

CHAPTER XV. UTILITIES

- Article 1. Sewers
- Article 2. Water
- Article 3. Solid Waste
- Article 4. Cross Connections
- Article 5. Water Conservation

ARTICLE 1. SEWERS

- 15-101. **SEWER CONNECTION.** The user of the sewer system of the city, for the purpose of removing sewage from the property situated outside the city limits of the city, is hereby declared to be a privilege granted to the owners of such property, upon the recommendation of the superintendent of utilities and the approval by the governing body and the payment of all fees and charges as hereinafter set out. (Code 1965, 12-101)
- 15-102. **PERMIT: APPLICATION.** Any person owning property outside the city limits and desiring to make connections with the sewer system of the city, shall make application in writing to the governing body. The application shall state:
- (a) Name and address of applicant;
 - (b) Description of the property upon which a connection is intended to be made, and the point of connection;
 - (c) The number of outlets, either direct or indirect, intended to be made on the sewer line.
- (Code 1965, 12-102)
- 15-103. **PERMIT: ISSUANCE.** Upon approval of the application by the governing body, the mayor shall notify the city clerk, who is hereby authorized to issue a permit to the applicant to make the connection. The applicant shall bear all expenses incurred in making such connection. (Code 1965, 12-103)
- 15-104. **CONNECTION FEES.** When a new or replacement sewer connection is required, the consumer shall pay to the city clerk a fee of \$250.00, plus any other additional expenses for installation or inspections. In the event of the necessity of street repair caused by the installation of sewer line, the consumer shall pay to the city clerk the additional fee of \$250.00 plus any other additional expenses for street repair or inspections including a \$100.00 administrative fee.
- 15-105. **ANNUAL STATEMENT; NONPAYMENT.** It shall be the duty of the city clerk to prepare and mail to each nonresident sewer user for whom connection to the sewer of the city has been made, an annual statement of rental charge at the beginning of each calendar year. If the party shall fail to pay such charges within 30 days, the city clerk is authorized to cause the city water to be discontinued to such party until the sewer charges are paid. The city may plug the sewer until all charges are paid. (Code 1965, 12-105)

- 15-106. CONNECTIONS INSPECTED. All connections made with the sewers by nonresidents thereof shall be inspected and approved by the superintendent of utilities, in like manner as those within the city limits, and subject to all regulations and charges that may be made by the city. (Code 1965, 12-106)
- 15-107. SEWER SERVICE CHARGE ESTABLISHED. A sewer service charge is hereby established and levied against all persons, firms, corporations, the United States, the State of Kansas and its political subdivisions, and any organizations whose premises are now connected or may hereafter be connected to the sanitary sewer system of the City of Rossville, Kansas for the use of the system. (Ord. 413, Sec. 1)
- 15-108. SEWER SYSTEM USERS. All users of the sewer system of the city, as defined in this section, are classified as follows:
- (a) Residential: shall mean any premises housing one family, which term shall include mobile homes.
 - (b) Multiple Dwelling: shall mean any apartment house, duplex, hotel or any other premises housing two or more non-transient families.
 - (c) Educational: shall mean any public school or schools.
 - (d) Organization: shall mean any premises used by a lodge, fraternal, civic, or other non-profit charitable institution. Such term shall include a church, chapel or premises wherein religious services are conducted.
 - (e) Commercial: shall mean any premises used for commercial or business activities.
 - (f) Political: shall mean any premises used by any government or political subdivision thereof, except public schools.
 - (g) Unconnected Premises: shall mean any premises which are not connected to or receive water from the water system of the city.
- (Ord. 413, Sec. 2)
- 15-109. RATES AND CHARGES. The schedule of rates and charges established and levied upon and under this article against the users of the sewer system of said city shall be as follows: For all commercial users a monthly service charge based on the monthly consumption of City water. A minimum charge of \$22 for water usage up to 2,000 gallons plus an additional charge of \$2.00 for each 1,000 gallons or fraction thereof additional usage. For all residential users a monthly service charge based on the monthly consumption of City water. A minimum monthly charge of \$22 for water usage up to 2,000 gallons plus an additional charge of \$2.00 for each 1,000 gallons or fraction thereof additional usage up to 18,000 gallons.
(Ord. 781)
- 15-110. SAME; CERTAIN USERS. With respect to the rates and charges established in section 15-109 of this article, in the case of Multiple Dwelling users and in the case where more than one user in any class is connected to a single water meter, the charge for each such user shall be \$20.00 per user up to 2,000 gallons per user. Usage to be determined by dividing the total monthly water consumption for each user. Usage of over 2,000 gallons per user will be additional charge of \$2.00 for each 1,000 gallons or fraction thereof. (Ord. 770)

15-111. SPECIAL RATES. Whenever, in the judgment of the governing body of the city, the application of the rates and charges as established in this article are determined to be inequitable, unreasonable or unfair to either the city or the user, the governing body may establish a special rate for such user or users, which rate when so established shall thereafter apply to all users who qualify under the same conditions. (Ord. 413, Sec. 5)

15-112. DELINQUENCY. (a) The charges established shall be billed to all users on the monthly water bill of the city, or in the case of an unconnected premises user on a separate bill; and the sewer service charge shall be due and payable by the due date as indicated on such water or separate bill. A late payment charge to be computed at a rate of 10 percent shall be added to the customer's bill. After such time, for the purposes of subsection (b), the user will be deemed delinquent.

(b) A delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

The notice shall state:

- (1) The amount due, plus late payment charge;
- (2) That service will be terminated if the amount due is not paid within five days from the date of the notice;
- (3) That the customer has the right to a hearing;
- (4) That the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.

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 (Saturday, Sunday and holidays excepted) following receipt of the request. The hearing may be conducted by the governing body, the city clerk or such hearing officer as may be appointed by the governing body.

(c) Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the director of water. If the officer finds that service should be terminated, an order shall be issued terminating service three days after the date of the order. The customer shall be notified either in person, posting a notice on the premises, or by mail, unless the order is made at the hearing in the presence of the customer. The hearing officer has authority for good cause, to grant an extension, not to exceed 10 days, for the termination of service.

(d) The rates and charges which are assessed against Unconnected Premises users, which are delinquent and unpaid on July 1 of any year, may be certified by the city clerk to the county clerk of Shawnee County, Kansas, pursuant to the laws of Kansas, as a lien upon the real estate served by the sewer system and collected in the same manner as taxes.

(K.S.A. 12-631k; Ord. 413, Secs. 6:8, Ord. 506, Sec. 1; Ord. 538, Sec. 1; Ord. 600, Sec. 2)

15-113. SEWAGE DISPOSAL FUND. All revenues derived from the sewage service charge shall be deposited in the treasury and credited to a separate fund to be known as the sewage disposal fund and such revenues shall be used exclusively for the administration, operation, maintenance, repair, replacement, extension,

enlargement, betterments, depreciation and obsolescence of the sewage disposal system and may be used to pay principal of and interest on any bonds issued on account of the sewer system, either general obligation bonds or revenue bonds or both, except bonds issued for any such project the cost of which is payable from special assessments. (Ord. 413, Sec. 9)

15-114. SAND TRAPS. All garages, filling stations, restaurants, schools and other places of business or locations having a wash rack on which cars, trucks, tractors or other vehicles are washed, and connected with the city sewer shall be provided with a sand trap, the top area of which shall contain not less than nine square feet inside measure and not less than 36 inches deep with waterproof walls at least four inches thick made of concrete, brick or other material approved by the governing body of the city. The waste line from the trap to be at least four inches below the top of the trap with a clean out at the end of the line and the intake shall be at least 12 inches below the outflow. Sand, sludge or dirt shall not be allowed to accumulate in the bottom of the trap to a depth of more than 12 inches at any time before it is removed and grease and sludge shall be skimmed off the top before it becomes deep enough to flow the waste line into the sewer. (Code 1965, 5-308; Code 1984)

ARTICLE 2. WATER

15-201. WATER METERS. All water furnished by the municipal water supply system shall be measured in gallons by a water meter furnished by the city for that purpose. Each individual dwelling unit shall have all necessary water connection piping appropriately sized to connect a 5/8" x 3/4" water meter. The water meter will be capable of measuring water flows to an upper range of 20 gallons per minute (GPM) with a 8.0 to 11.0 pounds per square inch (PSI) pressure drop across the meter. Where it is deemed desirable for the city, by the governing body, several dwelling units may be connected to the same water meter provided appropriately sized water connection piping is installed to accommodate the following sizes of water meters:

No. of Dwelling <u>Units</u>	Size of <u>Water Meter</u>	Upper Range <u>Water Flows</u>	Pressure Drop <u>Across Meter</u>
2-3	1 inch	50 GPM	7.0 to 11.0
4-8	1 1/2 inch	100 GPM	9.5 to 13.0
9-16	2 inch	160 GPM	10.0 to 13.0

15-202 WATER RATES. Water shall be furnished by the city to customers at the following rates per calendar month:

- (a) Monthly Base Charge:
 - (1) Residential Rates: \$26.00
 - (2) Commercial Customers: Prior to February 1st of each year, the city will determine the amount of water purchased by each commercial customer during the preceding calendar year. Based on such purchases, commercial customers will be charged during each of the ensuing 12 months a monthly base rate as follows:

<u>Preceding Year</u>	<u>Monthly Base Charge</u>
Less than 10,000 gallons	30.00
10,000 to 29,999 gallons	30.00
30,000 to 49,999 gallons	35.00
50,000 to 69,999 gallons	35.00
70,000 to 89,999 gallons	35.00
90,000 to 109,999 gallons	40.00
110,000 to 129,999 gallons	40.00
130,000 to 149,999 gallons	40.00
150,000 to 169,999 gallons	40.00
170,000 to 189,999 gallons	40.00
190,000 to 209,999 gallons	45.00
210,000 to 229,999 gallons	45.00
230,000 to 249,999 gallons	50.00
250,000 to 269,999 gallons	100.00
270,000 to 289,999 gallons	100.00
290,000 to 309,999 gallons	125.00
310,000 to 329,999 gallons	150.00
330,000 to 349,999 gallons	150.00
350,000 to 369,999 gallons	175.00
370,000 to 389,999 gallons	175.00
390,000 to 409,999 gallons	200.00
410,000 to 429,999 gallons	200.00
430,000 to 449,999 gallons	200.00
450,000 to 469,999 gallons	225.00
470,000 to 489,999 gallons	225.00
490,000 to 509,999 gallons	300.00
510,000 to 529,998 gallons	300.00
530,000 to 999,999 gallons	300.00
1,000,000 to 1,499,000 gallons	525.00
1,500,000 to 1,999,999 gallons	625.00
2,000,000 to 2,999,999 gallons	725.00
3,000,000 to 3,499,000 gallons	800.00
3,500,000 to 3,999,999 gallons	900.00
4,000,000 & Over gallons	1,000.00

(b) Monthly Usage Rates:

(1) All Customers, 0 to 20,000 gallons: \$2.00 per 1,000 gallons.

(2) All Customers, 20,000 gallons: \$2.50 per 1,000 gallons.

(c) The rate for water delivered at the water plant to water customers shall be \$0.25 per 100 gallons.

15-203. SUPERINTENDENT OF UTILITIES: DUTIES: PLUMBING INSPECTOR. The duties of the superintendent of utilities shall be to operate the water and sewer plants in a proper and efficient manner; to take care of same and the grounds surrounding them and to perform such other services as the mayor and council may direct in connection with the water and sewer systems. He or she shall read the water meters at the beginning of each month and record and keep an accurate account of the meter reading. He or she shall furnish such meter readings and records to the city clerk who shall prepare billings, notices, and forward same to all water customers. The bills shall be due and payable in a period from the 20th of the month to the 5th of the following month. (Ord. 556, Sec. 1)

15-204. DELINQUENCY. (a) Bills for water service shall be rendered monthly. Bills shall become delinquent if not paid on or before the due date as indicated on such water bill. A late payment charge to be computed at a rate of 10 percent shall be added to the customer's monthly bill. If bill is not paid on or before the due date, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

(1) The amount due, plus late payment charge;

(2) That service will be terminated if the amount due is not paid within five days from the date of the notice;

(3) That the customer has the right to a hearing;

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

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days (Saturday, Sunday and holidays excepted) following receipt of the request. The hearing may be conducted by the governing body, the city clerk or such hearing officer as may be appointed by the governing body.

(d) Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the director of water. If the officer finds that service should be terminated, an order shall be issued terminating service three days after the date of the order. The customer shall be notified either in person, posting a notice on the premises, or by mail, unless the order is made at the hearing in the presence of the customer. The hearing officer has authority for good cause, to grant an extension, not to exceed 10 days, for the termination of service.

(Ord. 506, Sec. 2)

15-205. WATER METER CONNECTION. When a new water meter connection is required to install a meter, the consumer shall pay to the city clerk a fee of \$500 minimum, plus any other additional expenses for installation. In the event of the necessity of street repair caused by the installation of any meter, the additional fee for installation and street repair shall be \$250, to be paid to the city clerk. (Ord. 722, Sec. 1)

- 15-206. SERVICE DEPOSIT. Any person, entity or corporation requesting water service will be required to make a \$75 service deposit for service to a 5/8 inch meter. Where it is evident that the above deposit is insufficient to cover service provided, the service deposit may be increased based upon estimated consumption. The service deposit may be returned to the customer after 24 consecutive months of timely payment. In addition to a service deposit any person, entity or corporation requesting water service activation will be billed a \$25.00 activation charge. This charge will not be returned to the customer. (Ord. 705)
- 15-207. TAKING WATER WITHOUT AUTHORITY. It is hereby declared unlawful for any person, firm or corporation to take any water from the municipal water plant or from any premises not owned by him, her or them without the permission of the owner thereof, without first getting a permit from the superintendent of the water plant. (Code 1965, 15-105)
- 15-208. TAMPERING WITH CUT-OFF VALVES OR HYDRANTS. It shall be unlawful for any person to turn any fire hydrant or cut-off valves except a duly authorized employee of the city water or fire department. (Code 1965, 15-106)
- 15-209. METER, METER LID AND RADIO ANTENNA REPLACEMENT FEES. Customer and/or property owner is responsible for protecting the water meter, meter lid and radio antenna from damage. The customer or property owner shall be responsible for the cost of a replacement meter, lid or antenna required due to damage. Replacement fees will be as follows:
Price for the equipment that was damaged.
\$100.00 minimum fee for all radio or antenna replacement expense will be charged to the water service account holder at service property address.
(Ord. 841)
- 15-210. RESERVATION OF RIGHTS: NONPAYMENTS: SERVICE DISCONTINUED. The city may discontinue water service to any and all customers of the city water system, without notice when the same is necessary for the repair of the system, or any part thereof. The city may discontinue water service to any customer for nonpayment of water service bill, subject to section 15-204. If service is discontinued for the nonpayment of water service bills, it shall not be resumed except on payment of water service bills past due, together with a two percent penalty thereon, and a service fee of \$25 for resetting the meter and setting up the records, which sum shall be paid to the city clerk or other collection agency designated by the council at time of paying the delinquent water bill. (Ord. 670; Code 2003)
- 15-211. LANDLORD LIABILITY. (a) Owners of leased premises served with water under this article shall be liable for payment of the cost of any water account delinquency arising from service provided to such premises, regardless of whether water service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event a delinquency arises under the provisions of section 15-209, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for the mailing, after reasonable inquiry. If the delinquent billing, interest and penalty are not paid prior to the date required in section 15-209, water service may be discontinued and no further water service shall be furnished by the city to the premises until all billings for utility service to the premises, interest, late payment charges and reconnection charges are paid in full.
(Ord. 490, Sec. 1)

- 15-212. UTILITY CHANGE FUND. (a) The governing body may, by resolution authorize a court and utility change fund to be established and maintained in the central business office of the city. The city clerk is designated to receive such fund and shall keep a record of the fund.
- (b) The amount to be held in this fund will be \$100.
- (c) The utility change fund shall be kept separate from all other funds and used only for making change for utility payments.
(Ord. 488, Sec. 1:3)

- 15-213. PENALTY. Any person, firm or corporation, violating any of the provisions of this article or failing or refusing to perform any duty imposed by this article shall, upon conviction thereof, be fined in any amount not less than \$5 nor more than \$100.
- A separate offense shall be deemed committed upon each day during which or on which a violation occurs or continues. (Code 1965, 15-108)

ARTICLE 3. SOLID WASTE

- 15-301. DEFINITIONS. (a) Garbage. Putrescible waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.
- (b) Other Units. All units within the city, except residential units, which generate refuse including but not limited to commercial units, non-profit units and governmental units.
- (c) Refuse. All garbage, trash, rubbish and solid waste.
- (d) Residential Units. Each separate living unit used and/or occupied by one or more persons as their adobe.
- (e) Rubbish or Trash. All nonputrescible materials such as paper, tin cans, bottles, glass crockery, rags, ashes, lawn and tree trimmings, tree branches, limbs, tree trunks and stumps, boxes, and barrels, wood and excelsior, 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.
- (f) Solid Waste. All non-liquid and non-hazardous waste materials.
(Ord. 541, Sec. 2)

- 15-302. COLLECTION OF REFUSE. The city requires that all refuse from residential units and all other units within the city shall be collected and removed by a collection service approved by the city. The city may provide the collection service by contracting with a person, firm, corporation, governmental entity, or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interest of the city. The governing body of the city shall regulate and administer by resolution, the refuse collection service provided by it. (Ord. 541, Sec. 2)
- 15-303. REQUEST FOR SERVICE. A request for water and/or sewage service shall automatically constitute a request for refuse service. A termination of water and/or sewage service shall automatically terminate refuse service; however the absence of water service and/or sewage service shall not relieve any residential unit or other unit from the responsibility of complying with the provisions of this article. (Ord. 541, Sec. 2)
- 15-304. BILLING. Refuse service charges for collection services provided by the city shall be added to and made part of the monthly sewage and water utility billing as a combined city utility bill and shall become due and payable as indicated thereon. (Ord. 541, Sec. 2)
- 15-305. DELINQUENCY. (a) In the event any person or organization (except the United States and the State of Kansas) living or operating in the city shall neglect, fail, or refuse to pay the service fees fixed by the governing body for the operation of the solid waste collection system, such charges shall constitute a lien upon the real estate served by the collection system. A late payment charge to be computed at a rate of 10 percent shall be added to the customer's monthly bill. Delinquent charges shall be certified by the city clerk to the county clerk of Shawnee County to be placed on the tax roll for collection, subject to the same penalties and collection in like manner as other taxes are by law collectible.
 (b) No levy shall be made as provided in subsection (a) until the property owner has been given notice and opportunity for a hearing. (Ord. 493, Sec. V; Ord. 506, Sec. 3)
- 15-306. FREQUENCY OF COLLECTION. (a) Refuse from residential units shall be collected not less than once weekly.
 (b) Refuse from all other units shall be collected at intervals as may be fixed by the governing body but in no event less than once per week. (Ord. 541, Sec. 2)
- 15-307. DUTY OF OWNER OR OCCUPANT. The owner or occupant of every unit subject to this article shall provide at their own expense a suitable container(s) for the storage of refuse. No owner or occupant shall permit to accumulate quantities of refuse within or close to any structure within the city unless the same is stored in adequate and approved containers and in such a manner as not to create a health or fire hazard. (Ord. 541, Sec. 2)

- 15-308. CONTAINERS. (a) Residential unit containers shall be tied plastic bags and/or metal or petroleum base containers with lids having an individual capacity not exceeding 30 gallons.
(b) All other units shall have metal and/or petroleum base containers with lids which are sufficient in storage volume and quality to accommodate their refuse on a weekly basis and shall be adequately designed and constructed to allow collection therefrom.
(Ord. 541, Sec. 2)
- 15-309. CONTAINERS; CONTROL; MOLESTING. Refuse materials, when placed in containers by the occupants or owners of the premises upon which the same are located, shall be subject to the exclusive control of the city, its agents or contractors. No person shall meddle with refuse containers or in any way pilfer or scatter the contents thereof. (Ord. 493, Sec. IX)
- 15-310. LOCATION OF CONTAINERS. All containers and/or other refuse to be served or picked up shall be located next to an alley for collection purposes. If the premises are not accessible by the through alley, containers and/or other refuse shall be placed on the public parking next to the curb or other convenient location for collection purposes. (Ord. 493, Sec. X)
- 15-311. IMPROPER REFUSE. Rocks, dirt, sod, concrete, building materials, tree limbs or stumps, furniture, large appliances, hazardous materials and such other refuse as the city may determine to be improper shall not be subject to collection or be removed by the collection service provided under this article; however such refuse shall be collected and removed by appropriate and legal means. (Ord. 541, Sec. 2)
- 15-312. REFUSE SERVICE CHARGES; EXEMPTION. (a) The charges for collection of refuse by the collection service provided by the city shall be determined and established by the governing body of the city.
(b) Any unit not generating refuse shall not be subject to a refuse service charge; however, it shall be presumed that all units generate refuse until such time as an exemption has been approved by the governing body of the city. Application for an exemption shall be submitted to the city on a form so provided.
(c) Any unit showing adequate proof to the city that there units' refuse is being removed by an approved and duly licensed collection service shall be exempted from the city's refuse charge.
(Ord. 541, Sec. 2)
- 15-313. REFUSE RATES. The charge for residential refuse collections shall be \$18.00 per month for each residence. This fee shall be billed by the city with the monthly water and sewer billing.

ARTICLE 4. CROSS CONNECTIONS

- 15-401. GENERAL INFORMATION. (a) Purpose.
- (1) To protect the public potable water supply of the city from pollution or contamination due to cross connection.
 - (2) To prohibit and eliminate all cross connection within the public potable water supply system.
 - (3) To provide for the maintenance of a continuing effective cross connection control program and thus protect the public health.
- (b) Responsibility. The superintendent, water and sewage department (hereinafter superintendent) shall be responsible for effectively conducting the cross connection control program of the city public potable water supply. If in the judgment of the superintendent an approved backflow prevention device is required the superintendent or his or her agent will give notice in writing to the customer to install the proper device at the customer's expense. Failure to comply shall be grounds for discontinuing water service to the customer until the device is properly installed.
(Ord. 577, Sec. 1)
- 15-402. DEFINITIONS. (a) Agency. The department of the municipal government or water purveyor invested with the responsibility for enforcement of this regulation.
- (b) Air Gap. The unobstructed vertical distance at least twice the diameter of the supply line and no less than one inch, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.
 - (c) Approved Device. Shall mean devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment and the superintendent.
 - (d) Backflow. The flow of water or other substances into the distribution system of a potable supply of water from any source other than its intended source. Backsiphonage is one type of backflow.
 - (e) Backflow Preventer. A device or means to prevent backflow.
 - (f) Backsiphonage. The flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply system due to negative pressure in the system.
 - (g) Contaminant. Any substance that upon entering the potable water supply would render it a danger to the health or life of the consumer.
 - (h) Cross Connection. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains water or any substance of unknown or questionable quality whereby there may be flow from one system to the other.
 - (i) Double Check Valve Assembly. A device consisting of two internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports.
 - (j) Dual Check Valve. A device consist of two internally loaded soft seated check valves. This device does not contain test ports and is acceptable for use only at the meter of residential customers.
 - (k) Free Water Surface. A water surface at atmospheric pressure.

- (l) Flood Level Rim. The edge of the receptacle from which water overflows.
- (m) Frost Proof Closet. A hopper with no water in the bowl and with the trap and water supply control valve located below frost line.
- (n) KDHE. The Kansas Department of Health and Environment.
- (o) Plumbing. The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances.
- (p) Pollution. The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.
- (q) Reduce Pressure Zone Backflow Preventer. An assembly of two independently acting soft seated approved check valves together with a hydraulically operating mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved these assemblies must be accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.
- (r) Tester. A trained technician certified in the testing and repair of backflow preventers.
- (s) Vacuum. Any absolute pressure less than exerted by the atmosphere.
- (t) Vacuum Breaker. A device that permits entrance of air into the water supply distribution line to prevent backsiphonage.
- (u) Water, Potable. Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirements for public water supplies.
- (v) Water, Non Potable. Water that is not safe for human consumption or that is of questionable potability.
(Ord. 577, Sec. 2)

15-403.

- REQUIREMENTS.** (a) General. A public potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable sources through cross connections or any piping connection to the system.
- (b) Cross Connections Prohibited. Cross connections are prohibited except when and were, as approved by the council or its agent, suitable backflow preventers are properly installed, tested and maintained to insure proper operation on a continuing basis.
- (c) Interconnections. Interconnection between two or more public water supplies shall be permitted only with the approval of the Kansas Department of Health and Environment. (K.S.A. 65-163(a))
- (d) Individual Water Supplies. Connections between a private water supply and the public potable water are prohibited. (K.S.A. 65-163(a))
- (e) Connections to Boilers. Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are or can be introduced shall be made through an air gap or through a reduced pressure zone principle

backflow preventer located in the potable water line before the point where such chemicals may be introduced.

(f) Prohibited Connections. Connection to the public potable water supply system for the following is prohibited unless properly protected by the appropriate backflow prevention device.

- (1) Bidets.
- (2) Operating, dissecting, embalming, and mortuary tables or similar equipment--in such installations the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments.
- (3) Pumps for non-potable substances. Priming only through an air gap.
- (4) Building drains, sewers or vent systems.
- (5) Commercial buildings or industrial plants manufacturing or otherwise using polluting or contaminating substances.

(6) Any fixture of similar hazard.

(g) Refrigeration Unit Condensers and Cooling Jackets. Except when potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat exchangers used to heat water for potable use shall be of the double wall type.

(h) Protective Devices Required. The type of protective device required under this regulation shall be determined by the degree of hazard which exists as follows:

(1) Premises having auxiliary water supply shall protect the public system by either an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(2) Premises where material dangerous to health is handled in a manner which creates an actual or potential hazard shall protect the public system by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(3) Premises where cross connections are uncontrolled shall protect the public water supply by installing an approved air gap or an approved reduced pressure principle backflow prevention device at the service connections.

(4) Premises where because of security requirements or other prohibitions it is impossible to complete an in-plant cross connection inspection, the public system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

Premises which may fall into one or more of the above mentioned categories may be, but are not limited to the following:

- (A) Beverage bottling plants.
- (B) Building - Hotels, apartments, public or private buildings, or other structures having actual or potential cross connections.
- (C) Car wash facilities.
- (D) Chemical manufacturing, handling, or processing plants.
- (E) Chemically contaminated water.
- (F) Dairies and cold storage facilities.
- (G) Film or photography processing laboratories.
- (H) Fire systems.
- (I) Hospitals, medical centers, morgues, mortuaries, autopsy facilities, clinics, or nursing and convalescent homes.

- (J) Irrigation systems.
 - (K) Laundries.
 - (L) Metal cleaning, processing, or fabricating plants.
 - (M) Oil and gas production, storage, or transmission facilities.
 - (N) Packing or food processing plants.
 - (O) Paper and paper products plants.
 - (P) Power plants.
 - (Q) Radioactive materials plants or handling facilities.
 - (R) Restricted or classified facilities.
 - (S) Rubber plants.
 - (T) Sand, gravel, or asphalt plants.
 - (U) Schools or colleges.
 - (V) Sewage and storm drainage facilities and reclaimed water systems.
 - (W) Solar heating systems.
 - (X) Temporary service - fire hydrants, air valves, blow-offs and other outlets.
 - (Y) Waterfront marinas.
- (Ord. 577, Sec. 3)

15-404. INSTALLATION. Approved devices shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where a minimum air gap between the potable water outlet and the fixture or equipment flood-level rim cannot be maintained. Backflow and backsiphonage devices of all types shall be in an accessible location. Installation in pits or any other location not properly drained shall be prohibited, except that dual check valves may be installed in the meter box.

(a) Connections not Subject to Backpressure. Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A partial list of some conditions requiring protective devices of this kind are given in the following table titled Cross Connections Where Protective Devices are Required.

**CROSS CONNECTIONS WHERE PROTECTIVE DEVICES ARE REQUIRED
AND CRITICAL LEVEL (C-L) SETTING FOR VACUUM BREAKERS**

<u>Fixtures or Equipment</u>	<u>Method of Installation</u>
Aspirators & Ejectors	C-L at least six inches above flood level of receptacle served.
Dental Units	On models without built-in vacuum breakers C-L at least six inches above flood level rim of bowl.
Commercial Dish Washing Machine	C-L at least six inches above flood level of machine. Installed on both hot and cold water supply lines.
Garbage Can Cleaning Machines	C-L at least six inches above flood level of machine. Installed on both hot and cold water supply lines.

Hose Outlets	C-L at least six inches above highest point on hose line.
Commercial Laundry Machines	C-L at least six inches above flood level of machine. Installed on both hot and cold supply lines.
Lawn Sprinklers	C-L at least six inches above highest sprinkler head or discharge outlet.
Steam Tables	C-L at least six inches above flood level rim.
Tanks and Vats	C-L at least six inches above flood level rim or line.
Through Urinals	C-L at least 30 inches above perforated flush pipe.
Flush Tanks	Equipment with approved ball cock, installed according to manufacturer's instructions.
Hose Bibs	C-L at least six inches above flood level of receptacle served.

(b) Connections Subject to Backpressure. Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to backpressure, and an air gap cannot be installed, the council may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in the following table Partial List of Cross Connections Subject to Back Pressure.

**PARTIAL LIST OF CROSS CONNECTIONS
TO BACK PRESSURE**

Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Industrial process water lines	Pressure tanks
Tank & vats - bottom inlets	Hose bibs

(c) Barometric Loop. Water connections where an actual or potential backsiphonage hazard exists may in lieu of devices specified above be provided with a barometric loop. Barometric loops shall precede the point of connections.

(d) Dual Check Valve. Dual checks valves may be installed at the meter. These valves shall be inspected and repaired not less frequent than every third year. These valves shall be installed only in situations where the superintendent is assured that only noncontaminating substances are subject to backflow into the potable system.

(e) Vacuum Breakers. Atmospheric vacuum breakers shall be installed with the critical level at least six inches above the flood rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shut off valve or faucet shall be installed beyond the atmospheric vacuum breaker. Pressure vacuum breakers shall be installed with the critical level at least 12 inches above the flood rim but may have control valves down stream from the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be considered the flood level rim and a check valve shall be installed on the discharge side of the pressure vacuum breaker.
(Ord. 577, Sec. 4)

15-405. **MAINTENANCE AND REPAIR.** It shall be the responsibility of building and premise owners to maintain all backflow and preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have ben installed for the purpose of bypassing the backflow devices. Testing and repair of these devices should be made by qualified technicians. (Qualified technicians are those technicians who have completed a Kansas Department of Health and Environment approved training course and have passed a written examination such as the American Backflow Prevention Association device testers examination.) The superintendent shall certify the device testers after ascertaining the technician meets the above qualifications. The superintendent will also assure the proper installation of all backflow preventers and wills et appropriate testing standards and overhaul schedules for such devices. Testing intervals shall not exceed one year and overhaul intervals shall not exceed five years.

(a) Certified Tester/Repair Technicians. All certified tester/repair technicians shall be re-certified at no less than three year intervals and registered with the city. Persons certified as tester/repair technicians at the time of adoption of this resolution shall continue to be certified for a period of not more than three yeas as determined by the superintendent.
(Ord. 577, Sec. 5)

15-406. **TERMINATION OF SERVICE FOR FAILURE TO COMPLY.** Notification. The superintendent shall notify the owner, or authorized agent of the owner, of a building or premises in which there is found a violation of this resolution, of such violation. The superintendent shall set a reasonable time for the owner to have the violation corrected. If the owner fails to correct the violation within the specified time the city shall cease delivery of water to the building or premises until the violation has been satisfactorily corrected. (Ord. 577, Sec. 6)

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. 551, Sec. 1; Code 2003)

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) Wholesale Customer means any rural water district, wholesale water supplies, or other entities which may purchase or receive water from the city for the purpose of resale or redistribution to their customers.

(d) 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.

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

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

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

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

Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(f) Odd/Even Rationing will be employed in the event voluntary or mandatory restrictions are declared. For the purpose of this article, the odd/even system will mean, when applicable, those customers with odd-numbered residential addresses will be allowed outdoor water use on odd numbered days, while customers with even-numbered residential addresses will be allowed outdoor watering on even-numbered days.

(g) Conservation Measures in sections 15-504:506 shall be designated by the appropriate person or entity, and upon designation, the city shall cause the publication of Notice to Implement such conservation measures, by publication in the official city newspaper and/or by broadcast via any radio and/or television station or stations having general coverage in the city.

(Ord. 551, Sec. 2; Code 2003)

15-503.

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. 551, Sec. 3; Code 2003)

- 15-504. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-503, 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, boats, trailers, or the exterior of any building or structure.
 - (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
 - (d) Waste of water.
- (Ord. 551, Sec. 4; Code 2003)
- 15-505. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:
- (a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city 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. 551, Sec. 5; Code 2003)
- 15-506. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-503, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:
- (a) Higher charges for increasing usage per unit of the use (increasing block rates);
 - (b) Uniform charges for water usage per unit of use (uniform unit rate); or
 - (c) Extra charges in excess of a specified level of water use (excess demand surcharge).
- (Ord. 551, Sec. 6; Code 2003)
- 15-507. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-503, the mayor, water commissioner and/or ordinance commission are 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. 551, Sec. 7; Code 2003)

15-508. 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 15-505 or 15-507, 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 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. 551, Sec. 8; Code 2003)

15-509. 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. 551, Sec. 9; Code 2003)