

CHAPTER XV: UTILITIES

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ARTICLE 1: GENERAL PROVISIONS

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liable for payment of the cost of any utility service account arising from service provided to the premises. The provision shall also apply when the premises are leased to a third party by the owner or when leased by or through an agent or other representative of the owner. In the case of properties other than residential, the city may permit the owner's legal representative to contract for utility services, but the owner shall continue to be ultimately liable for payment for utility services furnished by the city to the premises.

(c) *Notice; hearing.*

§ 15-101 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UTILITY SERVICES. Includes water, electrical, sewer, solid waste (refuse) and other utility services provided by the city.

§ 15-102 DELINQUENT ACCOUNTS.

(a) *Definitions.* For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

UTILITY SERVICE. Water and sewer services provided by the city.

DESIGNATED HEARING OFFICER. The City Treasurer.

(b) *Service connection required.* Owners of premises served by water and sewer services under this section shall be required to carry such services in their name, whether owned individually or by another legal entity. Owners of the served premises shall be

(1) If a utility bill has not been paid on or before the due date, a delinquency and termination notice shall be issued by the City Clerk within five days after the delinquency occurs and mailed to the owner at the address provided to the city for mailing utility bills. A copy also shall be mailed to the tenant as provided below.

(2) The notice shall state:

(A) The amount due, plus delinquency charge;

(B) Notice that service will be terminated if the amount due is not paid within ten 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 owner until the close of the next business day in which to pay the charges;

(C) Notice that the owner has the right to a hearing before the designated Hearing Officer; and

(D) 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 of termination of service.

(3) Upon receipt of a request for hearing, the City Clerk shall advise the owner of the property and the designated Hearing Officer, of the date, time and place of the hearing, which shall be held within three working days following receipt of the request.

(d) *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 from the date of the order. The owner and tenant, if applicable, shall be notified either in person or by mailing a letter to his or her billing address and/or the premises, return receipt requested. However, if the order is made at the hearing in the presence of the owner and if applicable, the tenant, then no further notice need be given. The Hearing Officer has a right, for good cause, to grant an extension, not to exceed ten days, for the termination of such service.

(e) *Tenants rights.*

(1) In the event a delinquency arises involving a leased premises, the tenant shall be notified in writing of the delinquency of the landlord by first class regular mail within ten days after the billing to the landlord become delinquent.

(2) If the tenant chooses to pay the delinquent account, service shall not be terminated.

(3) The tenant will be allowed to continue paying for utility services for a period of 90 days to allow resolution of the non-payment by the landlord or to allow the tenant to obtain other housing, at which time service to the leased premises will be terminated.

(f) *Reconnection.*

(1) If service has been terminated to the leased premises for failure by the landlord to pay the delinquent utility bill or after 90 days of payment by

the tenant, no further utility services shall be furnished by the city to the premises until all billings for utility service to said premises, late payment charge and a reconnection charge is paid in full.

(2) If the bill remains unpaid, the delinquent utility account 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 rolls for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.

(Ord. 940, passed 8-12-2004)

§ 15-103 RESERVED.

§ 15-104 RESERVED.

§ 15-105 UTILITY SERVICE FEE.

The city does not require a deposit for utility service. Instead, the city requires a \$20 service fee.

§ 15-106 RESERVED.

§ 15-107 LANDLORD LIABILITY.

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

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

(c) If utility service is furnished to a leased premises on the application or request of the lessor of

the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.

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

§ 15-108 PETTY CASH FUND.

A Petty Cash Fund in the amount of \$1,000 is established for the use of the City Utilities Department, for the purpose of paying postage, freight, temporary labor and other emergency expenses, including refund of deposits made to secure payment of accounts.

§ 15-109 SAME; DEPOSITS.

The Petty Cash Fund shall be deposited in the regular depository bank of the city and paid out on the order of the City Clerk by check which shall state clearly the purpose for which issued.

§ 15-110 SAME; VOUCHERS.

Whenever the Petty Cash Fund becomes low or depleted, the City Clerk shall prepare vouchers covering expenses as have been paid from the Petty Cash Fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the Petty Cash Fund and shall be deposited therein to restore said Petty Cash Fund to its original amount.

ARTICLE 2: WATER AND SEWERS

Section

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recommendations to the governing body with respect to major repairs and the necessity for same. Further, the City Superintendent shall keep such records as are necessary to establish load and demand upon the system in order that further expansion and/or improvements of the system may be anticipated and/or planned.
(Ord. 764, passed 10-10-1980)

§ 15-203 DUTIES OF CITY TREASURER.

The City Treasurer shall be responsible for the collection of water bills, and other debts owing to the city from sales of water and the providing of sewer service, and for all services rendered. The City Superintendent shall employ such persons as are necessary to make regular monthly readings of water meters and, from such records, the City Treasurer shall prepare statements of each customer's monthly bills. The Treasurer shall deposit revenues in the city depository daily and shall keep account of the water and sewage fund in the same manner as for other funds in the city. The Treasurer shall render an account to the City Clerk as to the collections made by such Treasurer. Further, said Treasurer shall present to the City Council each month, a financial statement of the receipts and expenditures within the water and sewage funds and state the names of all customers who are delinquent, the amount of the account and the reason the customer has not been disconnected.
(Ord. 764, passed 10-10-1980)

§ 15-204 DEFINITIONS.

For the purpose of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

§ 15-201 SINGLE SYSTEM.

The water works system of the city, and sewage disposal system of the city are hereby declared to be a "water and sewage system" and shall be operated as a single combined system, notwithstanding their separate financing, and shall be under the direction and management of the City Superintendent, subject to the authority of the City Council as the governing body of the city as provided by the laws of the state, pertaining to cities of the third class and the operation of combined water and sewer systems.
(Ord. 764, passed 10-10-1980)

§ 15-202 RECORDS.

The City Superintendent shall cause such records to be kept as will inform the City Council of the physical and operational conditions and status of the system and make his recommendations for its improvements and operation. Further, the City Superintendent is further authorized to employ such permanent employees, and temporary laborers as may be required from time to time to make minor repairs as may be necessary for the continued operation and maintenance of said system, and to make further

CONSUMER. The party using the service.

CUSTOMER. The party in whose name the account for water and sewer services is carried by the city.

OWNER. The legal or equitable holder of the title of the real property connected, or to be connected to, the water and sewer system.

PARTY. Persons, associations, firms, co-partners, societies or corporations.

SEWAGE LINES. Such sewage pipe as shall be furnished by the owner to connect to the service installation of the city and to provide sewage service to the owner's premises.

WATER PIPE OR PIPING. Such water lines as shall be furnished by the owner to connect to the service installation of the city and to supply water to the owner's premises.

WATER SERVICE or SEWER SERVICE. The supply and sale of water to residents of the city and the providing of lines for the disposal of sewage wastes.

(Ord. 764, passed 10-10-1980)

§ 15-205 ACCESS; UNNECESSARY WASTE OF WATER; TURNING ON WATER; NEW CONNECTIONS.

(a) The Superintendent, and his or her duly authorized assistant, shall have free access at all reasonable hours to any premises where it may be necessary to ascertain the readings of the meter, location or condition of water pipe or other fixtures attached to the city water works, or to shut off or turn on water from or to any hydrant, pipe or other attachments, or for the purpose of seeing that the rules and regulations of this article are observed, or for any purpose that the City Superintendent may deem essential for the operations of the works, prevention of waste, protection of revenue from the water works, of

for the health, safety and well-being of the community as a whole. Upon the refusal, neglect or failure of any customer, consumer or owner to abide by these provisions of this article, water service may be discontinued upon 24 hours' notice to the customer.

(b) 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 and service connections are in good order and supply of water is sufficient for the usual demands of the consumer. The city shall not be liable for any damage done or accidents by reason of lack of pressure, insufficient water supply, break in mains or failure of energy use for pumping. Further, the city shall not be liable for any damage done by the reason of the shutting off of the water supply, if the water supply is shut off by accidental means, or in the course of making improvements or repairs to such system. Further, no claim for damages or loss shall be made against the city by reason of breaking, leaking, failure of pipes, pipe fittings, fire plugs or Fire Department service, or acts of omissions or commission in connection with such items. The acceptance of service shall constitute acknowledgment of these provisions.

(c) The customer shall prevent unnecessary waste of the water and keep all water outlets closed when not in actual use. In the event that the governing body of the city shall determine that water supplies are insufficient to meet the normal demands of the city, the Mayor is hereby authorized to prohibit the use of municipal water for the purpose of watering lawns, gardens, trees, shrubs, flowers or other vegetation, or to designate the time and districts in which the water of the city may be used for such purposes. Reasonable notice of such an order shall be given to the radio, television, newspaper or handbills, or any other such method, contemplated to inform the city at large. Any person violating such an order shall, upon conviction, be fined in a sum not more than \$25 for each day that water is used for such purposes after notice has been given as heretofore described.

(d) In turning on water the city, or its officers and employees shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections or for any other causes.

(e) The city hereby reserves the right at any time without notice to shut off the water in the main for the purpose of making repairs or extensions, of for other purposes, and all consumers having boilers, or hot water tanks within their premises, depending upon the pressure in the mains to keep them supplied with water are hereby cautioned against the danger of collapse, in the event of which the city shall not be liable for any damages incurred.

(f) All customers and consumers of the city water are hereby notified that in case of fire, all mains and lines may be subjected to pressure greater than normal and that no claim will be allowed against the city for any leak or rupture or any other damage incurred or injury sustained by such pressure, or in the event of a drop in pressure, or such loss pressure.

(g) It shall be unlawful for any person in this city to use, or allow to be used, during a fire, any water from said water system, except for the purpose of extinguishing such fire, and upon sounding of the 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 during such fire, except in cases of emergency. Further, under such circumstances, city officers and/or employees are hereby authorized to enter upon the premises to see that the terms of these provisions are in force during the existence of such emergency.

(h) It shall be unlawful for any person to break the seal of a meter, alter the register or mechanism of a meter, or to make outlets or connections in any manner so that the water supplied by the city bypasses the meter.

(i) It shall be unlawful for any person, not authorized by the Superintendent to turn the city water supply into any building or onto any premises until the premises until the plumbing thereof shall have been

inspected and approved and until authority has been given for the use of such water, or to turn on the water supply without permission after the same has been cut off. It shall be further unlawful for any person to take or receive any water from the city water works except it be drawn or otherwise received through a meter installed by the city or as otherwise provided by this article.

(j) Any person who shall unlawfully or wantonly destroy, injure, deface or in any way harm or damage any water pipes, hydrants, faucets, valves, meters, meter box or stop box, placed in the city for its use or the use of the public, or located on property not his or her own, without lawful authority to do so, or who shall carry off any pipe, tools, apparatus, fuel or other property or equipment belonging to the city and utilized within the water or sewage system, or who shall open any fire plug or water hydrant or other water pipes belonging to the city and permit or allow water to be turned out, without lawful authority to do so, or in any other manner interfering with the operation of the water system of the city, shall, upon conviction, be subjected to a fine not more than \$500.

(k) The city may from time to time at its option renew any water service installation at its own expense without fee. Any existing installation made useless because of the installation of a larger or new water service shall be permanently closed off by the city at the water main when the new or larger service is installed and ready for use. Further, no additional charges shall be made against any consumer, owner or occupant by reason of such repairs or improvements where such consumer, owner or occupant was receiving service at the time of such repair or improvement.

(l) (1) Before any water service shall be installed, where such service is not in place, an application for such service shall be made in writing by the owner of the premises to be serviced or by his, her or its authorized representative at the office of the City Clerk, on forms to be prepared by the City Superintendent and approved by the City Building Inspector. The application shall disclose the location of the premises to be served, the name of the owner,

the number of consumers to be serviced, the purpose for which service is desired and such other information as may be necessary for the purposes of this article. An application fee of \$10 shall accompany each application for service. If there is no available main or distributing line to which water service may be connected, the conditions for extending such mains or lines shall be satisfied before the installation shall be authorized by the city. The application and acceptance shall constitute a contract between the owner and the city for the installation of the water service. After the contract for the new installation shall have been made, the owner shall pay to the city such fees or charges for making such installation before water service shall be supplied to such premises. In the event that fees or charges remain unpaid for a period in excess of 30 days from the date of billing, service may be terminated. In order to reinstate service a new application for service must be filed along with the application fee.

(2) The city may extend its water mains or distribution lines within or without the city by new construction or purchase of existing lines when application has been made or agreements entered into with owners along the proposed extension which will produce a revenue which, in the judgment of the City Council, will be sufficient to pay interest on the cost of such extension, the operating costs or the services to be supplied and the costs of such improvements; provided, the city may at any time extend such mains within the city without special contracts for such extension when in the judgment of the City Council, the same may be financed from the water works fund or by other means provided by law; provided, however, that, the city may require any proposed consumer situated outside the city limits to whom it may decide to supply water to construct his, her or its own water lines to a water main within the city in accordance with the city's specifications and subject to approval by the City Superintendent, and to maintain the same at his, her or its own expense for the purpose of receiving water service; provided further that, in the event that any premises so served, or the water main served by the same, shall be brought within the city, the city shall acquire title to and maintain such lines in the same manner and to the same extent as if the same were originally located within such city.

(m) (1) Each property to be supplied with water by the city shall have a separate water service installation.

(2) Any premises occupied as a duplex, apartment house or any other multiple dwelling unit, or occupied in connection with a commercial building or other building and which receives water service from a single service shall pay the minimum water and sewage bills as set forth herein, based upon the number of each individual dwelling units.

(3) Separate water meters for each dwelling unit shall be installed on all new apartment buildings or multiple dwelling unit facilities where permanent housing is provided.

(n) Upon approval of the installation by the City Superintendent and Building Inspector, the Water and Sewer Department shall tap the main, insert a corporation caulk and run the water service pipe from its connection with the corporation caulk to the outer property line from the main closest to said property and install a curb stop. The service pipe shall be not less than three-quarter inch in size and laid not less than three and one-half feet below the surface of the ground. All service pipes shall be of cast or galvanized iron or Type "K" copper, at the option of the city; provided that, copper goosenecks may be used to connect the corporation caulk to the service pipe. All work of such installation and the necessary materials and apparatus shall be performed and furnished by the city, and the costs of materials and pipe to be assessed to the owner.

(o) The owner shall at his own expense furnish such materials and labor as may be necessary to service the premises with water in addition to that supplied or furnished by the city. All water pipes of the owner to be laid under ground shall be laid not less than three and one-half feet under ground. All water pipes of the owner shall be of such materials and sizes as may be approved by the City Superintendent, and the use of Schedule No. 40 or better plastic pipe is hereby approved, excepting that portion within four feet on each side of the meter or through the walls or foundation of the building being serviced. All plastic pipe used within the city shall be

inspected and approved by the City Superintendent. Further, the owner shall install and maintain a stop and waste valve in the line so that the water may be cut off and the building pipe completely drained.

(p) The owner shall renew his or her water lines or equipment at his or her own expense, upon notification by the City Superintendent that there is an unusual amount of leakage and wastage of water due to defects or failure in the owner's piping system that cannot be remedied by ordinary repairs. In other cases, the owner shall repair his or her water piping and equipment, within 24 hours, after knowledge of or notice of any injury, destruction or defect in said pipes which shall cause leakage or waste of water. In all events it shall be the duty of the owner, customer, to keep his or her piping and necessary equipment in serviceable condition to prevent loss to the city or damage to the public. The city may, upon failure of any owner, or customer to renew his or her piping or equipment or to repair the same when notified, cut off or discontinue the water service until the neglect is remedied; provided that, the customer, or consumer, shall be liable for the cost of all water supplied to any such premises as shown by the meter readings.

(q) No steam boilers shall be directly connected to the service pipe, unless proper check valves are installed and safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where steam pressure may be raised in excess of 40 pounds per square inch. The owner shall make such provisions as may be required by the water and sewer department before the water may be supplied to such an installation.

(r) Before any application for water service is accepted, the City Superintendent shall determine whether the applicant is delinquent in the payment of any account with the city for water services received and billed to such party. If the City Superintendent shall find and determine that the applicant is delinquent in the payment of such amount and has failed or neglected to pay any bill rendered by the city for water services, or if the applicant has been notified of such delinquency and of the intention of the city to refuse application for new service prior to the time of

such application, he or she may refuse to accept the application until such water bills are paid in full or until their payment in a satisfactory manner is assured or guaranteed.

(s) (1) Meters shall be furnished by the city, but paid for by the consumer, and the Water and Sewer Department shall keep the meter in good repair unless damages or injured for cause other than natural wear and tear. If the meter is damaged by freezing, rough use or so some cause other than natural wear and tear, the customer shall be charged the amount of the repair and the amount shall be placed upon the water bill of said customer for the succeeding month and shall be collected with the bill and if not paid within the time provided for the payment of bills, the water service may be disconnected by the city.

(2) Water meters shall be installed by the city in each water service in accordance with the rules and practices of the Water and Sewer Department; provided, however, that, all meters installed subsequent to the effective date of this article shall have a device located on the outside of such building or improvement in order that such meter may be read without the necessity of having to enter into any buildings or improvements thereon. All meters used in any service and located outside of any building shall be placed and maintained in the suitable covered box or enclosure to protect the same from possible freezing or tampering.

(3) It shall be the duty of the City Superintendent to cause all meters to be inspected at least once each year and at such other times as may be deemed necessary; provided that, the city at its option may replace any meter at any time. The employees of the Water and Sewer Department are authorized at reasonable hours to enter upon the premises of the customers for the purposes of repairing, replacing or inspecting meters in service.

(4) If any meter be found to vary in excess of 2% from 100% accuracy, the reading of the meter shall be corrected according to the percentage of inaccuracy found, but no correction shall extend beyond the date of the last regular monthly reading.

Where service rendered to a customer is through a defective meter, the charge for such service shall be based upon the estimated consumption. No allowances shall be made for water used, lost or wasted through leaks, carelessness, neglect or otherwise after the same has passed through the meter; provided that, every customer shall have the right to appeal to the City Council from any meter reading or water bill which he or she may consider excessive and the Council may order an adjustment of said bill in accordance with the facts of each case.

(Ord. 764, passed 10-10-1980; Ord. 793, passed 12-8-1986)

§ 15-206 SEWAGE DISPOSAL.

(a) It shall be unlawful for any unauthorized person maliciously, willfully or negligently to break, damage, destroy, deface, tamper with or carry away any structure, appurtenance or equipment which is part of the city sewer lines or sewage treatment works.

(b) It shall be unlawful for any person to uncover, open or to connect to or to use any public sewer lateral or main in the city without a permit for such connection or use, having been issued in accordance with the ordinances of the city pertaining thereto.

(c) It shall be unlawful for any person to place, throw or deposit in, or to permit the discharge into, any public sewer, manhole, drain, catch basin or water closet or sink, and dead animal, offal or garbage or discharge any fish, fruit or vegetable waste, or other solid matters, or materials or obstructions of any kind whatever of such nature or in such quantities as shall clog, obstruct or fill such public sewer, drain, or catch basin, or which shall interfere with or prevent the effective use or operation thereof.

(d) Except as may be hereinafter provided, no person shall discharge, or cause to be discharged, any of the following wastes, waters, liquids or ingredients into the public sewer system of the city:

(1) Any liquid or vapor having a temperature higher than 150°F;

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

(3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(4) Any garbage that has not been properly shredded;

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, 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;

(6) Any waters or wastes having a pH (the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution) 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;

(7) Any waters or wastes containing a toxic or poisonous substance in a sufficient quantity to injure 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;

(8) Any waters 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; and

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(e) (1) The admission into the public sewers of any waters or wastes:

(A) Having a five-day biochemical oxygen demand (the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight) greater than 300 parts per million by weight;

(B) Containing more than 350 parts per million by weight of suspended solids; or

(C) Having an average daily flow greater than 2% of the average daily sewage flow of the city, shall be subject to the review and approval by the City Superintendent.

(2) Where necessary in the opinion of the City Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

(A) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight;

(B) Reduce objectionable characteristics or constituents to within the maximum limits provided for herein; or

(C) Control the quantities and rates of discharge of such waters or wastes.

(3) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Superintendent and the Division of Sanitation, State Board of Health, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Where preliminary treatment facilities are provided for any waters or waste, they shall be maintained continuously in satisfactory and effective operation, by the owner at his or her expense.

(f) When required by the City Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control machine in the building sewer to facilitate

observation, sampling and measurement of the waste. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with the plans approved by the City Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him so as to be safe and accessible at all times.

(g) All garages, filling stations, stables, barns and other places having a wash rack, connected with and draining into the sewer or sewer system of the city, shall be provided with a proper and sufficient sand and mud interceptor or catch basin with at least 48 cubic feet of space for sediment below the inlet and outlet pipes. All such interceptors for garages, filling stations, stables, barns or other places must be properly baffled or otherwise arranged or equipped to prevent oils, gasoline, greases, hair, mud, sand or silt from entering or draining into building sewer or sewer system, and under no circumstances or conditions shall any of the said liquids or substances be permitted to drain or enter into the sewer. All of the aforesaid interceptors shall be constructed and built in accordance with the plans, and requirements as approved by the City Superintendent. Each such interceptor shall be so located as to be easily accessible for inspection and cleaning and shall be connected to the building sewer drain through a trap installed and located in accordance with the city plumbing regulations for traps in soil pipes. Each such interceptor shall be cleaned and maintained by the occupant of the premises, at his or her own expense, and operated and cleaned as often as necessary to be continuously effective, and in no event less than 30 days.

(h) Storm water from roofs, paved areas, yards, courts and all other unpolluted drainage or industrial process waters shall not be permitted to drain or run into the city sanitary sewers, but shall drain or be discharged into storm sewers or to available natural watercourses or outlets; provided that, in exceptional cases where no other means of lawful disposal is available, the City Superintendent, may grant special permits for the discharge of any such wastes into the sanitary sewers or public gutter in any case when sanitary sewage disposal facilities are not overloaded for effective treatment of raw sewage or where water

shall not accumulate in the public gutter to the annoyance of the public.

(i) All tests, measurements and analysis of the characteristics of sewage and other waste liquids referred to in this article shall be made in accordance with "Standard Methods for the Examinations of Water and Sewage".

(j) Nothing herein shall be construed to deny or limit the authority of the city to enter into special agreements with any class or category of industrial concerns to dispose of or treat wastes or sewage of unusual strength or characteristics upon the basis of special charges for the treatment and disposal of such wastes. The city further reserves the right granted by the laws of Kansas to charge and collect service fees for the treatments and disposal of all sewage and wastes lawfully discharged into the city sewage disposal system by any user thereof.

(k) It shall be unlawful for any persons to discharge, dispose or deposit any sewage, polluted liquid wastes or solids or any human excrement of night soil, into or upon any street, alley or public grounds in the city, or to dispose of or deposit the same upon any private premises in said city.

(l) It shall be further unlawful to discharge an sewage, or human or animal excrement, into any abandoned well, pit or other excavation in the city.

(m) All owners and property owners owning dwelling houses or buildings within the city, which building or buildings are, or shall be located near a public sewer, or in a block within any such sewer district in said city through which a sewer extends, shall make such connections with said sewer system of said city as may be necessary in judgment of the Board of Health for the protection of the health of the public, for the purpose of disposing of all substances from any such building affecting the public health which may be lawfully or properly disposed of by means of such sewer.

(n) Within four months after any sewer shall be available to any premises under the conditions of the

previous section, it shall be the duty of all persons and property owners to connect, or cause to be connected to such sewer all dwellings, houses or other buildings in which a system of sanitary plumbing shall have been installed. It shall thereafter be unlawful for any such person or persons to dispose of sewage by means of a private sewage disposal system not connected to the public sewer system.

(o) If any person or persons shall fail, neglect, or refuse to so connect any building or buildings within the sewer system if said city as herein provided for, for more than ten days after being notified in writing by the County Health Officers, said city may cause such premises and buildings to be connected with sewer system.

(p) Upon the connection of any house or other building to the city sanitary sewer system, under the conditions of this article, it shall be the duty of the owner or occupants of such premises to remove all sources of filth from such premises or to cover, bury or fill all pit privies, cesspools or septic tanks, and to discontinue use of the same as may be directed by the County Health Officers.

(q) In all instances where sanitary sewer connections are made, the owner shall be required to pay all sums necessary for materials and labor for the connection to the city main.

(r) All sewer connections shall first be approved by the City Superintendent with regard to the location, manner and materials to be utilized to affect such connection.

(Ord. 764, passed 10-10-1980)

§ 15-207 RATES.

(a) The following be, and are hereby established, as the monthly service charges to be made by the city to all persons, corporations, political subdivisions and organizations whose premises are connected to the sanitary sewer system of the city:

- (1) Family residences: \$27.50;

(2) Courthouse, hotels, motels, car washes and laundries: \$33.50;

(3) Churches and all other business buildings: \$27.50; and multiple business units with a common sewer connection: \$27.50 for each unit intended to be occupied by a business;

(4) School buildings, hospitals and nursing homes: \$162.50;

(5) Trailer courts: \$27.50 for each dwelling unit; and

(6) Multiple-family dwelling units with a common sewer connection: \$27.50 for each individual dwelling unit intended to be occupied by a single person or family. Multiple-family dwellings containing ten or more units will be charged \$27.50 each for 90% of the number of individual dwelling units.

(b) Water rates for the city commencing upon the publication of this article shall be as follows:

(1) For water consumed and used within the city:

(A) Zero to first 250 cubic feet: \$29;

(B) Next 700 cubic feet: \$2.50 per hundred cubic feet; and

(C) All water usage above 950 cubic feet: \$3 per hundred cubic feet.

(2) For water consumed or used outside the city:

(A) Zero to first 250 cubic feet: \$58;

(B) Next 700 feet cubic feet: \$3 per hundred cubic feet; and

(C) All water usage above 950 cubic feet: \$3.55 per hundred cubic feet.

(c) Multiple-family dwelling units with a common water connection will be charged for each of the individual dwelling units intended to be occupied by a single person or family, according to the above fee schedule. Multiple-family dwellings with ten or more units will be charged according to the above fee schedule for each of 90% of the number of dwelling units.

(d) Multiple business units with a common water connection will be charged for each of the individual units occupied by a business, according to the above fee schedule.

(Ord. 764, passed 10-10-1980; Ord. 952, passed 9-8-2005; Ord. 1001, passed 8-14-2014)

§ 15-208 CROSS-CONNECTIONS.

(a) *Cross-connections prohibited.* No persons, company corporation or institution shall establish or permit to be established or maintain or permit to be maintained, any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the KDHE and the governing body.

(b) *Protective backflow devices required.* Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the public water supply in that polluted water or other contaminating materials may enter into the public water supply. Approved backflow preventer valves and systems shall be installed as determined by the City Water Superintendent.

(c) *Inspection.* The City Utility Superintendent, or other designee of the governing body, shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of contamination of the water supply of the city.

(d) *Protection from contaminants.* Pursuant to the City's Constitutional Home Rule authority and K.S.A. 65-163a, the city by its utility superintendent, may refuse to deliver water through pipes and mains to any premises where the utility superintendent has reason to believe a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied or the premises is examined and the nonexistence of such risk is determined. In addition, the City Utility Superintendent may terminate water service to any property where the cross-connection, backsiphonage, or back pressure conditions creates, in the judgment of the Superintendent, an emergency danger of contamination to the public water supply. (Ord. 827, passed 5-14-1990)

§ 15-209 STRUCTURES WITHOUT ESSENTIAL UTILITIES.

(a) *Finding of governing body.* The City Council finds that the occupancy of any structure within the corporate limits of the city, which structure is not connected to and employing essential utilities providing the means to maintain heat, water and sewage disposal constitutes a health hazard to surrounding neighbors and other residents of said city.

(b) *Definitions.* For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

ESSENTIAL UTILITIES. Water, sewer or electricity or gas if either is necessary in order to provide heat to the structure in question.

OCCUPANCY. The act of residing in the structure for any period of time in excess of two weeks, during which time normal household activities such as the preparation of meals, sleeping, bathing and use of restroom facilities occur.

STRUCTURE. Any dwelling, house, trailer, mobile home, tent or any other permanent or temporary facility designed or constructed for the purpose of providing shelter and housing for human beings.

(c) *Prohibition.* It shall be unlawful for any person to occupy a structure within the corporate limits of the city, until such structure is connected to essential utilities as heretofore described, without first obtaining from the governing body of said city a written permit authorizing such temporary occupancy of said structure for good reason shown. However, under no circumstances shall a permit be issued authorizing occupancy for any period longer than 60 days in duration.

(d) *Penalty.* Any person violating the provisions of this article shall, upon conviction thereof in the Municipal Court of the city, be fined in an amount not to exceed \$100 for each day such occupation continues. In addition, or as an alternative, to such fine, the city may seek an injunction or other relief in a court of competent jurisdiction, ordering the occupant and/or owner of such structure to vacate said structure and for said structure to vacate said structure and for said structure to remain vacant, until such time as all such essential utilities are connected and being employed in the occupancy of the structure. (Ord. 963, passed 7-12-2007)

ARTICLE 3: ELECTRICITY

[Reserved]

ARTICLE 4: RESERVED

ARTICLE 5: RESERVED

ARTICLE 6: WATER CONSERVATION

Section

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- 15-602 Definitions
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- 15-605 Declaration of water emergency
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fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers or the exterior of any building or structure.

(2) **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.

(3) **CLASS 3.** Domestic usage, other than that which would be included in either Classes 1 or 2.

(4) **CLASS 4.** Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

CUSTOMER. 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.

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.

WATER. Water available to the city for treatment by virtue of its water rights or any treated water

§ 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 a watch, warning or emergency is declared.

(Ord. 923, passed 7-25-2002)

§ 15-602 DEFINITIONS.

For the purpose of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

CLASSES OF USES. The following classes of uses of water are established.

(1) **CLASS 1.** Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing

introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.

(Ord. 923, passed 7-25-2002)

§ 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 condition 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 water watch shall be effective upon their publication in the official city newspaper.

(Ord. 923, passed 7-25-2002)

§ 15-604 DECLARATION OF WATER WARNING.

Whenever the governing body of the city finds that drought conditions or some other condition causing a major water 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 non-essential uses during the period of 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. 923, passed 7-25-2002)

§ 15-605 DECLARATION OF 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 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. 923, passed 7-25-2002)

§ 15-606 VOLUNTARY CONSERVATION MEASURES.

Upon the declaration of a water watch or water warning as provided in §§ 15-603 and 15-604, the Mayor (or the City Superintendent) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential 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; and
- (d) Waste of water.

(Ord. 923, passed 7-25-2002)

§ 15-607 MANDATORY CONSERVATION MEASURES.

Upon the declaration of a water supply emergency as provided in § 15-605, the Mayor (or the City Superintendent) 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. 923, passed 7-25-2002)

§ 15-608 EMERGENCY WATER RATES.

(a) Upon the declaration of a water supply emergency as provided in § 15-605, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies.

(b) Such emergency rates may provide for, but are not limited to:

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

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

(3) Extra charges in excess of a specified level of water use (excess demand surcharge). (Ord. 923, passed 7-25-2002)

§ 15-609 REGULATIONS.

During the effective period of any water supply emergency as provided for in § 15-605, the Mayor (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. 923, passed 7-25-2002)

§ 15-610 VIOLATIONS, DISCONNECTIONS AND PENALTIES.

(a) If the Mayor, City Superintendent, Water Superintendent or any other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use regulations imposed pursuant to §§ 15-607 and 15-609, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record 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. Said 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.

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

(b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to division (a). In the event of subsequent violations,

the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.

(c) Violations 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 days violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or County Jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the City or County Jail which shall be fixed by the Court and which shall not exceed 30 days.

(Ord. 923, passed 7-25-2002)

§ 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 customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

(Ord. 923, passed 7-25-2002)