

## **CHAPTER XV: UTILITIES**

### Article

- 1. WATER AND SEWER SYSTEM**
- 2. UTILITY SERVICE BILLING PROCEDURES**
- 3. WATER SERVICE**
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## **ARTICLE 1: WATER AND SEWER SYSTEM**

### Section

- 15-101 Water and Sewage Department
- 15-102 Superintendent; duties
- 15-103 Duties of City Clerk
- 15-104 Water and Sewage Fund
- 15-105 Employees

### **§ 15-101 WATER AND SEWAGE DEPARTMENT.**

There is hereby created a department for the operation of the water and sewage system to be known as the Water and Sewage Department which Department shall be directly responsible to the governing body and which Department shall have no less than one nor more than 15 employees, the exact number to be changed from time to time, by action of the governing body, as may, from time to time, be necessary for the proper operation of the water and sewage system.

(Ord. 931, passed 12-16-1974)

### **§ 15-102 SUPERINTENDENT; DUTIES.**

There shall be a Superintendent who shall be known as the Water and Sewage Superintendent who shall be considered as an officer of the city, and who shall be appointed at the same time and in the same manner as other appointive officers, and who shall serve for the same period of time and who may be removed in the same manner as is provided by the statute for other appointive officers. The Superintendent shall have charge of the maintenance and operation of the pumping equipment, distribution system, hydrants, meters and all other appurtenances of the water and sewage system. He or she shall supervise all extensions and alterations of the water and sewage system as the governing body may direct. He or she shall be responsible for the reading of the meters. He or she shall report monthly to the governing body upon all matters concerning the water and sewage system over which the Superintendent has charge and in such detail as the governing body may from time to time direct. The Superintendent shall keep up-to-date maps of the water and sewage system, showing the exact location of all water mains, hydrants, service connections and other physical equipment of the system. He or she shall perform such other and further duties as the governing body may direct.

### **§ 15-103 DUTIES OF CITY CLERK.**

The City Clerk shall make out all water and sewage bills and keep a proper record of each customer's account, including water and sewage charges, Kansas retailer's sales tax, connection charges,

penalties, rebates and all other financial transactions with each customer. The City Clerk shall be responsible for the collection of water and sewage bills, Kansas retailers' sales tax and other debts owing to the Water and Sewage Department. The City Clerk shall deposit water revenues in the city depository not less than twice weekly, and shall keep account of the water and sewage fund. The City Clerk shall upon request present to the governing body a financial statement of the receipts and expenditures of the Water and Sewage Department.

(Charter Ord. 3, passed 4-5-1993)

#### **§ 15-104 WATER AND SEWAGE FUND.**

All amounts billed and collected for the monthly service charges provided in Articles 3 and 4 of this chapter shall be placed in a separate account designated as the Water and Sewage Fund. The Fund shall be used only for the purposes of paying the costs of the operation, repairs and maintenance of the water and sanitary sewer system of the city, for providing an adequate depreciation fund, and for paying the principal and interest of the revenue bonds issued and principal and interest of general obligation bonds now outstanding which have heretofore been issued against the water and sanitary sewer systems as and when said principal and interest becomes due and payable according to the terms and conditions of said outstanding bond, provided, that when any surplus of the Water and Sewage Fund is not needed for any of the above stated purposes, said surpluses may be transferred and merged into the city's General Revenue Fund, General Operating Fund or any other fund or funds of the city.

(Ord. 1045, passed 8-2-1978)

#### **§ 15-105 EMPLOYEES.**

The employment of regular or temporary employees shall be by the governing body. The governing body may authorize the Water and Sewage Superintendent to employ needed help temporarily. The wage shall be fixed by resolution of the governing body, and if none is fixed as to temporary employments, it shall be such wage as shall have been agreed upon by the employee and the Water and Sewage Superintendent with the approval of the governing body. All employees shall be under the immediate control and management of the Water and Sewage Superintendent.

## ARTICLE 2: UTILITY SERVICE BILLING PROCEDURES

### Section

- 15-201 Definitions
- 15-202 Discontinuance of utility services
- 15-203 Utility billing dates; delinquency date
- 15-204 Nonpayment of utility bills
- 15-205 Discontinuance of utility services
- 15-206 Lien upon customer's property
- 15-207 Landlord liability
- 15-208 Reconnection fees

### § 15-201 DEFINITIONS.

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

**CUSTOMER.** The utility service account holder of record, which shall always include the owner of the property.

**PERSON.** Natural persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.

**UTILITY SERVICES.** Water service and sanitary sewer service.  
(Ord. 1267, passed 9-4-1984)

### § 15-202 DISCONTINUANCE OF UTILITY SERVICES.

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

(1) When the customer so requests; or

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

(b) The city may discontinue or refuse a particular utility service to any customer, whether at the property where unpaid service was provided or any other property owned or occupied by the customer subsequent to the unpaid billing period, following compliance with the notice and hearing requirements of § 15-204, for any of the following reasons:

(1) Nonpayment of utility bills and charges as provided in § 15-204; or

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

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

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

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

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

(Ord. 1267, passed 9-4-1984; Ord. 1290, passed 6-3-1985)

#### **§ 15-203 UTILITY BILLING DATES; DELINQUENCY DATE.**

Utility billings shall be mailed on approximately the tenth day of each month for the previous month serviced. All billings for utility services shall be due and payable at the office of the City Clerk upon receipt and must be paid in full not later than the last day of the month. Payment for utility service not received prior to the last day of the month shall be delinquent. A delinquent charge of \$10 will be added to each delinquent utility bill.

(Ord. 1968, passed 2-7-2005)

#### **§ 15-204 NONPAYMENT OF UTILITY BILLS.**

(a) An account delinquency and service discontinuance notice shall be issued in writing on the fifth day of the month with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the customer (and a copy also sent by U.S. mail, first class, to the occupant of the premises served if the occupant is not the customer) at the last known address of the customer as

shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city.

(b) The notice of account delinquency and service discontinuance shall provide the following information:

(1) Name of customer and address where service is being provided;

(2) Account number;

(3) Amount past due;

(4) Notice that utility service shall be terminated upon failure to pay the delinquent billing within five days of the date of the mailing of the notice or the day following the hearing, whichever last occurs; and

(5) Notice that the customer has the right to appear and be heard at a hearing on the hearing date set by the city.

(c) (1) Any utility customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to disconnection. The hearing shall be held not less than five days after the date of the notice. The governing body shall appoint the City Clerk, the City Utility Superintendent, or such other suitable person or persons to conduct such hearing. At such hearing, the customer and the city shall each have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses. Formal rules of evidence shall not apply.

(2) The hearing officer shall promptly make his or her findings and shall enter his or her order accordingly. Unless otherwise ordered by the hearing officer, utility service shall be discontinued the date after the date that the order of discontinuance is issued by the hearing officer. Extension of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The hearing officer's order shall be filed by the City Clerk, and a copy thereof shall be provided to the customer in the same manner as set forth in division (a) above.

(d) Any party aggrieved by the decision of the hearing officer may appeal the same by filing a written notice of appeal with the City Clerk. The City Clerk shall have forms available for this purpose. Notwithstanding the order of discontinuance, service shall not be discontinued if the notice of appeal has been received prior to termination. Any such appeal shall be set for hearing before the governing body at its next regularly scheduled meeting or special meeting. The determination of the governing body shall be final. The determination of the governing body shall be recorded in the minutes of its official proceedings, and notice thereof shall be provided to the customer in the same manner described in division (a) above.

(Ord. 1573, passed 7-19-1993)

**§ 15-205 DISCONTINUANCE OF UTILITY SERVICES.**

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

(Ord. 1267, passed 9-4-1984)

**§ 15-206 LIEN UPON CUSTOMER'S PROPERTY.**

In the event any person shall neglect, fail or refuse to pay within ten days following notice of discontinuance the utility billings due the city, such billings shall constitute a lien upon the real property served by the connection to the utility service, and shall be certified by the City Clerk to the County Clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible. A lien shall not attach to the real property served by the connection to the utility services provided above when that utility service has been contracted for by a tenant and not by the landlord or owner of the property for which service is provided.

(Ord. 1267, passed 9-4-1984)

**§ 15-207 LANDLORD LIABILITY.**

Owners and occupants of leased premises served by the utilities furnished by the city are jointly liable for payment of the cost of any utilities furnished by the city to such premises, whether such utility service is furnished upon the application and request of the owner or the lessee of the premises. The owner of any leased premises, or the owner's agent if leasing is through an agent, shall be notified of the delinquency of the occupant of the leased premises in the same manner as notice is provided to customers pursuant to § 15-204 and at the same time of notice to the lessee-customer.

(Ord. 1267, passed 9-4-1984)

**§ 15-208 RECONNECTION FEES.**

Prior to reconnecting a utility service disconnected pursuant to § 15-202 or 15-204, the customer shall pay to the city the entire balance due and owing to the city at the time of reconnection together with a reconnection charge of \$50.

(Ord. 1968, passed 2-7-2005)

## **ARTICLE 3: WATER SERVICE**

### Section

- 15-301 Definitions
- 15-302 Application for service connections; permits
- 15-303 Installation costs
- 15-304 Extension of mains
- 15-305 Connections with mains
- 15-306 Sale of water by meter
- 15-307 Meters; location; ownership; damage and testing
- 15-308 Tampering with meters, curb cocks, meter box
- 15-309 Separate connections
- 15-310 Rights reserved; reading meters; service discontinuance
- 15-311 Taking water without authority
- 15-312 City does not guarantee service
- 15-313 Damaging property; unlawful operation of equipment
- 15-314 Water rates

### **§ 15-301 DEFINITIONS.**

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

***CUSTOMER.*** Refers to the party in whose name the account is carried.

***CONSUMER.*** The party using the water.

***OWNER.*** The owner of the real property connected or to be connected to the water and sewage system.

### **§ 15-302 APPLICATION FOR SERVICE CONNECTIONS; PERMITS.**

Before any connection is made to the water and sewage system an application for a permit must be made in writing by the owner of the premises to be connected or by his or her or their authorized representative at the office of the City Clerk. Such application shall be made on forms provided by the Water and Sewage Department and shall contain such information as the Water and Sewage Department may require. If there is no main or distribution line to which a connection can be made, the requirements in regard to extensions must be met before the application for service connection will be accepted. The

application and its acceptance shall constitute a contract or an agreement in writing between the applicant and the governing body for the installation of the connection.

(K.S.A. 12-818)

### **§ 15-303 INSTALLATION COSTS.**

The sum of \$600 shall be paid to the city for the reimbursement of its costs incurred in the installation of three-quarter inch pipe and meter. The charge shall be paid at the time an application for water service is made. The cost for the installation of larger than three-fourths inch pipe and meter shall be the actual cost incurred by the city in the installation of the same and shall be paid to the city upon presentation of its statement of costs.

(Ord. 1968, passed 2-7-2005)

### **§ 15-304 EXTENSION OF MAINS.**

The city may extend its mains within the city by construction when applications have been made and agreements entered into by the person or persons along the proposed extension that will produce a revenue in the judgment of the governing body sufficient to pay interest on the cost of the extension and the operating cost of the service. The city may make the extension if the condition of the water and sewage fund will permit.

### **§ 15-305 CONNECTIONS WITH MAINS.**

All connections to the city's water system shall be made in a manner approved by the Water and Sewer Superintendent.

### **§ 15-306 SALE OF WATER BY METER.**

All water service sold or furnished by the water and sewage system to customers shall be measured in gallons by meters installed by the city.

### **§ 15-307 METERS; LOCATION; OWNERSHIP; DAMAGE AND TESTING.**

(a) Meters shall be installed in a location protected from freezing and easily accessible for reading. The meters shall be furnished by the city and shall remain the property of the city.

(b) The city, through its officers and employees, shall keep the meter in good repair unless damaged or injured by some cause other than by natural wear and tear. If the meter is damaged by freezing, rough use, mowing or striking of the meter or meter pit in any manner the customer shall be charged the amount of the repair and the amount shall be collected with the bill, and if not paid within the time provided for the payment of bills, the water shall be disconnected in the manner provided by §§ 15-204 or 15-206. However, if the damage is limited to damage or breakage of the radio-read antenna, and the customer had no previous incident of damage to the meter, the same will be replaced without charge to the consumer. If the meter or antenna has been damaged in a separate and prior incident to the harm to

the antenna by the customer, owner or consumer, the customer shall be charged for the replacement of the antenna.

(c) If the customer contends that the meter is registering or reporting inaccurate amounts of water used, and not caused by any damage to the meter by the customer or other party, the customer must give notice to the city in writing, detailing the nature of the claimed inaccuracy and any evidence of the same. Officers of the city shall inspect the meter and related equipment to determine a cause and to test the meter at the location using standard testing methods. A meter is deemed to be testing accurately if, upon testing, its accuracy measures between 95 to 101 %. If the city officers determine that the meter is testing accurately, no further action will be taken, and the meter will not be subject to reinspection for one year. If the meter is deemed to be measuring inaccurately, the city shall repair or replace the meter and credit any amount overpaid by the customer for the billing cycle at the time of the complaint, and the previous billing cycle. If the customer disputes the testing results by city officers or employees, the customer may appeal the determination. This appeal must be submitted in writing to the city within ten days of notice of the determination. Along with the appeal, the customer shall submit a testing deposit of \$100 to the city, and the failure to submit the same shall be deemed a waiver of any right to appeal. Upon receipt of the appeal and deposit, the city shall have the meter tested by an independent agency or company to determine accuracy, and the deposit will be used to defray the costs of this testing. If this testing reveals an inaccuracy, as defined above, the testing deposit will be returned and the customer credited as provided above, along with replacement of the meter. If the meter passes the testing for accuracy, the testing deposit will be forfeited to the city, and the city may charge the consumer any and all additional costs occasioned by the testing of the meter.

(Ord. 2499, passed 8-16-2021)

#### **§ 15-308 TAMPERING WITH METERS, CURB COCKS, METER BOX.**

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 Water and Sewage Department may be used or wasted without being supplied under the terms provided in this article or other related ordinances or parts of ordinances still in effect. It shall be unlawful for any person to turn any curb cock on or off except a duly authorized employee of the Water and Sewage Department or Fire Department. The meter box shall not be molested in any manner.

#### **§ 15-309 SEPARATE CONNECTIONS.**

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

#### **§ 15-310 RIGHTS RESERVED; READING METERS; SERVICE DISCONTINUANCE.**

Duly authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter, or servicing or inspecting the meter, water pipes or service installations. The city reserves the right to shut off the water in the mains for the purpose of making repairs or extensions and to discontinue any water service in accordance with the provisions of this article. A

customer shall give the city reasonable notice for the discontinuance of service and upon failure to do so may be billed for the minimum monthly charge until such time as notice shall be received by the city.

**§ 15-311 TAKING WATER WITHOUT AUTHORITY.**

It is hereby declared unlawful for any person, firm or corporation to take any water from the water and sewage system except when it is drawn under the regulations provided in this article.

**§ 15-312 CITY DOES NOT GUARANTEE SERVICE.**

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

**§ 15-313 DAMAGING PROPERTY; UNLAWFUL OPERATION OF EQUIPMENT.**

It is hereby declared unlawful for any person to deface, damage or destroy any of the property of the water and sewage system, operate valves or in any other manner interfere with the operation of the Water and Sewage Department.

**§ 15-314 WATER RATES.**

(a) *Three-quarter inch meters.* All premises having a three-quarter inch water meter shall pay for water consumption as follows:

(1) A minimum charge of \$24 for 1,000 gallons of water or less per month; plus

(2) A charge of \$7 per 1,000 gallons of water over and above the 1,000 gallons of water included in the minimum charge.

(b) *One- or two-inch meters.* All premises having a one- or two-inch water meter shall pay for water consumption as follows:

(1) A minimum charge of \$75 for 7,000 gallons of water or less per month; plus

(2) A charge of \$8 per 1,000 gallons of water over and above the 7,000 gallons of water included in the minimum charge.

(Ord. 2192, passed 12-5-2011; Ord. 2544, passed 11-21-2022)

## ARTICLE 4: SEWER SERVICE

### Section

- 15-401 Definitions
- 15-402 Connection to sewer
- 15-403 Same; application for permit
- 15-404 Prohibition of septic tanks and outdoor toilets
- 15-405 Building sewer permits
- 15-406 Permit fees; Class I
- 15-407 Same; Class II
- 15-408 Costs borne by owner
- 15-409 Failure to connect
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- 15-411 Discharge permit; application
- 15-412 Same
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- 15-414 Same; amendments
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- 15-418 Same; storm sewers
- 15-419 Prohibited discharges
- 15-420 Prohibition of discharge of harmful substances
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- 15-422 Interceptors
- 15-423 Pretreatment facilities
- 15-424 Control manholes
- 15-425 Same; measurements; tests
- 15-426 Old building sewers
- 15-427 Prohibition of tampering by unauthorized persons
- 15-428 Prohibition of free service
- 15-429 Prohibition of deposit of objectionable waste
- 15-430 Independent building sewers
- 15-431 Excavations
- 15-432 Notification
- 15-433 Entry
- 15-434 Same; easements

- 15-435 Tampering
- 15-436 Other violations
- 15-437 Continuing violations
- 15-438 Same; right to recover
- 15-439 Invalidity
- 15-440 Monthly service charges
- 15-441 Same; effective date for charges
- 15-442 Bill for sewer charges

#### § 15-401 DEFINITIONS.

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

***BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in milligrams per liter.

***BUILDING DRAIN.*** 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 (one and one-half meters) outside the inner face of the building wall.

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

***COMBINED SEWER.*** A sewer receiving both surface runoff and sewage.

***DEPARTMENT.*** The Water and Sewage Department of the City of Silver Lake.

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

***INDUSTRIAL WASTE.*** The liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

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

***PERSON.*** Any individual, firm, company, association, society, corporation, group, political subdivision or public agency, including the State of Kansas and the United States of America.

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

**POLLUTION.** An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. **POLLUTION** may include contamination.

**PROPERLY SHREDED GARBAGE.** The waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch (1.27 cm) in any dimension.

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

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

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

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

**SEWER.** A pipe or conduit for carrying sewage.

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

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

**STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT.** The Water and Sewage Superintendent of the city or his or her authorized agents or representatives.

**SUSPENDED SOLIDS.** Solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 989, passed 1-17-1977)

**§ 15-402 CONNECTION TO SEWER.**

It shall be unlawful for any building now being supplied with either a metered or un-metered source of water located within the city limits to remain unconnected to the city sanitary sewer system.  
(Ord. 989, passed 1-17-1977)

**§ 15-403 SAME; APPLICATION FOR PERMIT.**

Before any connection is made to the city sanitary sewer system, a written application for a sewer discharge permit shall be made to the Superintendent. Such application shall be made on forms provided by the Water and Sewage Department and shall contain such information as the Water and Sewage Department may require. The Superintendent shall issue a permit if such planned connection conforms to the standards provided by this article and will not impair the operation of the sanitary sewer.  
(Ord. 989, passed 1-17-1977)

**§ 15-404 PROHIBITION OF SEPTIC TANKS AND OUTDOOR TOILETS.**

It shall be unlawful for any person owning or occupying any building within the city limits to have or construct any lavatory, stool or other plumbing fixture attached to any septic tank within the city limits, or to erect or maintain any outdoor toilet in the city. Septic tanks, after being disconnected from lavatories, stools and other plumbing fixtures, pumped dry and filled with sand or other suitable material, as hereinafter provided, may be used by persons to receive unpolluted storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains and uncontaminated cooling water, and in order to effect such use, persons may use sump pumps to force the permitted water into the septic tank. After direct connection to the sanitary sewer in compliance with this article, any and all septic tanks, cesspools and similar private sewage disposal facilities shall be disconnected from all building sewers, pumped dry and filled with sand or other suitable material. This section shall not prohibit the use of temporary self-contained facilities during the erection of new buildings or other construction sites.  
(Ord. 989, passed 1-17-1977)

**§ 15-405 BUILDING SEWER PERMITS.**

There shall be two classes of building sewer permits:

(a) *Class I.* For all single- and multiple-family residential dwelling units used solely for residential purposes, and for all schools and commercial, business, industrial establishments, institutions, rest homes, nursing homes, hospitals and public buildings having no industrial wastes; and

(b) *Class II.* For all commercial, business, industrial establishments, institutions, rest homes, nursing homes, hospitals and public buildings discharging industrial wastes or to which Class I permit is inapplicable.

(Ord. 989, passed 1-17-1977)

**§ 15-406 PERMIT FEES; CLASS I.**

If the application for a Class I building sewer permit is approved by the Superintendent, he or she shall issue a permit upon the payment of the following fees:

(a) For each unit approved for occupancy by the city building official (other than a unit used for multi-family residential purposes), there shall be a fee of \$400 per unit to be connected. For purposes of this division (a), each separate living quarter in a duplex, triplex or fourplex shall constitute a separate unit; and

(b) For the first unit in a building used for multi-family purposes (other than a duplex, triplex or fourplex) approved for occupancy by the city building official, there shall be a fee of \$400; and for each additional unit there shall be a fee of \$50 per unit connected. For purposes of this division (b), each separate living quarters in a building used for multi-family residential purposes shall constitute a separate unit.

(Ord. 1968, passed 2-7-2005)

**§ 15-407 SAME; CLASS II.**

If the application for a building sewer permit is for a Class II permit, the Superintendent shall submit the application, together with his or her recommendation to the governing body, and if the governing body approves the application, it shall establish the fee to be charged for the Class II building sewer permit which shall in no case be less than that required for Class I permits.

(Ord. 989, passed 1-17-1977)

**§ 15-408 COSTS BORNE BY OWNER.**

All costs incident to the installation and connection of a building sewer to the sanitary sewer system of the city shall be borne by the owner of the property.

(Ord. 989, passed 1-17-1977)

**§ 15-409 FAILURE TO CONNECT.**

In the event any person shall fail, neglect or refuse to connect any building or buildings with the sanitary sewer system as herein provided for, for more than ten days after being notified in writing by the governing body, the city may cause such building or buildings to be connected with the sanitary sewer system, or may advertise for bids for the construction and making of such sewer connection, and contract therefor with the lowest responsible bidder or bidders and may assess the costs and expenses thereof against the property and premises so connected.

(Ord. 989, passed 1-17-1977)

**§ 15-410 LOCATION AND METHOD OF CONNECTIONS.**

The Superintendent shall assist the person desiring to connect to the sanitary sewer system in locating an existing wye or riser pipe. Where wyes are not available, the installation of a new wye fitting

shall be properly made in the sewer line by boring, drilling and cutting for a new wye fitting. No chipping or breaking will be allowed. No pipe material, bedding rock or earth will be dropped or pushed into the sewer line during the installation of a wye fitting. The ABS, PVC or clay wye branch shall be properly installed in accordance with the manufacturer's specifications and shall be inspected by the Superintendent prior to riser pipe or service pipe connection to the wye fitting. The wye branch or fitting shall withstand the same infiltration and exfiltration test as that given the sanitary sewer pipe.

(Ord. 989, passed 1-17-1977)

#### **§ 15-411 DISCHARGE PERMIT; APPLICATION.**

(a) Persons required to obtain a sewage discharge permit as provided in § 15-403 of this article before connecting to or discharging into the city sanitary sewer system shall complete and file with the Superintendent an application in the form prescribed by the Superintendent.

(b) The applicant may be required to submit, in units and terms approved for evaluation, the following information:

- (1) Name and address of applicant;
- (2) Volume of water to be discharged;
- (3) General description of activities;
- (4) Number of employees and hours of work; and

(5) Any other pertinent information as may be deemed by the Superintendent to be necessary to determine the capability of the sanitary sewer system to convey the waste or the sewage treatment plan to treat the waste.

(Ord. 989, passed 1-17-1977)

#### **§ 15-412 SAME.**

(a) The Superintendent will evaluate the data furnished by the applicant for a sewage discharge permit and may require additional information.

(b) After evaluation and acceptance of the data furnished, the Superintendent shall submit the application, together with his or her recommendation, to the governing body, subject to the terms and conditions provided herein.

(Ord. 989, passed 1-17-1977)

#### **§ 15-413 PERMIT CONDITIONS.**

(a) Sewage discharge permits shall be expressly subject to all provisions of this article and all other regulations, rates and charges established by the Department.

(b) Permits shall contain the unit charge or schedule of monthly service charges and fees to be paid to the city for the sewage to be discharged into the sanitary sewer system and may contain the following:

- (1) The average and maximum strength, characteristics or constituents of the sewage to be discharged;
- (2) Limits on rate and time of discharge;
- (3) Installation of inspection and sampling facilities, including Department access to such facilities;
- (4) Pretreatment requirements;
- (5) Maintaining records relating to sewage discharge as specified by the Department and affording Department access thereto;
- (6) A term for the duration of the permit; and
- (7) Other conditions as are necessary to insure compliance with this article and all other regulations established by the Department, as a result of state or federal laws  
(Ord. 989, passed 1-17-1977)

**§ 15-414 SAME; AMENDMENTS.**

(a) The governing body may change the conditions of a sewage discharge permit from time to time as laws and regulations enacted by the state or federal government may require.

(b) Whenever the discharge from any person is causing excessive operation and/or maintenance problems in the sanitary sewer system or sewage treatment plant, the governing body may change the conditions of that sewage discharge permit to alleviate the problem.  
(Ord. 989, passed 1-17-1977)

**§ 15-415 SAME; DEVIATION.**

Any change of more than 10% in sewage strength or volume discharged shall be reported to the Superintendent. A change in sewage strength shall immediately effect recalculation of monthly service charges and fees.  
(Ord. 989, passed 1-17-1977)

**§ 15-416 DISCHARGE OF SEWAGE INTO NATURAL OUTLETS PROHIBITED.**

It shall be unlawful to discharge into any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters.  
(Ord. 989, passed 1-17-1977)

**§ 15-417 ROOF, GROUND, STORM WATER DRAINAGE.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.  
(Ord. 989, passed 1-17-1977)

**§ 15-418 SAME; STORM SEWERS.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer or natural outlet.  
(Ord. 989, passed 1-17-1977)

**§ 15-419 PROHIBITED DISCHARGES.**

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

(a) Any gasoline, benzine, naphta, 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 single or interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, creating public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer;

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

(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 fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders; and

(e) (1) Any waters or wastes having:

(A) A five-day BOD greater than 300 parts per million by weight;

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

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

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

- (A) Reduce the biochemical oxygen demand to 300 parts per million by weight;
- (B) Reduce the suspended solids to 350 parts per million by weight; or
- (C) Control the quantities and rates of discharge of such waters or wastes.

(3) Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Ord. 989, passed 1-17-1977)

#### **§ 15-420 PROHIBITION OF DISCHARGE OF HARMFUL SUBSTANCES.**

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

(b) Substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150°F (65°C);
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° to 65°C);
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters HP or greater shall be subject to the review and approval of the Superintendent;
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degrees that any such material received in the composite sewage at the sewage treatment works exceed the limits established by the Superintendent for such material;

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

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

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

(9) Materials which exert or cause:

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

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

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

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

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

(Ord. 989, passed 1-17-1977)

#### **§ 15-421 DISCHARGE OF HARMFUL SUBSTANCES.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 15-422 of this article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

(1) Reject the wastes; or

(2) Recommend to the governing body that the conditions of the person's sewage discharge permit be changed in accordance with § 15-414 of this article.

(Ord. 989, passed 1-17-1977)

**§ 15-422 INTERCEPTORS.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. The cost of such interceptors including installation, and thereafter the cost of maintenance, repair, removal and/or replacement shall be paid by the owner of the property being served.

(Ord. 989, passed 1-17-1977)

**§ 15-423 PRETREATMENT FACILITIES.**

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

(Ord. 989, passed 1-17-1977)

**§ 15-424 CONTROL MANHOLES.**

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

(Ord. 989, passed 1-17-1977)

**§ 15-425 SAME; MEASUREMENTS; TESTS.**

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole.

(b) (1) 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.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(3) The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not

always, SOD and suspended solid analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

(Ord. 989, passed 1-17-1977)

#### **§ 15-426 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 Superintendent, to meet all the requirements of this article.

(Ord. 989, passed 1-17-1977)

#### **§ 15-427 PROHIBITION OF TAMPERING BY UNAUTHORIZED PERSONS.**

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

(Ord. 989, passed 1-17-1977)

#### **§ 15-428 PROHIBITION OF FREE SERVICE.**

No sanitary sewer services shall be furnished or rendered by the city's sewage treatment plant, collection system and other appurtenant facilities free of charge to any customer or user thereof other than to the city itself.

(Ord. 989, passed 1-17-1977)

#### **§ 15-429 PROHIBITION OF DEPOSIT OF OBJECTIONABLE WASTE.**

It shall be unlawful for any person to place, deposit or permit to be deposited 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. 989, passed 1-17-1977)

#### **§ 15-430 INDEPENDENT BUILDING SEWERS.**

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the main building through an adjoining alley, courtyard 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. 989, passed 1-17-1977)

#### **§ 15-431 EXCAVATIONS.**

(a) All excavations for building sewer installments shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(b) 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. 989, passed 1-17-1977)

#### **§ 15-432 NOTIFICATION.**

The applicant for a building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the sanitary sewer system of the city. The connection shall be made under the supervision of the Superintendent or his or her representative.

(Ord. 989, passed 1-17-1977)

#### **§ 15-433 ENTRY.**

The Superintendent and other duly authorized employees of the city shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Superintendent or his or her representatives shall have no authority beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewer for waste treatment.

(Ord. 989, passed 1-17-1977)

#### **§ 15-434 SAME; EASEMENTS.**

The Superintendent and other duly authorized employees of the city shall be permitted to enter all private properties, through which the city holds a permanent easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sanitary sewer system lying within said easement. All entry and subsequent work, if any, or said easement, shall be done in full accordance with the terms of the permanent easement pertaining to the private property involved.

(Ord. 989, passed 1-17-1977)

#### **§ 15-435 TAMPERING.**

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 sanitary sewer system of the city. Any person violating this provision shall be subject to immediate arrest for the charge of disorderly conduct.

(Ord. 989, passed 1-17-1977)

#### **§ 15-436 OTHER VIOLATIONS.**

Any person found to be violating any provision of this article, except § 15-435, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(Ord. 989, passed 1-17-1977)

**§ 15-437 CONTINUING VIOLATIONS.**

Any person who shall continue in violation beyond the time limit provided for in § 15-436 shall be guilty of a public offense.

(Ord. 989, passed 1-17-1977)

**§ 15-438 SAME; RIGHT TO RECOVER.**

Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

(Ord. 989, passed 1-17-1977)

**§ 15-439 INVALIDITY.**

The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

(Ord. 989, passed 1-17-1977)

**§ 15-440 MONTHLY SERVICE CHARGES.**

(a) *Single-family residences.* All single-family residential dwelling units shall pay a monthly sewer charge of \$27.50 for the first 1,000 gallons and a charge of \$2.50 for each 1,000 gallons in excess of 1,000 gallons.

(b) *Multiple-housing residences.* All duplex and multiple-family residences, apartments, rooming houses and all other multiple-housing buildings containing two or more dwelling units shall be charged as follows:

(1) For the first residential unit served, \$27.50 for the first 1,000 gallons and a charge of \$2.50 for each 1,000 gallons in excess of 1,000 gallons; and

(2) For each additional residential dwelling units served, \$27.50 for the first 1,000 gallons and a charge of \$2.50 for each 1,000 gallons in excess of 1,000 gallons.

(c) *Schools.* The school district shall be charged and billed an amount equal to 40 times the monthly service charge of a single-family residence.

(d) *Commercial, business, industrial and public buildings.* All commercial, business, industrial establishments, institutions, rest homes, nursing homes, hospitals and public buildings shall pay a monthly charge as follows: a monthly charge of \$32.50 for the first 1,000 gallons and \$2.75 for each 1,000 gallons in excess of 1,000 gallons.

(Ord. 2192, passed 12-5-2011; Ord. 2544, passed 11-21-2022)

**§ 15-441 SAME; EFFECTIVE DATE FOR CHARGES.**

The monthly service charge shall become effective with the first billing date for city water services. The monthly service charge shall be required to be paid in accordance with the other provisions of this article and the provisions of Article 2 of this chapter.

(Ord. 988, passed 1-17-1977)

**§ 15-442 BILL FOR SEWER CHARGES.**

The City Clerk shall render bills monthly to all persons of any type whose premises may hereafter be connected to the sanitary sewer system as provided in Article 2 of this chapter.

(Ord. 988, passed 1-17-1977)



## ARTICLE 5: SOLID WASTE

### Section

- 15-501 Definitions
- 15-502 Collection
- 15-503 Contracts
- 15-504 Duty of owner, occupant
- 15-505 Containers
- 15-506 Bulk containers
- 15-507 Enter private premises
- 15-508 Ownership of solid waste
- 15-509 Wrapping garbage
- 15-510 Heavy, bulky waste
- 15-511 Hazardous materials
- 15-512 Prohibited practices
- 15-513 Objectionable waste
- 15-514 Unauthorized disposal
- 15-515 Private collectors; license required
- 15-516 Same; application
- 15-517 Same; fee
- 15-518 Same; number to be displayed
- 15-519 Closed vehicle
- 15-520 Rules and regulations
- 15-521 Failure to secure license
- 15-522 Charges
- 15-523 Billing
- 15-524 Same; delinquent account

### § 15-501 DEFINITIONS.

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

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

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

**GARBAGE.** Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.

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

**REFUSE.** All garbage and/or rubbish or trash.

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

**RUBBISH or TRASH.**

(1) 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.

(2) **RUBBISH or TRASH** shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations.

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

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

#### **§ 15-502 COLLECTION.**

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

#### **§ 15-503 CONTRACTS.**

The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.

#### **§ 15-504 DUTY OF OWNER, OCCUPANT.**

(a) 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.

(b) No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.

**§ 15-505 CONTAINERS.**

(a) Residential containers shall have a capacity of not more than 100 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight-fitting lid and shall be leak-proof and fly-tight.

(b) All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers.

**§ 15-506 BULK CONTAINERS.**

(a) On premises where excessive amounts of refuse accumulate or where cans or bags are impractical, bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices that are compatible with the collection equipment being used.

(b) Containers shall be constructed of durable rust- and corrosion-resistant material that is easy to clean. All containers shall be equipped with tight-fitting lids or doors to prevent entrance of insects or rodents.

(c) Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be water-tight, leak-proof and weather-proof construction.

**§ 15-507 ENTER PRIVATE PREMISES.**

Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article.

**§ 15-508 OWNERSHIP OF SOLID WASTE.**

(a) Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors.

(b) No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city.

**§ 15-509 WRAPPING GARBAGE.**

All garbage shall be drained of all excess liquid and wrapped in paper or other disposable container before being placed in solid waste containers.

**§ 15-510 HEAVY, BULKY WASTE.**

Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same.

**§ 15-511 HAZARDOUS MATERIALS.**

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

(b) Hazardous material shall include:

(1) Explosive materials;

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

(3) Chemicals;

(4) Poisons;

(5) Radio-active materials;

(6) Highly combustible materials;

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

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

**§ 15-512 PROHIBITED PRACTICES.**

It shall be unlawful for any person to:

(a) Deposit solid waste in any container other than that owned or leased by him or her or under his or her control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;

(b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;

(c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency; and

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

**§ 15-513 OBJECTIONABLE WASTE.**

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

**§ 15-514 UNAUTHORIZED DISPOSAL.**

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

**§ 15-515 PRIVATE COLLECTORS; LICENSE REQUIRED.**

(a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

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

**§ 15-516 SAME; APPLICATION.**

Any person desiring to collect or transport solid waste within the city shall make application for a license to the City Clerk. The application shall set forth the name and address of the applicant, the make, and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the County Health Officer issued not more than 15 days prior to the date of application.

**§ 15-517 SAME; FEE.**

No license shall be issued unless the applicant shall pay to the City Clerk the sum of \$200 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1 of the calendar year in which said permit is issued.

**§ 15-518 SAME; NUMBER TO BE DISPLAYED.**

The City Clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly

visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued.

**§ 15-519 CLOSED VEHICLE.**

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

(b) Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys.

**§ 15-520 RULES AND REGULATIONS.**

The collection and transportation of trash and waste materials shall be at all times under the general supervision of the Mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer.

**§ 15-521 FAILURE TO SECURE LICENSE.**

Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in § 1-111.

**§ 15-522 CHARGES.**

The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city.

**§ 15-523 BILLING.**

Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills.

**§ 15-524 SAME; DELINQUENT ACCOUNT.**

In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the City Clerk shall annually certify such unpaid

bills to the County Clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected.  
(K.S.A. 65-3410)



## ARTICLE 6: WATER CONSERVATION

### Section

- 15-601 Purpose
- 15-602 Definitions
- 15-603 Declaration of water watch
- 15-604 Declaration of water warning
- 15-605 Declaration of water emergency
- 15-606 Voluntary conservation measures
- 15-607 Mandatory conservation measures
- 15-608 Emergency water rates
- 15-609 Regulations
- 15-610 Violations, disconnections, and penalties
- 15-611 Emergency termination

### § 15-601 PURPOSE.

The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared.

(Ord. 1900, passed 1-6-2003)

### § 15-602 DEFINITIONS.

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

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

(1) **CLASS 1.** Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers or the exterior of any building or structure.

(2) **CLASS 2.** Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

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

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

**CUSTOMER.** The customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

**WASTE OF WATER.** Includes, but is not limited to

- (1) Permitting water to escape down a gutter, ditch or other surface drain; or
- (2) Failure to repair a controllable leak of water due to defective plumbing.

**WATER.** Water available to the City of Silver Lake 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.

(Ord. 1900, passed 1-6-2003)

#### **§ 15-603 DECLARATION OF WATER WATCH.**

Whenever the governing body of the city finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication on the city's website, silverlakeks.gov, and notice shall also be given in the official city newspaper.

(Ord. 1900, passed 1-6-2003)

#### **§ 15-604 DECLARATION OF WATER WARNING.**

(a) Whenever the governing body of the city finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning.

(b) Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication on the city's website, silverlakeks.gov, and notice shall also be given in the official city newspaper.

(Ord. 1900, passed 1-6-2003)

**§ 15-605 DECLARATION OF WATER EMERGENCY.**

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

(Ord. 1900, passed 1-6-2003)

**§ 15-606 VOLUNTARY CONSERVATION MEASURES.**

Upon the declaration of a water watch or water warning as provided in §§ 15-603 and 15-604, the Mayor (or the City Manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

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

(Ord. 1900, passed 1-6-2003)

**§ 15-607 MANDATORY CONSERVATION MEASURES.**

Upon the declaration of a water supply emergency as provided in § 15-605, the Mayor (or the City Manager) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

(a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;

(b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;

(c) Restrictions on the sales of water at coin-operated facilities or sites;

(d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.  
(Ord. 1900, passed 1-6-2003)

#### **§ 15-608 EMERGENCY WATER RATES.**

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

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

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

(c) Extra charges in excess of a specified level of water use (excess demand surcharge).  
(Ord. 1900, passed 1-6-2003)

#### **§ 15-609 REGULATIONS.**

During the effective period of any water supply emergency as provided for in § 15-605, the Mayor (or City Manager or Water Superintendent) is empowered to promulgate such regulations as maybe 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. 1900, passed 1-6-2003)

#### **§ 15-610 VIOLATIONS, DISCONNECTIONS, AND PENALTIES.**

(a) If the Mayor, City Manager, Water Superintendent or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to §§ 15-607 or 15-609, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

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

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

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

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

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

(Ord. 1900, passed 1-6-2003)

**§ 15-611 EMERGENCY TERMINATION.**

Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

(Ord. 1900, passed 1-6-2003)

