2012)
- 15-412. 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 15-411 to 15-416. (Code 1984, 15-213; Code 2012)
- 15-413. 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 \$3 shall be paid to the city at the time the application is filed.  
(Code 1984, 15-214; Code 2012)
- 15-414. 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 1984, 15-215; Code 2012)
- 15-415. 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 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.  
(Code 1984, 15-216; Code 2012)

- 15-416. 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. (Code 1984, 15-217; Code 2012)
- 15-417. 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; 12-1617g; Code 1984, 15-218; Code 2012)
- 15-418. DAMAGE TO SEWERS. It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Code 1984, 15-219; Code 2012)
- 15-419. NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. (Code 1984, 15-220; Code 2012)
- 15-420. 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 1984, 15-221; Code 2012)
- 15-421. 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 utility superintendent, to meet all requirements of this article. (Code 1984, 15-222; Code 2012)
- 15-422. MUD, GREASE TRAPS. All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer. (Code 1984, 15-223; Code 2012)
- 15-423. ROOF, FOUNDATION DRAINS. (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.  
(b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge

does not create a nuisance. No such liquids may be discharged into any unpaved street or alley.

(Code 1984, 15-224; Code 2012)

15-424. SAME; EXCEPTION. Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the utility superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 1984, 15-225; Code 2012)

15-425. PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer:

(a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;

(b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;

(c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(d) Garbage that has not been properly shredded;

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

(f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(i) Noxious or malodorous gas or substance capable of creating a public nuisance.

(Code 1984, 15-226; Code 2012)

15-426. BILLS. (a) Bills shall be rendered monthly as provided in section 15-113 and shall be collected as a combined utility bill.

(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate.

(Code 1984, 15-227; Code 2012)

15-427. DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.

(a) In the event any person, except the United States and the state of Kansas, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15:102:104.

(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in section 15-106 shall apply to sewer service fees, charges and services.

(Code 2012)

15-428.

**ENFORCEMENT.** The utility superintendent shall be the officer responsible for the enforcement and administration of the provisions of this article. The superintendent, or his or her designee, shall be provided free access at any reasonable hour to all parts of any customer's premises for the purpose of making inspections or repairs to the sewer system. (Code 1984, 15-229; Code 2012)

## ARTICLE 5. SOLID WASTE

- 15-501. STORAGE. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the city, shall provide sufficient and adequate containers for the storage of all solid waste except bulky solid waste and demolition and construction waste to serve each such dwelling unit and/or establishment; and maintain such solid waste containers at all times in good repair; and maintain the area surrounding them in a clean, neat and sanitary condition at all times. These containers must have been originally manufactured for the purpose of storing solid waste including a lid. Exception to this will require special permission from the city. (Ord. 305; Code 1984, 15-301; Code 2012)
- 15-502. COLLECTION. (a) The City shall provide for the collection of all residential solid waste in the city, provided, however, that the city may provide the collection service by contracting with a person, county or other city or combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.
- (b) Containers to be manually lifted shall not exceed 30 gallons in capacity nor weigh more than 50 pounds when full. Small tree limbs and boards shall be tied in bundles not to exceed four feet in length.
- (c) All residential solid waste shall be collected at least once weekly, on a day designated by the City. All commercial solid waste shall be collected at least once weekly.
- (d) To ensure residential collection on a scheduled day, containers and other properly packaged refuse must be placed for collection not earlier than 5:00 p.m. on the day prior to the scheduled pick-up.
- (e) After the scheduled collection date, empty containers and refuse or solid waste not collected must be removed from any street, sidewalk or street right-of-way as promptly as possible, but not later than 8:00 a.m. the following day.
- (f) Failure to comply with this section may result in the condition being declared a nuisance code violation and subject to enforcement as set forth in Chapter 8 of the Code.  
(Ord. 2006-06; Code 2012)
- 15-503. CONSTRUCTION WASTE. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, nor shall they be required for the transportation of demolition and construction wastes; however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way. The city of McLouth landfill shall be opened by appointment for tree limbs, boards and construction waste, excepting metals. (Ord. 305; Code 1984, 15-304; Code 2012)
- 15-504. PROHIBITED PRACTICES. It shall be unlawful for any person to: (a) Deposit solid waste in any solid waste container other than his or her own, without the written consent of the owner of such container and/or with the intent of

avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

(b) Interfere in any manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such whether such equipment or collectors shall be those of the city, or those of a solid waste collection agency operating under contract with the city;

(c) Dispose of solid waste at any facility or location which is not approved by the State of Kansas Department of Health and Environment;

(d) Engage in the business of collecting, transporting, processing or disposing a solid waste within the corporate limits of the city without a permit from the city, or operate under an expired permit or operate after a permit has been suspended or revoked.

(Ord. 305; Code 1984, 15-305; Code 2012)

15-505.

**SERVICE CHARGES.** (a) The City of McLouth in providing the services of collection and disposing of all refuse accumulated within the city for the purpose of preventing unsanitary, unsightly, hazardous, unhealthful and dangerous conditions caused by the accumulation of garbage and refuse, shall establish and collect a service charge or fee to defray the cost and maintenance of service and to pay any person contracting with the city for the collection and disposal of garbage and refuse, the fees and charges provided by the contract for the collection and disposal thereof.

(b) There shall be charged, assessed, and collected from each residential unit within the city limits, the monthly amount of \$4.20.

(c) To assist in maintaining the general sanitation of the city, it shall be the duty of every person occupying or having control of the occupancy of any dwelling located on a regularly established garbage and refuse route to notify the city clerk of said city at the beginning of such occupancy or on the effective date of this article and request, accept and use the garbage and refuse pickup and collection service; provided however, the failure of any owner, rental, agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the city from adding the address of such premises to the proper garbage and refuse collection route records and providing such service and otherwise enforcing any appropriate action regulatory measures herein prescribed and causing the fees or charges therefore to be paid.

(d) The service and service charge shall be terminated upon presentation of satisfactory proof to the city that any such dwelling unit is unoccupied, and shall be commenced upon renewed occupancy thereof.

(e) All billing for garbage and refuse service charges shall be included on city utility bills and no payment shall be accepted by the city clerk except for the full amount due for all utility services. Delinquent garbage and refuse bills shall carry the same due dates, grace periods and penalties as water utility bills, as set out in Article 1 of this chapter.

(Ord. 305; Ord. 311; Code 1984, 15-306; Code 2012)

## 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 2012)
- 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 2012)
- 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 2012)
- 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 2012)

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 2012)

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 2012)

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 2012)

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 \$100.00. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.

(Code 2012)

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 2012)