

CHAPTER XV: UTILITIES

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ARTICLE 1: GENERAL PROVISIONS

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' 15-101 DEFINITIONS.

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

DEPARTMENT. The Water and Wastewater Department.

SUPERINTENDENT. The Superintendent of the Water and Wastewater Department or other person in charge of the Department.

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

' 15-102 WATER AND WASTEWATER DEPARTMENT; GENERALLY.

(a) The waterworks plant and distribution of the city shall be managed and operated by the Department.

(b) The Department shall consist of the governing body, a Superintendent and other officers and employees of the city devoting all or part time to the conduct of the Department and the fiscal affairs of the city relating thereto. The governing body shall be charged primarily with the maintenance, management and control of the Department, and shall make such ordinances, rules and regulations as may be necessary for the safe, economical and efficient management and operation of the water plant and system of distribution.

' 15-103 SAME; SUPERINTENDENT.

(a) The Superintendent shall have general supervision and management of the water plant and distribution both inside and outside the city as herein provided. He or she shall be empowered, with the approval of the governing body, to appoint plant foreman and operators and other regular employees as may be deemed necessary and authorized. He or she may appoint such temporary employees as may be necessary from time to time and he or she shall make all purchases and replacements for the plant and system as may be authorized. He or she shall read or cause to be read all water meters and report the readings to the City Clerk for billing.

(b) The Superintendent, with necessary assistance of the City Clerk, shall at the first regular meeting of the governing body each month submit a report covering the month next preceding showing in detail all expenses and income of his or her Department, surplus after operating expenses, the total customers= bill and amount collected thereon, the total number of customers, and unpaid expenses, the general condition and needs of the water plant and system, and such other information pertaining to his or her work as may be required by the governing body.

' 15-104 CONTRACTUAL NATURE OF ARTICLE.

When any application for water services is accepted by the city the applicant shall be deemed to have consented and agreed to the rates provided for in this article and to the rules of the city established by ordinance relating to the management of the Municipal Water Department and the same shall be binding on the city and the applicant.

' 15-105 ACCOUNTING RECORD.

It shall be the duty of the governing body to provide and maintain a complete system of accounting for the management, control and cooperation of the Electric Department and Water and Wastewater Department as shall be approved or required by the State Municipal Accounting Board for Municipal Utility Departments.

15-106 UTILITY FUNDS.

There shall be maintained the funds in the city treasury as may be required or authorized by law. The City Treasurer and collector of the departments shall keep each fund separate and distinct from each other and other funds of the city and credit thereto all monies coming to the city as provided hereafter. A proper account of all the revenues of the city shall be kept by such funds and the same shall only be expended and paid therefrom as herein directed or by further order of the governing body. All warrants or warrant-checks drawn and issued shall show on their face by proper endorsement the purpose for which issued and the fund or funds from which payment is made.

15-107 COLLECTOR; DUTIES.

The Deputy City Clerk shall be the collector of all funds due the city from the sale of water, sewer and electric services. All accounts respecting the sale of such services shall be payable at his or her office upon bills rendered therefor by mail or otherwise to all such customers. Upon payment of any such bill, he or she shall issue a suitable receipt of the same and he or she shall cause proper entries to be made in his or her accounts and shall deposit all such monies to the credit of the proper fund in the city treasury.

15-108 RECORD OF CUSTOMER=S ACCOUNTS.

The City Clerk=s office shall maintain a system of customer accounts which show all charges and sums due for water, sewer or electric services furnished and sold any customer by such departments. Such accounts shall be kept in the name of each customer separately and each account shall show the charges made for water services, sewer services, electric services, the state retailer=s sales tax due, other charges, penalties, rebates and all other financial transactions between the city and each customer.

15-109 METER READINGS; BILLING.

The Superintendent of the Electric Department and Water and Wastewater Department shall cause all meters through which water or electricity are furnished by the city to be read on or about the fifteenth day of each month and the readings as entered in the meter books shall be reported to the utility billing clerk who shall compute the bills therefrom and bill each customer by delivering a single card by mail or otherwise to each customer showing the several charges, as shown by the meter readings, for one month=s services together with any other charges due the city under the rules of the departments.

15-110 DUE DATE; PENALTY FOR LATER PAYMENT.

(a) All bills for water, sewer, electric, solid waste collection or other services shall be due and payable at the City Clerk=s office on the first day of the monthly following reading of the meters. If any bill is not paid on or before the tenth day of such month, 5% of the amount of the bills shall be added thereto and collected when the bill is paid, except that if the tenth day of any month shall fall on a day that the City Clerk=s office is not open for business, the one additional office work day shall be allowed for payment of bills without penalty. Payments received by mail and postmarked on the last day for

payment without penalty or delivered by the post office on the next day thereafter shall not be subject to penalty. The payment of all bills, either with or without the 5% penalty, as the case may be, shall be made in full, and no officer or employee shall accept payments in installments unless by special order of the governing body.

(b) Failure to make the payment before the tenth day of the month shall result in the mailing of an account delinquency and service discontinuation notice.

15-111 DISCONTINUANCE OF SERVICE.

(a) The city may discontinue or refuse a particular utility service to any customer, without notice of hearing, for any of the following reasons:

(1) When the customer so requests; and

(2) When it is determined by an employee of the City Utility Department, Fire Department or Police Department that the continuance of a particular utility service constitutes a dangerous condition presenting a likely immediate threat to health or safety of persons or to property on or near the customer's premises.

(b) The city may discontinue or refuse a particular utility service to any customer, following compliance with the notice and hearing requirements of this article, for any of the following reasons:

(1) Nonpayment of utility bills and charges; and

(2) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility services from the city.

(c) The city may discontinue or refuse a particular utility service to any customer, following notice to the customer, for any of the reasons set out in this division (c). The customer shall have the right to a hearing within a reasonable time, not to exceed ten days, following termination or refusal of service. If after such hearing the Hearing Officers finds in favor of the customer, the Hearing Officer may order connection or reconnection of the service and no reconnect charge shall be made in such case:

(1) When the customer refuses to grant employees of the city's Utility Department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement;

(2) When the customer violates any rule, regulation or ordinance of the city pertaining to utility services, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services' delivery system; and

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services= delivery system situated or delivered on or about the customer=s premises.

(d) City Utility Departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to the procedure set out in this section. Customers shall remain responsible for furnishing the city with the correct address for billing purposes.

' 15-112 SAME; FORM.

Final Notice of Account Delinquency and Service Discontinuance	
Amount Past Due _____	Date Due _____
	Date of Final Notice _____
	Shut-off Date _____
	Shut-off started after 9:30 a.m. on shut-off day.
Dear Customer:	
Please check your records for payment. If this bill is not paid on or before the above shut-off date, service will be disconnected. You have the right to request a hearing before the City Clerk regarding this billing, providing the request is made to the City Clerk no later than three working days prior to the above stated shut-off date.	
At the time of shut-off for delinquency, the water meter will be disconnected and removed from the site.	
To have services reinstated, the following will have to occur:	
(a) Utility bill is paid in full; and	
(b) A utility delinquency fee of \$100 per meter if reconnected between 8:00 a.m. and 4:00 p.m. Monday through Friday, except city holidays; and \$125 if reconnected at any other time, will be charged before service is restored.	
(c) Water service reconnection charge of an additional \$100 if water meter is shut off after electric meter was shut off.	
City of Burlington	

(Ord. 798, adopted 5-18-2011; Ord. 847, FEES adopted 1-18-2017)

' 15-113 SAME; HEARING.

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(a) Any utility customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to disconnection. At such hearing, the applicant customer and the city shall have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses, however, formal rules of evidence shall not be followed. The hearing shall be conducted by the City Clerk or such other Hearing Officer as may be appointed by the Mayor, with the consent of the governing body. In the event the Hearing Officer finds utility service(s) should not be discontinued, the Hearing Officer shall so order and advise the city thereof. In the event the Hearing Officer finds utility service(s) should not be discontinued, the Hearing Officer shall so order and advise the city thereof. Unless otherwise ordered by the Hearing Officer, utility service(s) shall be discontinued on the date that the order of discontinuance is issued by the Hearing Officer. Extensions of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The customer shall be given notice of order of discontinuance in person, or by certified mail.

(b) In making a determination of whether discontinuance should be ordered, the Hearing Officer shall consider, but not be limited to, the following factors:

(1) Whether discontinuance is dangerous to the health of the customer, the customer=s family or any other residents of the premises affected;

(2) The weather;

(3) Unforeseen financial hardship of the customer; and

(4) The medical conditions, ages of disabilities of the customer, the customer=s family or other residents of the premises.

15-114 UTILITY DEPOSIT.

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

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

(1) Water service: \$50; and

(2) Electric service: \$100.

(c) For each rental unit, the tenants as a whole shall deposit an amount equal to the cost of the months services.

(d) The City Clerk may require all new industrial users without established credit to deposit an amount equal to two months service.

(e) The City Clerk may require a deposit equal to the cost of three months service.

(f) The deposit so made shall be kept by the City Clerk in a separate account and deposited in a fund designated as the AMeter Deposit Fund@. Interest shall be payable at the rate determined by the State Corporation Commission yearly and credited to the customer=s account January 1 of each calendar year.

(g) On the second interest payment date following the deposit required above, the City Clerk shall refund the deposit of any depositor who is owner of the premises wherein such utility service is being furnished and has not been delinquent in payment of any utility service charge during the past year. Interest due and accrued shall not draw interest.

(h) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.

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

(Ord. 847, FEES adopted 1-18-2017)

' 15-115 REQUEST FOR SERVICE.

A request to the city for one utility service shall automatically constitute a request for all other utility services, service shall not relieve any owner or occupant of any residence, multi-family dwelling or commercial enterprise from the responsibility of compliance with the provisions of this article or any other ordinances of the city.

' 15-116 CLAIMS AGAINST CITY.

All claims and accounts against the city by reason of the operation of its Electric or Water and Wastewater Departments shall be filed with the City Clerk, and the Superintendent of each Department affected shall examine in detail all such bills, claims and accounts and present the same to the governing body at its ensuing regular meeting for allowance. Upon allowance, the same shall be paid in the regular manner as provided by law.

' 15-117 DELINQUENT ACCOUNTS.

(a) In the event that any person, except the United States or the state, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in ' ' 15-111 to 15-113. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.

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

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

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

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

' 15-118 NOTICE; HEARING.

(a) If a utility bill has not been paid on or before the due date as provided in this article, 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 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 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;
and

(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 that shall be held within three working days following receipt of the request.

‘ **15-119 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 ten days, for the termination of such service.

‘ **15-120 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.

‘ **15-121 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.

‘ **15-122 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

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‘ **15-201 WATER AND WASTEWATER SUPERINTENDENT.**

The general management, care, control and supervision of the city water system shall be in the Water and Wastewater Superintendent, who shall be appointed by the Mayor with the consent of the governing body.

‘ **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.

‘ **15-203 SERVICE NOT GUARANTEED.**

The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery and power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers.

‘ **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.

‘ **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 in which the water is to be used;

(6) State any other pertinent information required by the City Clerk; and

(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. (Ord. 847, FEES adopted 1-18-2017)

' 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 only by city employees.

' 15-207 SEPARATE CONNECTIONS.

Unless special permission is granted in writing by the Water and Wastewater Superintendent, each premises shall have a separate and distinct service connection, and where permission is granted for branch service pipes, each branch pipe must have its own curb cock and separate meter.

(1997 Code, ' 15-208)

' 15-208 COST OF INSTALLATION BORNE BY CONSUMER.

The cost of original installation of all plumbing between the property line and any water service devices maintained by the consumer, and all extensions hereafter made to such services, as well as all repairs to the same, shall be borne entirely by the consumer. All such service pipes and devices shall at all reasonable times be subject to inspection by duly authorized employees of the Water and Wastewater Department, and repairs found to be necessary by such official shall be made promptly or the city will discontinue service until such repairs are made.

(1997 Code, ' 15-209)

' 15-209 INSTALLATION OF SERVICE PIPE.

No person except regular employees of the Municipal Water Department or plumbers licensed in accordance with the ordinances of this city shall do any plumbing on any pipes connected or to be connected to the municipal water system.

(1997 Code, ' 15-211)

' 15-210 TRENCHING AND BACKFILLING.

All excavations made by plumbers in public grounds shall not be kept open longer than is absolutely necessary to make the connections required and while open shall be protected by suitable barriers, guards and lights as provided in the ordinances of this city, and the backfilling shall be thoroughly compacted and left in a condition satisfactory to the Street Superintendent, and where such excavations are unsatisfactorily filled the Street Superintendent shall place them in a satisfactory condition and the cost thereof shall be charged to the plumber as provided by ordinance, and his or her license may be suspended unless such sum is paid.

(1997 Code, ' 15-212) (Ord. 847, FEES adopted 1-18-2017)

' 15-211 CHARACTER OF PIPE AND SERVICE CONNECTIONS.

All service pipes in this city shall be galvanized wrought iron, brass, PVC, copper or cast iron and shall be laid not less than three feet below the established grade or as low as the street mains.

(1997 Code, ' 15-213)

' 15-212 CONNECTION FEES.

The fees for connection to the city waterworks system shall be as follows:

(a) For connecting water main with three-fourths inch tap, three-fourths inch service line and installing three-fourths inch meter, a fee as set by the governing body; and

(b) For connecting water main with larger than a three-fourths inch tap, service line or meter, a fee as set by the governing body.

(Ord. 847, FEES adopted 1-18-2017)

' 15-213 CURB COCKS STOP AND WASTE.

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 AT@ handles. There shall be one or more stop and waste cocks to every supply pipe so that the water can be shut off and the house plumbing entirely drained. All outside cocks shall be enclosed in suitable boxes of approved construction.

(1997 Code, ' 15-214)

‘ **15-214 CHECK VALVES.**

Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the Water and Wastewater 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.

‘ **15-215 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, City Clerk or the Water and Wastewater Department.

‘ **15-216 DAMAGING SYSTEM.**

It shall be unlawful for any person to deface, damage, destroy or molest any of the property of the waterworks system, operate valves, hydrants, stop gates or meters or in any other manner interfere with the operation of the municipal water system.

(1997 Code, ‘ 15-217)

‘ **15-217 METERS.**

(a) *Generally.*

(1) All water furnished to customers shall be metered.

(2) 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.

(3) The city=s responsibility stops at the meter.

(1997 Code, ‘ 15-218)

(b) *Care.* The consumer shall be responsible for the care of any water meter together with the meter box or vault and appurtenant connections and appliances, installed upon his or her service connection for any accidental or willful injury thereto, whether by his or her own act or that of others not in the employ of the city, and shall at all times protect the meter from damage by heat, hot water or steam. In the event of any accidental or willful injury, of any meter or injury by hot water, heat or steam as aforesaid, the consumer shall promptly notify the Superintendent, who will have the necessary repairs made and charge the cost of repairs to the consumer.

(1997 Code, ‘ 15-219)

(c) *Only city to remove or repair.* No water meter shall be removed or repaired except by employees of the city under the direction of the Superintendent.
(1997 Code, ' 15-220)

(d) *Meter reading conclusive.* The quantity of water recorded by the water meter shall be conclusive evidence on both the city and the consumer as to the quantity to figure the cost of the consumer, except when the meter has been found to be defective or has ceased to register. In such case the quantity of water shall be determined by the average daily registration as shown by the meter when in order.
(1997 Code, ' 15-221)

(e) *Seals.* The city reserves the right to put seals on any water meter or its couplings in or upon any premises and may shut off the supply if such seals are found broken or removed upon the second offense thereof, and for any further offense the Superintendent shall cause the service to be discontinued and shall refuse to continue service to such premises as long as the consumer upon the premises at any time of the breaking of the seal or the removal of the same shall continue to be occupant thereof.
(1997 Code, ' 15-222)

' 15-218 SAME; TESTING.

The Water and Wastewater Superintendent shall have all new water meters carefully tested before being installed. After their installation, they shall be tested as frequently as circumstances warrant in the discretion of the Water and Wastewater Superintendent. If at any time a consumer becomes dissatisfied with the accuracy of the meter on his or her service, he or she may make application to have the meter tested, which application shall be accompanied by a fee of \$10 and upon receipt of such application and fee, the Water and Wastewater Superintendent shall have the meter tested in the presence of the consumer or the complaining party if he or she so desires, and if the test shows that the meter has been over-registering more than 2%, the previous bill based on the reading of such meter shall be corrected accordingly and the fee returned. If the test shows that the meter is not over-registering or under-registering more than 2%, the meter shall be considered as correct. If the test shows that the meter has been under-registering more than 2%, the previous bill based on the reading of such meter shall be corrected accordingly, and the fee retained by the city. The city reserves the right to remove and test any meter at any time and if such meter is found to be inaccurate to substitute another meter of the same size in its place.
(1997 Code, ' 15-223)

' 15-219 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.

' 15-220 LEAKS PROHIBITED; REPAIR.

No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has passed through the meter. Within 24 hours after receiving notice of or learning of any injured, destroyed, defective or leaky water service line or connection on their property, property owners shall have them repaired by a competent plumber. Upon failure of any such owner to have such repairs made, the city may proceed to have such repairs as are necessary made, and then may shut off the water and deny the use of any water to any such property until the city has been reimbursed for the expenses of such repairs.

(1997 Code, ' 15-225)

' 15-221 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 reconnection charge per current ordinance.

(Ord. 798, adopted 5-18-2011; Ord. 847, FEES adopted 1-18-2017)

' 15-222 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 ' 15-114 to secure payment of accrued bills or bills due on discontinuance of service.

' 15-223 INTERRUPT SERVICE.

The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.

' 15-224 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; and

(c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff or any other appurtenances to the water system of the city.

' 15-225 WASTING WATER.

(a) (1) 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.

(2) Wasting water may include, but is not limited to:

(A) Permitting water to escape down a gutter, ditch or other surface drain;

(B) Failing to repair an irrigation system=s malfunction; or

(C) Failing to repair a controllable water leak due to defective plumbing.

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

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

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

' 15-226 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.

' 15-227 CERTAIN RIGHTS RESERVED TO CITY.

The city reserves the right at any time to change the rates provided for in this article or to reclassify the consumers on the basis of the purpose for which water services of the city may be used. Whenever a different type of service shall be required by any consumer and furnished by the Water Department of the city, the Superintendent is authorized to measure such special or different service through more than one meter to arrive at a proper charge. The city may at its option bill such customer separately for the services measured by such meter at the rate applicable to the type of service furnished through such separate meter. In case of any conflict in or dispute over the proper rate or class or rates to be applied to any consumer or service, the decision of the Superintendent shall be final and conclusive. When the dispute shall be over the correct amount of any bill rendered for services and no regulation of the Department shall apply, the Superintendent is authorized to determine the proper charge to be made from an estimate of the average demand for such services during a prior period of services when no dispute existed.

(1997 Code, ' 15-232)

15-228 RATES.

Rates are set by city ordinance, adopted by the governing body. The rates per month for the use of water shall be in the most current ordinance, which per Ordinance 846, effective 1-13-2017, are as follows:

(a) *Usage rates: residential inside the city limits, excluding wholesale water contracts.* The following monthly rates shall be charged and collected for water sold to residential consumers inside the city limits and furnished by the Department.

(1) A minimum charge of \$15.50 per month for which sum up to 1,000 gallons shall be furnished.

(2) After the first 1,000 gallons in any one month, the rate shall be \$6.22 per 1,000 gallons.

(b) *Usage rates: residential units in multi-family dwellings.* A minimum use fee of \$15.50 will be charged for each unit in a multi-family structure (i.e., apartments when the water/sewer bill is paid by the landlord).

(c) *Usage rates: city commercial customers inside the city limits, excluding wholesale water contracts.* The following monthly rates shall be charged and collected for water sold to city users, consumed inside the city limits and furnished by the Department, excluding rural water districts contracts and City of Gridley, City of New Strawn and City of LeRoy water contracts.

(1) A minimum charge of \$19.50 per month for which sum up to 1,000 gallons shall be furnished.

(2) After the first 1,000 gallons in any one month, the rate shall be \$6.22 per 1,000 gallons.

(d) *Usage rates: residential and commercial customers, living outside the city limits, excluding wholesale water contracts.* The following monthly rates shall be charged and collected for water sold to residential and commercial customers, living outside the city limits and furnished by the Department, excluding rural water districts contracts and City of Gridley, City of New Strawn and City of LeRoy water contracts.

(1) A minimum charge of \$19.50 per month for which sum up to 1,000 gallons shall be furnished.

(2) After the first 1,000 gallons in any one month, the rate shall be \$6.22 per 1,000 gallons.

(e) *Usage rates: rural water district contracts and the Cities of Gridley, New Strawn and LeRoy.* The following monthly wholesales rates shall be charged and collected for water sold to rural water district contract holders and the Cities of Gridley, New Strawn and LeRoy furnished by the Department.

(1) A minimum charge of \$4.59 per month for which sum up to 1,000 gallons shall be furnished.

(2) After the first 1,000 gallons in any one month, the rate shall be \$4.59 per 1,000 gallons. (1997 Code, ' 15-233) (Ord. 769, adopted 6-4-2008; Ord. 846, adopted 12-7-2016, effective 1-13-2017; Ord. 847, FEES adopted 1-18-2017)

' 15-229 WATER FURNISHED TO OTHER ENTITIES.

(a) *City of Gridley.* The City of Burlington is hereby authorized to sell water in accordance with the water purchase contract between the City of Burlington and City of Gridley, dated May 22, 2002. The City of Burlington will provide the City of Gridley with a quantity of water not to exceed 160 gallons per minute. The City of Burlington will sell water at the rate as set by the governing body to the City of Gridley, and all increases in water rates will not be higher proportionately than that charged to any other established customer within or without the city limits of the City of Burlington.

(b) *City of LeRoy.*

(1) The City of Burlington is hereby authorized to sell water in accordance with the water purchase contract between the City of Burlington and City of LeRoy, dated November 7, 2001. The City of Burlington will provide the City of LeRoy with a quantity of water not to exceed 160 gallons per minute or 24.5 million gallons per year. The City of LeRoy agrees to allow their water rights to be moved to the Burlington point of diversion so that the City of Burlington can provide water to the City of LeRoy and therefore the City of Burlington will not place a minimum monthly purchase requirement on the City of LeRoy. The City of Burlington will sell water at the rate as set by the governing body to City of LeRoy and all increases in water rates will not be higher proportionately than that charged to any other established customer within or without the city limits of the City of Burlington.

(2) The City of Burlington, Rural Water District #2 and City of LeRoy have determined it to be in the best interest of all three entities to enter into two water purchase and delivery contracts, both authorized by Ord. 835 on May 20, 2015, that will resolve inefficiencies in billing for water sold by the City of Burlington to City of LeRoy and delivered through a water line operated by Rural Water District #2.

(c) *City of New Strawn.* The City of Burlington is hereby authorized to sell water in accordance with the water purchase contract between the City of Burlington and City of New Strawn, dated June 21, 2000. The City of Burlington will provide the City of New Strawn with a quantity of water not to exceed 2.8 million gallons per month or 130 gallons per minute. The City of New Strawn will purchase a minimum of 1.4 million gallons of water per month at a designated rate. The City of Burlington will sell water at the rate as set by the governing body to City of New Strawn and all increases in water rates will not be higher proportionately than that charged to any other established customer within or without the city limits of the City of Burlington.

(d) *Rural Water District #2.*

(1) The City of Burlington is hereby authorized to sell water in accordance with the contract for water supply between the City of Burlington and Rural Water District #2, dated June 4, 2014. In consideration of the covenants, terms and conditions of the contract, City of Burlington agrees to sell and District #2 agrees to purchase wholesale treated potable water in accordance with the terms and conditions of the contract.

(2) The City of Burlington, Rural Water District #2 and City of LeRoy have determined it to be in the best interest of all three entities to enter into two water purchase and delivery contracts, both authorized by Ord. 835 on May 20, 2015, that will resolve inefficiencies in billing for water sold by City of Burlington to City of LeRoy and delivered through a water line operated by Rural Water District #2.

(e) *Rural Water District #3.*

(1) The City of Burlington entered into a water purchase contract, the same having been dated July 16, 1969, and duly executed by the Chairperson and Secretary of Rural Water District No. 3, which said water purchase contract is by reference hereby made a part of this section the same as if fully set forth herein.

(2) The said water purchase contract which was by resolution approved by the governing body of said city, June 18, 1969, be and the same is hereby affirmed, ratified and adopted and the Mayor and the City Clerk are hereby authorized and directed to execute said water purchase contract for and on behalf of said city.

(1997 Code, ' 15-234) (Ord. 151, adopted 7-16-1969; Ord. 663, adopted 6-21-2000; Ord. 691, adopted 11-7-2001; Ord. 700, adopted 5-22-2002; Ord. 769, adopted 6-4-2008; Ord. 829, adopted 6-4-2014; Ord. 835, adopted 5-20-2015)

Cross-reference:

Water rates, see ' 15-228

' 15-230 SPECIAL OR TEMPORARY SERVICES.

The Superintendent is authorized to make temporary water connections for the use of contractors and other persons having use for water for building or other purposes. The Superintendent may furnish a portable meter for measuring the same, and the water rents charged shall not be less than the minimum monthly bill and not less than the actual cost of making the temporary connection. Where the temporary use of water cannot be metered, the Superintendent shall make the charge based on the estimate of water used, the same to be paid to the city as in the case of other water rents.

(1997 Code, ' 15-235)

' 15-231 CUSTOMERS NOT TO RESELL WITHOUT PERMISSION.

No customer shall supply city water in any way (by sale, gift or otherwise) to any person or party without the written permission of the Superintendent.

(1997 Code, ' 15-236)

' 15-232 CUSTOMER=S NOTICE TO DISCONTINUE SERVICE.

A customer shall give the Department proper notice at least two days requesting the city to discontinue service. Upon failure to give such notice, he or she shall be liable for the water registered by the meter, or the minimum bill, until such time as notice is given.

(1997 Code, ' 15-237)

' 15-233 EXTENSION OF MAINS.

The city may extend its water mains by construction or purchase, when applications have been made and agreements entered into by persons along the proposed extension, that in the judgment of the governing body will produce a revenue sufficient to pay interest on the cost of the extension and the operating cost of the service furnished.

(1997 Code, ' 15-238)

' 15-234 PAYMENT OF BILLS.

All water bills for the previous month=s water service shall be paid on or before the tenth day of the month following the service. For any billing not paid when due a late charge of 5% will be added to the bill.

Cross-reference:

Exceptions, see ' 15-110

' 15-235 DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY.

Water service shall be terminated for nonpayment of service fees or charges as provided in ' ' 15-111 through 15-113.

' 15-236 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.

' 15-237 REMOVAL OF OLD SERVICE LINES.

All old water service lines from the main to the meter shall be replaced when ordered by the City Clerk=s office and/or Water Department. The cost of replacement shall be charged to the property owner and shall be due and payable on the first day of the month following the replacement, and shall be billed and collected with the monthly water bill. If the replacement charge is not paid when due, the

service shall be discontinued and no consumer shall receive water through the line until the charge is paid. An owner may replace the service lines on his or her property upon notification to the Superintendent of intention to do so.

(1997 Code, ' 15-242)

' 15-238 CROSS-CONNECTIONS PROHIBITED.

No person shall establish or permit to be established, or maintain or permit to be maintained, any cross-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 State Department of Health and Environment and the governing body.

(1997 Code, ' 15-243) (Ord. 467, adopted 9-8-1999)

' 15-239 SAME; 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 potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop that could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the Superintendent.

(1997 Code, ' 15-244) (Ord. 467, adopted 9-8-1999)

Editor=s note:

For more information pertaining to protective backflow devices, please see the Manual of Regulations Regulating Backflow and Improper Cross-Connections for the Burlington City Municipal Water System as adopted in Ord. 467, and attached thereto.

' 15-240 SAME; INSPECTION.

The Water and Wastewater 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 to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the city=s water supply.

(1997 Code, ' 15-245) (Ord. 467, adopted 9-8-1999)

' 15-241 SAME; PROTECTION FROM CONTAMINANTS.

Under the city's constitutional home rule authority and K.S.A. 65-163a, the city, by its Water and Wastewater Superintendent, may refuse to deliver water through pipes and mains to any premises where a condition exists that 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. In addition, the Water and Wastewater may terminate water service to any property where the cross-connections or backsiphonage condition creates, in the judgment of the Superintendent, an emergency danger of contamination to the public water supply.

(1997 Code, ' 15-246) (Ord. 467, adopted 9-8-1999)

' 15-242 SAME; RIGHT TO HEARING IN EMERGENCY.

If the owner of the premises considers the termination of water service or refusal of water service to be unjust, the owner, lessor or maintainer of the premises may appeal the decision of the Water and Wastewater Superintendent to the City Council of the city by filing with the City Clerk a request for a public hearing. A public hearing will be held by the City Council within a reasonable time.

(1997 Code, ' 15-247) (Ord. 467, adopted 9-8-1999)

' 15-243 SAME; RIGHT TO HEARING IN NON-EMERGENCY.

In the event that termination of water service or refusal to deliver water is not an emergency situation, the City Council is authorized and directed to discontinue or refuse to provide water service after reasonable notice to the occupant that he or she is entitled to a hearing before the Council if he or she requests one to determine if his or her water use will contaminate the water supply of the city.

(1997 Code, ' 15-248) (Ord. 467, adopted 9-8-1999)

' 15-244 CROSS-CONNECTIONS; INCORPORATION.

There is hereby incorporated by reference for the purpose of regulating backflow and improper cross-connections between the public water supply and other water sources that certain manual adopted by the governing body of the city known as *Manual of Regulations Regulating Backflow and Improper Cross-Connections for the Burlington City Municipal Water System*. No fewer than three copies of the Manual shall be marked or stamped "Official Copy as Adopted by Ord. 467", and to which shall be attached a copy of this article, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

(1997 Code, ' 15-249) (Ord. 467, adopted 9-8-1999)

ARTICLE 3: ELECTRICITY

Section

- 15-301 Definitions
- 15-302 Electric Department; generally
- 15-303 Same; Superintendent
- 15-304 Reserved
- 15-305 Right of city to discontinue service
- 15-306 Contractual nature of article
- 15-307 Complaint on bills
- 15-308 Application for service
- 15-309 Connection permits
- 15-310 First service connections and authority to discontinue service to protect life, property and the like
- 15-311 Connection rules
- 15-312 Meters
- 15-313 Separate connections for each premises
- 15-314 Temporary service
- 15-315 Right of city to remove meters to test; right of city to read meters
- 15-316 Unauthorized use of electricity
- 15-317 Stealing electricity and the like
- 15-318 Residential service; rates
- 15-319 Small commercial service
- 15-320 Large commercial service
- 15-321 Industrial service schedule ISS 1
- 15-322 Power supply adjustment clause
- 15-323 Rights reserved
- 15-324 Net metering/parallel generation

15-301 DEFINITIONS.

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

DEPARTMENT. The Electric Department.

SUPERINTENDENT. The Superintendent of the Department or other person in charge of the

Department.

‘ **15-302 ELECTRIC DEPARTMENT; GENERALLY.**

(a) The electric plant and system of distribution of the city shall be managed and operated by the Department.

(b) The Department shall consist of the governing body, the Superintendent, other officers and employees of the city devoting all or part time to the conduct and fiscal affairs of the city in relation to the municipal electric plant and system of distribution. The governing body shall be charged primarily with the maintenance, management and control of the Department, and the governing body shall make such ordinances, rules and regulations as may be necessary for the safe, economical and efficient management and operation of the plant and system.

‘ **15-303 SAME; SUPERINTENDENT.**

The Superintendent shall have supervision of the electric plant and lines both inside and outside the city. He or she shall, with the approval and consent of the governing body, appoint such linemen, engine operators and other employees as the governing body shall deem necessary and provide for by resolution or otherwise, and shall employ such temporary employees as may be necessary in the operation of the electric plant and system. All purchases, work and service of every character relating to the electric plant and system shall be under his or her direction and he or she shall be responsible therefor.

‘ **15-304 RESERVED.**

‘ **15-305 RIGHT OF CITY TO DISCONTINUE SERVICE.**

The right is hereby reserved by the city to discontinue electric service to any or all consumers without notice when the same is necessary in the repair or construction of the electric plant or system, or any portion thereof.

‘ **15-306 CONTRACTUAL NATURE OF ARTICLE.**

When an application for electric service has been accepted by the city, the applicant shall be deemed to have consented and agreed to the rates provided for in this article and to the rules of the city established by ordinance relating to the management of the Department and same shall be binding on the city and the applicant as provided by ordinances of the city.

‘ **15-307 COMPLAINT ON BILLS.**

Upon complaint by any consumer respecting the accuracy of the meter used in measuring his or her service and upon payment of a fee between \$10 and \$50, depending on size and type of meter by such consumer such meters shall be carefully tested under the direction of the Superintendent. If such test shows that such meter has been inaccurate to the extent of more than 2%, either over or under the true measure of the bills for the two months previous shall be corrected accordingly and adjustment made. If such test shows that such meter was over registering the fee shall be returned to such consumer.

Excepting when a meter has been found defective upon complaint and test duly made as hereinabove provided, and except when a meter has ceased to register, the quantity recorded by meters shall be conclusive evidence on both the city and the consumer as to the amount of electricity furnished.

(Ord. 847, FEES adopted 1-18-2017)

‘ **15-308 APPLICATION FOR SERVICE.**

Applications for electric service shall be made to the City Clerk, in writing, upon forms furnished for that purpose, and shall show the nature and approximate amount of electrical service required, the location of the property to be furnished with service and such other information as the City Clerk or the Superintendent may require.

‘ **15-309 CONNECTION PERMITS.**

When an application in proper form has been made and the required deposit has been paid, the City Clerk shall issue an order to connect the premises with the municipal electric system. Where it is necessary in commencing service that new or additional lines, poles, transformers, meters or other equipment be constructed or installed, the governing body by contract, motion or otherwise, may provide a fee or charge suitable to the circumstances of the particular case.

‘ **15-310 FIRST SERVICE CONNECTIONS AND AUTHORITY TO DISCONTINUE SERVICE TO PROTECT LIFE, PROPERTY AND THE LIKE.**

Upon the granting of any application for the extension of the electric service to any premises, the Superintendent is authorized to refuse electric service to any such premises until he or she shall have satisfied himself or herself that all electrical wiring fixtures, or apparatus carrying or using electric current on the premises shall have been installed in conformity with the electrical regulations of the city. The Superintendent may discontinue service and disconnect the same from the city lines when he or she deems it necessary to protect lives or property by reason of improper or defective electrical wiring on the premises served.

‘ **15-311 CONNECTION RULES.**

All house connections in the city, lead-in wires and meter installations or repairs or changes therein shall be made and constructed by the employees of the electric plant under the direction of the Superintendent at the expense of the city.

‘ **15-312 METERS.**

All electricity furnished shall be metered by meters furnished and maintained by the city.

‘ **15-313 SEPARATE CONNECTIONS FOR EACH PREMISES.**

Each premises shall have a separate and distinct electrical service connection and meter and whenever any consumer shall upon the same premises require electric service for which different rates are provided a separate meter shall be provided for each such service and separate bills made thereon.

‘ **15-314 TEMPORARY SERVICE.**

The Superintendent is authorized to make temporary connections for electric service to builders and others requiring the same during the course of any work. Where practicable, portable meters shall be installed to meter the current used, but the Superintendent may collect the minimum bill for electricity used or an amount equal to estimated demand for the period the temporary service shall be required which shall be paid in advance together with the cost of labor and materials used or consumed in making any such connection. All monies received by reason of this section shall be paid to the Superintendent and by him or her remitted to the collector for the Department.

Cross-reference:

Fees, see Chapter 1, Article 8

‘ **15-315 RIGHT OF CITY TO REMOVE METERS TO TEST; RIGHT OF CITY TO READ METERS.**

Whenever in the judgment of the Superintendent or the governing body it is necessary to test an electric meter, the same may be removed and tested and during such test replacement meters shall be furnished by the city. For the purpose of reading, inspecting or installing meters, wiring or other apparatus relating to electric service, the employees of the Department may legally enter upon any premises at any reasonable hour.

‘ **15-316 UNAUTHORIZED USE OF ELECTRICITY.**

Except as provided in this article, it shall be unlawful for any person to use electricity from the Department except through the city=s meters and under authority as provided by this article.

‘ **15-317 STEALING ELECTRICITY AND THE LIKE.**

It shall be unlawful for any person to build or use any cut-off around any meter or any other device whereby electricity shall or may be drawn or taken from the municipal power and light system to any electric light, apparatus or other service without passing through the meter furnished by the city for measuring electric current. When electric service to any consumer has been discontinued under any of the provisions of any ordinance or authority relating to the Department it shall be unlawful for any person to reconnect such service to the municipal power and light system or to draw or take electricity from the system without authority of the Superintendent.

‘ **15-318 RESIDENTIAL SERVICE; RATES.**

(a) The provisions of this section shall apply to residential service electric rate schedule, including

rural residential.

(b) The schedule is available for residential service, separately metered, to a single-family dwelling located within the urban area of the community or served from a common low tension network serving such area. This schedule is not available for service through a single meter to multi-family dwellings, rooming houses and the like, nor for service to two or more dwellings.

(c) The net rate shall be as set by current ordinance adopted by the governing body, per current Ordinance 830, as follows:

Consumer charge	\$8 per month
First 200 kWh	\$0.130 per kWh per month
Next 800 kWh	\$0.115 per kWh per month
Excess over 1,000 kWh	\$0.100 per kWh per month
This rate is subject to the power supply adjustment clause (Chapter XV, Article 3, ' 15-322)	

(d) The total net monthly bill, calculated as above, shall be not less than \$8.

(e) The conditions of service shall be as follows:

(1) Voltage, phase and frequency of energy supplied under this schedule shall be as specified by the city;

(2) Service under this schedule shall be furnished for the sole use of the customer and shall not be resold or submetered;

(3) Service shall be supplied through a single meter unless authorized by the city. At the request of the customer, separate meters may be retained, in which case each meter shall be billed as a separate customer;

(4) Service shall be of the overhead type. In event the customer desires an underground type of service, the city will furnish and install such service, and the customer shall pay the city for all expenses incurred over and above the normal overhead type service;

(5) Welding, x-ray or other equipment characterized by severe or fluctuating demands, shall not be served under this schedule; and

(6) This schedule shall apply to regular service as distinguished from intermittent or seasonal service.

(Ord. 830, adopted 6-18-2014)

' 15-319 SMALL COMMERCIAL SERVICE.

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(a) The provisions of this section shall apply to small commercial service electric rate schedule, including small rural commercial.

(b) This schedule is available for service within the urban area of the community, or from a common low tension network serving such area, to commercial establishments, rooming houses, multi-family dwellings or for combined commercial and residential use for usage up to 8,000 kWh/month.

(c) The net rate shall be as set by current ordinance adopted by the governing body, as per current Ordinance 830, as follows:

Consumer charge	\$10 per month
First 250 kWh	\$0.1360 per kWh per month
Next 1,000 kWh	\$0.1190 per kWh per month
Next 6,750 kWh	\$0.1020 per kWh per month
Excess over 8,000 kWh	\$0.1065 per kWh per month
This rate is subject to the power supply adjustment clause (Chapter XV, Article 3, ' 15-322)	

(d) The total net monthly bill, calculated as above, shall be not less than \$10.

(e) The conditions shall be as follows:

(1) Voltage, phase and frequency of energy supplied hereunder shall be as specified by the city;

(2) Service under the schedule is furnished for the sole use of the customer; and there shall be no submetering or resale of service, unless otherwise authorized by the city;

(3) Service shall be supplied through a single meter, unless otherwise authorized by the city. At the request of the customer, separate meters may be retained, in which case each meter shall be considered a separate customer. Polyphase service, metered separately, shall be considered a separate customer;

(4) Service shall be of the overhead type. In event the customer desires an underground type of service, the city will furnish and install such service, and the customer shall pay the city for all expenses incurred over and above the normal overhead type service;

(5) All motor driven devices of one and one-half horsepower capacity or larger must be operated on a nominal voltage of 208 volts or higher;

(6) The maximum size of any single phase motor shall be ten horsepower;

(7) All polyphase motors of 25 horsepower and larger shall be controlled by reduced voltage starters. Reduced voltage starters shall be of the auto transformer, resistor or part winding type. Requests for exceptions to this requirement are to be submitted in writing to the city. Exceptions granted by the city will be granted in writing; and

(8) Service shall be rendered under this schedule up to a demand of 15 kW or a usage of 8,000 kWh per month. When a customer=s usage reaches this level for any two months during a 12-month period, the city shall install a demand meter and place the customer on the large commercial rate for a period of 12 successive months.
(Ord. 830, adopted 6-18-2014)

' 15-320 LARGE COMMERCIAL SERVICE.

(a) The provisions of this section shall apply to large commercial service electric rate schedule.

(b) The schedule is available for service located on the lines of the city for lighting or power within the urban area of the community, or from a common low tension network serving such area, to commercial establishments, rooming houses, multi-family dwellings or for combined commercial and residential use for usage which exceeds either 8,000 kWh/month, or a peak monthly demand which exceeds 25 kW for three consecutive months. If there is less than three previous of data, applicability will be determined from available data.

(c) The net rate shall be as set by current ordinance adopted by the governing body, as per current Ordinance 830, as follows:

Demand charge	\$8 per kWh of demand per month.
Energy charge	
First 8,000 kWh	\$0.099 per kWh per month
Excess over 8,000 kWh	\$0.087 per kWh per month
The net minimum bill, calculated as above, shall be not less than \$200 per month	
This rate is subject to the power supply adjustment clause. (Chapter XV, Article 3, ' 15-322)	

(d) The demand shall be the highest 15 minute kilowatt demand occurring during the month as measured by a suitable meter. The monthly demand shall not be less than 75%, the maximum demand recorded for the preceding 11 months.

(e) Where the customer supplies all facilities (other than metering equipment) for utilization of service at the voltage of the city=s distribution system, the above demand and energy charges shall be decreased 4%.

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(f) The above rate applies for service metered at the voltage of the city's secondary line feeding to such location. Where service is metered at primary voltage, adjustment for billing shall be made by decreasing demands and energy charges by 2%.

(g) The minimum monthly bill shall be the higher of the following:

(1) \$0.75 per kVa of installed transformed capacity; and

(2) \$8 per kilowatt of billing demand.

(h) The customer shall maintain a power factor of not less than 90% lagging. The average power factor during the month used for billing purposes shall be obtained from the measured kilowatt hours and the measured reactive kilovolt-ampere hours taken during the month. The meter for measurement of reactive kilovolt-ampere hours will be ratcheted to prevent reverse registration. If the average power factor during the month is less than 90% lagging, the total bill for the month shall be increased 1% for each 1% or major fraction thereof by which the average power factor during the month is less than 90% lagging.

(i) The conditions of service shall be as follows:

(1) Voltage, phase and frequency of service hereunder shall be specified by the city;

(2) More than one class of service, as to character of voltage, phase and frequency, if separately metered, shall not be combined for billing hereunder;

(3) Service to each separate location or point of delivery hereunder shall be billed separately;

(4) Service under this schedule is for the sole use of the customer and shall not be resold or submetered;

(5) Lighting service incidental to power may be rendered hereunder if such combined lighting and power is served through one point of delivery, and the customer furnishes all additional equipment necessary for further transformation or regulation of energy for lighting service. Should such service to incidental single phase load result in phase unbalance, whereby the average of the separate loads on the three phases is less than 90% of the load of maximum phase, the customer shall correct such phase unbalance to meet the above limitation. Should the customer fail to correct such phase unbalance, the demand as determined shall be increased in due proportion to such phase unbalance; or such single phase service shall be rendered separately and billed under the appropriate rate covering such service;

(6) All polyphase motors of 25 horsepower and larger shall be controlled by reduced voltage starters. Reduced voltage starters shall be of the solo transformer, resistor or part winding type. Requests for exceptions to this requirement are to be submitted in writing to the city. Exceptions granted by the city will be granted in writing;

(7) Service shall be of the overhead type. In event the customer desires an underground type

of service, the city will furnish and install such service, and the customer shall pay the city for all expenses incurred over and above the normal overhead type service;

(8) The maximum size of any single phase motor shall be ten horsepower; and

(9) The term of service shall be not less than one year.

(Ord. 830, adopted 6-18-2014)

' 15-321 INDUSTRIAL SERVICE SCHEDULE ISS 1.

(a) The provisions of this section shall apply to the industrial service ISS 1 electric rate schedule.

(b) This schedule is available for service to any customer located on lines of the city for lighting or power whose energy usage exceeds either 200,000 kWh/month or peak monthly demand is above 500 kW for three consecutive months. If there is less than three previous months of data, applicability will be determined from available data. These schedules are available for service in the community, for industrial or commercial use. Not applicable for seasonal service.

(c) The net rate shall be as set by current ordinance adopted by the governing body, per current Ordinance 830, as follows:

Demand charge	\$12 per kWh of demand per month
Energy charge	
First 200,000 kWh	\$0.080 per kWh per month
Excess over 200,000 kWh	\$0.070 per kWh per month
The net minimum bills, as calculated above, shall be not less than \$1,800 per month	
This rate is subject to the power supply adjustment clause. (Chapter XV, Article 3, ' 15-322)	

(d) The billing demands shall be the highest of the following:

(1) The highest 15 minute demand occurring during the month; or

(2) Seventy-five percent of the maximum demand recorded during the preceding 12 months.

(e) The minimum monthly bill shall be the demand charge.

(f) The customer shall maintain a power factor of not less than 90% lagging. The average power factor during the month used for billing purposes shall be obtained from the measured kilowatt hours and the measured reactive kilovolt-ampere hours taken during the month. The meter for measurement of reactive kilovolt-ampere hours will be ratcheted to prevent reverse registration. If the average power factor during the month is less than 90% lagging, the total bill for the month shall be increased 1% for

each 1% or major fraction thereof by which the average power factor during the month is less than 90% lagging.

(g) The conditions of service shall be as follows.

(1) The voltage, phase and frequency of service hereunder shall be approved by the city.

(2) More than one character of service, as to voltage, phase and frequency of delivery, shall not be combined for billing hereunder except as follows:

(A) Customers with existing multiple service may retain such services;

(B) Billing will be accomplished by adding demand and kilowatt hour readings of all meters numerically; and

(C) Credit for diversity will not be granted.

(3) Service shall be of the overhead type. In event the customer desires an underground type of service, the city will furnish and install such service, and the customer shall pay the city for all expenses incurred over and above the normal overhead type service.

(4) Service to each separate location or point of delivery hereunder shall be billed separately.

(5) Service under this schedule is for the sole use of the customer, and shall not be resold or submetered.

(6) Lighting will be served hereunder, subject to the provisions of determination of demand. Lighting service incidental to power may be rendered hereunder if such combined lighting and power is served through one point of delivery, and the customer furnishes all additional equipment necessary for further transformation or regulation of energy for lighting service. Should such service to incidental single phase load result in phase unbalance, whereby the average of the separate loads on the three phases is less than 90% of the load of maximum phase, the customer shall correct such phase unbalance to meet the above limitation. Should the customer fail to correct such phase unbalance, the demand as determined shall be increased in due proportion to such phase unbalance; or such single phase service shall be rendered separately and billed under the appropriate rate covering such service.

(7) All polyphase motors of 25 horsepower and larger shall be controlled by reduced voltage starters. Reduced voltage starters shall be of the auto transformer, resistor or part winding type.

(8) The maximum size of any single phase motor shall be ten horsepower.

(9) The term of service shall not be less than one year.

(Ord. 830, adopted 6-18-2014)

' 15-322 POWER SUPPLY ADJUSTMENT CLAUSE.

All electric rate schedules are based on an average wholesale power cost to the city of 64.620 mils/kWh. In the event that the wholesale power cost increases above 64.620 mils per kWh, the following shall apply.

(a) The above rates shall be increased by 0.110 mil per kWh for each 0.10 mil or major fraction thereof which seller=s average power cost per kilowatt hour exceeds 64.620 mils per kWh.

(b) The adjustment will be computed monthly and applied monthly.

(c) The average wholesale power cost will include purchased power costs, generated power costs, and debt service payments.

(Ord. 830, adopted 6-18-2014)

' 15-323 RIGHTS RESERVED.

The city reserves the right to at any time change the rates provided Chapter XV, Article 3 of the code of ordinances, or to reclassify the consumers on the basis of the purpose for which electric service of the city may be used. In the case of any conflict or dispute over the proper rate or class of rates to be applied to any customer or service, the decision of the Superintendent shall be final and conclusive.

(Ord. 830, adopted 6-18-2014)

' 15-324 NET METERING/PARALLEL GENERATION.

(a) Pursuant to K.S.A. 66-1,184, there is hereby adopted the Net Metering Policy and Procedures for customer-owned renewable energy resources. These procedures are hereby incorporated by reference as if set out fully herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours, and attached to the adoption ordinance.

(b) Net metering customer generators must meet all the applicable requirements of the city=s Interconnection Standards for Installation for Parallel Operation of Customer-owned Residential and Commercial Renewable Energy Generation Facilities, in addition to the requirements of the Net Metering Policy and Procedures for Customer-owned Renewable Energy Resources, Including the Net Metering/Parallel Generation Rate Rider for Customer-Owned Renewable Energy Generation Facilities.

(Ord. 841, adopted 5-4-2016)

ARTICLE 4: SEWERS

Section

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15-401 DEFINITIONS.

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

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system that 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.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWERS. Sewers receiving both surface runoff and sewage are not permitted.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL. 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.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MULTI-DOMESTIC. 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.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NORMAL DOMESTIC WASTEWATER. Wastewater that has a BOD concentration of not more than 300 milligrams and a suspended solids concentration of not more than 350 milligrams. 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; and
- (3) Hydrogen ion concentration of 5.0 to 9.0.

OPERATION AND MAINTENANCE. All expenditures during the use life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooling and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes **REPLACEMENT**.

SANITARY SEWER. A sewer that carries sewage and to which storm, surface and groundwaters

are not intentionally admitted.

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

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collection, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. Is mandatory; **MAY** is permissive.

SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flow during normal operation.

STORM SEWER or **STORM DRAIN.** A sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUPERINTENDENT. The Superintendent of the city or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. 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.

TREATMENT WORKS. Any devices and system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection system, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including site acquisition of the land that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

USEFUL LIFE. The estimated period during which a treatment works will be operated.

USER. Any person as defined in ' 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.

USER CHARGE. The portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

WASTE METER. A water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city.

WASTEWATER. Sewage, the combination of liquids and water-carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or stormwater that may be present.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

15-402 INSPECTIONS BY CITY.

(a) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

(b) While performing the necessary work on private properties referred to in division (a) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(c) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

15-403 MEASUREMENTS AND TESTS.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole, provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the

building sewer is connected.

(b) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pHs are determined from periodic grab samples.

' 15-404 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 200 feet of the property line.

' 15-405 CONNECTIONS OUTSIDE SEWER DISTRICTS; GENERALLY.

(a) The right for city residents to make sanitary sewer connections within any existing sewer district located in this city is hereby authorized in order to provide sanitary sewer services for premises located outside any existing sewer districts but within the city.

(b) For each premises located within the city connected to the city sanitary sewer system as provided pursuant to division (a) above, a connection fee of \$400 shall be paid to the City Clerk. The City Clerk shall deposit any such connection fees collected by him or her to the Sewer Service Fund.

(c) No person shall make any connections with or opening into the sanitary sewer system of the city when the premises served are located outside of the city limits. Nothing in this section or in ' 15-406 shall be deemed to authorize any premises located outside the city to be connected to the city=s sewage system.

(Ord. 847, FEES adopted 1-18-2017)

' 15-406 SAME; CERTAIN DISTRICTS.

(a) There is hereby authorized the right for city residents to make sanitary sewer connections within the north (Part I) northwest (Part II) and west (Part III) sewer districts, in order to provide sanitary sewer for premises located outside the boundaries of the sewer districts.

(b) Before any person shall connect his or her premises to the city sanitary sewer system as authorized by this section, a permit for such connection must be obtained from the City Clerk.

(c) For each premises connected to the city sanitary sewer system as provided in this section, a connection fee of \$400 unless in a special sewer district, shall be paid to the City Clerk and by him or her deposited in the Sewer Service Fund.

(d) No person shall extend any sanitary sewer as authorized by this section without having first obtained a permit from the City Clerk. All extensions and connections shall be made in compliance with the city's Plumbing Code.

(Ord. 847, FEES adopted 1-18-2017)

15-407 CONNECTION PERMIT.

(a) No unauthorized 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 Clerk that is approved by the Water and Wastewater Superintendent.

(b) (1) There shall be two classes of building sewer permits:

(A) For residential and commercial service; and

(B) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$5 for a residential or commercial building sewer permit and \$5 for an industrial building sewer permit shall be paid to the city at the time the application is filed.

15-408 PERMIT; CONNECTION FEE.

(a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(b) In a special sewer district there shall be charged a fee of \$.0262 per square foot of the premises so served shall be paid to the City Clerk and by him or her deposited in the sewer service fund at the time of making application for the permit.

15-409 APPLICATION.

(a) 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 Water and Wastewater Superintendent.

(b) The application shall contain:

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

- (2) The name and address of the owner or owners of the property;
- (3) The kind of property to be connected (residential, commercial or industrial); and
- (4) The point of proposed connection to the city sewer line.

‘ **15-410 COSTS.**

All costs and expenses 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.

‘ **15-411 SEWER CONNECTION.**

(a) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications in the current editions of the American Society for Testing and Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) *Manual of Practice No. ____*. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(b) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

(c) The connection of the building sewer into the public sewer shall be made at the AY@ branch if such branch is available at a suitable location. Where no properly located AY@ branch is available, the connection shall be made in the manner approved by the Water and Wastewater Superintendent and at a location designated by the Superintendent.

‘ **15-412 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.

‘ **15-413(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 water-proof. Any part of the building sewer that is located within ten 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.

' 15-413(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 one-eighth inch per foot and for four-inch pipe, not less than one-fourth 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.

' 15-413(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.

' 15-413(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.

' 15-413(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.

' 15-413(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.

' 15-413(7) SAME.

(a) All joints in the building sewers shall be made water-tight. If recommended by the City Inspector, a water pressure test shall be made on the completed sewer to ensure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of five psi, without leakage.

(b) All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the City Inspector.

(c) Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.

' 15-414 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. The city shall not supply barricades or be responsible for accidents related to improper barricading. Costs associated with the excavation are solely the responsibility of the plumber/contractor. 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.

' 15-415 FAILURE TO CONNECT.

(a) If any person as defined in ' 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.

' 15-416 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.

' 15-417 PRIVATE OR ABANDONED SEWER SYSTEM.

(a) *Generally.* Where a public sanitary sewer is not available under the provisions of ' 15-402, the building sewer shall be connected to a private sewage disposal system complying with the provisions of

' ' 15-416 to 15-421.

(b) *Buildings torn down by the county.* As for buildings torn down by the county, the City Wastewater Department will cap the sewerline and disconnect the water meter.

(c) *Customers replacing old private sewerlines.* Customers wanting to replace their old private sewerline must use the old service tap or cap the old service within five feet of the property line, and pay the new service tap fee.

(d) *Abandoned sewers on private property.*

(1) The city will work with the customer on how to cap or plug the abandoned private sewerline.

(2) The abandoned sewerline must be capped within five feet of the property line, unless otherwise approved by the Plumbing Inspector.

(3) The owner or the plumber will uncover and backfill the trench. The city will cap or plug the sewerline.

(City policy, 12-15-2004 by motion of governing body)

' **15-418 SAME; PERMIT.**

(a) All private sanitary sewer systems shall meet the County Sanitation Code and be approved by the city. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Water and Wastewater Superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the Water and Wastewater Superintendent. A permit and inspection fee of \$5 shall be paid to the city at the time the application is filed.

(Ord. 847, FEES adopted 1-18-2017)

(b) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Water and Wastewater Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

' **15-419 SAME; INSPECTION.**

The Water and Wastewater 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.

‘ 15-420 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 State Department of Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than the area required by Coffey County Sanitary Sewer Specifications. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) The owner shall operate and maintain the private disposal facilities in a sanitary manner at all times, at no expense to the city.

(c) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in ‘ 15-404, a direct connection shall be made to the public sewer within 60 days 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.

‘ 15-421 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.

‘ 15-422 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 the state.

(K.S.A. 12-1617e, 12-1617g)

‘ 15-423 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.

‘ 15-424 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 raw sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article.

15-425 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.

15-426 OLD BUILDING SEWERS.

(a) *Generally.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Water and Wastewater Superintendent, to meet all requirements of this article.

(b) *Buildings torn down by the county.* As for buildings torn down by the county, the City Wastewater Department will cap the sewerline and disconnect the water meter.

(c) *Customers replacing old private sewerlines.* Customers wanting to replace their old private sewerline must use the old service tap or cap the old service within five feet of the property line, and pay the new service tap fee.

(d) *Abandoned sewers on private property.*

(1) The city will work with the customer on how to cap or plug the abandoned private sewerline.

(2) The abandoned sewerline must be capped within five feet of the property line, unless otherwise approved by the Plumbing Inspector.

(3) The owner or the plumber will uncover and backfill the trench. The city will cap or plug the sewerline.

(City policy, 12-15-2004 passed by motion of governing body)

15-427 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.

15-428 CERTAIN CONNECTIONS PROHIBITED.

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

15-429 CERTAIN DRAINAGE PROHIBITED.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

15-430 ITEMS SPECIFICALLY PROHIBITED; PRETREATMENT AND THE LIKE OF SAME.

(a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/1 as CN in the wastes as discharged to the public sewer;

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

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(b) Any waters or wastes having:

(1) A five-day biochemical oxygen demand greater than 300 parts per million by weight;

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

(3) Having an average daily flow greater than 2% of the average sewage flow of the city; shall be subject to the review of the Water and Wastewater Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

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

(B) Reduce the suspended solids to 350 parts per million by weight; or

(C) Control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Water and Wastewater Superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

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

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

(2) Any water or waste containing fats, wax, grease or oils whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (0 and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Water and Wastewater Superintendent;

(4) Any waters or wastes containing strong acid pickling wastes, or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Water and Wastewater Superintendent for such materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Water and Wastewater Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Water and Wastewater Superintendent in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(A) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(C) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works; and

(D) Unusual volume of flow or concentration of wastes constituting slugs.

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

(d) (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (c) above, and which in the judgment of the Water and Wastewater Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or would otherwise create a hazard to life or constitute a public nuisance, the Water and Wastewater Superintendent may:

(A) Reject the wastes;

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

(C) Require control over the quantities and rates of discharge; and/or

(D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(2) If the Water and Wastewater Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Water and Wastewater Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

15-431 SPECIAL AGREEMENTS.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial

concern.

' 15-432 INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Water and Wastewater Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

' 15-433 MAINTENANCE OF PRELIMINARY TREATMENT OF FLOW-EQUALIZING FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

' 15-434 CONTROL MANHOLES.

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

' 15-435 BILLS.

(a) Bills shall be rendered monthly as provided in ' 15-110 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.

' 15-436 DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.

(a) In the event any person, except the United States and the State of Kansas, shall fail to pay the user charges when due, water service shall be terminated as provided in ' ' 15-111 to 15-113.

(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in ' ' 15-111 to 15-113.

15-117 shall apply to sewer service fees, charges and services.

‘ **15-437 USER CHARGE SYSTEM; USE OF FUNDS.**

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city=s treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

‘ **15-438 CHARGES TO PAY COST OF OPERATION; ACCOUNTS DESIGNATED.**

(a) The user charge system shall generate adequate annual revenues to pay costs (annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the treatment works) which the city may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this division (a).

(b) The portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in this division (b) shall be deposited in a separate non-lapsing fund known as the Wastewater Operation Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

(1) An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works known as the Wastewater Operation and Maintenance Account. All revenue received in the Wastewater Operation, Maintenance and Replacement Fund established in accordance with division (b) above shall be placed in the Wastewater Operation and Maintenance Account, except as set out and in compliance with division (b)(2) below; and

(2) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment system known as the Wastewater Depreciation and Replacement Account. Transfers to this account shall be made from the Wastewater Operation Maintenance and Replacement Fund in the amount of \$5,000 annually. The sum shall be accumulated in the Wastewater Depreciation and Replacement Account. The account will serve the requirement of providing a replacement account as directed by the United States Environmental Protection Agency regulations.

(c) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

‘ **15-439 BASIS FOR DETERMINATION.**

Monthly sewage rates will be charged and collected for the use of and services rendered by the treatment works to all customers and users of such plant and system, including all persons, the United States of America and any of its agencies, the state, all subdivisions of such state and all institutions, organizations and others whose premises are connected or may hereafter be connected directly or indirectly with the city=s treatment works. Rates shall be based on use of the treatment works as determined by a water meter acceptable to the city.

‘ **15-440 RESIDENTIAL USERS.**

For residential contributors, monthly sewer user charges will be computed a follows:

(a) The total consumption of water shown on the three actually read billings of water occurring in the months of December, January and February commencing with the first water billing occurring in the months of December, January and February shall be divided by three and to such gallonage the rates below shall be applied. The amount so computed shall be the monthly sewer charge for the ensuing 12 months= billings;

(b) The minimum monthly charge shall not be prorated if service is furnished for over 15 days, but if the time involved is 15 days or less, one-half of the charge shall be made. For service furnished over 15 days, the full monthly charge shall be made;

(c) When the monthly bill of any customer is in excess of the minimum charge, the charge shall be computed to the nearest 100 gallons;

(d) Any customer connected to the city=s sanitary sewage treatment plant and facilities without a water meter shall pay, until a water meter is installed, the minimum wastewater (sewage) rate and charge hereinbefore established;

(e) A new customer becoming chargeable for sewer services and occupying or using real estate for which there shall not have been established a record for the use of water for the full three months= water billing, eligible of water billing during the period provided in hereof, shall pay a monthly sewage rate and charge based on the minimum base rate charge, computed as hereinbefore set forth, until the monthly charges established as provided in division (a) above. A new customer under such circumstances becoming chargeable by a bill dated during or after the base period provided in hereof, but who does not have three months of water consumption during the base period, shall pay wastewater (sewage) charges based on the minimum base rate until such time as a new three months= base rate period is established. As used in this division (e), the term **NEW CUSTOMER** shall mean a customer occupying or using real estate for which no water consumption record shall have been theretofore established during the base period then applicable. A change of occupancy or use of any real estate shall be treated as a new customer as provided.

15-441 INDUSTRIAL AND COMMERCIAL USERS.

(a) For industrial and commercial contributors, sewer user charges shall be based on water used during the current month.

(b) (1) If any commercial, institutional or industrial user supplied with water shall so use the same that a substantial part thereof is not discharged into the sanitary sewer system of the city then, in any such case, the governing body shall have the right to modify the rates with respect to such customer and in such cases may enter into contracts which shall provide for equitable and fair rates and charges for sewer services. A substantial part thereof as defined in the preceding sentence shall mean that a minimum of 10% of the water usage from the city water system is not being discharged into the sanitary sewer system of the city. In the event that any commercial, institutional or industrial user desires to make application for relief under this division (b) it shall make a request for testing and analysis in writing with the City Clerk, and make a deposit of \$1,000 to defray the expense thereof.

(2) The city shall cause the staff of the city to determine the type of testing which is necessary in order to make a determination as to whether a substantial part of the city water is not being discharged into the sanitary sewer system of the city. Any expenses incurred in connection with the purchase of the sewer meter, or any other equipment, shall be the sole responsibility and expense of the person or firm making application for relief hereunder.

(3) Any expenses incurred by the city in determining or making the test shall be paid for from the money on deposit with the city. Any unused portion of the deposit made hereunder shall be returned to the depositor. In the event the expenses exceed the deposit, the applicant shall pay the city the expenses thereof.

(4) If the testing conducted discloses that 10% of the city water is not being discharged into the sanitary sewer system to the satisfaction of the governing body of the city, it shall cause the computation of the sewer tax imposed hereunder to be changed in accord with this division (b), times the percentage of such computation, in accord with the testing which is conducted.

(5) Any user hereunder which is dumping water from an independent source of supply back into the sanitary sewage system of the city shall have added thereto the amount of the water from its independent source of supply to be considered in the amount of sewer tax which the user is to pay.

(6) The city shall have the right at any time in the future after a percentage has been determined hereunder to monitor or otherwise test the amount of water being returned to the sewer system of the city, and shall be responsible for any and all costs and expenses thereof. Any adjustments necessary in establishing the amount of sewer usage fee shall be adjusted in accord with the results of any future monitoring or testing.

(c) The user charge for that contributor may be based on a wastewater meter(s), or separate water meter(s) installed and maintained at the contributor=s expense, and/or process records verifying the user=s contribution to the treatment works that are acceptable to the city.

' 15-442 RATES FOR NORMAL DOMESTIC WASTEWATER.

(a) The rates in this section are hereby established as the monthly service charges for the use of services rendered by the city wastewater treatment works system applicable to all persons, including the United States of America and any of its agencies, the state, all subdivisions of the state and all institutions, organizations and others whose premises are connected or may hereafter be connected directly or indirectly with the city=s wastewater treatment works system.

(b) Beginning on May 1, 2009, the rate for wastewater connections receiving water from the city=s water supply system and discharging normal domestic wastewater into the city=s wastewater treatment works system which does not place an unusual burden on said system by reason of volume, type or character of wastewater, the charges shall be calculated monthly and shall be based on the gross consumption of water by each customer as recorded by the water meter serving the premises of such customer as follows:

(1) The minimum base rate charge shall be \$11.50 per month for the first 1,000 gallons of water consumed each month;

(2) The wastewater service charge shall be \$3.80 per month for each 1,000 gallons of water usage or part thereof in excess of the 1,000 gallons; and

(3) Usage rates, residential units in multi-family dwellings: a minimum use fee of \$11.50 will be charged for each unit in a multi-family structure (i.e., apartments when the water/sewer bill is paid by the landlord).

(c) Beginning on January 1, 2010, the rate for wastewater connections receiving water from the city=s water supply system and discharging normal domestic wastewater into the city=s wastewater treatment works system which does not place an unusual burden on said system by reason of volume, type or character of wastewater, the charges shall be calculated monthly and shall be based on the gross consumption of water by each customer as recorded by the water meter serving the premises of such customer as follows:

(1) The minimum base rate charge shall be \$14 per month for the first 1,000 gallons of water consumed each month;

(2) The wastewater service charge shall be \$4.75 per month for each 1,000 gallons of water usage or part thereof in excess of the 1,000 gallons; and

(3) Usage rates, residential units in multi-family dwellings: a minimum use fee of \$14 will be charged for each unit in a multi-family structure (i.e., apartments when the water/sewer bill is paid by the landlord).

(Ord. 781, adopted 3-18-2009)

15-443 CHARGES FOR EXTRA STRENGTH USERS.

(a) For those contributors who contribute wastewater, the strength of which is greater than normal domestic wastewater, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

- (1) \$0.21 per pound, BOD per month; and
- (2) \$0.07 per pound, SS per month.

(b) (1) Any waters or wastes having the following shall be subject to the review of the Water and Wastewater Superintendent:

- (A) A five-day BOD greater than 205 parts per million by weight;
- (B) Containing more than 240 parts per million by weight of suspended solids; or
- (C) Having an average daily flow greater than 2% of the average sewage flow of the city.

(2) Where necessary in the opinion of the Water and Wastewater 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 205 parts per million by weight;
- (B) Reduce the suspended solids to 240 parts per million by weight; 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 Water and Wastewater Superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

15-444 CHARGES FOR PLANT UPSET LOADING.

(a) Any user which discharges any slug flows or toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substances which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs, including all fees for legal, engineering and/or technical assistance required by the city plus all fines imposed upon the city by the state and/or federal government. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the governing body.

(b) The governing body shall have the right to modify the foregoing rates with respect to such customer, and, in such cases, may enter into contracts which shall provide for equitable and fair rates

and charges for sewage service; and if such user shall refuse to enter into such contract, then the governing body shall have the right to provide fair and equitable rates by ordinance applicable to such user and all users in the same or similar circumstances or classification.

‘ **15-445 BIENNIAL REVIEW.**

(a) The city will review the user charge system at least once every two years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement costs among users and user classes. Any excess revenues collected from a class of users shall be credited to that class for the next year and its rates will be adjusted accordingly.

(b) The city will notify each user by publication of any revisions to this section, in the official city newspaper of the rate being charged for operation and maintenance, including replacement of the treatment works.

‘ **15-446 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 division (a) above 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.

‘ **15-447 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 Water and Wastewater 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.

ARTICLE 5: SOLID WASTE

Section

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- 15-503 Use required by residences
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15-501 DEFINITIONS.

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

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.

DWELLING UNIT. Any enclosure, building, or portion thereof, occupied by one or more persons for and as living quarters.

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.

MULTI-FAMILY UNIT. Any structure containing more than four individual dwelling units.

REFUSE. All garbage and/or rubbish or trash.

RESIDENTIAL. Any structure containing four or fewer individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes.

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.

SINGLE-DWELLING UNIT. An enclosure, building, or portion thereof, occupied by one family as living quarters.

SOLID WASTE. All non-liquid garbage, rubbish or trash.

' 15-502 COLLECTION.

All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste.

' 15-503 USE REQUIRED BY RESIDENCES.

Except as provided in ' 15-504, residential solid waste within the city limits shall be collected, removed and disposed of regularly at least once each week by the city or by a person under contract with the city, all in accordance with the ordinances and regulations adopted by the governing body. Every occupied residential dwelling tenant or owner shall subscribe for solid waste and trash removal as provided by this article.

' 15-504 EXEMPTION PERMITS; WHEN REQUIRED.

Residents of the city who possess a valid exemption permit with the city shall have the right and privilege to haul and dispose of their own solid waste and trash to an approved disposal site and shall be exempt from compulsory solid waste collection and removal as provided by the city.

' 15-505 SAME; APPLICATIONS.

(a) Applications for an exemption permit shall be made by each residential dwelling tenant or owner desiring a permit on a form provided at the City Clerk=s office. Each application shall be accompanied by a fee of \$5 paid to the City Clerk=s office. All application fees shall be refunded, if the application for an exemption permit is denied.

(b) Application forms shall be approved by the City Clerk including requirements for approval or disapproval of the application by the City Clerk.

(c) Application forms shall contain the following information:

- (1) The name of applicant and location of property to be exempt;
- (2) A detailed explanation of reasons by applicant desires to be exempt from city solid waste collection service and charges;
- (3) The location where applicant will dispose of solid waste, which site shall be an approved disposal site; and
- (4) How the applicant will transport solid waste to the disposal site.

(d) The applicant shall agree to remove their solid waste to a site approved by the State Department of Health and Environment, at such times as is necessary to keep it from becoming a nuisance or health hazard in the city. The permit holder shall maintain copies of all receipts for dumping at an approved site for the previous six-month period, showing dates of disposal as proof of compliance with city ordinances and shall make the receipts available to the City Clerk's office if called for.

(e) The applicant shall agree to remove their solid waste to an approved disposal site on a regular basis, all in accordance with city ordinances and regulations.

(f) In the event the application is denied and not approved, the City Clerk shall record the reasons for denial of same.

‘ **15-506 SAME; ISSUANCE.**

(a) When an application for an exemption permit is approved, the exemption permit shall be issued by the City Clerk and shall be signed by the City Clerk with the corporate seal of the city affixed thereto and shall state the number of the exemption permit, name and address of person to whom issued, and the amount paid for the permit.

(b) The City Clerk shall have authority to either approve or disapprove any and all applications for exemption permits for solid waste collection and disposal, all in accordance with the rules and regulations set out and prescribed by the governing body as a guideline.

‘ **15-507 SAME; EXPIRATION AND RENEWAL.**

All exemption permits shall expire at the end of the calendar year for which issued. Permits shall be renewed within 30 days after expiration, or be subject to penalty as provided by law. Each application for renewal of an exemption permit shall be accompanied by a fee of \$5.

‘ **15-508 SAME; REVOCATION.**

An exemption permit issued may be revoked for the violations of any terms of this article or regulations of the city; provided, however, that no permit shall be revoked until the holder of such permit has been given notice in writing of the violation and given a reasonable opportunity to comply with the provisions of this article and regulations or be given the opportunity for a hearing before the governing body.

‘ **15-509 SAME; APPEALS.**

Any person dissatisfied with any order or determination of the City Clerk for an exemption permit, may submit to the governing body, a written statement, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such written statement shall be filed with the City Clerk, and the City Clerk shall submit the appeal to the governing body at the next regular meeting of the governing body. The governing body shall make its findings and

determination at a public meeting and shall transmit a copy thereof to the applicant and the City Clerk.

‘ **15-510 CONTRACTS.**

The city shall have the right to enter into a contract with any reputable solid waste collection and disposal service as deemed in the best interest of the city, and contract adopted by city ordinance.

‘ **15-511 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.

‘ **15-512 CONTAINERS.**

Residential containers shall have a capacity of not more than 35 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.

‘ **15-513 BULK CONTAINERS.**

On premises where excessive amounts of refuse accumulate or where cans or bags are impractical, bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices that are compatible with the collection equipment being used. Containers shall be constructed of durable rust- and corrosion-resistant material that 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 water-tight, leak-proof and weather-proof construction.

‘ **15-514 CARE AND HANDLING OF CONTAINERS.**

The collector shall provide reasonable care and handling of containers so as not to cause excessive damage beyond normal wear and tear. Lids shall be replaced on all containers after dumping and returned to the pickup position. The collector shall not litter premises in the process of making collections.

‘ **15-515 UNAPPROVED CONTAINERS.**

The collector shall not be required to collect solid waste unless it is placed in approved containers

or bundles, except as provided for in special haul service. The collector shall report in writing to the City Clerk's office any solid waste not picked up from a residence as a result of it having been placed in an unapproved container. The report shall provide a detailed statement of each violation of this section. The City Clerk's office shall mail a notice of each violation to each respective owner or tenant of the premises.

‘ **15-516 LOCATIONS OF CONTAINERS.**

All solid waste containers shall be placed for pickup at a location that is readily accessible to the city or contractor personnel. The Street Superintendent for the city shall have the exclusive right to designate the pickup point to be either at the alley or street side for each city block of customers.

‘ **15-517 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.

‘ **15-518 INTERFERENCE.**

It shall be unlawful for any person to interfere in any manner with employees of the city or its contractor in the collection of solid wastes.

‘ **15-519 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.

‘ **15-520 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.

‘ **15-521 MISCELLANEOUS WASTE STORAGE AND COLLECTION.**

Trees less than four inches in diameter, branches and shrubbery trimmings shall be securely tied in bundles which shall not exceed 18 inches in diameter or 48 inches in overall length and shall not regardless of size, exceed 50 pounds in weight. Books, magazines and newspapers may be securely tied in bundles or placed in disposal containers in lieu of placing in an approved container. Such bundle or container and contents shall to exceed 50 pounds in weight. Empty cardboard boxes shall be flattened and bundled. No trash other than books, papers, magazines or lawn clippings, shall be placed in cardboard containers.

‘ **15-522 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 by and at the expense of the owner or person controlling same.

‘ **15-523 HAZARDOUS MATERIALS.**

(a) No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse or waste.

(b) Hazardous material shall include:

(1) Explosive materials;

(2) Rags or other waste soaked in volatile and flammable materials;

(3) Chemicals;

(4) Poisons;

(5) Radio-active materials;

(6) Highly combustible materials;

(7) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease; and

(8) Any other materials that may present a special hazard to collection or disposal personnel, equipment, or to the public.

‘ **15-524 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 her or under his or her 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; and

(d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.

(e) Deposit the ashes in a container for the storage or collection of solid waste.

‘ **15-525 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.

‘ **15-526 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 State Department of Health and Environment.

‘ **15-527 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) The provisions of division (a) above shall not apply to any person engaged in the occupation known as tree trimmer or tree surgeon, agriculture, gardening, arboriculture, horticulture, lawn care, landscaping, nursery work or similar occupations.

(c) 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.

‘ **15-528 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.

‘ **15-529 SAME; FEE.**

No license shall be issued unless the applicant shall pay to the City Clerk the sum of \$50 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective for and expire one year from the date the permit was issued.

‘ **15-530 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.

‘ **15-531 SAME; PARKING OF REFUSE COLLECTION TRUCKS.**

It shall be unlawful to park a refuse collection truck on any street, alley or upon private property within the city limits of the city for any period of time exceeding one hour, unless the equipment is parked at a site which has been approved by the governing body.

‘ **15-532 SAME; OFFICE.**

The collector as evidenced by contract shall maintain a telephone in the city for the purpose of answering all calls in connection with the business.

‘ **15-533 SAME; SUSPENSION.**

The governing body may, after investigation, for good cause shown, and after a hearing for the licensee before the governing body, suspend any license issued pursuant to this article for a period not more than 30 days upon satisfactory evidence that any licensee has failed, refused or neglected to observe the rules and regulations of this article or for violation of the City Clerk by such person; provided, however, that the license may be revoked permanently upon continued repeated violation.

‘ **15-534 SAME; ROUTES AND SCHEDULES.**

(a) All routes used by vehicles and equipment used for solid waste collection in residential districts shall be established under the direction of the Street Superintendent and shall be approved by the governing body. The city or the contractor shall provide the City Clerk's office with maps and schedules of stops for all collection routes and keep such information current at all times. It shall be the resident's responsibility to place the solid waste container at the appropriate location for collection before the approved starting hour. In the event of changes in routes or schedules the city or contractor shall place a notice in the official city newspaper not less than two days prior to the pickup date or in lieu thereof, shall notify each resident affected by any route change.

(b) All solid waste collection routes in residential districts of the city shall be established using the following rules and guidelines.

(1) Routes shall be established as nearly as possible to conform to a majority of the wishes of

property owners in each block or tract in such a manner so as to prevent unnecessary damage to streets and alleys.

(2) Routes shall be established under the direction of the Street Superintendent and be subject to final approval by the governing body.

(3) Drivers of collection equipment vehicles traveling over city streets shall keep the equipment in the lane of traffic and in no event drive or pull over on the shoulder of the street.

(4) Drivers of collection equipment vehicles shall not permit the vehicle to run over the end of drainage culverts, street corners or drainage ditches, in such a manner so as to cause excessive damage to property.

' 15-535 CLOSED VEHICLE.

(a) Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. The vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom.

(b) 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.

(c) The size of compacter equipment shall not exceed 17 yards.

' 15-536 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.

' 15-537 COMPLAINTS.

All complaints on solid waste collection shall be directed to the contractor responsible for pickup. Unresolved complaints should be referred to the City Clerk for further action.

' 15-538 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 ' 1-116.

15-539 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.

15-540 PAYMENTS TO CONTRACTOR.

When solid waste collection and disposal service is provided by a contractor for residential solid waste service, such revenue shall be paid out in the following manner:

(a) Once a month, the City Clerk shall remit to the contractor \$10.70 per residence unit fee collected; and

(b) Once a month, the City Clerk shall remit to the General Fund of the city \$0.52 per residence unit fee collected, as reimbursement for monthly billing and collection expenses of the city. (Ord. 779, adopted 12-17-2008)

15-541 RATES FOR SOLID WASTE SERVICE.

(a) The governing body shall determine and set the rates to be charged for residential solid waste service in the city, whether provided by the city or by a contractor holding a valid contract and license with the city, for collection and disposal of solid waste as required by this article.

(b) The governing body hereby finds and determines that the monthly rates or charges for collection and disposal of residential solid waste by the city or by a contractor holding a valid contract and license with the city, shall be as specified below, subject however, to such changes therein and revisions thereof as may be deemed necessary from time to time by the city.

Commercial and/or industrial rate per month: (not to exceed)	
3-35 gallon containers, 1 weekly stop	\$11.22
2 yard containers	
1 weekly stop	\$38.97
2 weekly stops	\$77.94
3 weekly stops	\$116.91
4 weekly stops	\$155.88
5 weekly stops	\$194.85
Residential rate: single- and multi-family regular monthly solid waste service rate per dwelling unit per month	\$11.22

Special haul service rate	Collection requested by owners or occupants for bulky material, requiring special handling and hauling, the charges shall be negotiated between the customers and the city or contractor prior to collections; if charges cannot be agreed upon between the customer and contractor, the matter may be submitted to the city governing body and their decision shall be binding
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(Ord. 779, adopted 12-17-2008)

‘ **15-542 UNUSUAL CHANGES IN COSTS.**

The contractor may submit in writing to the governing body a request for rate adjustments at reasonable times on the basis of unusual changes in his or her cost of doing business such as revised laws, ordinances or regulations, changes of disposal site fees, or required major collection system changes.

‘ **15-543 PARTIAL MONTH SERVICE RATE CHARGES.**

Any person at the time of requesting beginning service or when terminating solid waste service and who receives service for a period of less than 16 days, shall be billed at one-half of the regular monthly rate. For service of 16 or more consecutive days, the charge shall be for one month=s service rate.

‘ **15-544 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.

‘ **15-545 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.

ARTICLE 6: WATER CONSERVATION

Section

- 15-601 Purpose
- 15-602 Definitions
- 15-603 Declaration of a water emergency
- 15-604 Voluntary conservation measures
- 15-605 Mandatory conservation measures
- 15-606 Emergency water rates
- 15-607 Regulations
- 15-608 Violations, disconnections, and penalties
- 15-609 Emergency termination

' 15-601 PURPOSE.

The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. Reference the current edition of Emergency Water Operations/Supply Plan, City of Burlington Drought/Emergency Contingency Plan approved by the Water and Wastewater Superintendent and the Kansas Department of Health and Environment (KDHE). (Ord. 536, adopted 12-6-1992)

' 15-602 DEFINITIONS.

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

CLASSES OF WATER. The following classes of water uses are established:

(1) ***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.

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

' 15-603 **DECLARATION OF A WATER EMERGENCY.**

Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

' 15-604 **VOLUNTARY CONSERVATION MEASURES.**

Upon the declaration of a water supply emergency as provided in ' 15-603, the Mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

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

' 15-605 MANDATORY CONSERVATION MEASURES.

Upon the declaration of a water supply emergency as provided in ' 15-603, the Mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the city=s water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city before 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.

' 15-606 EMERGENCY WATER RATES.

(a) Upon the declaration of a water supply emergency as provided in ' 15-603, 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 the 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).

' 15-607 REGULATIONS.

During the effective period of any water supply emergency as provided for in ' 15-603, the Mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

' 15-608 VIOLATIONS, DISCONNECTIONS, AND PENALTIES.

(a) If the Mayor, Water and Wastewater Superintendent or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to ' ' 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures.

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

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

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

(b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to division (a) above. In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for any additional violations.

(c) Violation of this article shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this article shall be guilty of a municipal offense. Each day=s violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

' 15-609 EMERGENCY TERMINATION.

Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public.