

Chapter XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. **DEFINITION.** For purposes of this article "utility services" shall include water, sewer, solid waste (refuse) and other utility services provided by the city.
(Code 1991)
- 15-102. **DELINQUENT ACCOUNTS.** Unless otherwise provided, water, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 1991)
- 15-103. **NOTICE; HEARING.** (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
 - (1) The amount due, plus delinquency charge;
 - (2) Notice that service will be terminated if the amount due is not paid within 10 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;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date 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 following receipt of the request. (Code 1991)

15-104. **SAME; FINDING.** Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service.
(Code 1991)

15-105. **UTILITY DEPOSIT.** (a) At the time of making application for utility service, the property owner or customer shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service. Receipt thereof shall be issued to each such depositor.

(b) Cash deposits for indicated utility services shall be in the following amounts:

- (1) Water Service - \$15;
- (2) Sewer Service - \$12;
- (3) Solid Waste (trash) Service - \$18.

(c) The deposit so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined by the state corporation commission yearly and credited to the customer's account January 1st of each calendar year.

(d) That at the second interest payment date following the deposit required above the city clerk shall refund in cash the deposit of any depositor of the premises wherein such water service is being furnished and not been delinquent in payment of any water service during the past year, interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto.

(f) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the water fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended.
(Code 1991)

15-106. **LANDLORD LIABILITY.** (a) Owners of premises served by utility service under this article shall be liable for payment of the cost 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 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 involving leased premises, 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 said mailing, after reasonable inquiry. If the delinquent billing, interest and penalty are not paid within 15 days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.
(Code 1991)

15-107. **PETTY CASH FUND.** A petty cash fund in the amount of \$100 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses.
(Code 1991)

15-108. **SAME; DEPOSITS.** The petty cash fund shall be deposited in the regular cash drawer of the city and paid out on the order of the city clerk, who shall state clearly the purpose for which issued. (Code 1991)

15-109. **SAME; VOUCHERS.** Whenever the petty cash fund becomes low or depleted, the city clerk 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.
(Code 1991)

ARTICLE 2. WATER

15-201. **APPLICATION FOR SERVICE.** Any person desiring a connection with the municipal water system of this city shall apply in writing to the city clerk on a form furnished by him or her for that purpose for a permit to make a connection with water pipes. The application shall contain an exact description of the property to be served, the maximum amount of water to be used per month and the uses to which the water is to be put, both general and special. (Code 1991)

15-202. **CITY ADMINISTRATOR TO HAVE SUPERVISION.** The city administrator shall have general supervision of the water system under

the direction of the mayor and the city council. He or she shall employ all personal services and supervise the reading of the meters and make reports to the governing body of amounts of water pumped and the total revenue and expenditures of the water system. (Code 1991)

- 15-203. **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 an iron box to which the service pipe is to be connected by city employees only. (Code 1991)
- 15-204. **CONNECTION FEES.** The connection fees for the water works system shall be as follows:
 (a) For tapping main with three-fourths inch tap, three-fourths inch service line and installing three-fourths inch meter - \$150 min.
 (b) For tapping main with one inch tap, one inch service line and installing one inch meter, actual cost not less than -\$150.
 (c) For tapping main with one and one-half tap, one and one-half inch service line and installing one and one-half meter, actual cost not less than \$150.
 (d) For tapping main with two inch tap, two inch service line and installing two inch meter, actual cost, not less than \$150.
(Code 1991)
- 15-205. **EVERY PREMISES; SEPARATE CONNECTION.** Unless special permission is granted by the city superintendent each premises shall have a separate and distinct service connection, and where permission is granted for branch service pipes, each branch pipe must have its own curb cock and separate meter. (Code 1991)
- 15-206. **SERVICE PIPE INSTALLED BY LICENSED PLUMBERS.** No one except regular city employees of the water department or plumbers licensed in accordance with the ordinances of this city shall do any plumbing on any pipes connected or to be connected to the municipal water system. (Code 1991)
- 15-207. **TRENCHING AND BACKFILLING.** All excavation made by plumbers in public grounds shall not be kept open longer than is absolutely necessary to make the connections required and while open shall be protected by suitable barriers, guards and lights as provided in the ordinances of this city, and back filling shall be thoroughly compacted and left in a condition satisfactory to the city superintendent, and where such excavations are unsatisfactorily filled, the city superintendent shall place them in satisfactory condition and the cost thereof shall be charged to the plumber, and his or her license will be suspended unless the sum is paid. (Code 1991)

- 15-208. **COST OF INSTALLATION BORNE BY CONSUMER.** The cost of original installation of all plumbing between the property line and any service devices maintained by the consumer, and all extensions hereafter made to such services, as well as all repairs to the same, shall be borne entirely by the consumer, although such service pipes and devices shall at all reasonable times be subject to inspection by duly authorized officials of the water department of this city, and repairs found to be necessary by such officials shall be made promptly or the city will discontinue service until such repairs are made. (Code 1991)
- 15-209. **EXTENSION OF MAINS.** The city may extend its water mains within or without the city by construction or purchase, when applications have been made and agreements entered into by persons along the proposed extension, that in the judgment of the mayor and city council, will produce a sufficient revenue to pay the cost of the extension and operating cost of the service furnished and/or be in the best interests of the city. (Code 1991)
- 15-210. **SHUTTING OFF MAINS.** The city hereby reserves the right at any time without notice, to shut off the water in the mains for the purpose of making repairs or for other purposes, and all persons having boilers within the premises not supplied by tanks but depending on the pressure in the mains to keep them supplied, are hereby cautioned against danger of collapse. (Code 1991)
- 15-211. **CITY DOES NOT GUARANTEE SERVICE.** The city shall not guarantee the delivery of water through any of its mains and connecting service at any time, except only when its mains, pumping machinery, power and service connections are in good working order, and the supply of water sufficient for the usual demand of its consumers. (Code 1991)
- 15-212. **INDIVIDUAL INSTALLATION.** Permits to install irrigation systems, swimming pools, or like installations will be governed by applicable state law, and rules and regulations of the state board of health. (Code 1991)
- 15-213. **METERS.** The city determines a suitable place where a meter can be installed, and the city shall install and maintain the same, and if, at any time, the consumer desires to have the meter tested for accuracy, the same shall be done by the city, and a fee of \$5 charged therefor to the consumer if the meter registers 95 percent or more accurate. If the meter registers less than 95 percent accurate, it shall be replaced and repaired, and tested before installation on another service. (Code 1991)
- 15-214. **ALL WATER TO BE METERED.** All water furnished by the municipal water plant shall be made for water used, lost or wasted through

leaks, carelessness, neglect or otherwise, after the same has passed through the meter. (Code 1991)

- 15-215. **READING METERS.** For the purpose of reading meters, duly authorized employees of the water department of this city may legally enter upon any premises at a reasonable hour. (Code 1991)
- 15-216. **WATER ACCOUNT IN NAME OF OWNER.** All accounts carried upon the books of the municipal water department of this city shall be with the owner in fee simple of the property served or his or her authorized agent, and the owner shall at all times be liable for water used upon the premises, whether he or she is occupying the same or not. (Code 1991)
- 15-217. **TAKING WATER WITHOUT AUTHORITY.** It is hereby declared unlawful for any person to take any water from the municipal water system of this city except the same is drawn through a meter installed by the city, or from any premises not owned by him, her or them without the permission of the owner thereof. (Code 1991)
- 15-218. **TAMPERING WITH CUT-OFF VALVES.** It shall be unlawful for any person to turn any curb stop on or off except a duly authorized employee of the city water department. (Code 1991)
- 15-219. **CURB STOP NOT TO BE USED BY CONSUMER.** The curb stop on any and all service connections, and the stop cock or valve in the meter box or well, shall not be used in any way by the consumer for turning on or shutting off the water supply. The turning on or the shutting off the water supply at and with the curb stop shall be exclusively by the city, under the direction of the city superintendent; except, that a licensed plumber may turn on or off the water supply with the city superintendent's permission only for the purpose of making repairs and testing his or her work when making repairs, and the plumber shall leave the curb stop as it was originally found. The consumer shall have a stop cock for turning on and shutting off the water at any point suitable to him or her for his or her use on property owner's side of the meter. Such stop cock shall not be so located as to be capable of preventing water from reaching the meter. (Code 1991)
- 15-220. **RULES APPLY TO PLUMBERS.** Any plumber who shall fail to comply with any of the provisions of this article or any of the rules or any special regulations of the city superintendent, or shall refuse or neglect to correct his or her work after notice of any irregular work, within a reasonable time, shall be subject to the penalties of this article, besides having his or her license revoked. (Code 1991)

- 15-221. **UNLAWFULL USE OF FIRE HYDRANTS.** It shall be unlawful for any person or persons to draw water from any of the fire hydrants for any purpose other than for fire protection, except in urgent cases where other means of obtaining the use of same. (Code 1991)
- 15-222. **CITY RESERVES THE RIGHT TO DISCONTINUE SERVICE.** The city hereby reserves the right to discontinue service to any or all consumers of the municipal water system without notice when same is necessary in the repair of the system, or any part thereof, or for the nonpayment of water rents over a period of more than one month after same has become due, and when water service has been discontinued for nonpayment of rent, it shall not be resumed, except upon the payment of the water rent past due together with any penalties accrued thereon, and a fee of \$15.00 for turning the meter on and which sum shall be paid to the city clerk at the time of paying the back water bill and penalties. (Code 1991)
- 15-223. **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 therefore 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;
 - (b) For the next 247,000 gallons per month a charge of \$1.65 per 1,000 gallons.
- (Ord. 1416 dated 12/2/2009)
- 15-224. **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 therefore 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;
 - (b) For all over 3,000 gallons per month, a charge of \$3.30 per 1,000 gallons. (Ord. 1416 dated 12/2/2009)
- 15-225. **Connection and Transfer Fees and Insufficient Check Fees.**
- (a) Every customer shall pay to the city clerk at the time of giving an order for connection to the municipal water system the sum of \$20.00 for each connection.
 - (b) Every customer shall pay to the city clerk at the time of giving an order for transfer of

service for the municipal water system the sum of \$10.00 for each such transfer.

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

ARTICLE 3. CROSS CONNECTIONS BETWEEN THE PUBLIC

15-301 Section 1. **INCORPORATING MANUAL OF REGULATIONS.**

There is hereby incorporated by reference for the purpose of regulating back flow and backsiphonage of contaminants due to cross connections for the City of WaKeeney that certain Manual of Regulations adopted on February 18th, by the governing body of the official policy of the City of WaKeeney, Kansas.

Section 2. **CROSS CONNECTIONS PROHIBITED.** No persons, 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.

Section 3. **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 public water supply in that polluted water or other contaminating materials may enter into the public water supply. Approved backflow preventer valves and systems shall be installed as determined by the superintendent.

Section 4. **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.

Section 5. **PROTECTION FROM CONTAMINANTS.** Pursuant to the city's Constitutional Home Ruse 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, Code 1998)

ARTICLE 4. SEWERS

15-401.

DEFINITIONS.

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

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

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

(d) Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

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

(f) Industrial Waste shall mean the liquid wastes from industrial manufacturing processes, trade, or business or district from sanitary sewage.

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

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

(i) pH shall mean the logarithm sum of the reciprocal of the weights of hydrogen ions in grams per liter of solution.

(j) Properly Shredded Garbage shall mean 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.

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

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

(m) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial

establishments, together with such ground, surface, and storm waters that may be present.

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

(o) Sewage Works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(p) Sewer shall mean a pipe or conduit for carrying sewer.

(q) Shall is mandatory; May is permissive.

(r) Slug shall mean 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.

(s) Storm Drain (storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

(t) Superintendent shall mean the superintendent of the sewage works and/or water pollution control of the city, or his or her authorized deputy, agent, or representative.

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

(v) Water Course shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord 1247, Art. 1 Secs. 1:22)

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, Art. 2, Sec. 1)

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, Art. 2, Sec. 2)

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, Art. 2, Sec. 3)

- 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, at his or her own 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, Art. 2, Sec. 4)
- 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 comply with the provisions of this article. (Ord. 1247, Art. 3, Sec. 1)
- 15-407. **PERMIT FOR PRIVATE DISPOSAL.** 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 \$5 shall be paid to the city at the time the application is filed. (Ord. 1247, Art.3, Sec. 2)
- 15-408. **INSPECTION.** 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 reedy for final inspection, and before any underground ports are covered. The inspection shall be made within 24 hours of the receipt of the notice by the superintendent. (Ord. 1247, Art.3, Sec. 3)
- 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, Art. 3, Sec. 4)
- 15-410. **ABANDONMENT.** 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. Existing facilities shall be made pollution free before abandonment by the owner. (Ord. 1247, Art. 3, Sec.5)
- 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, Art. 3, Sec 6)

- 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, Art. 3, Sec. 7)
- 15-413. **TIE TO THE PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to the sewer within 10 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, Art. 3, Sec. 8)
- 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, Art. 4, Sec. 1)
- 15-415. **CLASSES OF SEWER PERMITS.** There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) 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. A permit fee of \$5 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, Art. 4, Sec. 2)
- 15-416. **INSTALLATION COSTS.** All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1247, Art. 4, Sec. 3)
- 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, Art. 4, Sec. 4)
- 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, Art. 4, Sec. 5)

- 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, Art. 4, Sec. 6)
- 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, Art. 4, Sec. 7)
- 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, Art. 4, Sec. 8)
- 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, Art. 4, Sec. 9)
- 15-423. **CONNECTION INSPECTION.** 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. The connection shall be made under the supervision of the superintendent or his or her representative. (Ord. 1247, Art. 4, Sec. 10)
- 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, Art. 4, Sec. 11)
- 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, Art. 5, Sec. 1)

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, Art. 4, Sec. 2)

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.

 (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, etc., either whole or ground by garbage grinders. (Ord. 1247, Art. 5, Sec. 3)

15-428. **OTHER RESSTRICCTIONS.** 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 degrees F. (65 degrees C).

(b) Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg./1, or containing substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F. (0 to 65 degrees C.).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ 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.

(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.

(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.

(1) Any water or wastes having (1) a five day BOD greater than 300 p.p.m. by weight, or (2) containing more than 350 p.p.m. by weight of suspended solids, or (3) having an average daily flow greater than two

percent of the average sewage flow of the city shall be subject to 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 (1) reduce the five day biochemical oxygen demand to 300 p.p.m. or (2) reduce the suspended solids to 300 p.p.m., or (3) 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, Art. 5, Sec. 4.)

- 15-429. **PRETREATMENT REQUIREMENTS.** 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 section 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:
- (a) Reject the wastes.
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (c) Require control over the quantities and rates of discharge, and/or,
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- 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, Art. 5, Sec. 5)

- 15-430. **INTERCEPTORS.** Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 1247, Art. 5, Sec. 6)

- 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, Art. 5, Sec. 7)

15-432. **CONTROL MANHOLE.** 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. Such manhole, when required, shall be accessibly and safely located, and shall be constructed with plans approved by the superintendent. 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, Art. 5, Sec. 8)

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 pH's are determined from periodic grab samples.) (Ord. 1247, Art. 5, Sec. 9)

15-434. **RECEIPT OF INDUSTRIAL WASTES.** No statement contained in this article 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, Art. 5, Sec. 10)

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, Art. 6, Sec. 1)

15-436. **RIGHT-TO-ENTER.** 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, of facilities for waste treatment. (Ord. 1247, Art. 7, Sec. 1)

15-437. **CONDUCT ON ENTERING.** While performing the necessary work on properties referred to in section 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 section 15-432. (Ord. 1247, Art. 7, Sec. 2)

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, Art. 7, Sec. 3)

15-439. **VIOLATIONS.** Any person found to be violating any provision of this article, except section 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. The defender, shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 1247, Art. 8, Sec. 1)

15-440. **PENALTIES.** Any person who shall continue any violation beyond the time limit provided for in section 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. (Ord. 1247, Art. 8, Sec. 2)

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, Art. 8 Sec. 3)

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. (Code 1991)

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 sections 15-102:104.
(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 section 15-106, and the city clerk 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. (Code 1991)

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;
- (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 dated 12/2/2009

ARTICLE 5. SOLID WASTE

- 15-501. **DEFINITIONS.** Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:
- (a) Commercial Waste. All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.
 - (b) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters.
 - (c) Garbage. Wastes resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;
 - (d) Multi-Family Unit. Any structure containing more than four individual dwelling units;
 - (e) Refuse. All garbage and/or rubbish or trash;
 - (f) Residential. Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;
 - (g) Rubbish or Trash. All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
 - (h) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.
 - (i) Solid Waste. All non-liquid garbage or rubbish and trash.
- (Code 1991)
- 15-502. **COLLECTION.** All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Code 1991)
- 15-503. **CONTRACTS.** The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 1991)
- 15-504. **DUTY OF OWNER, OCCUPANT.** The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in such a manner as not to create a health or fire hazard. (Code 1991)

- 15-505. **CONTAINERS.** Plastic bags or boxes may be substituted for residential containers. Plastic bags or boxes, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags, boxes or containers. (Code 1991)
- 15-506. **ENTRY PRIVATE PREMISES.** Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 1991)
- 15-507. **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 exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 1991)
- 15-508. **REFUSE REMOVAL.** All refuse shall be drained of all excess liquid, and placed in a securely closed bag or a securely closed box before being placed in solid waste containers or before being put out for solid waste pick up. (Code 1991)
- 15-509. **HEAVY, BULKY WASTE.** Heavy accumulations such as broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 1991)
- 15-510. **HAZARDOUS MATERIALS.** No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
- (a) Explosive materials;
 - (b) Rays or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public. (Code 1991)
- 15-511. **PROHIBITED PRACTICES.** It shall be unlawful for any person to:

- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
- (b) Interfere in any manner with 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;
- (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted. (Code 1991)

- 15-512. **OBJECTIONABLE WASTE.** Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 1991)
- 15-513. **UNAUTHORIZED DISPOSAL.** No person shall haul or cause to be hauled any garbage, refuse or other waste materials of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 1991)
- 15-514. **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. (Code 1991)
- 15-515. **SAME; APPLICATION.** Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application. (Code 1991)
- 15-516. **SAME; FEE.** No license shall be issued unless the applicant shall pay to the city clerk 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 1st of the calendar year in which said permit is issued. (Code 1991)

15-517. **SAME; NUMBER TO BE DISPLAYED.** The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 1991)

15-518. **CLOSED VEHICLE.** Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 1991)

15-519. **RULES AND REGULATIONS.** The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer. (Code 1991)

15-520. **FAILURE TO SECURE LICENSE.** Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116. (Code 1991)

15-521. **CHARGES.** The city shall establish and collect a service charge for each active meter to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 1991)

15-522. **SAME; FEE SCHEDULE.**

Compost - 1 cart	\$10.00
Compost – Extra Cart (each)	\$5.00

Single Family Residential	\$14.50
Single Family Residential – Rural	\$14.50
Refuse - Extra Cart (each)	\$7.00
Church, Non-profit	\$15.00
Commercial – Small	\$25.00
Commercial – Standard	\$40.00
Commercial – Medium	\$70.00
Commercial – Large	\$120.00
Commercial – Extra Large	\$360.00

Ord 1447 dated 12/19/2017

15-523. **BILLING.** Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 1991)

15-524. **SAME; DELINQUENT ACCOUNT.** In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65-3410; Code 1991)

ARTICLE 6. WATER CONSERVATION

15-601. **PURPOSE.** The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of the rules and regulations within the document entitled "Water Conservation Plan for the City of WaKeeney." Three copies of such document shall be kept on file at the city building for review. (Code 1991)

15-602. **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 the essential uses, it shall be empowered to declare that a water emergency exists, and enact the "Water Conservation Plan" as set forth in the plan itself. All resolutions necessary

to implement the plan and all its phases shall be effective upon their publication in the official city newspaper. (Code 1991)