

CHAPTER XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 2014)
- 15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 2014)
- 15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
- (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid before the 21st of each month unless the 21st falls on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
 - (3) Notice that the customer has the right to a hearing before the designated hearing officer;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than the 3rd Monday of the month by 4:00 p.m.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the customer that the City Council will review their request on the 3rd Monday of the month at 7:00 p.m. at the regular Council meeting. (Code 2014)
- 15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing

in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 2014)

15-105. CONNECTION FEE FOR SERVICE. (repealed and replaced by Ordinance 479-2015)

A. CONNECTION FEE

1. A non-refundable connection fee of \$50.00 total shall be charged at the time a customer requests and is granted water, sewer, solid waste, or any combination thereof. The full amount of the connection fee shall be paid to the City Clerk before any service connection shall be made.
2. If a customer requests a temporary suspension to any utility, a \$25.00 fee will be required to reinstate the utility.
3. No connection or reinstatement shall be made for any customer who owes an unpaid balance to the city for prior or existing service at any location.

B. TRANSFER AND TRANSFER FEE

1. Should an existing customer move to another address in the City's service area, utilities may be established at the new address without paying the full connection fee provided the following are met:
 - a. The customer cannot have been disconnected due to failure to pay during the past 24 months;
 - b. The customer must have a good payment record which is defined as no more than one late payment in a 12 month period;
2. A transfer fee of \$25.00 will be required to transfer the utilities.
3. Connection fees cannot be transferred from one customer to another.
4. Service at the previous address must be closed out or transferred within 60 days. If the prior service is still in effect after 60 days, full connection fees will be assessed to the new address account.

15-106.

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

(b) 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.

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

(Code 2014)

ARTICLE 2. WATER

- 15-201. MAINTENANCE SUPERVISOR OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the maintenance supervisor. (Code 2014)
- 15-202. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 2014)
- 15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 2014)
- 15-204. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main.
(b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 2014)
- 15-205. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.
(b) The application shall:
(1) Contain an exact description including street address of the property to be served;
(2) State the size of tap required;
(3) State the size and kind of service pipe to be used;
(4) State the full name of the owner of the premises to be served;
(5) State the purpose for which the water is to be used;
(6) State any other pertinent information required by the city clerk;
(7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.
(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207. (Code 2014)
- 15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 2014)

- 15-207. CONNECTION FEES. The water service connection fee schedule is as follows:
(a) The consumer shall pay to the city the sum of \$750 for a 5/8 meter inside the city limits and the sum of \$5500 for building or service outside the city limits.
(b) Whenever a consumer requests the water meter be moved to another area on their property, the consumer shall pay all the cost of materials plus a labor charge of \$50 per hour. Fifty percent of the estimated cost must be paid where work begins, with the balance due within 30 days after the work is complete. For meters and fitting in excess of one inch, the consumer shall pay \$750 plus the current market price for the water meter.
(Ord. 446-2010; Code 2014)
- 15-208. CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 2014)
- 15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the maintenance supervisor. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 2014)
- 15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body.
(Code 2014)
- 15-211. METERS. (a) All water furnished to customers shall be metered.
(b) All meters are city owned and shall be kept in repair and working condition without cost to the consumer, except as provided in subsection (c).
(c) Consumers shall be responsible and liable to the city for any damage or alteration to water meters on their premises except normal wear and tear. No consumer shall repair, remove, tamper, break or interfere with the operation of any meter or any part of a meter. The city shall collect from the consumer the cost of repairing such meters.
(Code 2014)
- 15-212. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the consumer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10.00 will be made to the customer.
(Code 2014)
- 15-213. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off.
(Code 2014)

- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 2014)
- 15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 2014)
- 15-216. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 2014)
- 15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 2014)
- 15-218. PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:
- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
 - (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;
 - (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.
- (Code 2014)
- 15-219. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 2014)
- 15-220. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 2014)
- 15-221. RATES. The following rates shall be assessed to each consumer receiving water services from the city:
- (a) Household or dwelling, business and not-profit organization rate within the city limits: For each monthly period, a minimum charge of \$19.49 for up to the first 1,000 gallons of water and a charge of \$7.85 for each additional 1,000 gallons or fraction thereof shall be assessed.

(b) Multi-unit dwelling rate: For each monthly period, all owners of multi-unit dwelling, including but not limited to apartments, duplexes and trailer courts, served by one water meter shall be charged a minimum of \$19.49 per occupied unit in the dwelling and a charge of \$7.85 for each additional 1,000 gallons over and above the 1,000 gallons minimum per occupied unit, shall be assessed. The owner shall notify the city water office on or before the fifteenth of each month that their multi-unit dwelling is less than full capacity.

(c) Household or dwelling, business and non-profit organization rate outside the city limits: For each monthly period a minimum charge of \$21.32 for up to the first 1,000 gallons of water and a charge of \$10.71 for each additional 1,000 gallons or fractions thereof, shall be assessed.

(d) For water dispensed and sold at the bulk water station, a charge of \$.75 for approximately 60 gallons shall be assessed.

The governing body may establish rates for other types of water service by contract between the parties, as necessary.

(Code 2014)

15-222. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 10th day of the month following the service. For any billing not paid when due a late charge of ten dollars (\$10) will be added to the bill. (Code 2014)

15-223. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. A reconnection fee of \$50 will be charged. (Code 2014)

15-224. USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 2014)

15-225. 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 Kansas Department of Health and Environment and the governing body. (Code 2014)

15-226. 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 which 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 maintenance supervisor. (Code 2014)

15-227. SAME; INSPECTION. The city maintenance supervisor or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Code 2014)

15-228. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its maintenance supervisor may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city maintenance supervisor may terminate water service to any property where the cross-connections or backsiphonage condition creates, in the judgment of the maintenance supervisor, an emergency danger of contamination to the public water supply. (Code 2014)

ARTICLE 3. ELECTRICITY
(Reserved)

ARTICLE 4. SEWERS

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

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

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

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

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

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

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

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

(h) Inspector - shall mean the authorized deputy, agent or representative of the city, usually from the maintenance department.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Hydrogen ion concentration of 5.0 to 9.0.

(Ord. 405-2005; Code 2014)

15-402. **SEWER CONNECTION REQUIRED.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 140 feet of the property line. (Ord. 405-2005; Code 2014)

15-403. **PERMIT; CONNECTION FEE.** (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(b) There shall be a \$100 connection fee plus the cost of the sewer tap payable at the time of making application for the permit.

(Ord. 405-2005; Code 2014)

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

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

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

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

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

(Ord. 405-2005; Code 2014)

15-405. **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. (Ord. 405-2005; Code 2014)

15-406. **SEWER CONNECTION.** The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be

made in the manner approved by the utility inspector and at a location designated by the inspector. (Ord. 405-2005; Code 2014)

- 15-407. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed, in a feasible manner, 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. (Ord. 405-2005; Code 2014)
- 15-408(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of *Schedule 40 plastic pipe* or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be *encased in concrete with approved joints*. No building sewer shall be installed within three feet of existing gas lines. (Ord. 405-2005; Code 2014)
- 15-408(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Ord. 405-2005; Code 2014)
- 15-408(3) SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. (Ord. 405-2005; Code 2014)
- 15-408(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Ord. 405-2005; Code 2014)
- 15-408(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Ord. 405-2005; Code 2014)

- 15-408(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved. (Ord. 405-2005; Code 2014)
- 15-408(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.
Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.
Joints between any two different types of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Ord. 405-2005; Code 2014)
- 15-409. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Ord. 405-2005; Code 2014)
- 15-410. FAILURE TO CONNECT. (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being notified, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.
(b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants. (Ord. 405-2005; Code 2014)
- 15-411. PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article. (Ord. 405-2005; Code 2014)
- 15-412. PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of section 15-402 the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 15-411 to 15-416. (Code 2014)
- 15-413. SAME; PERMIT. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utility inspector. The application shall be accompanied by any plans, specifications or

other information deemed necessary by the utility inspector. A permit and inspection fee of \$25 shall be paid to the city at the time the application is filed.
(Code 2014)

15-414. SAME; INSPECTION. The utility inspector or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the maintenance supervisor when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.
(Code 2014)

15-415. SAME; DISCHARGE. (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-402, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials.
(Code 2014)

15-416. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Code 2014)

15-417. DISPOSAL OF SEWAGE. It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; 12-1617g; Ord. 405-2005; Code 2014)

15-418. DAMAGE TO SEWERS. It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Ord. 405-2005; Code 2014)

15-419. NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article.
(Ord. 405-2005; Code 2014)

- 15-420. STANDARDS. The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. (Ord. 405-2005; Code 2014)
- 15-421. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the utility inspector, to meet all requirements of this article. (Ord. 405-2005; Code 2014)
- 15-422. MUD, GREASE TRAPS. All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer. (Ord. 405-2005; Code 2014)
- 15-423. ROOF, FOUNDATION DRAINS. (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts into any city sanitary sewer.
(b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. (Ord. 405-2005; Code 2014)
- 15-424. PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer:
(a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
(b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
(c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
(d) Garbage that has not been properly shredded;
(e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
(f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
(g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
(h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
(i) Noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. 405-2005; Code 2014)

- 15-425. DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.
(a) In the event any person, except the United States and the state of Kansas, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15:102:104.
(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in section 15-106 shall apply to sewer service fees, charges and services. (Ord. 405-2005; Code 2014)
- 15-426. SEWER SERVICE CHARGE. The monthly charge for sewer service shall be adopted by the governing body and adjusted as necessary to account for inflation, costs, technology improvements and plant upgrades, increased usage and building projects. (Ord. 405-2005; Code 2014)
- 15-427. LICENSE REQUIRED. Anyone engaged in or desiring to engage in the business of making sewer connections or engaged in or desiring to engage in the business of making excavation for sewer service lines in the City of Carbondale, shall before obtaining a permit, procure a license from the City Clerk of the City of Carbondale, which license shall expire on the first day of January after the year in which it is issued. No licenses shall be transferred from one person to another. Any such license shall be revocable by the governing body for violation of this article. (Ord. 405B-2005; Code 2014)
- 15-428. LICENSED PLUMBERS. No city license to make connection with the public sewer shall be issued for such work to be done by other than a licensed plumber. (Ord. 405B-2005; Code 2014)
- 15-429. LICENSE FEE. The annual fee for such licenses shall be the sum of Twenty-Five Dollars (\$25.00) for each license issued. If one person desires to engage in the business of making sewer connections and the making of excavations for sewer service lines, two licenses shall be issued and the fee for each shall be Twenty-Five Dollars (\$25.00). (Ord. 405B-2005; Code 2014)
- 15-430. INSURANCE REQUIRED. Before a sewer connection license shall be issued, applicant shall file with the city clerk a certificate of liability insurance issued by a corporation authorized to do business within the State of Kansas providing public liability insurance covering all operations and persons associated with the applicant. Such policy shall provide not less than \$500,000 (five hundred thousand) single limit liability for each occurrence and \$1,000,000 (one million) single limit liability for each policy year. Such policy shall not contain any deductible provision for more than \$500 and such policy shall not be cancelled or terminated until at least 10 days after a notice of cancellation of the insurance policy is received by the city clerk from the applicant. (Ord. 405B-2005; Code 2014)

- 15-431. PENALTY. Any person or persons, firm or corporation violating any of the provisions found in sections 15-429 to 15-432 shall upon conviction be fined an amount not to exceed Five Hundred (\$500.00) or be imprisoned not to exceed three (3) months, or be both fined and imprisoned. Each day that a violation is continued shall be considered a separate and distinct violation and may be prosecuted as such. (Ord. 405B-2005; Code 2014)
- 15-432. RATES. That the rates below shall be applied to each residential, multiple family dwelling per unit in the dwelling, commercial; church; fraternal organizations; non profit organization; the United States Post Office, Carbondale Attendance Center; customers receiving sewage service for the purpose of operation, maintenance, replacement, revenue bond retirement (if any), general improvement, modification and billing for the city sewage collection and treatment system.
- 15-433 BILLING. The city shall notify each user annually in conjunction with a regular bill of the rate being charged for operation, maintenance, replacement, and debt service for wastewater treatment.
- 15-434. USER CHARGE SYSTEM; REVIEW. The city shall conduct an 'in-house' review of the user charge system at least every 2 years and review user charge rates as necessary to ensure the system generates adequate revenues to pay the costs of operation, maintenance, and replacement costs among users. An independent review shall be conducted at least every five years.
- 15-435. ACCOUNT; REPLACEMENT NEEDS. The city shall establish an account designated for the specific purpose of insuring replacement needs over the useful life of the treatment works (equipment replacement account). Deposits to this account shall be made at least annually from the operation, maintenance and replacement revenue in the account, the city may elect to modify this annual deposit, after consultation with the Kansas Department of Health and Environment.
- 15-436. SEWER RATES.
(a) Residential
(1) Base rate of \$ 33.08 for the first 1,000 gallons;
(2) \$2.17 for each additional 1,000 gallons.

- (b) Multiple Family Dwellings per unit in the dwelling
 - (1) Base rate of \$33.08 for per unit dwelling;
 - (2) \$2.17 for each additional 1,000 gallons over number of units times 1000 gallons.
 - (3) Vista View Apartments operated by the Carbondale Housing Authority **will no longer** be exempt from this charge.

- (c) Commercial; Churches, Fraternal Organizations; Non Profit Organizations; the United States Post Office
 - (1) Base rate of \$42.26 for the first 1, 000 gallons; (2) \$2.70 for each additional 1,000 gallons.

- (d) Fire Department
 - (1) Base rate of \$ 33.08, no charge for additional gallons.

- (e) Santa Fe Trail's Carbondale Attendance Center
 - (1) Base Rate/Monthly user fee of \$280.00 for the first 1,000 gallons;
 - (2) \$2.17 for every additional 1,000 gallons.

15-437. BILLING. Said fees shall be payable monthly at the office of the City of Carbondale, Kansas in the amounts set out above and billed by the City.

15-438. PENALTY. Any person, firm or corporation violating provisions, 15-433:438 of this article may result in the termination of city water service to the offending service recipient and or may, upon conviction thereof, be fined in a sum not to exceed Five Hundred Dollars (\$500.00).

ARTICLE 5. SOLID WASTE

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

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

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

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

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

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

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

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

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

(i) Solid Waste. - All non-liquid garbage, rubbish or trash.
(Code 2014)

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. (Code 2014)

15-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.
(Code 2014)

15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. However, where special commercial containers are provided by the city, they may be leased at a monthly fee fixed by the governing body. (Code 2014)

15-505. CONTAINERS. Residential containers shall have a capacity of not more than 33 gallons and shall not exceed a weight of 50 pounds. 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 of not less than 1.5 mills in thickness and manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 2014)

- 15-506. MISCELLANEOUS WASTE. (a) Trees, less than 4 inches in diameter, branches and shrubbery trimmings shall be securely tied in bundles which shall not exceed 4 feet in length and shall not, regardless of size, exceed 50 pounds in weight. (b) Books, magazines, and newspapers may be securely tied in bundles or placed in disposable containers. Such containers or bundles and contents shall not exceed a weight of 50 pounds. (c) Empty cardboard boxes shall be flattened. No other than books, papers, magazines or lawn clippings shall be placed in cardboard containers. (Code 2014)
- 15-507. BULK CONTAINERS. On premises where excessive amounts of refuse accumulate or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 2014)
- 15-508. ENTER PRIVATE PREMISES. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 2014)
- 15-509. OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 2014)
- 15-510. ROCKS, HEAVY, BULKY, EXCESSIVE WASTE. The following items require special handling. They shall be disposed of at the expense of the owner or person controlling same at charges agreed to between the Contractor and the occupant or owner. (a) Rocks, dirt and concrete (b) Heavy accumulation such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other heavy materials. (c) Waste that exceed the quantity generated by the normal activities of a household.

(d) Bulky Materials. Large items, such as appliances, construction and demolition debris, and the like, that cannot be picked up by one person operating a normally used collection vehicle, or that weigh more than 50 pounds.
(Code 2014)

15-511. OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 2014)

15-512. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 2014)

15-513. 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. A permit issued to a person, firm or corporation shall cover all employees of said person, firm or corporation.

(b) All permits issued are nontransferable,

(c) All permits issued under this article may be revoked for violation of any term of this article. 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 ordinance.

(d) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.

(Code 2014)

15-514. 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:

(a) The name and address of the applicant,

(b) The number, make and type of vehicle(s) to be operated for collecting and transporting solid waste,

(c) The precise location of processing or disposal facilities,

(d) Boundaries of the collection area,

(e) Proof of insurance, and

(f) Such other information as the governing body may require.

The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application.

(Code 2014)

15-515. SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk the sum of \$150 (one hundred fifty) per annum, renewal each July 1st. The permit shall be effective for a period not to exceed one year, dating from July 1st to June 30th. (Code 2014)

- 15-516. SAME; NUMBER TO BE DISPLAYED. The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 2014)
- 15-517. CLOSED VEHICLE. Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 2014)
- 15-518. RULES AND REGULATIONS. The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer. (Code 2014)
- 15-519. INSURANCE REQUIRED. No permit shall be issued to any person, firm or corporation provided in 15-516 until said applicant has filed a certification of insurance written by a company licensed to do business in Kansas providing public liability insurance covering all operations and all vehicles operated by applicant. Such policy shall provide not less than \$500,000 (five hundred thousand) single limit liability for each occurrence and \$1,000,000 (one million) single limit liability for each policy year. Such policy may be written to allow the first \$500 (five hundred) of property damage to be deductible. Said certificate of insurance shall provide that it cannot be canceled until 10 days after written notice of such cancellation has been filed with the city clerk. (Code 2014)
- 15-520. 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. (Code 2014)
- 15-521. CHARGES. The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 2014)
- 15-522. REQUEST FOR SERVICE. A request for water service shall automatically constitute a request for refuse service. A termination of water service shall automatically terminate refuse service. However, the absence of public water service shall not relieve any owner, or occupant of any residence, multi-family dwelling or commercial enterprise the responsibility of complying with this article. (Code 2014)

- 15-523. SERVICE CHARGE. A refuse service charge, as set by resolution, shall be levied against each residential dwelling unit for the collection and disposition of solid waste. Said charge will be paid each month as part of the water, sewage and refuse bill. (Code 2014)
- 15-524. BILLING. Solid waste charges shall be billed monthly and shall be included on water and sewage bills. Such bills shall be collected as a combined bill for refuse, water and sewage service. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 2014)
- 15-525. PENALTY. Any person, firm, or corporation violating any of the provisions of this article shall be guilty of a municipal offense and upon conviction shall be fined not less than \$50 (fifty) nor more than \$500 (five hundred). Each day's violation shall be a separate offense. (Code 2014)

ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply watch or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Code 2014)
- 15-602. DEFINITIONS. (a) Water - shall mean water available to the city of Carbondale for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer - shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) Waste of Water - includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:
- Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
- Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
(Code 2014)
- 15-603. DECLARATION OF A WATER WATCH. Whenever the governing body of the city finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.
(Code 2014)
- 15-604. DECLARATION OF A WATER EMERGENCY. Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended.

The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.
(Code 2014)

15-605. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water watch or water supply emergency, the mayor (or the city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

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

(Code 2014)

15-606. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-604, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

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

(Code 2014)

15-607. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-604, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) Higher charges for increasing usage per unit of the use (increasing block rates);
- (b) Uniform charges for water usage per unit of use (uniform unit rate); or
- (c) Extra charges in excess of a specified level of water use (excess demand surcharge). (Code 2014)

15-608. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-604, the mayor (or the city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

(Code 2014)

- 15-609. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-606 or 15-608, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:
- (1) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.
- (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
- (3) The governing body or hearing official shall make findings of fact and order whether service should continue or be terminated.
- (b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for any additional violations.
- (c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. (Code 2014)
- 15-610. EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public. (Code 2014)