

CHAPTER XV. UTILITIES

- Article 1. General Provisions
- Article 2. Water
- Article 3. Electricity
- Article 4. Sewers
- Article 5. Solid Waste
- Article 6. Water Conservation
- Article 7. Cross Connections

ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 2006)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 2006)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
 - (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
 - (3) Notice that the customer has the right to a hearing before the designated hearing officer;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.
 - (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Code 1983, 15-121)
- 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 1983, 15-122)

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

(b) Cash deposits for the indicated utility service shall be in the following amounts:

(1) Water Service - \$50.00.

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

(d) Deposits collected pursuant to this section shall be governed by the provisions of K.S.A. 12-822 as amended.
(Code 2006)

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

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

(Code 2006)

15-106A. LIABILITY OF PROPERTY OWNER; LIEN. (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.

(b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the

city. The lessor shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.

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

(d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.

(Code 1983, 15-131)

15-107. PETTY CASH FUND. A petty cash fund in the amount of \$100.00 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 1983, 15-126)

15-108. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 1983, 15-127)

15-109. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 1983, 15-128)

ORDINANCE NO. 15-130(h)

AN ORDINANCE RELATING TO THE AMENDING OF THE WATER RATES FOR BOTH INSIDE AND OUTSIDE THE CITY LIMITS OF VALLEY FALLS, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Valley Falls, Kansas:

SECTION 1. Effective April 1, 2009 the monthly rates for users located within the City of Valley Falls: Minimum charge of \$10.50 for the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$5.00

SECTION 2. Effective April 1, 2009 the monthly rates for users located outside the city limits of the City of Valley Falls: Minimum charge of \$14.70 for the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$6.80.

SECTION 3. 15-130(g) of the current ordinance is hereby repealed.

SECTION 4. This ordinance shall become effective after passage and publication in the Valley Falls Vindicator.

PASSED AND APPROVED By the Governing Body of the City of Valley Falls, Kansas on this 4th day of March, 2009.

Susan Grey

Mayor

Attest:

Millie C. Bickford
City Clerk

ARTICLE 2. WATER

- 15-201. UTILITY SUPERINTENDENT. The general management, care, control and supervision of the city water system shall be in the utility superintendent, who shall be appointed by the mayor with the consent of the governing body.
(Code 1983, 15-101)
- 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 1983, 15-102)
- 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 1983, 15-103)
- 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 1983, 15-104)
- 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 2006)
- 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 2006)

- 15-207. CONNECTION FEES. The applicant for a residential connection permit shall, at the time of applying for a permit, pay to the city clerk the sum of \$750.00 as a water connection fee, and the applicant for a non-residential connection permit shall, at the time of applying for the permit, pay to the city clerk the sum of \$1,500.00 as a water connection fee. For this charge, the city shall furnish a meter, tile, lid, cut-off valve, and water line not exceeding 100 feet. (Ord. 15-105, Sec. A; Code 2006)
- 15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1983, 15-106; Code 2006)
- 15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1983, 15-107)
- 15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. (Code 2006)
- 15-211. METERS. (a) All water furnished to customers shall be metered.
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.
(c) The city's responsibility stops at the property line. (Code 1983, 15-109)
- 15-212. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10.00 will be made to the customer. (Code 1983, 15-110)
- 15-213. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off. (Code 1983, 15-111)
- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass

through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive.
(Code 1983, 15-112)

- 15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 2006)
- 15-216. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 2006)
- 15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.
(Code 1983, 15-115)
- 15-218. PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:
- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
 - (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;
 - (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.
- (Code 2006)
- 15-219. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense.
(Code 1983, 15-117)
- 15-220. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 1983, 15-118)
- 15-221. RATES. The rates per month for the use of water shall be as follows:
- (a) Inside City Limits:
 - (1) Effective January 1, 2006, the monthly minimum charge of \$10.00 of the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$3.50.

(2) Effective January 1, 2007, the monthly minimum charge of \$10.50 of the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$4.00.

(3) Effective January 1, 2008, the monthly minimum charge of \$10.50 of the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$4.50.

(b) Outside City Limits:

(1) Effective January 1, 2006, the monthly minimum charge of \$14.00 of the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$4.90.

(2) Effective January 1, 2007, the monthly minimum charge of \$14.70 of the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$5.60.

(3) Effective January 1, 2008, the monthly minimum charge of \$14.70 of the first 1,000 gallons or less. For each additional 1,000 gallons thereafter, or fraction thereof, \$6.30.

(Ord. 15-130(g); Code 2006)

15-222. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 10th day of the month following the service. For any billing not paid when due a late charge of 10 percent will be added to the bill. (Code 1983, 15-119)

15-223. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1983, 15-120)

15-224. USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1983, 15-129)

ARTICLE 3. ELECTRICITY

(Reserved)

(Published in Valley Falls Vindicator on June 22, 2006)

ORDINANCE NO. 15-225

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN CITY OF VALLEY FALLS, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Safe Drinking Water Act Amendments of 1996 [PL 104-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d *et seq.*, as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, City of Valley Falls, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a water system (the "System"); and

WHEREAS, the System is a Public Water Supply System, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

[See Exhibit A of Loan Agreement]

(the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-15-50 through 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed \$341,351.00 ("the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:

Section 1. Authorization of Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain Loan Agreement, with an effective date of May 24, 2006 , with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the Municipality's legal counsel, the Mayor's execution of the Loan Agreement being conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues (as defined in the Loan Agreement) sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, (c) pay all other amounts due at any time under the Loan Agreement, and (d) pay the principal of and interest on Additional Revenue Obligations (as defined in the Loan Agreement) as and when the same become due; provided, however, the pledge of the System Revenues contained herein and in the Loan Agreement (i) shall be subject to reasonable expenses of operation and maintenance of the System, and (ii) shall be junior and subordinate in all respects to the pledge of System Revenues to any Additional Revenue Obligations. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement. In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials and legal counsel are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

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PASSED by the governing body of the City on June 19, 2006 and signed by the Mayor.

(SEAL)

Robert H. Zieg
Mayor

ATTEST:

Dayna L. Heineken
Clerk

APPROVED AS TO FORM ONLY.

Rick Johnson
City Attorney

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 1983, 15-201)

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 1983, 15-202)

15-403. PERMIT; CONNECTION FEE. 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.
(Code 1983, 15-203)

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 1983, 15-204)

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 1983, 15-206)

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 1983, 15-207)

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 1983, 15-208)

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 1983, 15-209(1))

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 1983, 15-209(2))

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 1983, 15-209(3))

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 1983, 15-209(4))

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 1983, 15-209(5))

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 1983, 15-209(6))

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 1983, 15-209(7))

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 1983, 15-210)

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 1983, 15-211)

ORDINANCE No. 15-409(1)

AN ORDINANCE RELATING TO MAINTENANCE AND REPAIR RESPONSIBILITIES FOR SEWER FAILURES INCLUDING A SIGN OFF CHECK SHEET PRIOR TO REPAIRS AND PRIOR TO BACKFILL OF REPAIR INSIDE CITY LIMITS OF VALLEY FALLS, KS.

BE IT ORDAINED by the Governing Body of the City of Valley Falls, Kansas:

Section 1: The maintenance and repair of a building service line and its connection with the city sewer main is the responsibility of the owner of the property it serves. It is therefore the **responsibility of the property owner** to make repairs if there is a failure in the building service line or the wye connection to the city sewer main and the **responsibility of the city** if there is a failure in the city sewer main. The first indication of sewer failure or potential failure may vary. It is the intention of the Waste, Water, and Sewer Supervisor to cooperate with the individual property owners and the plumbers in the resolution of these sanitary failures within the following guidelines.

(A) Sewer Failure – Excavation.

(1) **Settlement of Ground Surface.** In some cases failure of a sewer line is first indicated by settlement of the ground surface near a failure. This can happen before there is any apparent malfunction in either the building service line or the city sewer main. When this occurs over or near the connection of the building service line to the city sewer main, it is not always possible to determine before excavation whether the failure is in the building service line, the city sewer main, or both. If there is no indication at this time that the building service line has failed, the Waste, Water, and Sewer Supervisor will make an attempt to determine the problem by inspection of the city sewer main. If the problem is with the city sewer main, or if the city is unable to inspect the city sewer, the home owner will make the initial excavation to determine the source of the problem.

(2) **Sewer Stoppage/Backup.** If the backup of sewage is the first indication of failure, the Waste, Water, and Sewer Supervisor will assist by investigating to determine if there is a stoppage in the city sewer main.

(I) If the city sewer main has deteriorated to the point where it appears to be the source of the problem or if the city sewer main contains a stoppage that cannot be removed by conventional methods, then the water pollution control Waste, Water, and Sewer Department will make the initial excavation to determine the extent of the failure.

(II) If there are any damaged or broken parts that need replaced with new parts, then the broken parts need to be given to the City Employee/Supervisor after all repairs have been completed. This will need to be checked/signed off by the City Employee/Supervisor on the repair check/sign off form.

(III) If the city sewer main is not obstructed, but is open and flowing, and the private sewer line has failed, it then becomes the responsibility of the property owner to make the necessary repairs within seven days. In this case, the Waste, Water, and Sewer Division will not make the initial excavation.

(3) **Excavation Requirement.** It shall be the total responsibility of the party making the excavation to make it of adequate size for Waste, Water, and Sewer Supervisor to work safely for inspection of the sewer and/or repairing of the wye connection.

(B) Sewer Repairs.

(1) **City Sewer Is Broken.** If the city sewer main is broken or in such poor condition that it is impractical to make a new wye connection (except where the city sewer main was broken during excavation by others), then the Waste, Water, and Sewer Division will provide the following services:

(I) Make the additional excavation required to remove the damaged pipe and replace the broken section(s) of pipe.

(II) Install a new wye connection there to and reinforce the repairs.

(III) If the material removed from the hole is unacceptable for backfilling, the Waste, Water, and Sewer Division will furnish new backfill material.

(IV) Haul off any excess dirt or other material unacceptable for backfill.

(V) Remove any debris left on city property.

(VI) Replace the surfacing.

(VII) If the initial excavation was made by the property owner(s), the Waste, Water, and Sewer Supervisor Division may share in the cost, depending upon the reason for the initial excavation.

(2) **Broken Wye.** If the wye connection itself is broken at the city sewer main, the private sewer line has also failed and the city sewer is in good condition, the property owner will haul off any excess dirt or other material unacceptable for backfill and remove any debris left on city property. It is the responsibility of the property owner(s) to hire a plumber to install the private sewer line(s), replace the backfill material and compact it in accordance with Waste, Water, and Sewer Supervisor's standards.

(3) **City Sewer Intact.** If the city sewer main and the wye connection itself are intact and only the private sewer line(s) is damaged, the Waste, Water, and Sewer Division has no responsibility and therefore will not assist in or pay for any portion of the repair work. In such cases, the Waste, Water, and Sewer Supervisor or designee shall direct the property owner, from which the building service line extends, to repair the service line within seven days.

(I) Whenever officials of the city's public works department investigate any localized settlements or collapses in public streets, easements, alleys or rights-of-way and determine that such settlement or collapse has occurred due to inadequacies of a public sewer line, then the Waste, Water, and Sewer Division shall make or cause to be made immediate repairs and backfill the excavation. However, if the settlement or collapse is found to have resulted from inadequacies in a private sewer line, then the Waste, Water, and Sewer Supervisor or designee shall direct the property owner from which the building service line extends to repair the service line within seven days.

(II) The Waste, Water, and Sewer Division shall exercise diligence, including sending a letter, return receipt requested, in attempting to locate and direct the property owner to repair the service line. However, if said property owner cannot be located or if said property owner fails to secure the service of a contractor to repair the private sewer service line within 48 hours of having received notice from the superintendent, then the Waste, Water, and Sewer Supervisor shall cause the private sewer line, situated in the public right-of-way, to be repaired and excavation backfilled. The said property owner shall be responsible for any cost and expenses incurred in connection with said repair.

(III) The Waste, Water, and Sewer Division shall submit a bill to the owner of any property for which it caused a private sewer line to be repaired. In the event the owner of any property for which the Waste, Water, and Sewer Division has caused replacement or repair of a private sewer service line shall neglect, fail or refuse to pay the cost or expenses incurred by the Waste, Water, and Sewer Division, such charges shall constitute a lien upon the real estate from which the private sewer line extends, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectable.

(IV) The Waste, Water, and Sewer Supervisor shall be required to inspect any sewer repair work done in public right-of-way or easement pursuant to the provisions of this section.

Section 2: Inspection of repairs done in public right-of-way or easement.

(A)-Sign off Sheet

(1) Before construction repair work in public right-of-way, easement, or property a repair sign off-sheet form must be obtained from the Waste, Water, and Sewer Supervisor.

(I) All areas of the Form must be inspected and signed off on by the Waste, Water, and Sewer Supervisor prior to moving on with the next phase of the repair work. (For example) Inspections are required after excavation, but before repair work. Inspections are also required after repair work, but before backfilling. All backfilling will be done with the Waste, Water, and Sewer Supervisor present to ensure future stability of supporting ground around public right-of-way, easement, or property.

(II) Failure to obtain and properly fill out a public right-of-way, easement, or property of repair sign off-sheet form will result in re-excavating the repairs for proper inspection at the owner's expense within 7 days of having received notice from the superintendent. Failure to comply with in the 7 day allotment shall cause the private sewer line, situated in the public right-of-way, to be repaired and excavation backfilled by the Waste, Water, and Sewer Division. The said property owner shall be responsible for any cost and expenses incurred in connection with said repair.

(III) The Waste, Water, and Sewer Division shall submit a bill to the owner of any property for which it caused a private sewer line to be inspected. In the event the owner of any property for which the Waste, Water, and Sewer Division has caused inspection of a private sewer service line shall neglect, fail or refuse to pay the cost or expenses incurred by the Waste, Water, and Sewer Division, such charges shall constitute a lien upon the real estate from which the private sewer line extends, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectable.

Section 3: This ordinance shall take effect after its publication once in the Official City Newspaper.

Passed and Approved by the Governing Body on this 6th day of November 2013.

Charlie Stutesman
Mayor

ATTEST:

April Herbster
City Clerk

- 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 1983, 15-212)
- 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 1983, 15-213)
- 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 \$25.00 shall be paid to the city at the time the application is filed. (Code 1983, 15-214)
- 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 1983, 15-215)
- 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 1983, 15-216)
- 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 1983, 15-217)
- 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 1983, 15-218)

- 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 1983, 15-219)
- 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 1983, 15-220)
- 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 1983, 15-221)
- 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 1983, 15-222)
- 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 1983, 15-223)
- 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 1983, 15-224)
- 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 1983, 15-225)
- 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 1983, 15-226)

15-426. **BILLS.** (a) Bills shall be rendered monthly as provided in section 15-222 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 1983, 15-231)

15-427. **DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY.** (a) In the event any person, except the United States and the state of Kansas or any political subdivision thereof, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15-102:104.

(b) In lieu of terminating water service, the governing body may elect to assess such delinquent charges as a lien upon the real estate serviced as provided in section 15-106, and the city clerk shall certify such delinquent charges to the county clerk to be placed on the tax roll and collected in like manner as other taxes are collected.

(Code 1983, 15-232)

15-428. **SEWER SERVICE CHARGE.** Service charges to be paid to the city for the use of the sewage disposal system shall be 80% of the service charge for water. This rate shall be effective through the base months of January, February, and March of each year. From April 1st of each year and following months, the sewer service charge to each consumer shall be an average of the rate for the base months as established each new year. (Ord. 15-230, Sec. 2; Code 2006)

ARTICLE 5. SOLID WASTE

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

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

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

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

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

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

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

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

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

(i) Solid Waste - All non-liquid garbage, rubbish or trash.

(Code 2006)

15-502. COLLECTION OF SOLID WASTES. The city is hereby granted the exclusive control over the refuse and waste collection within the city. The city shall provide for the collection of all household residential wastes, commercial wastes, and certain industrial wastes, and refuse within the city, provided however, that the city may provide the collection service by contracting with a person or persons as deemed to be in the best interest of the city. (Ord. 8-601a; Code 2005)

15-503. CONTRACTS. The governing body of the city shall have the right to enter into a contract with any responsible person providing that the contractor shall collect and dispose of all refuse within the city, and the terms of the contract to be arranged and determined by the governing body of the city and the contract to be awarded to a responsible person after proper negotiation or after receiving bids, whichever, in the judgment of the governing body, shall seem proper, provided that the contract for the collection and disposal of refuse as herein defined shall in no way conflict with the terms and conditions of this article. Contracts entered into by the city of the collection and disposal of refuse and wastes are hereby confirmed, ratified and validated.

(a) Contract in Writing. Such contract shall be in writing, signed by the mayor and attested by the city clerk, in duplicate and when duly executed, one copy thereof shall be filed with the city clerk. The contract shall include in its terms by reference,

the provisions of this article. The contractor shall promptly attend to all complaints concerning his or her duties under the contract; shall provide for the removal and disposal of all refuse and wastes, and fix the fee, approved by the governing body of the city, to be charged therefore.

(b) Bond of Contractor. The contractor shall execute a bond or letter of credit in the city to be approved by the governing body, in the sum that shall be set by the council with surety by a responsible surety company, conditioned upon the faithful performance of all of the terms of the contract that save the city harmless from any loss or damage on account of the contractor's conduct of business.

(c) Cancellation of Contract. The governing body shall reserve the right, at any time after due notice, and opportunity to be heard has been given the contractor, to cancel and revoke the contract, for failure to comply with its terms. (Ord. 8-601a; Code 2006)

15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Ord. 8-601a; Code 2006)

15-505. CONTAINERS. Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 2006)

15-506. BULK CONTAINERS. On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 2006)

15-507. ENTER PRIVATE PREMISES. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 8-601a; Code 2006)

- 15-508. OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 2006)
- 15-509. WRAPPING GARBAGE. All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 2006)
- 15-510. HEAVY, BULKY WASTE. Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 2006)
- 15-511. HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
- (a) Explosive materials;
 - (b) Rags or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Code 2006)
- 15-512. PROHIBITED PRACTICES. It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
 - (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
 - (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
 - (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
- (Code 2006)
- 15-513. OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 2006)

- 15-514. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 2006)
- 15-515. PRIVATE COLLECTORS; LICENSE REQUIRED. (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.
(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.
(Code 2006)
- 15-516. SAME; APPLICATION. Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application.
(Code 2006)
- 15-517. SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk the sum of \$100.00 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 2006)
- 15-518. 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 2006)
- 15-519. 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 2006)
- 15-520. NON-TRANSFERABILITY OF PERMIT. All permits issued as provided in this article are non-transferable. However, one vehicle may be substituted for another by filing the description and identification number with the city clerk, and additional vehicles may be added by filing a proper application, insurance, and permit fee.
(Code 1983, 8-603)

- 15-521. 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 2006)
- 15-522. 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 2006)
- 15-523. 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 2006)
- 15-524. SAME; FEE SCHEDULE. (Reserved)
- 15-525. 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 2006)
- 15-526. 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 2006)
- 15-527. FREQUENCY OF COLLECTION. Refuse and wastes in residential areas shall be collected not less than once weekly. All commercial solid waste shall be collected at intervals as may be fixed by contractor and business, but in no event, less than weekly. (Ord. 8-601a; Code 2006)

ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an watch, warning or emergency is declared. (Ord. 15-125(a), Sec. 1; Code 2006)
- 15-602. DEFINITIONS. (a) Water - shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer - shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) Waste of Water - includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:
- Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
- Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
(Ord. 15-125(a), Sec. 2; Code 2006)
- 15-603. DECLARATION OF WATER WATCH. Whenever the governing body of the city finds that conditions indicate that the probability of a drought or some other conditions causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.
(Ord. 15-125(a), Sec. 3; Code 2006)
- 15-604. DECLARATION OF WATER WARNING. Whenever the governing body of the city finds that drought conditions or some other condition causing a major supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of the warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body

to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. (Ord. 15-125(a), Sec. 4; Code 2006)

15-605. **DECLARATION OF A WATER EMERGENCY.** Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 15-125(a), Sec. 5; Code 2006)

15-606. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water watch or water warning as provided in sections 15-603 and 15-604, the mayor (or city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (d) Waste of water.

(Ord. 15-125(a), Sec. 6; Code 2006)

15-607. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-605, the mayor (or the city manager) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the foregoing measures.

(Ord. 15-125(a), Sec. 7; Code 2006)

15-608. **EMERGENCY WATER RATES.** Upon the declaration of a water supply emergency as provided in section 15-603, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) Higher charges for increasing usage per unit of the use (increasing block rates);
- (b) Uniform charges for water usage per unit of use (uniform unit rate); or
- (c) Extra charges in excess of a specified level of water use (excess demand surcharge).

(Ord. 15-125(a), Sec. 8; Code 2006)

15-609. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-605, the mayor (or city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.
(Ord. 15-125(a), Sec. 9; Code 2006)

15-610. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city manager, water superintendent, or other city official 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 15-607 or 15-609, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

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

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

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

(b) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the second violation and \$300.00 for any additional violations.

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

(Ord. 15-125(a), Sec. 10; Code 2006)

15-611. EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public. (Ord. 15-125(a), Sec. 11; Code 2006)

ARTICLE 7. CROSS CONNECTIONS

15-701. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this policy:

(a) Air Gas Separation - means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to tank, plumbing fixtures, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

(b) Approved Tester - means a person qualified to make inspections/ to test and repair backflow prevention/cross connection control devices; and who is approved by the city.

(c) Authorized Representative - means any person designated by the city to administer this cross connection control regulation/article.

(d) Auxiliary Water Supply - means any water source or system, other than the city, that may be available in the building or premises. This does not include other KDHE permitted public water supply systems.

(e) Backflow - means the flow other than the intended direction of flow, of any foreign liquids, gases, used water or substances into the distribution system of a public water supply system.

(f) Backflow Prevention Device - means any device, method, or type of construction intended to prevent backflow into the public water supply system.

(g) Consumer - means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the city.

(h) Contamination - means an introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an aesthetic deterioration, color, taste or odor.

(i) Cross Connection - means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water of the public water supply system and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be the backflow of the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.

(j) Degree of Hazard - means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.

(k) Health Hazard - means any condition, device, or practice in the public water supply system which could create, or may create a danger to the health and well-being of anyone using the water, or allow contamination of the water.

(l) Public Water System - means the water supply source, distribution system and appurtenances to the service meter operated as a public utility which supplies potable water to the consumer's water systems.

(m) Public Water Supply System - means the public water system and the consumer's water systems.

(n) Consumer's Water System - means all service pipe, all distribution piping and all appurtenances beyond the service meter of the public water system.

(o) Service Connection - means the terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
(Ord. 15-132, Sec. 1; Code 2006)

15-702. CROSS CONNECTION CONTROL GENERAL POLICY. (a) Purpose. The purpose of this policy is:

(1) To protect the public water supply system from contamination.

(2) To promote the elimination, containment, isolation, or control of cross connection between the public water supply system and non-potable water systems, plumbing fixtures, and industrial process systems or other systems which introduce or may introduce contaminants into the public water system or the consumer's water system.

(3) To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination of the public water supply system.

(b) Application. This regulation/article shall apply to all consumer's water systems. The city may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the city.

(c) Intent. This policy will be reasonably interpreted by the city. It is the intent of the city to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at his or her own expense. Failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided.

(Ord. 15-132, Sec. 2; Code 2006)

15-703. CROSS CONNECTIONS PROHIBITED. (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the city or its authorized representative.

(b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

(Ord. 15-132, Sec. 3; Code 2006)

15-704. SURVEY AND INVESTIGATIONS. (a) The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

(b) On request by the city or its authorized representative, the consumer shall furnish requested information on water use practices within his or her premises and in the consumer's water system.

(c) On request by the city or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the city or its authorized representative.

(Ord. 15-132, Sec. 4; Code 2006)

15-705.

WHERE PROTECTION IS REQUIRED. (a) An approved backflow prevention device may be installed on each service line to a consumer's water system serving premises where, in the judgment of the city or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

(b) An approved air gap separation or reduced pressure principle backflow prevention device may be installed at the service connection or within any premises where, in the judgment of the city or its authorized representative or the KDHE, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present a health hazard or contamination of the public water supply system from a cross connection. This includes but is not limited to the following situations:

(1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the city or its authorized representative and the KDHE.

(2) Premises having internal plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

(3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.

(4) Premises having a repeated history of cross connections being established or re-established.

(5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.

(6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

(7) Premises where toxic or hazardous materials are handled.

(c) The following types of facilities fall into one or more of the categories or premises when an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the city or its authorized representative and the KDHE:

(1) Agricultural chemical facilities.

(2) Auxiliary water systems, wells.

(3) Boilers.

(4) Bulk water loading facilities.

(5) Car washing facilities.

- (6) Chemical manufacturing, processing, compounding or treatment plants.
- (7) Chill water systems.
- (8) Cooling towers.
- (9) Feedlots.
- (10) Fire protection systems.
- (11) Hazardous waste storage and disposal sites.
- (12) Hospitals, mortuaries, clinics or others as discovered by sanitary surveys.
- (13) Irrigation and sprinkler systems.
- (14) Laundries and dry cleaning.
- (15) Meat processing facilities.
- (16) Metal manufacturing, cleaning, processing and fabricating plants.
- (17) Oil and gas production, refining, storage or transmission properties.
- (18) Plating plants.
- (19) Power plants.
- (20) Research and analytical laboratories.
- (21) Sewage and storm drainage facilities -- pumping stations and treatment plants.
- (22) Veterinary clinics. (Ord. 15-132, Sec. 5; Code 2006)

15-706. BACKFLOW PREVENTION DEVICES. (a) Any backflow prevention device required by this regulation/article shall be of a model or construction approved by the city or its authorized representative and the KDHE.

(b) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

(c) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed at the time this regulation/article was passed and complies with required inspection and maintenance.

(Ord. 15-132, Sec. 6; Code 2006)

15-707. INSTALLATION. (a) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the city or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the city or its authorized representative agrees otherwise.

(b) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

(c) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

(Ord. 15-132, Sec. 7; Code 2006)

15-708. INSPECTION AND MAINTENANCE. (a) The consumer is required by this regulation/article to inspect, test, and overhaul backflow prevention devices in

accordance with the following schedule or more often as determined by the city or its authorized representative.

(1) Air gap separations shall be inspected at the time of installation and at least monthly.

(2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every 30 months.

(3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.

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

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

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

(e) All backflow prevention devices shall have a tag showing the date of the last inspection, test, or overhaul or other maintenance.

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

(Ord. 15-132, Sec. 8; Code 2006)

15-709.

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

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

(Ord. 15-132, Sec. 9; Code 2006)