CHAPTER XV. UTILITIES

Article 1. General Provisions
Article 2. Water
Article 3. Sewers
Article 4. Solid Waste
Article 5. Water Conservation
Article 6. Cross Connection Control

ARTICLE 1. GENERAL PROVISION

15-101 DEFINITION. For purposes of Utility services" means refuse, trash, garbage or other solid waste collection and disposal, sewer, water, gas and electric power services, as may now or at some future time be provided by the City. (K.S.A. 12-808c)

15-102. RATES. The city will establish a system of utility revenues through a separate ordinance sufficient to pay annual debt service and anticipated operation and maintenance expenses. The water revenue system will consist of a combination of a monthly minimum charge and a rate per unit of water used. The sewer revenue system will consist of a combination of a monthly minimum charge and an average rate per unit of water used during the winter months of December, January, February and March with exceptions made for potential leaks during such time.

The base fee for the utility services will be prorated for customers who disconnect service after the 15th day of the month based upon a daily rate.

15-103 APPLICATION FOR SERVICE. Every person will make application in writing to the city clerk for service. The application shall be in such form as shall from time to time, be prescribed by the governing body. A request for utility service shall be accompanied by an advanced deposit as set forth by the governing body which the city will hold as credit to be applied to the final amount due at the time of discontinued service. When utilities are discontinued, the credit will be deducted from the unpaid balance and if the remaining credit is a debit balance, the customer shall pay the city the amount due. (Ord 477, Sec. 13; Ord. 499, Sec. 1 Code 2004)

15-104 UTILITY DEPOSIT. At the time of making application for utility service, the property owner or customer shall make a deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service. Except, in conformance with K.S.A. 12-808c, the City Clerk shall require a single deposit to be paid by a customer who is a non-owner tenant for all utility services, in an amount not to exceed an amount equal to the expected average bills for a three month period for such utility services. Receipt thereof shall be issued to each such depositor. Interest shall be

payable at a rate determined by the state corporation commission yearly and credited to the customer's account January 1st of each calendar year.

On the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor where such utility service is being furnished and has not been delinquent in payment of any utility service charge for a twelve month period. Interest due and accrued shall not draw interest.

Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded 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. Deposit refunds will be made at the next regularly scheduled accounts payable cycle.

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. 477, Sec. 14; Code 2004)

15-105 MONTHLY BILLINGS. All monthly utility bills are due and payable at city hall on the 15th day of each month. The city shall be entitled to a delinquent payment of ten percent per month on the delinquent amount.

If services are terminated because of non-payment and the utility bill is thereafter paid in full, ~~water~~ service***s*** to the premises may be reinstated on payment of a disconnection fee of $25. The customer may make advance payment arrangements to avoid service termination.

In the event that the city receives more than one insufficient funds check from a customer in payment of their utility bill, then the customer shall in all future payments of their utility bill pay the same in cash or cash equivalent. Receipt of an insufficient funds check shall be treated by the city clerk as an unpaid utility bill and the penalties will be assessed as set forth by ordinance for providing a check of insufficient funds to the city. (Ord. 477, Sec. 9; Code 2004)

15-106 DELINQUENT ACCOUNTS. Unless otherwise provided, utility services shall be terminated for nonpayment of service fees or charges.

15-107 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 and mailed to the customer at the 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 persons.

(b) The notice shall state:

(1) The amount due of the unpaid balance plus the delinquency charge

(2) Notice that service will be terminated if the amount is not paid by the date specified unless the date on the notice to pay the charges due shall be on a Saturday, Sunday, or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;

(3) Notice that the customer has the right to a hearing before the designated hearing officer.

(4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date of termination of service.

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Ord. 477; Code 2004)

15-108 SAME; FINDING. Following the hearing, if the governing body or its delegate 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 2004)

15-109 DISCONNECTION AND RECONNECTION OF SERVICE. If the city public works department is dispatched to terminate service for nonpayment of a utility bill, but before service is terminated the bill is paid in full, the consumer shall be charged the applicable disconnection fee set forth.

Payments for disconnection will only be accepted at city hall. No city employee shall accept payment outside of city hall. Connection for a new service or for non-payment of an account will take place during normal business hours Monday through Friday at city hall. Service will not be reconnected unless a person 18 years of age or older is present at the residence. No service that has been disconnected for nonpayment will be reconnected after office hours or on weekends. If water is re-connected by someone other than a city employee without the city's approval the occupant will be charged with theft of services in municipal court. (Ord. 477, Sec. 12; Code 2004)

15-110 LIABILITY TO PROPERTY OWNERS. (a) Each owner of real property within the city, to which services are supplied, and who is the actual user of the services is hereafter liable to the city for all charges for providing such city services to the real property.

(b) In the event such utilities are not paid within the time and in the manner required by ordinance of the city, the city clerk shall attempt to collect the delinquent amount using a reputable collection agency. (Ord. 477, Sec. 16; Code 2004)

15-111 LIEN FOR UTILITY SERVICES**.** (a) Except as provided in subsection (b), if any person, firm, corporation, organization, political or taxing subdivision of the state or other entity other than the state of Kansas and the federal government residing, occupying, using or operating on property to

which is provided utility services by the City, neglects, fails or refuses to pay the fees or charges for such service, the unpaid fees or charges shall constitute a lien upon the property to which such utility service is provided. The amount of the unpaid fees or charges shall be certified by the governing body of Colwich to the county clerk of the county in which such property is located, to be placed on the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law. The governing body may refuse the delivery of such utility service as otherwise permitted by law until such time as such charges are fully paid.

(b) A lien shall not attach to property for unpaid utility fees or charges, when the utility service has been contracted for by a tenant and not by the landlord or owner of the property to which such service is provided.

(c) The city clerk shall require a single deposit to be paid by a customer who is a non-owner tenant for all utility services, but such deposit shall not exceed an amount equal to the expected average bills for a three month period for such utility services.

15-112 UNLAWFUL TO INHABIT BUILDINGS WITHOUT UTILITY SERVICE. It shall be unlawful to occupy a building which has no utility service as required by this Code. This section shall not apply when such service is unavailable due to the service provider's inability to provide such service, temporary cessation to repair or service water or sewer lines, or act of God. This section shall be applicable when such service has been terminated for longer than 7 days due to the contracting party's failure to provide payment for such service.

15-113 ENFORCEMENT. Enforcement of all articles of this Code within the boundaries of the City shall be by the enforcement official(s) designated by the governing body, and jurisdiction for prosecution of any violations of this code shall be in the Colwich Municipal Court. Each day of violation shall be a separate offense.

15-114 PENALTIES AND FINES. The designated enforcement official shall notify the tenant and owner or authorized agent of the owner, of a building or premises in which there is found a violation of this article, of such violation. The contracting party shall be given a reasonable time to have the violation corrected. If the contracting party fails to correct the violation within the specified time the City shall cease delivery of utilities to the building or premises until the violation shall be satisfactorily corrected. Violations of this article shall result in fines being imposed upon conviction thereof by the municipal court judge of the city.(K.S.A. 12-808c)

15-115 RED FLAG PROGRAM. An Identity Theft Prevention Program, (hereinafter "Red Flag Program"), has been adopted by the City and shall be maintained in the office of the City Clerk.

This Identity Theft Prevention Program (hereinafter "Program") has been developed pursuant to the Federal Trade Commission's (hereinafter "FTC") Red Flag Rule, which implements Section 114 of the Fair and Accurate Credit Transaction Act of 2003 regarding "Creditors" which includes all accounts maintained by municipal utilities. The City of Colwich does maintain municipal utility accounts as described in 16 C.F.R. §681.2(3). This Program is designed to detect, prevent and mitigate the crime of Identity Theft in connection with the opening and maintenance of certain utility accounts as described below.

This Program was developed with oversight and approval of the City Council of the City of Colwich, Kansas. After consideration of the size and complexity of the City's operations and account systems, and the nature and scope of the City's activities, the Colwich City Council has determined that this Program is appropriate for the City of Colwich and approved this Program by separate Resolution.

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least annually, the City Clerk will consider the City's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of Accounts the Utility maintains and changes in the Utility's business arrangements with other entities.

ARTICLE 2. WATER

15-201 DEFINITIONS: Wherever used in this article, the terms listed below will have the meanings indicated which are applicable to both the singular and the plural thereof.

User: Person, company, firm, corporation, or organization utilizing water for potable use or disposing water to the citywide sanitary sewer collection system.

City: City of Colwich, Kansas (Ord. 477; Code 2004)

15-202 REGULATIONS. The rules and regulations hereinafter set forth shall constitute and be considered a part of this ordinance for every person and company, firm or corporation supplied with water from the municipal water system of the city, hereinafter referred to as the city. Every person, company, firm or corporation hereinafter sometimes called "consumer," who utilizes water or requests the use of water shall be held to have consented to be bound hereby.

(a) In connection with the operation of the municipal water system, there is hereby created a water utility department to be staffed with personnel at the discretion of the city council of the city.

(b) Connection to Municipal Water System Required. At such time as a municipal water system becomes available to any property, a direct connection from all structures and property within the city to such municipal water system shall be made by all owners of such properties and/or

structures provided however, that every water faucet within the dwellings must be connected to the municipal water system, and no other water system, and provided, further, that existing well water systems, including those located in garages of residences, may be used only for lawn consumption and may not be used for potable consumption; and provided further, that attached garages or outbuildings may be plumbed for municipal water system service from the host building.

(c) Notwithstanding any provision in this article to the contrary, no industrial or commercial consumer of water in the city limits shall be required to connect to the municipal water system if such consumer has in the preceding six months shown an average water use in excess of 300,000 gallons per month. (Ord. 477, Sec 1; Ord. 505, Sec. 1; Code 2004)

15-203. SERVICE/PRESSURE 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 demands of its consumers. The city does not guarantee any specific water pressure for its services. The city shall not be liable for any damages done or accidents due to the lack of pressure, or insufficient water supply or a break in the mains, or the shutting off of the water supply, or the failure of power or other energy used for pumping. (Ord. 477, Sec. 2; Code 2004)

15-204. FIRE HYDRANTS. In the event a consumer files a written request with the city clerk requesting the city install one or more fire hydrants at or near a designated premise, and the fire hydrant, or hydrants, due to their location will facilitate fire protection to the consumer premise only, and the fire hydrant or hydrants are installed on the premises, then the following charges shall be made for same:

(a) $3,500 for each fire hydrant if attached to an existing main. Should new mains be required to provide service the cost for the installation will be determined based on the cost associated with such improvements. (Ord 477, Sec 4; Code 2004)

15-205 METERS. The installation of meters and water service lines shall be in accordance with the following specifications and requirements:

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

(b) One meter service line and meter shall be installed for each premise. Additional meters, water service lines and other appurtenances may be installed as approved by the city and all such additional costs shall be borne by the applicant unless determined otherwise by the city. The city shall do any new three-quarter inch meter installations after a fee for construction has been paid to the city clerk. The cost of installing new water service within the city limits shall be as follows:

(1) The cost of installation for a non-boring connection is hereby set at the sum of $750.

(2) The cost of installation for a bored connection is hereby set at the rate of $750 plus the actual cost of such boring.

(c) In the event a consumer requests a meter larger than three-quarter inch the consumer shall pay, in addition to the permit, inspection and connection fee, the additional cost of any larger meter, together with all increased costs incidentals to the installation of said meter.

(d) All meters installed shall remain the sole property of the city. It shall be unlawful for any person to tamper with or obstruct access thereto by the city.

(e) Each and every unit, business or place of business, shall be on a separate water meter. The city shall permit no master metering of the water exception as noted below or approved by the city council:

(1) Detached garages or outbuildings may be plumbed for water service from the host building.

(f) Meters shall be located between the sidewalk or property line and curbing. In the business district, the meter must be installed in a location specified by the public works director.

(g) The city's responsibility for repair and maintenance of any water line shall not extend past the property line, but in no event shall the city's responsibility extend beyond the water meter. (Ord. 477, Sec 5; Ord 491, Sec, 1; Ord. 477A, Sec. 1; Code 2004)

15-206 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 public works department to turn any curb cock on or off. Violation of this section shall be punishable by a fine of not more than $1,000 for each 24 hour period. (Ord 477, Sec. 7; Code 2004)

15-207 LEAKS PROHIBITED, PENALTY. Allowances shall be made for water used or lost through extraordinary unforeseen circumstances. No allowances shall be made for water used or lost through leaks, carelessness, and neglect or otherwise after the same has passed through the meter. However, every customer shall have the right to appeal to the city clerk the water bill or meter reading which he or she considers excessive who will bring each case individually to the Council for their approval. (Ord. 477, Sec. 8; Code 2004)

15-208 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. Except in the case of an emergency, it shall not be unlawful for the owner or occupant, or the authorized agent of the owner or occupant, to turn off the water at the water meter or curb cock, and after repairs have been made, to turn on the water at the water meter or curb cock, provided that the city has not otherwise terminated the service. (Ord. 477, Sec. 15; (Code 2004)

15-209 INTERRUPTION OF SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Ord. 477, Sec 17; Code 2004)

15-210 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 extensions of the supply pipes of any consumer without first obtaining written permission to do so from the mayor or 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. Except that, it shall not be unlawful for the owner or occupant or the authorized agent of the owner or occupant to remove the meter lid and turn off the water at the water meter or curb cock, as set forth in section 15-216 of this article, provided; that the meter lid is subsequently replaced. (Ord. 477, Sec. 18; Code 2004)

15-211 UNIFORM PLUMBING CODE. No person, firm or corporation shall violate the provisions of the Uniform Plumbing Code in effect with Wichita-Sedgwick County Metropolitan Area Building and Construction Department. (Ord. 477, Sec. 19; Code 2004)

15-212 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 inspection meters or water lines. (Ord 477, Sec. 20; Code 2004)

15-213 WASTING OF 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. (Ord. 477, Sec. 21; Code 2004)

15-214 UNAUTHORIZED USE OF HYDRANTS. No person, firm or corporation, unless authorized by the city council shall take or remove water from any public or private fire hydrant, plug, street, wash, draw, cock, hose, pipe, fountain, except for fire purposes, or in anyway use or take water for private use without paying for same as herein provided. Water necessary for municipal uses, such as fire fighting, flushing of streets and sewers, street sweepers and dust control, may be obtained from fire hydrants by the city. (Ord 477, Sec. 22; Code 2004)

15-215 CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure

may be raised in excess of 40 pounds per square inch. (Ord. 477, Sec. 23; Code 2004)

15-216 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 superintendent. (Ord 477, Sec. 24; Code 2004)

15-217 CROSS CONNECTIONS PROHIBITED: No person shall make or permit to be made a cross connection whereby a private, auxiliary, or emergency water supply other than the public water supply of the city may enter the supply or distribution system of the municipality. No installation of potable water supply piping or part thereof shall be made in such a manner that it will be possible for untreated used, unclean, polluted or contaminated water, mixtures or substances to enter any portion of such piping for any tank, receptacle, equipment or plumbing fixture by reason of backsiphonage, by suction or any other cause, either during normal use and operation thereof or when any such tank, receptacle, equipment or plumbing fixture is flooded, or subject to pressure in excess of the operating pressure in the hot or cold water piping. Upon notification that a cross connection exists, service shall be refused until the same is eliminated to the satisfaction of the city or its duly authorized agents. (Ord 477, Sec. 25; Code 2004)

15-218 SERVICE REFUSAL/CONTAMINATION. The public works department, pursuant to the provisions of the Kansas statutes may refuse to deliver water to any premises whereon any condition exists which might lead to a contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied. (Ord. 477, Sec. 26; Code 2004)

15-219 INSPECTION. The city public works director 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. (Ord. 477, Sec. 28; Code 2004)

15-220 ADDITIONAL RULES. It shall be the duty of the governing body to formulate and enforce such additional rules, not inconsistent herewith, as may be necessary from time to time for the proper conduct of the public works department and the same shall be binding upon the city and its customers upon such approval. (Ord. 477, Sec. 28; Code 2004)

15-221 PENALTY. Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be fined a sum not to exceed $500.00. Any subsequent violation taking place within any given 24 hour period shall be deemed a separate violation for which a separate fine shall be assessed.

ARTICLE 3. SEWERS

15-301 GENERAL PROVISIONS

1.1. Purpose and Policy. This article sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Colwich. The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(b) To prevent the introduction of pollutants into the POTW that will pass inadequately treated through the POTW into receiving waters, or otherwise be incompatible with the POTW;

(c) To protect both the POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the POTW;

(e) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvements of the POTW;

(f) To enable the city to comply with its National Pollutant Discharge Elimination system (NPDES) permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

This article shall apply to all users of the POTW. The article provides for the issuance of wastewater permits; provides for monitoring, compliance and enforcement activities, and requires user reporting.

1.2 Administration. Except as otherwise provided herein, the officer at the direction of the city council shall administer, implement and enforce the provisions of this article. (Ord. 435, Sec. 1; Code 2004)

15-302. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(a) ASTM shall mean the American Society of Testing and Materials or publications thereof.

(b) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees C, expressed in milligrams per liter.

(c) 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 (1.5 meters) outside the inner face of the building wall.

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

(e) City. The City of Colwich, Kansas.

(f) Combined Sewer shall be a sewer receiving both surface runoff and sewage. Combined Sewers are not permitted.

(g) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(h) Grab Sample. A sample which is taken from the wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

(i) Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from normal domestic waste.

(j) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit.

(k) May is permissive.

(l) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, shams, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, mortuary wastes, and dialysis wastes.

(m) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(n) Normal Domestic Waste shall mean normal wastewater for the city in which the average concentration of five day BOD is established at 200 milligrams per liter (200 mg/l); the average concentration of suspended solids is established at 250 milligrams per liter (250 mg/i).

(o) Officer shall mean officer of water and sewer utilities of Colwich, or authorized deputy, agent, or representative.

(p) Person shall mean any individual, firm, company, association, society, corporation, or group.

(q) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(r) Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have 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 ½ inch in any dimension.

(s) Publicly Owned Treatment Works or POTW shall mean any city owned devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

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

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

(v) Sewage shall mean a combination of water-carried wastes from residences, businesses, institutions, and industrial users, together with such ground, surface, and storm waters as may be present.

(w) Sewage Treatment Plant shall mean that portion of the POTW used for treating sewage.

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

(y) Shall is mandatory.

(z) Slug shall mean 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 of flows during normal operation.

(aa) Storm Drain (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(bb) 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.

(cc) Uniform Plumbing Code shall mean the latest revision of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials adopted by the city.

(dd) User shall mean any person who contributes, causes or permits the contribution of sewage into the POTW.

(ee) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(ff) WPCF. The Water Pollution Control Federation or their publications. (Now designated Water Environment Federation (WEF). (Ord. 435, Sec. 2; Code 2004)

15-303 PRIVATE PROPERTY; UNLAWFUL DISCHARGES. It shall be unlawful for any person to place, discharge or permit to be discharged in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste. (Ord. 435; Sec. 3; Code 2004)

15-304 NATURAL OUTLET; UNLAWFUL DISCHARGES. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article. (Ord. 435, Sec. 4; Code 2004)

15-305 PRIVY, PRIVY VAULT, SECPTIC TANK, CESSPOOL; UNLAWFUL. Except as hereinafter provided, 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. (Ord. 435, Sec. 5; Code 2004)

15-306 CONNECTION, PUBLIC SEWER; REQUIRED. The owner of all houses, buildings, or properties used for human employment, recreation, or

other purposes, 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 sewer, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accord with provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of property line. (Ord. 435, Sec. 6; Code 2004)

15-307 NEW AREAS OUTSIDE LIMITS. Any sewer lines needed to connect with existing city sewer mains and laterals must conform to city specifications for same. In order to obtain sewer service, the city reserves the privilege of furnishing, at their option, any or all utilities. As a further condition of allowing sewer service for areas outside the city limits, the owners of property served must agree to permit annexation of such properties when such action is deemed necessary by the city. (Ord. 435, Sec. 7; Code 2004)

15-308 PRIVATE SEWERAGE DISPOSAL SYSTEM. A non-city owned device or system used for the treatment or conveyance of sewage that is not connected to a POTW. Such systems include, but are not limited to, septic tanks and lateral fields; cesspools; private lagoons and similar facilities. (Ord. 435, Sec. 8; Code 2004)

15-309 PRIVATE SEWAGE DISPOSAL. Where a public sewer is not available under provisions of section 15-306 of this article, a building sewer shall be connected to a private sewage disposal system complying with provisions of this article. (Ord. 435, Sec. 9; Code 2004)

15-310 PERMIT. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the officer. The application for such permit shall be made on a form furnished by the city which the applicant shall supplement with duplicate plans, specifications, and other information as are deemed necessary by the officer. A permit fee shall be paid to the city at the time the application is filed. All charges for review of application and any additional supplemental fees and charges and all costs incidental thereto, shall be paid by the applicant directly to such officer or designee prior to the issuance of a permit. (Ord 435, Sec. 10; Code 2004)

15-311 INSPECTION. A permit for a private sewage disposal system shall be become effective until the installation is completed to the satisfaction of the officer. 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 officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of receipt of notice by the officer. (Ord. 435, Sec. 11; Code 2004)

15-312 COMPLY; DEPARTMENT OF HEALTH AND ENVIRONMENT. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Kansas Department of Health

and Environment, the officer administering this article, and his or her designee, if any. 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 (42,560 square feet). No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord 435, Sec. 12; Code 2004)

15-313 CONNECTION TO PUBLIC SEWER REQUIRED, WHEN AVAILABLE. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-316, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, private lagoons and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, a building sewer shall be connected to the sewer within 90 days and private sewage disposal systems shall be cleaned of sludge and filled with clean bankrun gravel or other fill material approved by the officer. (Ord. 435, Sec. 13; Code 2004)

15-314 PRIVATE SEWAGE DISPOSAL MAINTAINED AT OWNERS EXPENSE The owner shall operate and maintain any private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 435, Sec. 14; Code 2004)

15-315 ADDITIONAL HEALTH OFFICER REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County of Sedgwick under its various codes. (Ord. 435, Sec. 15; Code 2004)

15-316 DISTURB PUBLIC SEWER, PERMISSION. No unauthorized person shall uncover, many an connections with or opening into use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the officer. (Ord. 435, Sec. 16; Code 2004)

15-317 BUILDING SEWER PERMITS; CLASSES. There shall be three classes of building sewer permits:

(a) For residential service.
(b) For commercial service.
(c) For industrial service.

In each case, the owner or his agent shall make application on a 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 officer. A permit and inspection fee of $50 for a residential, $100 for a commercial, and $200 for an industrial service sewer permit shall be paid to the city at the time such application is issued. The city reserves the right to assess to such applicant any professional fees and/or expenses of any nature incurred by the city in reviewing, investigating and inspecting in connection with such sewer application and/or permit. (Ord. 435, Sec 17; Code 2004)

15-318 COSTS BORNE BY OWNER. All costs and expenses incident to the installation and connection of the building sewer shall be borne 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. 435, Sec. 19; Code 2004)

15-319 SEPARATE, INDEPENDENT BUILDING SEWER. 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 to the rear building through an adjoining alley, court yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 435, Sec. 19; Code 2004)

15-320 USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the officer, to meet all requirements of this article. All testing is to be at the expense of the owners. (Ord. 435, Sec. 20; Code 2004)

15-321 BUILDING SEWER; MATERIALS. The building sewer shall be cast iron soil pipe, ASTM specification (A-74) or equal; or plastic pipe PVC 1120, SDR 41 or ASTM specification D-1784. Joints for PVC pipe shall be either 0-ring rubber gasket joints or solvent cemented joints, or equal. All joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe. A higher grade of PVC pipe (Schedule 80 or SDR 21 or equal) may be required by the officer where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of Schedule 80 or SDR 21 PVC pipe or equal and such pipe may be required to be laid in a stabilized bedding material or on a suitable concrete bed or cradle as approved by the officer. (Ord. 435, Sec. 21; Code 2004)

15-322 SIZE, SLOPE. The size and slope of the building sewer shall be subject to the approval of the officer, but in no event shall the diameter be less than four inches or more than six inches. The slope of such six inch pipe shall be not less than 1/8 inch per foot. If four inch pipe is allowed, ¼ inch per foot slope shall be the minimum for that size connection. (Ord. 435, Sec. 22; Code 2004)

15-323 ELEVATION OF BUILDING SEWER. 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 uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fitting, including cleanout fittings. (Ord. 435, Sec. 23; Code 2004)

15-324 SEWER LIFTS. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 435, Sec. 24; Code 2004)

15-325 JOINTS, CONNECTIONS. All joints and connections shall be made gastight and watertight and conform to the Uniform Plumbing Code. (Ord. 435, Sec. 25; Code 2004)

15-326 BUILDING SEWER CONNECTION TO PUBLIC SEWER. 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 of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the officer before installation.

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.

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. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the officer. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A tapping saddle of proper size with 45 degrees entry shall be used on all tap holes made in the sewer main.

The invert of the building sewer at the point of connection shall be the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure as well as gastight and watertight, by encasement in concrete or approved sewer mastic. Special fittings may be used for the connection only when approved by the officer. (Ord. 435, Sec. 26; Code 2004)

15-327 SEWER TAPS. Sewer taps shall be made only by a licensed plumber at the owner's expense. (Ord. 435, Sec. 27; Code 2004)

15-328 PREMIT, APPLICANT. The applicant for the building sewer permit shall notify the Officer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the officer or the designated representative. (Ord. 435, Sec. 28; Code 2004)

15-329 EXCAVATIONS, INSTALLATION. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard and conform to all laws, statutes and

ordinances. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 435, Sec. 29; Code 2004)

15-330 USE OF PUBLIC SEWERS. 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 sewers. (Ord. 435, Sec. 30; Code 2004)

15-331 STORM SEWER OR NATURAL OUTLET. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the officer. Industrial cooling water or unpolluted process waters may be discharged on approval of the officer to a storm sewer or natural outlet. Approval should also be granted by KDHE. (Ord. 435, Sec. 31; Code 2004)

15-332 UNLAWFUL DISCHARGES. No user shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. A user may not contribute the following substances to the POTW:

(a) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) 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 a hazard in the receiving waters of the sewage treatment plant; including but not limited to cyanides in excess of two mg/i as CN in wastes discharged to the public sewer.

(c) Waters or wastes having a pH lower than 6.0, 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.

(d) 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 flashings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

(e) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

(f) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 degrees and 65 degrees C).

(g) Any garbage that has not been properly shredded. Installation and operation of any garbage grinder equipped with a motor of ¾ horsepower or larger. Disposal shall be subject to review and approval of the officer.

(h) Any waters or wastes containing strong acid (iron) pickling wastes, or concentrated plating solutions whether neutralized or not.

(i) 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 POTW exceeds the limits established by the officer for such materials.

(j) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the officer as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agency jurisdiction for such discharge to the receiving waters.

(k) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the officer in compliance with applicable state or federal regulations.

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

(m) Any waters or wastes having:

(1) A 5-day BOD greater than 200 parts per million by weight; or

(2) Containing more than 250 parts per million by weight of suspended solids; or

(3) Having an average daily flow greater than two percent of the average sewage flow of the city shall be subject to review of the officer. Where necessary, in the opinion of the officer, the owner shall provide at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 200 parts per million by weight; or (2) reduce the suspended solids to 250 parts per million by weight; or (3) 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 officer and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(n) Materials which exert or cause;

(1) 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 or sodium sulfate);

(2) Excessive discoloration;

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements;

(4) Unusual volume of low or concentration of wastes constituting “slugs” as defined herein. (Ord. 435, Sec. 32; Code 2004)

15-333 HAULED WASTEWATER. (a) Septic tank waste may be introduced into a POTW only at locations designated by the officer, and at such times as are established by the officer. Such waste shall not violate section 15-331 of

this article or any other requirements established by the city. The officer may require septic tank waste haulers to obtain wastewater permits.

(b) The officer shall require haulers of industrial waste to obtain wastewater permits. The officer may require generators of hauled industrial waste to obtain wastewater permits. The officer also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.

(c) Industrial waste haulers may discharge loads only at locations designated by the officer. No load may be discharged without prior consent of the officer. The officer may collect samples of each hauled load to ensure compliance with this ordinance. The officer may require the industrial waste hauler to provide a waste analysis of any load prior to discharge. (Ord. 435, Sec. 33; Code 2004)

15-334 REJECTION OF WASTES OR RECOVERY OF TREATMENT COSTS. If any waters or wastes are discharged, or are proposed to be discharged to public sewers and contain substances or possess characteristics enumerated in section 15-331 of this article, and which in the judgment of the officer may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the officer may:

(a) Reject the wastes;

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

(c) Require control over quantities and rates of discharge, or

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

If the officer permits pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to review and approval of the officer, and subject to requirements of all applicable codes, ordinances and laws. (Ord. 435, Sec. 34; Code 2004)

15-335 GREASE, OIL, SAND INTERCEPTORS. Grease, oil, and sand interceptors shall be required or provided when, in the opinion of the officer, they are necessary for proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients by all new businesses or businesses changing ownerships; except that such interceptors shall not be required for private dwelling units. All interceptors shall be of a type and capacity approved by the officer, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. (Ord. 435, Sec. 35; Code 2004)

15-336 INTERCEPTORS MAINTAINED BY OWNER. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or

her expense, in continuously efficient operation at all times. (Ord. 435, Sec. 36; Code 2004)

15-337 PRETREATMENT FACILITIES. Pretreatment facilities as required to comply with this ordinance shall be provided by the user. Detailed plans describing such facilities and operating procedures shall be submitted to the officer for review, and shall be acceptable to the officer before such facilities are constructed. The officer, with the city council's approval, may employ consultants to assist with the review, the cost of which may be passed on to the user as part of the permitting expense. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance. Where pretreatment 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. (Ord. 435, Sec. 37; Code 2004)

15-338 CONTROL MANHOLE. When required by the officer, the owner of a 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 or measurement of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accord with plans approved by the officer. The manhole shall be installed by the owner at his expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 435, Sec. 38; Code 2004)

15-339 MEASUREMENTS, TESTS, ANALYSIS. All measurements, tests and analysis 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the POTW and to determine the existence of hazards to life, limb, and property. (Ord. 435, Sec. 39; Code 2004)

15-340 WASTEWATER DISCHARGE QUESTIONNAIRE. (a) Wastewater Analysis and General Information. When requested by the officer, a user must submit information on the nature and characteristics of its wastewater within 30 calendar days of the request. The officer is authorized to prepare a form for this purpose and may periodically require users to update this information. Based on the information requested, the officer may require a wastewater discharge permit from the user.

(b) Wastewater Discharge Permit Requirement.

(1) No significant or industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the officer, except that a significant industrial user that has filed a timely application pursuant to section 15-319 of this article may continue to discharge for the time period specified therein.

(2) The officer may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in section 15-343 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

(c) Wastewater Discharge Permit Appeals. The officer shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the officer to reconsider the terms of a wastewater discharge permit within 30 calendar days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) If the officer fails to act within 30 calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review. (Ord. 435, Sec. 40; Code 2004)

15-341 REPORTING REQUIREMENTS. (a) Periodic Reports.

(1) All industrial users, and other users as identified by the city, shall, at a frequency determined by the officer but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge and the measured or estimated average and maximum daily flows for the reporting period. All periodic reports must be signed and certified by the representative of the user. All testing, measurement and reporting shall be the responsibility of the user.

(2) All wastewater samples must be representative of the user's discharge.

(3) If a user monitors any pollutant more frequently than required by the officer, the results of this monitoring shall be included in the report.

(b) Record Keeping. Users reporting in accordance with this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to

monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years.

(c) Wastewater Permit Revocation. The city may revoke a wastewater permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the officer of significant changes to the wastewater characteristics prior to discharge;

(2) Misrepresentation or failure to fully disclose all relevant facts in the wastewater user questionnaire;

(3) Falsifying self-monitoring reports;

(4) Tampering with monitoring equipment;

(5) Refusing to allow the officer, or duly authorized representative of the officer, timely access to the facility premises and recores;

(6) Failure to meet effluent limitations;

(7) Failure to pay fines;

(8) Failure to pay sewer charges;

(Ord. 435, Sec. 41; Code 2004)

15-342 MONITORING. (a) Right of Entry; Inspection and Sampling. The officer or his or her duly authorized representative shall have the right to enter the premises of any user at any time to determine whether the user is complying with all requirements of this article. Users shall allow the officer or his or her duly authorized representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the officer or his or her duly authorized representative will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The officer shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The officer may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency in accordance with the requirements of the device manufacturer. Records of the calibration shall be made available upon request to the officer.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the officer and shall not be replaced. The costs of clearing such access shall be born by the user.

(5) Unreasonable delays in allowing the officer access to the user's premises shall be a violation of this article. (Ord. 435, Sec. 42; Code 2004)

15-343 COMPLIANCE ORDERS. When the city or the officer finds that a user has violated, or continues to violate, any provision of this article, the city may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 435, Sec. 43; Code 2004)

15-344 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 435, Sec. 44; Code 2004)

15-345 POWERS, AUTHORITY, INSPECTORS. The officer and his or her designee, and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling, and testing in accordance with provisions of this article. (Ord. 435, Sec. 45; Code 2004)

ARTICLE 4. SOLID WASTE

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

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

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

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

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

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

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

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

(i) Solid Waste. All non-liquid garbage, rubbish or trash. (Code 2004)

15-402 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 2004)

15-403 CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 2004)

15-404 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. (Code 2004)

15-405 CONTAINERS. Residential containers shall have a capacity of not more than 30 gallons. They shall be galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 2004)

15-406 BULK CONTAINERS. On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 2004)

15-407 ENTER PRIVATE PREMISES. Solid waste collectors are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 2004)

15-408 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 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 2004)

15-409 WRAPPING GARBAGE. All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 2004)

15-410 HEAVY, BULKY WASTE. Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 2004)

15-411 HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

(a) Explosive materials;
(b) Rags or other waste soaked in volatile and flammable materials;
(c) Chemicals;
(d) Poisons;
(e) Radio-active materials;
(f) Highly combustible materials;
(g) Solid dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
(h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public. (Code 2004)

15-412 PROHIBITED PRACTICES. It shall be unlawful for any person to:

(a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
(b) Interfere in any manner with contractors in the collection of solid waste;
(c) Bury refuse at any place within the city except that lawn and garden trimmings may be composted. (Code 2004)

15-413 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 the manner consistent with this article. (Code 2004)

15-414 UNAUTHORIZED DISPOSAL.

(a) 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 Department of Health and Environment. (Code 2004)

(b) No person shall place, leave or dump any garbage, rubbish, trash or debris on any property, improved or vacant, not his or her own, without the direct and express permission of the property owner. Any health and sanitation ordinances shall continue to apply regardless of ownership of the property. (Ord. 627, Sec. 1)

15-415 PRIVATE COLLECTORS; LICENSE REQUIRED. (a) It shall be unlawful for any person to collect or transport any solid waste within the city, without securing permission from the city council.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Code 2004)

15-416 SAME; APPLICATION. Any person desiring to collect or transport solid waste within the city shall appear before the city council requesting approval.

15-417 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 tired in place to prevent scattering along the streets and alleys. (Code 2004)

15-418 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 2004)

15-419 PENALTY. The violation of any portion of this article shall be punished in accordance with the general provisions set out in section 1-116 of this code. Each day the violation continues, including failure to abate

unlawfully dumped solid waste, shall be considered a separate offense. In addition the municipal court is hereby authorized, empowered and directed to abate or suppress any violation of this article and assess all costs of such abatement against the offender as costs of the proceedings. (Ord. 627, Sec. 1)

ARTICLE 5. WATER CONSERVATION

15-501 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. (Ord. 480, Sec. 1; Code 2004)

15-502 DEFINITIONS. (a) Water shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.

(b) Customer shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) Waste of Water includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) The following classes of uses of water are established:

Class 1: Water used for irrigating lawns and turf grasses, except for those plantings and areas included in Class 2; refilling fountains not using recirculated water and washing driveways.

Class 2: 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 3: 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 4: Domestic usage, other than that which would be included in either classes 1 or 2.

Class 5: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation. (Ord. 480, Sec. 2; Code 2004)

15-503 DECLARATION OF WATER WATCH. Whenever the governing body of the city finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, as outlined in section 15-604 of the Water Conservation Plan, it shall be empowered to declare 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 governing body to have ended. The declaration of the existence and end of a water watch shall be effective upon their publication in the official city newspaper. (Ord 480, Sec. 3; Code 2004)

15-504 DECLARING A WATER WARNING. Whenever the governing body of the city finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, as outlined in section 15-504 of the Water Conservation Plan, they shall be empowered to declare that a water warning exists and to establish mandatory restrictions on Class 1 water use and voluntary restrictions on Class 2 and 3 water uses during the period of the warning. Such a warning shall be deemed to continue until it is declared by the governing body to have ended. The declaration of the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. (Ord. 480, Sec. 4; Code 2004)

15-505 DECLARATION OF A WATER EMERGENCY. Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 480, Sec. 5; Code 2004)

15-506 VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-605, 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 system.

(d) Waste of water. (Ord. 480, Sec. 6; Code 2004)

15-507 MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-605, 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. (Ord. 480, Sec. 7; Code 2004)

15-508 EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-508, 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 or, 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).

(Ordinance 480, Sec. 8; Code 2004)

15-509 REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-605, 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. (Ord. 480, Sec. 9; Code 2004)

15-510 VIOLATIONS, DISCONNECTIONS AND PENALTIES.

(a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-507 and 15-609, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(1) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the

termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.

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

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

(b) A fee of $50 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. 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 and subsequent conviction shall be a mandatory fine of $200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. (Ord. 480, Sec. 10; Code 2004)

15-511 EMERGENCY TERMINATION. Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public. (Ord. 480, Sec. 11; Code 2004)

ARTICLE 6. CROSS CONNNECTION CONTROL

15-601 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this policy;

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

2. Approved tester means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices, and who is approved by the City.

3. Authorized representative means any person designated by the City to administer this cross connection control ordinance.

4. Auxiliary water supply means any water source or system, other than the City, that may be available in the building or premises. This does not include other KDHE permitted public water supply systems.

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

6. Backflow prevention device means any device, method, or type of construction intended to prevent backflow into the public water supply system.

7. Consumer means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the City.

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

9. Cross connection means any physical connection or arrangement between two (2) otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be backflow from the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.

10. Degree of hazard means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.

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

12. Public water system means the water supply source, distribution system and appurtenances to the service meter operated as a public utility which supplies potable water to the consumer's water systems.

13. Public water supply system means the public water system and the consumer's water systems.

14. Consumer's water system means all service pipe, all distribution piping and all appurtenances beyond the service meter of the public water system.

15. Service connection means the terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

15-602 CROSS CONNECTION CONTROL POLICY.

(a) Purpose. The purpose of this policy is:

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

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

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

(b) Application. This ordinance shall apply to all consumers' water systems. The City may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the City.

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

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

15-603 CROSS CONNECTIONS PROHIBITED. (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the City or its authorized representative.

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

15-604 SURVEY AND INVESTIGATIONS. (a) The consumer's premises shall be open at all reasonable times to the City or its authorized representative, for the conduction of surveys and investigation of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

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

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

15-605 WHERE PROTECTION IS REQUIRED. (a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the City or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

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

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

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

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

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

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

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

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

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

(1) Agriculture chemical facilities
(2) Auxiliary water systems, wells
(3) Boilers
(4) Bulk water loading facilities
(5) Car washing facilities
(6) Chemical manufacturing, processing compounding or treatment plants
(7) Chill water systems
(8) Cooking towers
(9) Feedlots
(10) Fire protection system
(11) Hazardous waste storage and disposal sites
(12) Hospitals, mortuaries, clinics or others as discovered by sanitary survey
(13) Irrigation and sprinkler systems
(14) Laundries and dry cleaning

(15) Meat processing facilities

(16) Metal manufacturing, cleaning, processing and fabricating plants

(17) Oil and gas production, refining, storage or transmission properties

(18) Plating plants

(19) Power plants

(20) Research and analytical laboratories

(21) Sewage and storm drainage facilities—pumping stations and treatment plants

(22) Veterinary clinics

15-606 BACKFLOW PREVENTION DEVICES. (a) Any backflow prevention required by this ordinance shall be of a model or construction approved by the City or its authorized representative and the KDHE.

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

(2) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed at the time this ordinance was passed and complies with required inspection and maintenance. A proper device shall be installed when replacement is needed.

15-607 INSTALLATION. (a) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the City or its authorized agent. All devices shall be installed at the expense of the consumer, unless the City or its authorized representative agrees otherwise.

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

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

15-608 INSPECTION AND MAINTENANCE. (a) The consumer is required by this ordinance to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the City or its authorized representative.

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

(2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed. Any faulty device shall be repaired and tested and re-tested again with six (6) months thereafter unless replaced.

(3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every

twelve months thereafter. They shall be dismantled, inspected internally, cleaned and repaired as needed.

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

(c) Whenever backflow prevention devices required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer. Devices which require specialized equipment to perform maintenance or repair are not allowed.

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

(e) All backflow prevention devices shall have a tag showing the date of the last inspection and name of tester.

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

15-609 VIOLATION AND PENALITIES. (a) The City or its authorized representative shall immediately deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the City or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

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

(c) Upon disconnecting such cross connection the public works director shall serve upon the owner, or any agent of the owner of the property or any other person, corporation, partnership or association found by the public works director to be in violation of any provisions of these cross connection control regulations a notice of the violation, and an order requiring proof of correction within seven (7) days, and payment of all applicable disconnection/reconnection fees set forth in the utility code. The notice and order shall be served on the owner or agent of such property by certified mail, return receipt requested, and also by personal service, door hanger, conspicuously posting notice of such order on the property, personal notification, telephone communication, or first class mail. If the property is unoccupied and the owner is a nonresident, then by mailing the notice and order by certified mail, return receipt requested, to the last known address of the owner. If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of the notice, the mayor of the city may provide notice of the issuance of any further orders to correct the violation, and charge the owner any applicable costs incurred by the City as permitted by law.

(d) Any owner or agent may by prosecuted for violation of these regulations in the City's municipal court in the manner provided for in Sections 8-207, abatement of nuisances, of the City's municipal code.

15-610 DEVICES. The following devices are recognized for cross connection control and backflow prevention by Kansas Department of Health & Environment and are published as part of this ordinance.

15-611 AIR GAP. Gap must be two pipe diameters (in no instance less than one inch.) Must be inspected annually. Satisfactory for any material. Whenever practical the control method of choice.

15-612 REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. Contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss. (10 psi or more) Must be tested and inspected annually. Repaired as necessary.

15-613 DOUBLE CHECK VALVE ASSEMBLY. Contains two soft seated independently acting check valves in series. Shut off valves before and after device. Adequate for non-toxic applications only. Minor pressure loss. Must be inspected and tested annually. Repaired as necessary.

15-614 PRESSURE VACUUM BREAKER. Must be installed a minimum of 12 inches above highest point of usage. No back pressure, only back siphonage. Can operate under constant pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary.

15-615 ATMOSPHERIC VACUUM BREAKERS. Must be installed a minimum of 6 inches above highest point of usage. No back pressure, only back siphonage. Not for use under constant pressure. Shut off valve must be located ahead of vacuum breakers. Must be inspected annually and repaired as necessary.