

## **CHAPTER XV: UTILITIES**

Article

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## ARTICLE 1: GENERAL PROVISIONS

### Section

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### § 15-101 DEFINITION.

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

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

### § 15-102 DELINQUENT ACCOUNTS.

Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with §§ 15-103 and 15-104.

### § 15-103 NOTICE; HEARING.

(a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the City Clerk/Administrator 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:

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(1) The amount due, plus delinquency charge;

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

(3) Notice that the customer has the right to a hearing before the designated Hearing Officer;  
and

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

(c) Upon receipt of a request for hearing, the City Clerk/Administrator shall advise the customer of the date, time and place of the hearing that shall be held within three working days following receipt of the request.

**§ 15-104 SAME; FINDING.**

Following the hearing, if the Hearing Officer shall find that service should not be terminated, then notice of such finding shall be presented to the City Clerk/Administrator. If the Officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested, however, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The Hearing Officer has a right, for good cause, to grant an extension, not to exceed ten days, for the termination of such service.

**§ 15-105 UTILITY DEPOSIT.**

Repealed

## General Provisions

### **§ 15-106 DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY.**

(a) In the event that any person, except the United States or the state, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in §§ 15-102 to 15-104. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.

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

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

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

### **§ 15-107 LANDLORD LIABILITY.**

(a) Owners of premises served by utility service under this article shall be liable for payment of the costs of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or 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 that a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first-class regular mail within ten 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 said mailing, after reasonable inquiry.

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

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(d) The city may collect the amount of the unpaid bill for utility services by any lawful means; provided, however, that in no event may the city place a lien, as provided in § 15-106(b), on real estate of the lessor.

**§ 15-108 PETTY CASH FUND.**

A Petty Cash Fund in the amount of \$1,000 is established for the use of the City Utilities Department, for the purpose of paying postage, freight, temporary labor and other emergency expenses, including refund of deposits made to secure payment of accounts.

**§ 15-109 SAME; DEPOSITS.**

The Petty Cash Fund shall be deposited in the regular depository bank of the city and paid out on the order of the City Clerk/Administrator by check which shall state clearly the purpose for which issued.

**§ 15-110 SAME; VOUCHERS.**

Whenever the Petty Cash Fund becomes low or depleted, the City Clerk/Administrator shall prepare vouchers covering expenses as have been paid from the Petty Cash Fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the Petty Cash Fund and shall be deposited therein to restore said Petty Cash Fund to its original amount.

## ARTICLE 2: WATER

### Section

- 15-201 Superintendent of Water and Sewage
- 15-202 Regulations
- 15-203 Service not guaranteed
- 15-204 Service connections required
- 15-205 Application for service
- 15-206 City to make connections
- 15-207 Connection and transfer fees and insufficient check fees
- 15-208 Curb cocks
- 15-209 Check valves
- 15-210 Unauthorized service
- 15-211 Meters
- 15-212 Same; testing
- 15-213 Tampering with meter
- 15-214 Leaks prohibited; penalty
- 15-215 Disconnection, reconnection charge
- 15-216 Utility deposit
- 15-217 Interrupt service
- 15-218 Prohibited acts
- 15-219 Wasting water
- 15-220 Right of access
- 15-221 Water rates
- 15-222 Water rates; outside city limits
- 15-223 Connection and transfer fees and insufficient check fees
- 15-224 Payment of bills
- 15-225 Delinquent accounts; notice; hearing; finding; liability
- 15-226 Use during fire
- 15-227 Cross-connections prohibited
- 15-228 Same; protective backflow devices required
- 15-229 Same; inspection
- 15-230 Same; protection from contaminants

**WaKeeney - Utilities****§ 15-201 SUPERINTENDENT OF WATER AND SEWAGE.**

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

**§ 15-202 REGULATIONS.**

The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article.

**§ 15-203 SERVICE NOT GUARANTEED.**

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

**§ 15-204 SERVICE CONNECTIONS REQUIRED.**

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the city abutting on any street, alley or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main.

(b) Before any connection is made to the city's water system, an application must be made in writing to the City Clerk/Administrator by the owner of the premises, or his or her authorized representative, for a permit to make such connection.

**§ 15-205 APPLICATION FOR SERVICE.**

(a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the City Clerk/Administrator, on a form furnished by the city for that purpose, for a permit to make the connection.

(b) The application shall:

- (1) Contain an exact description including street address of the property to be served;
- (2) State the size of tap required;
- (3) State the size and kind of service pipe to be used;
- (4) State the full name of the owner of the premises to be served;

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- (5) State the purpose in which the water is to be used;
- (6) State any other pertinent information required by the City Clerk/Administrator; and
- (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.

(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in § 15-207.

### **§ 15-206 CITY TO MAKE CONNECTIONS.**

All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected only by city employees.

### **§ 15-207 CONNECTION AND TRANSFER FEES AND INSUFFICIENT CHECK FEES.**

(a) Every customer shall pay to the City Clerk/Administrator at the time of giving an order for connection to the municipal water system the sum of \$30.00 for each connection.

(b) Every customer shall pay to the City Clerk/Administrator at the time of giving an order for transfer of service for the municipal water system the sum of \$15.00 for each such transfer.

(c) Insufficient check/returned check charge is hereby set at \$30.00 per check.  
(Ord. 1435, passed 6-3-2014)

### **§ 15-208 CURB COCKS.**

(a) There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box.

(b) Curb cocks shall be supplied with strong and suitable "T" handles.

### **§ 15-209 CHECK VALVES.**

(a) Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the Water Superintendent.

(b) Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.

**WaKeeney - Utilities****§ 15-210 UNAUTHORIZED SERVICE.**

It shall be unlawful for any person, firm or corporation, other than duly authorized city officials or employees, to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the Mayor or the governing body.

**§ 15-211 METERS.**

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

(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street and on private property within three feet of the alley line when the main is in the alley. In the business district, the meters may be installed in the basement at a location specified by the city.

(c) The city's responsibility stops at the property line.

**§ 15-212 SAME; TESTING.**

Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within 2%, the meter will be deemed correct and a charge of \$10 will be made to the customer.

**§ 15-213 TAMPERING WITH METER.**

It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the Water Department to turn any curb cock on or off.

**§ 15-214 LEAKS PROHIBITED; PENALTY.**

No allowances shall be made for water used or lost through leaks, carelessness and neglect or otherwise after the same has passed through the meter, however, every customer shall have the right to appeal to the city a water bill or meter reading that he or she considers excessive.

**§ 15-215 DISCONNECTION, RECONNECTION CHARGE.**

The governing body shall establish by ordinance a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service, the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon and the reconnection charge.

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### § 15-216 UTILITY DEPOSIT.

At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in § 15-105 to secure payment of accrued bills or bills due on discontinuance of service.

### § 15-217 INTERRUPT SERVICE.

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

### § 15-218 PROHIBITED ACTS.

It shall be a violation of this article for any unauthorized person to:

(a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;

(b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body; and

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

### § 15-219 WASTING WATER.

(a) (1) Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter, in good condition at their expense.

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

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

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

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

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

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

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

**§ 15-220 RIGHT OF ACCESS.**

Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines.

**§ 15-221 WATER RATES.**

Each and every person who shall be furnished water service within the corporate limits of the city by the water and sewage system of the city shall pay to the city a charge therefor based upon the following schedule of rates, to-wit:

(a) A minimum charge of \$12.95 per month for the first 3,000 gallons of water; and

(b) For the next 247,000 gallons per month a charge of \$1.65 per 1,000 gallons.  
(Ord. 1416, passed 12-2-2009)

**§ 15-222 WATER RATES; OUTSIDE CITY LIMITS.**

Each and every person who shall be furnished water service beyond the corporate limits of the city shall pay a charge therefor based upon the following schedule of rates, to-wit:

(a) A minimum charge of \$25.90 per month for the first 3,000 gallons of water; and

(b) For all over 3,000 gallons per month, a charge of \$3.30 per 1,000 gallons.  
(Ord. 1416, passed 12-2-2009)

**§ 15-223 CONNECTION AND TRANSFER FEES AND INSUFFICIENT CHECK FEES.**

(a) Every customer shall pay to the City Clerk/Administrator at the time of giving an order for connection to the municipal water system the sum of \$30.00 for each connection.

(b) Every customer shall pay to the City Clerk/Administrator at the time of giving an order for transfer of service for the municipal water system the sum of \$15.00 for each such transfer.

(c) Insufficient check/returned check charge is hereby set at \$30.00 per check.  
(Ord. 1435, passed 6-3-2014)

**§ 15-224 PAYMENT OF BILLS.**

All water bills for the previous month's water service shall be paid on or before the fifteenth day of the month following the service. For any billing not paid when due a late charge of 18% will be added to the bill.

## Water

### **§ 15-225 DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY.**

Water service shall be terminated for nonpayment of service fees or charges as provided in §§ 15-102 through 15-104.

### **§ 15-226 USE DURING FIRE.**

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

### **§ 15-227 CROSS-CONNECTIONS PROHIBITED.**

No person shall establish or permit to be established, or maintain or permit to be maintained, any cross-connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the State Department of Health and Environment and the governing body.

### **§ 15-228 SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED.**

Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop that could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the Superintendent.

### **§ 15-229 SAME; INSPECTION.**

The City Utility Superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the city's water supply.

### **§ 15-230 SAME; PROTECTION FROM CONTAMINANTS.**

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

## **ARTICLE 3: CROSS-CONNECTIONS BETWEEN THE PUBLIC**

### Section

- 15-301 Incorporating manual of regulations
- 15-302 Cross-connections prohibited
- 15-303 Protective backflow devices required
- 15-304 Inspection
- 15-305 Protection from contaminants

### **§ 15-301 INCORPORATING MANUAL OF REGULATIONS.**

There is hereby incorporated by reference for the purpose of regulating backflow and backsiphonage of contaminants due to cross-connections for the City of WaKeeney that certain Manual of Regulations adopted on February 18, by the governing body of the official policy of the City of WaKeeney, Kansas. (Ord. 1302, passed - -)

### **§ 15-302 CROSS-CONNECTIONS PROHIBITED.**

No person, company, corporation or institution shall establish or permit to be established or maintain or permit to be maintained, any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Ord. 1302, passed - -)

### **§ 15-303 PROTECTIVE BACKFLOW DEVICES REQUIRED.**

(a) Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the public water supply in that polluted water or other contaminating materials may enter into the public water supply.

(b) Approved backflow preventer valves and systems shall be installed as determined by the Superintendent. (Ord. 1302, passed - -)

**WaKeeney - Utilities****§ 15-304 INSPECTION.**

The City Utility Superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary, in his or her judgment, in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of contamination of the water supply of the city.

(Ord. 1302, passed - -)

**§ 15-305 PROTECTION FROM CONTAMINANTS.**

Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its Utility Superintendent, may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the City Utility Superintendent may terminate water service to any property where the cross-connection, backsiphonage or back pressure conditions creates, in the judgment of the Superintendent, an emergency danger of contamination to the public water supply.

(Ord. 1302, passed - -)

## ARTICLE 4: SEWERS

### Section

- 15-401 Definitions
- 15-402 Objectionable wastes
- 15-403 Unlawful discharge
- 15-404 Unlawful disposal
- 15-405 Mandatory sewer
- 15-406 Private disposal
- 15-407 Permit for private disposal
- 15-408 Inspection
- 15-409 Regulations
- 15-410 Abandonment
- 15-411 Operation
- 15-412 Additional requirements
- 15-413 Tie to the public sewer
- 15-414 Unauthorized operations
- 15-415 Classes of sewer permits
- 15-416 Installation costs
- 15-417 Building sewer
- 15-418 Old sewers
- 15-419 Sewer construction
- 15-420 Drains lower than the public sewer
- 15-421 Non-sanitary sewer drains
- 15-422 Sewer tap
- 15-423 Connection inspection
- 15-424 Public hazard
- 15-425 Unlawful discharges
- 15-426 Uncontaminated waters
- 15-427 Prohibited discharges
- 15-428 Other restrictions
- 15-429 Pretreatment requirements
- 15-430 Interceptors
- 15-431 Maintenance
- 15-432 Control manhole
- 15-433 Tests and measurements of wastes

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- 15-434 Receipt of industrial wastes
- 15-435 Unauthorized personnel
- 15-436 Right-to-enter
- 15-437 Conduct on entering
- 15-438 Rights on easements
- 15-439 Violations
- 15-440 Penalties
- 15-441 Liability
- 15-442 Bills
- 15-443 Delinquent accounts; lien against property
- 15-444 Sewer service charge

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

***BUILDING DRAIN.*** The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the interface 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.

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

***INDUSTRIAL WASTE.*** The liquid wastes from industrial manufacturing processes, trade or business or district from sanitary sewage.

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

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

## Sewers

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

**PROPERLY SHREDED GARBAGE.** The wastes 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 public sewers, with no particle greater than one-half inch (1.27 centimeters) in any direction.

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

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

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

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

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

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

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

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

**STORM DRAIN (STORM SEWER).** Sewer which carries storm and surface waters and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

**SUPERINTENDENT.** The Superintendent of the sewage works and/or water pollution control of the city, or his or her authorized deputy, agent or representative.

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

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.  
(Ord 1247, passed - -)

**WaKeeney - Utilities****§ 15-402 OBJECTIONABLE WASTES.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner or public 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. 1247, passed - -)

**§ 15-403 UNLAWFUL DISCHARGE.**

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Ord. 1247, passed - -)

**§ 15-404 UNLAWFUL DISPOSAL.**

Except as herein provided, it shall be unlawful to construct or maintain a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage unless a sewer is unavailable, and then only as it shall meet the Kansas Department of Health and Environment specifications.

(Ord. 1247, passed - -)

**§ 15-405 MANDATORY SEWER.**

The owner of all houses, buildings or properties used for human employment, recreation, or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is not located, or may in the future be located, a public sanitary sewer, of the city, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities to the public sewer in accordance with the provisions of this article within 90 days after official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the owner's property line.

(Ord. 1247, passed - -)

**§ 15-406 PRIVATE DISPOSAL.**

Where a public sewer or combined sewer is not available under the provisions of § 15-405, the building sewer shall be connected to a private sewage disposal system which complies with the provisions of this article.

(Ord. 1247, passed - -)

**§ 15-407 PERMIT FOR PRIVATE DISPOSAL.**

## Sewers

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit, signed by the Superintendent. The application for such permit shall be submitted to the Superintendent with plans, specifications and other information as may be deemed necessary by the Superintendent. A permit and inspection fee of \$50 shall be paid to the city at the time the application is filed.

(Ord. 1247, passed - -)

### § 15-408 INSPECTION.

(a) A permit for a private sewage disposal system shall not become effective until the installation is complete to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground parts are covered.

(b) The inspection shall be made within 24 hours of the receipt of the notice by the Superintendent.  
(Ord. 1247, passed - -)

### § 15-409 REGULATIONS.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Kansas Department of Health and Environment.  
(Ord. 1247, passed - -)

### § 15-410 ABANDONMENT.

(a) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided herein, a direct connection shall be made to the public sewer in compliance with this article.

(b) Existing facilities shall be made pollution free before abandonment by the owner.  
(Ord. 1247, passed - -)

### § 15-411 OPERATION.

The owner shall operate and maintain the private disposal system in a sanitary manner at all times, at no expense to the city.  
(Ord. 1247, passed - -)

### § 15-412 ADDITIONAL REQUIREMENTS.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.  
(Ord. 1247, passed - -)

**WaKeeney - Utilities****§ 15-413 TIE TO THE PUBLIC SEWER.**

When a public sewer becomes available, the building sewer shall be connected to the sewer within ten days after written notice and the private sewage disposal system shall be cleaned and filled with local pit run sand by the owner.

(Ord. 1247, passed - -)

**§ 15-414 UNAUTHORIZED OPERATIONS.**

No unauthorized person shall uncover, make a connection with or open into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a permit from the Superintendent.

(Ord. 1247, passed - -)

**§ 15-415 CLASSES OF SEWER PERMITS.**

(a) There shall be two classes of building sewer permits: one for residential and commercial service and one for sewer to establishments producing industrial wastes. In either case the owner shall make application to the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

(b) A permit fee of \$25 for a residential or commercial building sewer, and \$50 for an industrial building sewer permit shall be paid to the city at the time and application is filed.

(Ord. 1247, passed - -)

**§ 15-416 INSTALLATION COSTS.**

(a) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner.

(b) The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 1247, passed - -)

**§ 15-417 BUILDING SEWER.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another, on an interior lot, and no private sewer is available and can be constructed to the rear of the 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. 1247, passed - -)

## Sewers

### § 15-418 OLD SEWERS.

Old building sewers may be used in connection with new buildings only when they are found and upon examination and tests by the Superintendent to meet all requirements of this article.

(Ord. 1247, passed - -)

### § 15-419 SEWER CONSTRUCTION.

The size, slope, alignment, materials of construction of a building sewer and the methods used in excavating, placing the pipe, jointing, testing and back filling the trench shall conform to the requirements of the Building and Plumbing Code or other regulations and rules of the city. In the absence of the code provisions or the amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and S.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 1247, passed - -)

### § 15-420 DRAINS LOWER THAN THE PUBLIC SEWER.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. 1247, passed - -)

### § 15-421 NON-SANITARY SEWER DRAINS.

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

(Ord. 1247, passed - -)

### § 15-422 SEWER TAP.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in the appropriate specifications of A.S.T.M. and the S.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(Ord. 1247, passed - -)

### § 15-423 CONNECTION INSPECTION.

(a) The applicant of the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer.

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(b) The connection shall be made under the supervision of the Superintendent or his or her representative.

(Ord. 1247, passed - -)

### § 15-424 PUBLIC HAZARD.

All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 1247, passed - -)

### § 15-425 UNLAWFUL DISCHARGES.

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

(Ord. 1247, passed - -)

### § 15-426 UNCONTAMINATED WATERS.

Stormwaters and 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 and unpolluted process waters may be discharged to a storm sewer or natural outlet upon approval by the Superintendent.

(Ord. 1247, passed - -)

### § 15-427 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, benzene, naphtha, fuel oil or other inflammable or explosive liquids, solid or gas;

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

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

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(d) Solid or viscous substances in quantities or of such size capable of causing obstruction of flow in the 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, paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.  
(Ord. 1247, passed - -)

### § 15-428 OTHER RESTRICTIONS.

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 process or equipment, have an adverse affect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of such wastes 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. The substances prohibited are:

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

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

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to review and approved by the Superintendent;

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not;

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

(f) Any water 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;

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

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

(i) Materials which exert or cause:

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

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

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

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

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

(k) Any water or wastes having a five day BOD greater than 300 p.p.m. by weight, containing more than 350 p.p.m. by weight of suspended solids or 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. Where necessary in the opinion of the Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the five day biochemical oxygen demand to 300 p.p.m., reduce the suspended solids to 300 p.p.m. or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relative to proposed treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. 1247, passed - -)

**§ 15-429 PRETREATMENT REQUIREMENTS.**

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, waters containing the substances or possess the characteristics enumerated in § 15-428 of this article, and which in the judgment of the Superintendent, may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the Superintendent may:

## Sewers

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

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

(Ord. 1247, passed - -)

### **§ 15-430 INTERCEPTORS.**

(a) 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.

(b) 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.

(Ord. 1247, passed - -)

### **§ 15-431 MAINTENANCE.**

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

(Ord. 1247, passed - -)

### **§ 15-432 CONTROL MANHOLE.**

(a) When required by the Superintendent, the owner of any property served 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 measuring of the wastes.

(b) Such manhole, when required, shall be accessibly and safely located, and shall be constructed with plans approved by the Superintendent.

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(c) The manhole shall be installed by the owner, at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(Ord. 1247, passed - -)

**§ 15-433 TESTS AND MEASUREMENTS OF WASTES.**

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance to the latest edition of *Standards Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point when the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a 24-hour composites at all outfalls of the premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls where as pHs are determined from periodic grab samples.)

(Ord. 1247, passed - -)

**§ 15-434 RECEIPT OF INDUSTRIAL WASTES.**

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

(Ord. 1247, passed - -)

**§ 15-435 UNAUTHORIZED PERSONNEL.**

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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 1247, passed - -)

**§ 15-436 RIGHT-TO-ENTER.**

## Sewers

The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose 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 to inquire into any process including metallurgical, chemical, oil refining, ceramic, paper or other industrial processes, beyond that point having direct bearing on the kind, quality and source of discharge to the sewers, waterways or facilities for waste treatment.

(Ord. 1247, passed - -)

### **§ 15-437 CONDUCT ON ENTERING.**

While performing the necessary work on properties referred to in § 15-436 above, the Superintendent or duly authorized representative of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death of the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personnel injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company maintain safe conditions as required in § 15-432.

(Ord. 1247, passed - -)

### **§ 15-438 RIGHTS ON EASEMENTS.**

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

(Ord. 1247, passed - -)

### **§ 15-439 VIOLATIONS.**

(a) 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 limit for the satisfactory correction thereof.

(b) The defender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 1247, passed - -)

### **§ 15-440 PENALTIES.**

Any person who shall continue any violation beyond the time limit provided for in § 15-439 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount not exceeding \$100 for each violation. Each 24-hour period shall be deemed a separate offense.

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(Ord. 1247, passed - -)

**§ 15-441 LIABILITY.**

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

(Ord. 1247, passed - -)

**§ 15-442 BILLS.**

(a) Bills shall be rendered monthly.

(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more, the charge shall be not less than full regular minimum monthly rate.

**§ 15-443 DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY.**

(a) In the event any person, except the United States and the State of Kansas or any political subdivision thereof, shall fail to pay the user charges when due, water service shall be terminated as provided in §§ 15-102 and 15-104.

(b) In lieu of terminating water service, the governing body may elect to assess such delinquent charges as a lien upon the real estate serviced as provided in § 15-106, and the City Clerk/Administrator shall certify such delinquent charges to the County Clerk to be placed on the tax roll and collected in like manner as other taxes are collected.

**§ 15-444 SEWER SERVICE CHARGE.**

The monthly charge for sewer service shall be as follows:

(a) For all residential and commercial users and all those not otherwise listed herein, within the corporate limits of the city, a minimum charge of \$21.00 per unit per month for the first 3,000 gallons of water; for the next 22,000 gallons of water used an additional charge of \$0.30 per 1,000 gallons; and for all water used over 25,000 gallons an additional charge of \$0.03 per 1,000 gallons;

(b) For all industrial and institutional (including, but not limited to, hospitals, schools and nursing homes) users within the corporate limits of the city, minimum charge of \$80.00 per unit per month for the first 3,000 gallons of water; for the next 22,000 gallons of water used an additional charge of \$0.30 per 1,000 gallons; and for all water used over 25,000 gallons an additional charge of \$0.03 per 1,000 gallons; and

## Sewers

(c) For all sewer service provided outside the corporate city limit; a minimum charge of \$42.00 for the first 3,000 gallons of water; for the next 22,000 gallons of water used an additional charge of \$0.60 per 1,000 gallons; and for all water used over 25,000 gallons an additional charge of \$0.03 per 1,000 gallons.

(Ord. 1415, passed 12-2-2009)

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## 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 Same; fee schedule
- 15-524 Billing
- 15-525 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.** All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. **RUBBISH or TRASH** shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations.

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

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

#### **§ 15-502 COLLECTION.**

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

#### **§ 15-503 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 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.

**WaKeeney - Utilities****§ 15-505 CONTAINERS.**

Repealed; Reserved

**§ 15-506 BULK CONTAINERS.**

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

**§ 15-507 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.**

Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city.

**§ 15-509 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.

## Solid Waste

### § 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.

**WaKeeney - Utilities****§ 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/Administrator. 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/Administrator the sum of \$1 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.**

## Solid Waste

The City Clerk/Administrator 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.

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. 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 § 1-116.

### § 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 SAME; FEE SCHEDULE.

Church, Non-profit	\$15.00
Commercial - Extra Large	\$360.00
Commercial - Large	\$120.00
Commercial - Medium	\$70.00
Commercial - Small	\$25.00
Commercial - Standard	\$40.00
Compost - 1 cart	\$10.00

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Compost - Extra Cart (each)	\$5.00
Refuse - Extra Cart (each)	\$7.00
Single-Family Residential	\$14.50
Single-Family Residential - Rural	\$14.50

(Ord. 1447, passed 12-19-2017)

**§ 15-524 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.

**§ 15-525 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/Administrator 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)

**Solid Waste**

## ARTICLE 6: WATER CONSERVATION

### Section

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

### § 15-601 PURPOSE.

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

### § 15-602 DEFINITIONS.

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

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

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

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

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

## **Water Conservation**

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

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

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

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

**WATER.** Water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.

### **§ 15-603 DECLARATION OF A WATER EMERGENCY.**

(a) 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.

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

### **§ 15-604 VOLUNTARY CONSERVATION MEASURES.**

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

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

**WaKeeney - Utilities****§ 15-605 MANDATORY CONSERVATION MEASURES.**

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

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

**§ 15-606 EMERGENCY WATER RATES.**

(a) Upon the declaration of a water supply emergency as provided in § 15-603, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies.

- (b) Such emergency rates may provide for, but are not limited to:
  - (1) Higher charges for increasing usage per unit of the use (increasing block rates);
  - (2) Uniform charges for water usage per unit of use (uniform unit rate); or
  - (3) Extra charges in excess of a specified level of water use (excess demand surcharge).

**§ 15-607 REGULATIONS.**

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

## **Water Conservation**

### **§ 15-608 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 §§ 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures.

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

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

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

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

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

### **§ 15-609 EMERGENCY TERMINATION.**

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