

CHAPTER XV. UTILITIES

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ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITION. For the purposes of this article “utility services” shall include water, electrical, sewer, solid waste (refuse) and other services provided by the city. (Ord. 1951, Sec. 1; Code 2010)
- 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 section 15-103. (Ord. 1951, Sec. 1; Code 2010)
- 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 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 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 8:00 a.m. 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.
- (Ord. 1951, Sec. 1; Code 2010)
- 15-104. ADJUSTMENT OF BILLS. Administrative and Hook-up Errors. An adjustment, refund or back-billing shall be made for any overcharge or undercharge resulting from incorrect reading of the meter, incorrect application of the rate schedule, incorrect meter connection, or other similar reason.
- (a) Overcharges. The amount of the overcharge will be refunded or credited to the customer. The time period for which the utility will adjust, refund, or credit the customer’s bill shall not exceed two years.
- (b) Under charges. The bills will be recalculated back to a period not to exceed one year for commercial customers and a period not to exceed six months

for residential customers. Back-billing will be completed within six months of the discovery of the error. If the back-billing creates customer hardship, a reasonable agreement to pay shall be offered.

(c) Illegal connections. This section does not apply to under charges caused by an illegal action or illegal hookup.

(Ord. 1951, Sec. 1; Code 2010)

15-105. BILLING CONSOLIDATED. It is hereby deemed necessary by the governing body to consolidate its billing to utility customers in and upon one statement. The statement shall show clearly on the face thereof, the amount of the separate charge for each such utility service. (Code 1975, 20-119; Code 1991, 14-221)

15-106. BILLING AREA NO. 1. The city clerk shall bill all customers located in Area No. 1, on the 15th day of each month. Such bills shall be due and payable on or before the 27th day of the month following such billing. (Code 1975, 20-122; Code 1991, 14-224)

15-107. BILLING; AREA NO. 2. The city clerk shall bill all customers located in Area No. 2, on the 31st day of each month. Such bills shall be due and payable on or before the 12th day of the month, following such billing. (Code 1975, 20-123; Code 1991, 14-225)

15-108. DELINQUENT BILLS; RECONNECTING FEE; AREA NO. 1. Should any customer of water or electric service or both located in Area No. 1 fail, refuse or neglect to pay any bill on or before the 27th day of the month following such billing, a penalty of five percent of such bill shall be added. The city clerk shall notify in writing any customer who has failed, refused or neglected to pay any bill on or before the 27th day of the month following such billing, of the intention of the city to discontinue service unless the bill be paid within 10 days after the mailing of the notice. Should such customer fail to pay the bill or request a hearing within 10 days following such notice, the city shall disconnect such service or services. Before any such service or services may be restored, the customer shall pay all past due bills plus fees to cover the cost to the city in disconnecting and reconnecting such service or services. The fees for disconnecting and reconnecting services will be established by Resolution of the Governing Body of the City of Augusta, Kansas. (Code 1975, 20-124; Ord. 1489, Sec. 2; Code 1991, 14-226)

15-109. DELINQUENT BILLS; RECONNECTING FEE; AREA NO. 2. Should any customer of water or electric service or both located in Area No. 2 fail, refuse or neglect to pay any bill on or before the 12th day of the month following such billing, a penalty of five percent of such bill shall be added. The city clerk shall notify in writing any customer who has failed, refused or neglected to pay any bill on or before the 12th day of the month following such billing of the intention of the city to discontinue service unless the bill be paid within 10 days after the mailing of the notice. Should such customer fail to pay the bill or request a hearing within the 10 days after the mailing of the notice, the city shall disconnect such service or services. Before any such service or services may be restored, the customer shall pay all past due bills plus fees to cover the cost of the city in disconnecting and

reconnecting such service or services. The fees for disconnecting and reconnecting services will be established by Resolution of the Governing Body of the City of Augusta, Kansas. (Code 1975, 20-125; Ord. 1489, Sec. 2; Code 1991, 14-227)

15-110. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in this Article. (Code 1991, 14-228; Code 2010)

15-111. 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.

(c) If utility service is furnished to leased premises on the application and 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. (Code 2010)

ARTICLE 2. WATER

- 15-201. 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. (Code 1991, 14-201)
- 15-202. 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, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1975, 20-112; Code 1991, 14-202)
- 15-203. 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 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 by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 1991, 14-203)
- 15-204. 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, 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;
(5) State the purpose for which the water is to be used;
(6) State any other pertinent information required by the city;
(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 section 15-206. (Code 1991, 14-204)
- 15-205. 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 by city employees only. (Code 1991, 14-205)
- 15-206. WATER CONNECT FEES; COSTS. Regulations relating to water connection fees and costs shall be as follows:

(a) All charges for water service installation in the amounts as hereinafter fixed shall be paid to the city clerk when application is made for a new service installation for the supply of water from the city mains. The city shall make such installation when the applicant shall have extended his or her service line to the proper location for a meter as determined by the water department. A water connection fee shall be charged to each customer as established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas.

(b) Whenever services shall be permitted by the city to a water user outside of the city limits, then the water connection fee shall be fixed by the governing body of the city upon the granting of an application therefor. (Ord. 1303, Sec. 2; Code 1991, 14-206)

15-207. CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1975, 20-106; Code 1991, 14-207)

15-208. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1975, 20-111; Code 1991, 14-208)

15-209. 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 city manager or his or her designee. (Code 1975, 20-118; Code 1991, 14-209; Code 2010)

15-210. 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.
(c) The city's responsibility stops at the property line.
(Code 1975, 20-104; Code 1991, 14-210; Code 2010)

15-211. 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 two percent, the meter will be deemed correct and a charge established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas will be made to the customer. (Code 1991, 14-211)

15-212. 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 city to turn any curb cock on or off, except an authorized employee of the city to turn any curb cock on or off. (Code 1975, 20-115; Code 1991, 14-212; Code 2010)

15-213. LEAKS. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has passed through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 1991, 14-213; Code 2010)

15-214. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by resolution, a water service disconnection and reconnection charge. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the disconnection and reconnection charge. (Code 1991, 14-214)

15-215. WATER SERVICE MAINTENANCE. Property owners shall at their own expense repair, replace or remove all such waterlines on their own premises as may be required by the department to prevent loss to the city or damage to the public. When the owner shall fail promptly to repair waterlines on his or her own premises after notice by the city, the department may disconnect the service until repaired or until the condition causing loss or damage shall be corrected. (Code 1975, 20-107; Code 1991, 14-215)

15-216. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 1975, 20-103; Code 1991, 14-216)

15-217. 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 city manager or his or her designee;
- (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city;

(Code 1991, 14-217; Code 2010)

15-218. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1991, 14-218)

15-219. 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. (Code 1975, 20-114; Code 1991, 14-219)

15-220. RATES. The rates charged for water received from the municipal water system of the city shall be as follows:

(a) Rates; Within City. The rates for water used within the city shall be as follows:

Base charge, per month - \$11.65

1 to 10,000 gallons - \$3.00 per thousand (1,000) gallons

10,001 to 20,000 gallons - \$3.25 per thousand (1,000) gallons

20,001 to 50,000 gallons - \$3.50 per thousand (1,000) gallons

Over 50,000 gallons - \$3.75 per thousand (1,000) gallons

(b) Rates; Outside City. The rates for water used outside the city shall be as follows:

Base charge per month - \$12.90

1 to 10,000 gallons - \$3.20 per thousand (1,000) gallons

10,001 to 20,000 gallons - \$3.45 per thousand (1,000) gallons

20,001 to 50,000 gallons - \$3.70 per thousand (1,000) gallons

Over 50,000 gallons - \$3.95 per thousand (1,000) gallons

(Ord. 1985, Sec. 1; Code 2010)

15-221. OWNERSHIP OF WATER INSTALLATION AND METER. The city expressly retains the title to and the ownership of the water service installation, the water meter and all service equipment used in connection with the supply of water to any premises or building within the city. In the event of subdivision of any lots or parcels of ground or the transfer of the title to other persons, any water service installed previous to the subdivision of the lot shall be and remain with the building or premises immediately adjacent thereto. All transfers of the ownership of any property in the city now or thereafter reserved by water by any existing installation shall be deemed not to affect this rule and the city will only supply water to the building or premises immediately adjacent to the service connection through the service previously installed. (Code 1975, 20-108; Code 1991, 14-229)

15-222. EXTENSION OF WATERLINES. The city may extend its waterlines 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 will in the judgment of the governing body produce a revenue sufficient to pay the interest on the cost of the extension and the cost of extending water service; provided, that the city may make extensions within the city without application in the manner provided by law; provided further, that the city may at its option require any applicant from outside the city limits to who it may decide to sell water to construct his or her own connection to the waterlines within the city at his or her own expense and to maintain the same at the expense of the owner; provided further, that any extension of water service outside the city limits shall be subject to the approval of the governing body. (Code 1975, 20-109; Code 1991, 14-230)

15-223. TRENCHING AND BACKFILLING. No excavation made by a plumber in the public grounds shall be kept open longer than is absolutely necessary to make the connections required and while open, the ditch or excavation shall be protected by suitable barriers, guards and lights, as provided by ordinances pertaining to such

work. The backfilling shall be thoroughly compacted and left in a condition satisfactory to the department. Where such excavation or backfilling is made in an unsatisfactory manner, the department shall cause it to be corrected and the charges thereof shall be charged to the plumber. (Code 1975, 20-110; Code 1991, 14-231)

15-224. CROSS-CONNECTIONS PROHIBITED. No person, company, corporation or institution shall establish, or permit to be established, or maintain, or permit to be maintained, any cross connection whereby a private water supply, or any source of contamination, may enter the public water supply of the City of Augusta, unless said source is approved by the City Council of the City of Augusta and the Kansas Department of Health and Environment. (Ord. 1867, Sec. 2; Code 1991, 14-232; Code 2010)

15-225. 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 which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Ord. 1867, Sec. 3; Code 1991, 14-233)

15-226. SAME; INSPECTION. The Public Works Director or his designate of the City of Augusta shall have the right of entry into any building or premises in the City as frequently as necessary in order to ensure that plumbing has been installed in a manner as to prevent the possibility of contamination of the public water supply of the City of Augusta, Kansas. (Ord. 1867, Sec. 4; Code 1991, 14-234; Code 2010)

15-227. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the authority given under Home Rule Powers and K.S.A. 65-163a, the City of Augusta, may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the City. In addition, the City shall have the authority to immediately terminate water service to premises where a backflow or backsiphonage condition exists which may be hazardous to the health of customers served by this public water supply system of the City of Augusta. (Ord. 1867, Sec. 5; Code 1991, 14-235)

15-228. INCORPORATION BY REFERENCE. There is hereby incorporated by reference for the purpose of regulating cross connections between the public water supply and any source of contamination that certain manual adopted by the Governing Body of the City Augusta, known as, "MANUAL OF REGULATIONS REGULATING BACKFLOW AND BACKSIPHONAGE OF CONTAMINANTS DUE TO CROSS CONNECTIONS FOR THE CITY OF AUGUSTA PUBLIC WATER SUPPLY". No fewer than three (3) copies of said manual shall be marked or

stamped, "Official Copy as Adopted by Ordinance No. 1867", and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 1867, Sec. 6; Code 2010)

ARTICLE 3. ELECTRICITY

- 15-301. **ELECTRIC SERVICES.** Any person desiring electric current of the Augusta Municipal Electric Light Plant for any of the services herein set forth, and having made a meter deposit for each service required as provided for herein, shall be entitled to receive electric current for the service required for the premises or fixture designated; provided, that the electric wiring and apparatus in such premises or fixture shall conform and continue to conform to the ordinances of the city, relating to the installation, operation and maintenance of electric wiring and apparatus. The electric metering shall be installed as directed by the electric distribution superintendent. (Code 1975, 20-102, Code 1991, 14-301)
- 15-302. **RIGHT TO DISCONTINUE SERVICE.** The city hereby reserves the right to discontinue service to any or all electric customers, without notice, when same is necessary in the repair of the electric system or any part thereof. (Code 1975, 20-103; Code 1991, 14-302)
- 15-303. **RATES.** The users of electrical current or electrical energy from the municipally owned electric utility of the city shall be classified as follows:
(a) Residential;
(b) Commercial;
(c) Power;
(d) Commercial and Power services combined.
The charges under such classified uses of electrical current or electrical energy shall be as stated as hereinafter set forth.
(Ord. 1310, Sec. 1; Code 1991, 14-303)
- 15-304. **RESIDENTIAL SERVICE.** The Application, character of services and net monthly rate for residential service shall be as follows:
(a) Application: To provide electric service for all domestic purposes in single family residences and individually metered apartments when supplied at one point of delivery and measured through one watt hour meter.
(b) Character of Service: Alternative current at approximately 60 cycles, single phase at such voltage as may be available for the service required.
(c) Net Monthly Rate:
Base Rate: \$8.00 per month
\$0.1055 per kWh for first 500 kWh
\$0.1015 per kWh for next 500 kWh
\$0.0965 per kWh for all additional kWh
(d) Fuel and Energy Cost Adjustment (FECA): The Augusta retail electric rates are based on the total cost of natural gas, diesel and lubricants consumed at the Augusta Power Plants, and for all costs associated with purchased power. The annual average base cost is equivalent to \$0.0471 per Net Kilowatt Hour (KWH) delivered to the Augusta electric system.
Whenever the monthly average cost of fuel and lubricants plus purchased power differs from the base cost of \$0.0471 per Net KWH, all Augusta billings of the succeeding month shall be increased or decreased accordingly as the actual

cost of fuel and lubricants plus purchased power was above or below the base cost.

The monthly electric usage for all streetlights and traffic lights will be deducted from the calculation of the fuel and energy cost adjustment to assist with covering the costs of these services to the City of Augusta. For the purpose of this calculation, 85,000 kWh will be used as the monthly electric usage for the streetlights and traffic lights.

This fuel and energy cost adjustment (FECA) shall be made each month, and shall apply to each KWH sold.

(Ord. 1937, Sec. 1; Code 2010)

15-305. COMMERCIAL SERVICE. The application, character of service and rates for commercial electric service in the city shall be as follows:

(a) Application : To all electric service supplied to any commercial customer whose entire requirements on the premises are supplied under this rate at one metering point

Base Rate: \$25.00 per month

\$0.1015 per kWh for the first 8,000 kWh

\$0.0895 per kWh for the next 20,000 kWh

\$0.0865 per kWh for all additional kWh

To all electric service supplied to any commercial customer located 1,500 feet or more outside of the city limits using three phase commercial power.

Base Rate: \$200.00 per month

\$0.1015 per kWh for the first 8,000 kWh

\$0.0895 per kWh for the next 20,000 kWh

\$0.0865 per kWh for all additional kWh

(b) Fuel and Energy Cost Adjustment (FECA):

The Augusta retail electric rates are based on the total cost of natural gas, diesel and lubricants consumed at the Augusta Power Plants, and for all costs associated with purchased power. The annual average base cost is equivalent to \$0.0471 per Net Kilowatt Hour (KWH) delivered to the Augusta electric system.

Whenever the monthly average cost of fuel and lubricants plus purchased power differs from the base cost of \$0.0471 per Net KWH, all Augusta billings of the succeeding month shall be increased or decreased accordingly as the actual cost of the fuel and lubricants plus purchased power was above or below the base cost.

The monthly electric usage for all streetlights and traffic lights will be deducted from the calculation of the fuel and energy cost adjustment to assist with covering the costs of these services to the City of Augusta. For the purpose of this calculation, 85,000 kWh will be used as the monthly electric usage for the streetlights and traffic lights.

This fuel and energy cost adjustment (FECA) shall be made each month, and shall apply to each KWH sold.

(Ord. 1999, Sec. 2; Code 2010)

15-306. TOTAL ELECTRIC. The users of electrical current or electrical energy from the municipally owned electric utility of the city, who shall use such electrical energy, to the exclusion of all other power sources, for the source of all heating, air

conditioning, lighting and water heating in any residence, business or commercial establishment shall pay effective January 1, 2007, the following rates for the following time period, as follows:

(a) Net Monthly Rate - Business/Commercial November through May:

Base Rate: \$25.00 per month

\$0.0860 per kWh

June through October:

Base Rate: \$25.00 per month

\$0.0860 per kWh for the first 600 kWh

\$0.0910 per kWh for all additional kWh

(b) Net Monthly Rate - Residential November through May:

Base Rate: \$8.00 per month

\$0.0860 per kWh

June through October:

Base Rate: \$8.00 per month

\$0.0860 per kWh for the first 600 kWh

\$0.0910 per kWh for all additional kWh

Provided, that prior to the application of the above rates any user shall make application to the City Clerk and upon inspection of facilities and acceptance thereof by the City, the rates and charges herein above fixed shall apply so long as the facilities, as to power sources, shall remain the same as of the time of the original inspection; but at such time as such power sources shall change or the connected load shall exceed that herein above set forth, the rates above set forth shall no longer apply.

(c) Fuel and Energy Cost Adjustment (FECA)

The Augusta retail electric rates are based on the total cost of natural gas, diesel and lubricants consumed at the Augusta Power Plants, and for all costs associated with purchased power. The annual average base cost is equivalent to \$0.0471 per Net Kilowatt hour (KWH) delivered to the Augusta electric system.

Whenever the monthly average cost of fuel and lubricants plus purchased power differs from the base cost of \$0.0471 per net KWH, all Augusta billings of the succeeding month shall be increased or decreased accordingly as the actual cost of fuel and lubricants plus purchased power was above or below the base cost.

The monthly electric usage for all streetlights and traffic lights will be deducted from the calculation of the fuel and energy cost adjustment to assist with covering the costs of these services to the City of Augusta. For the purpose of this calculation, 85,000 kWh will be used as the monthly electric usage for streetlights and traffic lights.

This fuel and energy cost adjustment (FECA) shall be made each month, and shall apply to each kWh sold. (Ord. 1999; Code 2010)

15-307. **CONNECT FEE.** The governing body shall establish, by resolution, a fee for each connection to the electrical and water utilities operated by the city for those customers who are currently connected to the system, who have no past due balances with their account in good standing and wish to have their service relocated to another address within the utility system. For those customers who do not currently have connections to the utility system the fee is hereby established in the sum established from time to time by Resolution of the Governing Body of the

City of Augusta, Kansas for each connection to the electrical and water utilities operated by the city. Such fee shall be payable each time the electrical or water utility is reconnected at the request of the customer. (Ord. 1849, Sec. 2; Code 2010)

15-308.

ELECTRIC TRANSFORMER AND SERVICE CONNECTION FEES. (a) The City shall supply and install the transformer and associated materials which are necessary to provide electric service for all new residential, commercial and industrial customers. For underground service, the developer or customer shall be responsible for trenching and the installation of conduit according to city specifications. The City will be responsible for supplying the meter can to the electrician except that the City shall retain and install the meter can for three phase pad mount transformers. The City shall charge an Electric Transformer Fee to assist in the payment of the expenses associated with the provision of electric service to the customer. The Electric Transformer Fee shall be paid to the City at the time the required building permits are issued by the Building Department.

(b) Fees for all overhead and underground three phase service shall be calculated based on the cost to the City for the transformer and associated materials. The City shall work with the customers to identify the amperage load and size of transformer. They city will also document to the customer the cost of the transformers and associated materials.

(c) Single Phase Electric Transformer and Service Connection fees shall be established from time to time by Resolution of the Governing Body for the City of Augusta, Kansas.

(d) Fees for all overhead to underground service conversions shall be calculated on the actual cost of associated wire and materials to the city. The customer shall be responsible for the conduit and installation of the conduit from the meter can to the transformer pad or utility pole. Conduits shall be installed by a licensed electrician in accordance with the most recently adopted National Electric Codes and any local amendments.

(e) For an upgrade of an existing service over 200 amps single phase which requires a new transformer, the customer will receive a credit for the existing transformer and pay the difference between the two transformer costs.

(f) Connection of the overhead service cable to the customer shall be at the service mat or attachment point on the house as applicable. Installation of the meter can, service mast, attachment point and electrical cable from the meter can to the weather head/attachment point shall be installed by a licensed electrician in accordance with the most recently adopted National Electric Codes and any local amendments.

(g) The City retains ownership of all transformers, meters, meter cans and service drop cable or service lateral cable. (Ord. 1941; Code 2010)

ARTICLE 4. SEWERS

15-401. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms used in this article shall be as follows:

(a) 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 two feet (0.61 meter) outside the innerface of the building wall.

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

(c) B.O.D. (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.

(d) City - shall mean the City of Augusta.

(e) Combined Sewer - shall mean a sewer receiving both surface run-off and sewage

(f) 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.

(g) Industrial Wastes - shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

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

(i) Normal Domestic Wastewater - shall mean wastewater that has a BOD concentration of not more than 250 mg/1 and a suspended solids concentration of not more than 300 mg/1.

(j) Operation and Maintenance - shall mean all expenditures during the useful life of the treatment works for materials, labor utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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

(l) Person - shall mean any individual, firm, company, association, society, corporation, or group. Singular includes plural, male includes female.

(m) Properly Shredded Garbage - shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions, normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

(o) Replacement - shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary furthering the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

(p) Residential Contributor - shall mean any contributor to the city's treatment works whose lot, a parcel or real estate or building is used for domestic dwelling purposes only.

(q) Sanitary Sewer - shall mean a sewer which carries sewage and to which storm surface, and ground waters are not intentionally admitted.

(r) 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 as may be present.

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

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

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

(v) Shall is mandatory; May is permissive.

(w) Slug - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

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

(y) Suspended Solids (SS) - 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.

(aa) Treatment Works - shall mean any devices and systems for storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions improvement, remodeling, alterations thereof; elements essential to provide a reliable recycle supply such as stand-by treatment units and clean well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process.

(bb) Useful Life - shall mean the estimated period during which a treatment works will be operated.

(cc) User Charge - shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

(dd) Water Meter - shall mean a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city.

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

(Ord. 1475, Art. I, Secs. 1:22; Ord. 1523, Art II, Secs. 1:11; Code 1991, 14-401)

15-402.

NATURAL OUTLET. 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. 1475, Art. II, Sec. 1; Code 1991, 14-402)

15-403. **PRIVY UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sewage. (Ord. 1475, Art. II, Sec. 2; Code 1991, 14-403)

15-404. **SEWER CONNECTIONS REQUIRED.** The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city which buildings are or shall be located near a sewer, or a block within any sewer district to which a sewer extends, shall make such connection with such sewer in accordance with the provisions of this article. This may be necessary in the judgment of board of health for the purpose of disposing of all substances in such building affecting the public health which may be lawfully and properly disposed of by means of the sewer. (Ord. 1475, Art. II, Sec. 3; Code 1991, 14-404)

15-405. **FAILURE TO CONNECT.** If any such person shall fail, neglect, or refuse to connect any building or buildings with the sewer systems as aforesaid and as herein provided for, for more than 10 days after being notified in writing by the board of health, then the city may advertise for bids for the construction in making the sewer connection and may contract therefore with the lowest responsible bidder or bidders and cause such premises to be connected with the sewer system. The cost and expense thereof shall be assessed against the property on the premises so connected, such assessment to be made in the same manner as other special assessments are made; provided, that all such sewer connections as ordered by the board of health are in accordance with the provisions of this article and shall be in full compliance with the requirements and provisions of the plumbing code of the city. (Ord. 1475, Art. II, Sec. 4; Code 1991, 14-405)

15-406. **PRIVATE SEWER SYSTEM.** Where a public sanitary or combined sewer is not available under the provision of section 15-404, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1475, Art. III, Sec. 3; Code 1991, 14-406)

15-407. **SAME; PERMIT.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the city. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the city. A permit and inspection shall be paid to the city at the time the application is filed. (Ord. 1475, Art. III, Sec. 2; Code 1991, 14-407)

15-408. **SAME; INSPECTION.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the plumbing inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the

plumbing inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours, by the plumbing inspector after the inspection has been called for, excepting Sundays and holidays. (Ord. 1475, Art. III, Sec. 3; Code 1991, 14-408)

15-409. SAME; DISCHARGE. (a) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the local health department and Kansas Department of Health and Environment. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-404, a direct connection shall be made to the public sewer in compliance with this article and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. 1475, Art. III, Secs. 4:5; Code 1991, 14-409)

15-410. SAME; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 1475, Art. III, Sec. 6; Code 1991, 14-410)

15-411. SAME; PLUMBING INSPECTOR; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the plumbing inspector. (Ord. 1475, Art. III, Sec. 7; code 1991, 14-411)

15-412. SAME; BUILDING SEWER CLOSING. When a public sewer becomes available the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1475, Art. III, Sec. 8; Code 1991, 14-412)

15-413. TAMPERING WITH SEWER. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city. (Ord. 1475, Art. IV, Sec. 1; Code 1991, 14-413)

15-414. SEWER; BUILDING PERMITS; CLASSES. There shall be two classes of building sewer permits:

- (a) For residential and commercial service;
- (b) For service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall make application of a special form furnished by the city. The permit applicant shall supplement by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee shall be paid to the city at the time the application is filed.

(Ord. 1475, Art. IV, Sec. 2; Code 1991, 14-414)

15-415. SAME; COSTS. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall

indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1475, Art. IV, Sec. 3; Code 1991, 14-415)

- 15-416. SAME; SEPARATE SEWER CONNECTION. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 1475, Art. IV, Sec. 4; Code 1991, 14-416)
- 15-417. SAME; OLD BUILDING SEWER USE. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the plumbing inspector, to meet all requirements of this article. (Ord. 1475, Art. IV, Sec. 5; Code 1991, 14-417)
- 15-418. SAME; MATERIALS. Materials required for the building sewer shall conform to Table A, Chapter 7 of the 2003 International Plumbing Code. (Ord. 1475, Art. IV, Sec. 6; Code 1991, 14-418)
- 15-419. SAME; SPECIFICATIONS. The size and slope of the building sewer shall be subject to the approval of the plumbing inspector, but in no event shall the diameter be less than four inches. The slope for six inch pipe shall not be less than one-eighth inch per foot. If four inch pipe is allowed, one-quarter inch per foot slope should be the minimum for that size connection. (Ord. 1475, Art. IV, Sec. 7; Code 1991, 14-419)
- 15-420. SAME; ELEVATION. (a) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might therefore be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes of direction shall be made only with properly curved pipe and fittings, including clean-out fittings.
(b) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved sump pump or ejectors and discharged into the building sewer. The use of any pumping equipment for which cross-connections with a public water supply systems are needed, is prohibited.
(Ord. 1475, Art. IV, Secs. 8:9; Code 1991, 14-420)
- 15-421. SAME; EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specifications (C12-19) except no backfill shall be placed until the work has been inspected. (Ord. 1475, Art. IV, Sec. 10; Code 1991, 14-421)

- 15-422. SAME; JOINTS. (a) All joints and connections shall be made gas tight and water tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, federal specification (QQ-L-156), not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material after the joint has been tested and approved. All joints in vitrified clay pipe and between such pipe and metal shall be made with approved hot-poured or cold-formed asphaltic jointing material as specified below. Clay pipe may have factory applied joint, meeting A.S.T.M. Specifications (C-425).
- (b) Material for hot-poured joints should not soften sufficiently to destroy the effectiveness of a joint subjected to a temperature of 160 degrees Fahrenheit nor be solvent in any of the waste carried by the drainage system. Joints shall be caulked tight with jute, hemp or familiar approved material.
- (c) See sewer specifications for jointing compounds and other pertinent information if neither hot-poured or cold-asphaltic materials were specified. Other jointing materials and methods may be used only if approved by the Kansas State Department of Health and Environment.
(Ord. 1475, Art. IV, Sec. 11; code 1991, 14-422)
- 15-423. SAME; SEWER CONNECTION. The connection of a building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his or her expense install a "Y" branch in the public sewer at locations specified by the building inspector. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, a neat hold may be cut into the public sewer to receive the building sewer, with entry into the downstream direction at an angle of about 45 degrees. The 45 degree elbow may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. A smooth, neat joint shall be made, and the connection made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the plumbing inspector. (Ord. 1475, Art. IV, Sec. 12; Code 1991, 14-423)
- 15-424. SAME; INSPECTION. The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the plumbing inspector or his or her representative.
(Ord. 1475, Art. IV, Sec. 13; Code 1991, 14-424)
- 15-425. SAME; BARRICADES. All excavation for public sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 1475, Art. IV, Sec. 14; Code 1991, 14-425)
- 15-426. ROOF; FOUNDATION DRAINS. No person shall make connection of downspouts, exterior foundation drainage, area way drains, surface run-off or

groundwater to a building sewer building drain which in turn is connected directly or indirectly to the public sanitary sewer. (Ord. 1475, Art. IV, Sec. 15; Code 1991, 14-426)

15-427. STORMWATER DRAIN. (a) No persons shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specially designed as storm sewers, or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged on approval of the city to a storm sewer or natural outlet. (Ord. 1475, Art. V, Secs. 1:2; Code 1991, 14-427)

15-428. 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 flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes as discharged to the public sewer.

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

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 1475, Art. V, Sec. 3; code 1991, 14-428)

15-429. SAME; LIKELY HARM. No persons shall discharge or cause to be discharged the following described substances, materials, water, or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject 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:

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

(b) Any water or waste 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 and 150 degrees Fahrenheit (0 degrees and 65 degrees centigrade).

(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 (0.76 hp metric) or greater shall be subject to the review and approval of the city.

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

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

(f) Any waters or wastes containing phenols, or other taste- or odor-producing substances, in such concentration exceeding limits which may be established by the city 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 city in compliance with applicable state or federal regulations.

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

(i) Material which exert or cause:

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

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning 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 or 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 water.

(k) Any waters or wastes having (1) a five-day BOD greater than 250 parts per million by weight, or (2) containing more than 250 parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the city. Where necessary in the opinion of the city, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 250 parts per million by weight, or (2) reduce the suspended solids to 300 parts per million by weight, or (3) control the quantities

and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. 1475, Art. V, Sec. 4; Code 1991, 14-429)

15-430. SAME; OPTIONS OF CITY. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 14-429 of this article, and which in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(a) Reject the wastes;

(b) Require the 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 rates or sewer charges under the provisions of section 14-435 of this article.

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 1475, Art. V, Sec. 5; Code 1991, 14-430)

15-431. INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the city, 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 located as to be readily and easily accessible for cleaning and inspection. (Ord. 1475, Art. V, Sec. 6; Code 1991, 14-431)

15-432. PRELIMINARY TREATMENT; EXPENSE. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 1475, Art. V, Sec. 7; Code 1991, 14-432)

15-433. CONTROL MANHOLE. When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 1475, Art. V, Sec. 8; Code 1991, 14-433)

15-434. TESTING STANDARDS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall

be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.) (Ord. 1475, Art. V, Sec. 9; Code 1991, 14-434)

15-435. SPECIAL AGREEMENTS. 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 or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 1475, Art. V, Sec. 10; Code 1991, 14-435)

15-436. DAMAGE TO SEWERS. 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. 1475, Art. VI, Sec. 1; Code 1991, 14-436)

15-437. INSPECTION BY CITY. The city and other duly authorized employees of the city bearing proper credentials an identification shall be permitted to enter all properties for the proposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The city or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 1475, Art. VII, Sec. 1; Code 1991, 14-437)

15-438. COMPANY INDEMNIFIED; WHEN. While performing the necessary on private properties referred to in section 15-437, the city or duly authorized employees 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 to 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 personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 15-433. (Ord. 1475, Art. VII, Sec. 2; code 1991, 14-438)

15-439. ENTRY BY CITY. The city and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties 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 easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1475, Art. VII, Sec. 3; Code 1991, 14-439)

15-440. PENALTIES. (a) Any person found to be violating any provision of this article except section 15-436 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 offender shall, within the period of time stated in the notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) above, shall be guilty of a code violation, and on conviction thereof shall be fined in the amount not exceed \$100.00 for each violation. Each 24 hour period in which any such violation shall continue shall be deemed a separate offense.

(c) 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. 1475, Art. VIII, Secs. 1:3; Code 1991, 14-440)

15-441. BILLS. Bills shall be rendered monthly as provided in sections 15-225:226 and shall be collected as a combined utility bill. (Code 1991, 14-441)

15-442. SEWER SERVICE RATES. The monthly sewer charge for service connections to the public sanitary sewer system of the City shall be based upon the average monthly water usage during the months of December, January and February as rounded to the nearest 1,000 gallons, herein after referred to as the average winter water usage and calculated using the following rates:

(A) Inside the City

(1) Minimum charge for all individual residential, commercial and industrial billing units contributing sewage to the system shall be \$7.00 per month.

(2) Based upon the average winter water usage each billing unit shall pay the following commodity charges per 1,000 gallons per month:

(a) First 10,000 gallons - \$0.61 per 1,000 gallons

(b) Next 40,000 gallons - \$0.72 per 1,000 gallons

(c) Next 50,000 gallons - \$0.77 per 1,000 gallons

(d) Over 100,000 gallons - \$0.88 per 1,000 gallons

(3) For calculating the monthly sewer service rates for a building with multiple billing units which share a common water meter and sewer connection and where one customer is billed for all water and sewer service to that building, the rate shall include the minimum charge for each billing unit within the facility and the commodity charge per 1,000 gallon usage based upon the average winter water usage.

(4) For the purpose of calculating the commodity charge for sewer customers who are not connected to the City's water system or for those sewer customers where there exists no established average winter water usage, the City will use an average of 6,000 gallons per month.

(5) The average winter water usage from which the service fees are based will be adjusted annually on or after April 1.

(B) Sewer Capital Fee - Inside the City

(1) Each residential, commercial and industrial billing unit with service connections contributing sewage to the system shall pay a monthly sewer capital fee that is to be used toward the retirement of the debt for the wastewater treatment plant, annual costs related to inflow and infiltration maintenance and repairs within the sewer collection system, sewer collection system equipment and a wastewater system capital reserve fund. This monthly fee is in addition to the regular monthly sewer service charges as identified in Section 15-443 (A).

(2) The monthly sewer capital fee shall be based upon the average winter water usage as rounded to the nearest even 1,000 gallons. For calculating this monthly fee for sewer customers who are not connected to the City's water system or for those sewer customers where there exists no established water usage, the City shall use the average of 6,000 per month.

(3) Upon determining the average winter water usage, each sewer customer shall be placed within a user class tier and pay the monthly sewer capital fee for that usage tier. The average winter water usage used to determine the sewer capital fee will be reviewed annually and adjusted at the same time the average winter water usage is adjusted for the regular monthly sewer commodity charges.

(4) Based upon the average winter water usage, each sewer customer shall pay the following sewer capital fee:

- (a) Tier One 0 to 5,000 gallons - \$ 15.00
- (b) Tier Two 5,001 to 10,000 gallons - \$ 25.00
- (c) Tier Three 10,001 to 20,000 gallons - \$ 50.00
- (d) Tier Four 20,001 to 50,000 gallons - \$ 75.00
- (e) Tier Five 50,001 to 100,000 gallons - \$120.00
- (f) Tier Six Over 100,000 gallons - \$180.00

(5) The average winter water usage will be used to determine the sewer capital fee for a building with multiple billing units which share a common water meter and sewer connection and where one customer is billed for all water and sewer service to that building.

(C) Outside the City

(1) Minimum charge for all individual residential, commercial and industrial billing units contributing sewage to the system shall be \$8.50 per month.

(2) Based upon the average winter water usage each billing unit shall pay the following commodity charges per 1,000 per gallon per month:

- (a) First 10,000 gallons - \$0.72 per 1,000 gallons
- (b) Next 40,000 gallons - 0.83 per 1,000 gallons
- (c) Next 50,000 gallons - \$0.88 per 1,000 gallons
- (d) Over 100,000 gallons - \$0.99 per 1,000 gallons

(3) For calculating the monthly sewer service rates for a building with multiple billing units which share a common water meter and sewer connection and where one customer is billed for all water and sewer service to that building, the rate shall include the minimum charge for each billing unit within the facility and the commodity charge per 1,000 gallon usage based upon the average winter water usage.

(4) For the purpose of calculating the commodity charge for sewer customers who are not connected to the City's water system or for those sewer customers where there exists no established average water usage, the City will use an average of 6,000 per month.

(5) The average winter water usage from which the service fees are based will be adjusted annually on or after April 1.

(D) Sewer Capital Fee - Outside the City

(1) Each residential, commercial and industrial billing unit with service connections contributing sewage to the system shall pay a monthly sewer capital fee that is to be used toward the retirement of the debt for the wastewater treatment plant, annual costs related to inflow and infiltration maintenance and repairs within the sewer collection system, sewer collection system equipment and a wastewater system capital reserve fund, This monthly fee is in addition to the regular monthly sewer service charges as identified in Section 15-443 (C).

(2) The monthly sewer capital fee shall be based upon the average winter water usage rounded to the nearest even 1,000 gallons. For calculating this monthly fee for sewer customers who are not connected to the City's water system or for those sewer customers where there exists no established water usage, the City shall use the average of 6,000 per month.

(3) Upon determining the average winter water usage, each sewer customer shall be placed within a user class tier and pay the monthly sewer capital fee for that usage tier. The average winter water usage used to determine the sewer capital fee will be reviewed annually and adjusted at the same time the average winter water usage is adjusted for the regular monthly sewer commodity charges.

(4) Based upon the average winter water usage, each sewer customer shall pay the following sewer capital fee:

- (a) Tier One 0 to 5,000 gallons - \$ 18.00
- (b) Tier Two 5001 to 10,000 gallons - \$ 30.00
- (c) Tier Three 10,001 to 20,000 gallons - \$ 60.00
- (d) Tier Four 20,001 to 50,000 gallons - \$ 90.00
- (e) Tier Five 50,001 to 100,000 gallons - \$145.00
- (f) Tier Six Over 100,000 gallons - \$215.00

(5) The average winter water usage will be used to determine the sewer capital fee for a building with multiple billing units which share a common water meter and sewer connection and where one customer is billed for all water and sewer service to that building.

(Ord. 1986, Sec. 1; Code 2010)

15-443.

SERVICE CHARGES. The following be and the same are hereby established as just and equitable rates of service charges to be paid to the city for the use of

the city's sewer disposal system by all persons, firms, corporations, the United States, the State of Kansas and political subdivisions and any organizations whose premises are connected, or may hereafter be connected, to the sanitary sewer system of the city:

(a) Single-Family Dwelling Units. The base rate shall apply.

(b) Multiple-Family Dwelling Units. Each separate dwelling unit is the multiple-dwelling establishment shall be charged per month, the same being the minimum charge under the base rate plus water usage.

(c) Rooming Houses. The rate for rooming houses shall be the same as computed in the same manner as single-family dwelling units to be extent and as though the same were a single-family dwelling unit, taking into consideration, of course, the entire average water use of such premises.

(d) Business and Commercial Building, Institutions, Schools and Churches, Other than Offices and Office Buildings. Where such building is occupied by a single business, industrial or commercial enterprise, or institution, schools or churches, each separate building or buildings, as the case may be, having a separate water metering facility, shall have its sewage service charge computed upon the base rate.

(e) Office Buildings and Other Industrial Establishments, Institutions, Schools and Churches. Where more than one of such are occupied and maintained as separate entities, using a separate quarter, room or space, all of which are under the same roof and in the same building, having a single water meter in the facility for all such establishments, shall have each of their respective sewage service charges computed in the same manner as provided for multiple-family dwellings as set out herein above.

(f) Extra Strength Users. All establishments having a connection to the sanitary sewer facility of the city discharging wastes greater than normal strength waste as defined by this article shall have their monthly sewage service charge established by the base rate plus the charge as computed by the equation for extra strength users. Twenty-four hour composite sample will be ran at least every six months to determine the surcharge. The samples collected shall have sample collected at no less than hourly intervals over a 24 hour period.

(g) Unusual or Exceptional Circumstances or Classifications. If any unusual or exceptional case or circumstances such as where a leak, wastage or stoppage of water use has occurred during the base period, or such as where the subject premises are unoccupied for a substantial period of time during the base period, or such as where the average water use during the base period is either excessive or less than which would normally be expected thereon, or such as here accurate metering or measuring of average water use cannot be obtained, or such as where the premises connected to the sanitary sewer system of the city are creating a substantially greater or less load upon the sewer system by reason of a substantially larger or smaller or peculiar or unusual type of discharge in the sanitary sewer system, and such as where the premises is a newly erected building not in existence during the entire base period, or such as water used on the premises connected to the city's sanitary sewer system is both from a metered and unmetered use, and such as where for any other cause or reason it would be inequitable, unjust or unreasonable, either to the owner or occupant of the premises or to other users of the sanitary sewer system of the city, to charge a

rate under any of the classifications herein above described, the city manager, in his or her discretion, may and is hereby authorized, from time to time to adjust such sewage service charges for such premises, either upward or downward to a rate, which he or she deems equitable, just and reasonable. Provided, that nothing herein shall be construed as limiting or prohibiting any person who feels aggrieved by such adjustment.

(h) Extra Strength Charge. The charge to users which contribute greater than normal domestic strength wastewater. The surcharge shall be computed by the following equality:

$$Cs = [Bc (B) + Sc (S)] 0.00084 Vu$$

Where:

Cs = A surcharge for wastewaters of excessive strength.

Bc = Operation and Maintenance Cost for Treatment of a unit of Biochemical Oxygen Demand (BOD) = 0.121.

B = Concentration of BOD from a user above a base level as stated in

Sc = Operation and Maintenance Cost for treatment of a unit of Suspended Solids (SS) = 0.124

S = Concentration of Suspended Solids from a user above a base level as stated in

Vu = Volume contribution from a user per unit of time

0.00084 = Unit conversion factor per 1,000 gallons

Extra Strength Unit Charges are established as follows:

Inside City and Outside City:

BOD 0.121/# BOD

Suspended Solids 0.124/ # SS

(i) Toxic Pollutant Charge. Any user which discharges any toxic pollutants which causes an increase in the cost of managing the effluent or the sludge from the city's treatment plants shall pay for such increased costs.

(j) Monitoring Charge. When regulations, as set forth, by federal, state and city require monitoring of the waste from an industry, whether of strength, calculations or for NPDES compliance, that industry shall pay a monitoring charge.

The monitoring charge shall consist of all costs for personnel, material and equipment used to collect and analyze samples from the user's wastewater.

The exact charge shall be based on actual costs and shall be determined by the city.

(Ord. 1523, Art. IV, Sec. 2; Code 1991, 14-444)

ARTICLE 5. REFUSE

15-501. DEFINITIONS. For the purpose of this article, the following definitions shall apply:

(a) Contractor - shall mean a person with whom the city has a contract to collect and dispose of refuse and garbage.

(b) Person - shall mean any individual, firm, association, syndicate, copartnership, corporation, trust, other legal entity having proprietary interest in a premises, or other legal entity having responsibility for an act.

(c) Garbage - shall mean the solid or semisolid animal and vegetable waste resulting from the handling, preparation, cooling and serving of foods, including cans, bottles and cartons in which it was received and wrapping in which it may be placed for disposal.

(d) Refuse - shall mean all solid waste from residential, commercial or industrial premises. It shall include semi-liquid or wet wastes with insufficient moisture and other liquid contents to be free flowing. It shall not include, except for minor amounts incidental to other wastes, any refuse resulting from building evacuation, demolition, or remodeling work, or any construction work, nor shall it include stumps, grass clippings, yard waste, limbs, tree trunks, tree trimmings, and limbs, or the tree trimmings resulting from the cutting down, or the topping of any tree, regardless of who performs the work, nor shall it include refuse resulting from tornado, cyclone, extreme windstorms, ice storms, flood or other act of God, or the burning of any building.

(e) Standard Containers - shall mean tapered plastic or galvanized metal containers, watertight with tight setting covers approximately 32 gallons or less in capacity with cover, handle and side bails or plastic bags, in or out of the container, tied or sealed, or as otherwise approved by the city; provided, that a standard container when full of garbage and refuse as used herein shall not exceed the total weight of 60 pounds inclusive of the container.

(Code 1975, 14-101; code 1991, 14-501)

15-502. COLLECTION; REFUSE, GARBAGE BY CITY. All refuse and garbage accumulated within the city shall be collected, conveyed and disposed of by the city or by the employees of the city or by contractors specifically authorized to collect and dispose of refuse and garbage or by persons collecting and disposing of their own refuse and garbage. (Code 1975, 14-102; Code 1991, 14-502)

15-503. CONTRACTS. The governing body of the city shall have the right to enter into a contract with any responsible person or persons; provided, that the contractor shall collect and dispose of all, or any part of refuse within the city, the terms of the contract to be arranged and determined by the governing body of the city and the contract to be awarded to a responsible person or persons after proper negotiation; provided further, that the contract for the collection and disposal of refuse as herein defined shall in no way conflict with the terms and conditions of this article. (Code 1975, 14-103; Code 1991, 14-503)

15-504. ACCUMULATION; STORAGE OF REFUSE; GARBAGE. It shall be the duty of every person owning, managing, operating, leasing, or renting any premises or

any place where garbage or refuse accumulates, to provide, and at all times to maintain in good order and repair, on any premises a portable container or containers for refuse storage of sufficient capacity and of sufficient numbers to accommodate and securely hold all of the garbage and refuse that may accumulate between regular scheduled collection. Garbage and refuse shall be accumulated and handled for pickup or transported as follows, to wit:

(a) All refuse and garbage shall be placed in standard containers; except, it shall not be necessary to place books, boxes, magazines, or newspapers in containers; provided, that they are securely tied in bundles or completely contained in disposal boxes not larger than 24"x24"x36", provided further, that in collection of garbage and refuse as set forth and defined in section 15-508(c) of this article containers other than standard containers may be used when such other containers shall be accepted and approved in advance by application made to the city clerk.

(b) Baskets, boxes, and noncomplying refuse or garbage cans or containers shall be considered disposable refuse and shall be removed by the contractor if they are the proper size and otherwise acceptable for collection; or shall be left uncollected if they are larger than the allowable size or unacceptable for collection.

(c) Large bulky items such as furniture and appliances that cannot be reduced to fit approved containers will not be collected by routine collection as provided herein but the same will be collected by the city, or by persons acting under the authority or by contract with such city upon notification by any person or persons that such items are to be collected. A rate shall be charged for such collections commensurate with the amount of time and equipment necessary to collect and dispose of such items.

(d) Within the corporate limits of the city, all garbage or refuse, consisting of waste, animal and vegetable matter, which may attract flies, dogs, or rodents, shall be drained of all excess liquid, wrapped in paper or disposal containers and placed or stored, until collected, in covered standard containers.

(e) No person shall permit to accumulate on any premises, improved or vacant, or on any public place in the city, such quantities of garbage or refuse, either in containers or not, that shall in the opinion of the city, constitute a health or sanitation hazard.

(f) No person shall permit to accumulate quantities of refuse, papers, trash, ashes, or other waste materials, within or close to any building in the city, unless the same is stored in containers in such a manner as not to create health or fire hazard.

(g) No person shall bury refuse and garbage at any place within the city or keep, place, or deposit refuse and garbage on any public or private grounds or premises whatsoever, except in containers or receptacles for collection upon premises owned, occupied, or under possession and control of such person; provided, that lawn and garden trimmings may be composted.

(h) No person shall accumulate and transport garbage and refuse upon any premises and transport the same to other premises within the city for the purpose of collection by the city, but collection shall be made only upon premises where such garbage and refuse shall have accumulated by use.

(i) No person shall create, cause, or add to any refuse accumulation not placed for regular or special haul, or cause unwholesome odors, or cause the

attraction or collection of insects or rodents, or burn any garbage, leather, rubber, plastic, green or wet vegetation or organic material, or burn any other substance producing some problems within the city unless the operations are carried out in an approved type incinerator.

(j) No person shall haul or cause to be hauled any garbage, refuse, or other waste material of any kind, to any dumping place or site or area, within or without the corporate limits of the city, unless such place, or site is operated by the contractor or is a sanitary landfill site approved by the Kansas State Department of Health; in addition to complying with all applicable health ordinances of the city.

(k) No person shall deposit in a garbage or refuse container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous materials shall be transported by the owner, responsible person or his or her agent, to a place of safe deposit or disposal as prescribed by the sanitation officer or his or her authorized representative. Hazardous material shall include: explosive materials, rags or other waste soaked in volatile and flammable materials, drugs, poisons, radioactive materials, highly combustible material and/or other wastes, contaminated by infection or contagious disease, and other materials which may present a special hazard to collection or disposal personnel or equipment or to the public.

(Code 1975, 14-104; Code 1991, 14-504)

15-505.

COLLECTION; GARBAGE, REFUSE. The city, or its authorized contractor, shall collect from the residential areas of the city not less than twice weekly and from the designated business routes and all food establishments of the city, not less than twice weekly. It shall be the duty of any person in possession or in control of any premises to make available for collection all garbage and refuse as follows, to wit:

(a) Residential Areas. Standard containers and supplemental material to be collected as aforesaid shall be placed on the outside of the fence in areas where there is an alley contiguous to the particular premises and to the curb at the front side of the house in all areas where there are no contiguous alleys; provided, that when any person or persons shall live alone and shall have a physical impairment that makes the moving of containers for pickup to the designated spots unusually difficult then such person may make application to the city clerk for variance from the requirements for placing containers in designated places. The city clerk shall be authorized to permit variances by changing collection to a specific place on the premises and may require such proof of impairment as may be necessary to make full determination.

(b) Commercial Areas. Standard containers, other approved containers and supplemental material shall be placed outside of buildings or other enclosures in areas where alleys shall be contiguous to the establishment. Otherwise in such place or places readily accessible to the collector.

(c) Heavy accumulations such as brush, broken concrete, ashes, 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.

(d) Manure, waste oils from garages or filling stations, tire rubber or materials considered hazardous and/or dangerous, shall be removed and

disposed of at the expense of the person controlling same in the manner and by the method directed by the sanitation office.

(Code 1975, 14-105; Code 1991, 14-505)

15-506. PERMITS. No person shall collect or haul over the city streets in the city, any garbage or refuse unless such person shall have a contract with the city; provided, that this section shall not apply to departments of city government of the city; provided further, that nothing in this section shall be construed to prevent a person from hauling or disposing of his or her own refuse accumulated at his or her residence or business establishment, in such a manner as not to endanger the public health or safety, not to create a nuisance to the inhabitants of the city and not to litter the streets and alleys of the city. (Code 1975, 14-106; Code 1991, 14-506)

15-507. AUTHORIZED PERSONS; EXCEPTION. The contractor or any person authorized by him or her, his or her agents and employees shall have the right to remove or haul garbage or refuse, and shall not be a prohibited person as provided in the above section. Nothing elsewhere contained in this article shall be construed as prohibiting construction contractors, tree surgeons, roofers and other private contractors, whose operations result in the accumulations of refuse, from hauling and disposing of accumulations of garbage and refuse resulting from their own operations; provided, that they shall at all times comply with the regulations and provisions of this article. (Code 1975, 14-107; Code 1991, 14-507)

15-508. CHARGES; COLLECTION; DISPOSAL. The City in providing the service of collecting and disposing of all refuse and garbage accumulated within the City for the purpose of preventing unsanitary, unsightly, hazardous, unhealthful and dangerous conditions caused by the accumulation of garbage and refuse, shall establish and collect a service charge or fee to defray the cost and maintenance of service and to pay any person contracting with the City for the collection and disposal by the contractor for the collection and disposal thereof. Such charges and fees shall be computed, based and charged to the owners or occupants of dwelling units or commercial establishments as nearly as practicable upon the basis of volume or time expended in the collection and disposal thereof.

(a) There shall be a charge, assessed and collected from each residential unit within the City the sum of \$13.00 per month.

(b) In the case of multiple or group dwellings, other than motels or boarding houses, there shall be a charge as hereinafter set forth. Such buildings, where a two cubic yard or larger trash container approved by the City and capable of being lifted mechanically by the refuse truck is located at a central point accessible to the refuse truck and shall be large enough to accommodate all refuse from the living units shall be charged at the rate of \$13.00 per month per occupied unit for two pickups per week. Charges will be added to the water or electric billing if each unit is billed separately for water or electric service. Where all of the living units are on a single meter the charges for the number of occupied units will be billed to the owner. Where each unit has its individual pickup point, without a two cubic or larger trash container, the charge will be \$13.00 per month and billed as stated above, The owner of the building or dwelling shall be charged the rental fee of the

container when the City provides such container(s), under the rate structure set forth below.

(c) There shall be charged, assessed and collected from each commercial institution, establishment, office, including but not limited to motels, restaurants, boarding houses, office buildings, stores, etc., charges to be assessed as provided, to wit:

(1) There shall be a minimum charge of \$14.95 per month to each person so long as on each collection the pickup shall consist of not more than three standard containers, which must be used, as defined herein.

(2) For pickups of over three standard containers, there shall be the minimum charge of \$14.95 per month to each commercial establishment plus \$2.20 for each standard container above three and less than seven, so long as only standard containers are used. If more than six standard containers are needed, the owner must provide a container approved by the City and capable of being lifted mechanically by the refuse truck.

(3) For the collection of garbage, refuse and rubbish by the City where approved attachable containers rented from the City are utilized, the following monthly fees shall be charged:

	Collections Per Week				
Dumpster Size	2	3	4	5	6
2 Yards	\$52.73	\$72.74	\$92.82	\$112.84	\$132.62
2.5 Yards	\$60.79	\$85.05	\$108.96	\$133.25	\$156.81
3 Yards	\$63.69	\$90.54	\$117.09	\$143.88	\$170.73
4 Yards	\$74.72	\$106.74	\$141.67	\$167.58	\$209.84
5 Yards	\$93.39	\$133.42	\$177.09	\$220.73	\$262.30
6 Yards	\$112.08	\$160.11	\$212.51	\$264.88	\$314.77

(4) Privately owned containers shall not be charged the rental fee established hereby. The owner of the private containers indemnifies and holds harmless the City for damages and maintenance of the container.

(5) City owned containers rented for use shall only be used for collection of refuse described herein. Other uses are strictly prohibited. All containers, either privately or City owned shall retain all lids in operable condition. Properly sized containers must be used, all refuse must be contained inside the container, with the lid closed tight.

(6) If for any reason that the City is required to add a lock to secure the lids of a container for a customer, there will be an additional charge of \$2.00 per month per container.

Rates for multiple container rentals shall be computed on a monthly basis as follows:

<u>Dumpster Size</u>	<u>Rental</u>
2 Yards	\$20.70
2.5 Yards	\$25.30
3 Yards	\$28.75
4 Yards	\$34.50
5 Yards	\$43.70
6 Yards	\$51.75

(1) Any commercial customer receiving twice-weekly service who shall place for collection any refuse not in a prescribed container, shall pay an additional charge which shall be computed at the rate of \$67.00 per hour consumed in each pickup.

(2) The person or establishments above may request additional pickups be made each week with rates to be increased by \$14.95 per collection for a container up to two cubic yards or \$29.84 per collection for a container between 2.5 and 4 cubic yards, \$37.31 per collection for a container of 5 cubic yards, or \$44.77 per collection for a container of 6 cubic yards.

(3) The person or establishments above located outside the City, shall be charged 125 percent of the in-city rate.

(Ord. 1997; Code 2010)

15-509. DUTY TO REQUEST GARBAGE SERVICE. To assist in maintaining the general sanitation of the city, it shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage and refuse route to notify the city clerk of the city at the beginning of such occupancy and request, accept and use the garbage and refuse pickup and collection service; provided, that the failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the city from adding the address of such premises to the proper garbage and refuse collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fees or charges therefor to be paid. (Code 1975, 14-109; Code 1991, 14-509)

15-510. BILLING; COLLECTION OF GARBAGE, REFUSE. The city clerk shall prepare monthly billings or charges to be made by virtue of section 15-508 of this article and such charges shall be payable monthly except any charges which may be made by the city manager with the consent of the governing body for unusual accumulation of garbage; provided, that such charges may be billed by the city clerk on any monthly statement rendered for electricity or water bills and any unpaid charges under this article are hereby declared to be a lien upon and may be deducted from any electric or water utility deposit in the hands of the city clerk. Payment of the aforesaid charges are hereby expressly declared to be the liability of the tenant of the premise using the garbage and refuse collection service, but in the event that the owner or landlord of such premises is liable for the payment of either the electric or water utility bills thereon, the landlord or the owner, as the case may be, shall also be liable for the payment of the charges assessed herein. In the event that persons using the garbage and refuse collection system shall not be a customer of the city water department, a bill shall be rendered for such service in the manner directed by the city manager and all bills shall be payable at the same time and in the same manner as city water or electric bills. (Code 1975, 14-110; Code 1991, 14-510)

15-511. CHARGES TO BE ON UTILITY BILL. The charges as herein set shall be assessed against every person as herein above defined that shall receive either

water or electric service from the city and no payment shall be accepted by the city, except for the full amount billed for all services, and delinquent refuse and garbage bill shall carry the due dates, grace periods and penalties as utility bills. (Code 1975, 14-111; Code 1991, 14-511)

15-512. COMMERCIAL DUMPING AT COMPOST/LIMB SITE. (a) All Commercial Businesses operating within the City of Augusta that include Tree Services and/or Mowing Services will be required to obtain a permit to allow for the dumping of grass clippings, yard waste, and limbs at the City compost/limb site located at 400 South grove during its normal hours of operation. Permits will be monitored by City of Augusta employees at the compost/limb site.

(b) USD 402 will not be required to obtain a permit allowing the dumping grass clippings, yard waste, and limbs a the City compost/limb site as long as they do not hire commercial operators for these types of services. (Ord. 1998; Code 2010)

15-513. SAME; PERMIT. Permits can be purchased at the Inspection Office located in City Hall at 113 East 6th Avenue. The permit fee shall be established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas. Permits will be valid from the date of purchase until December 31st if the year of purchase. Permit fees will not be pro-rated based on the date of purchase. (Ord. 1998; Code 2010)

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 voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Code 1991, 14-601)

15-602. DEFINITIONS. (a) Water - shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.

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

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

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

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

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

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

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

(Code 1991, 14-602)

15-603. DECLARATION OF A WATER EMERGENCY. Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Code 1991, 14-603)

15-604. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 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.
 - (d) Waste of water.
- (Code 1991, 14-604)

15-605. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

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

(Code 1991, 14-605)

15-606. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-603, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) Higher charges for increasing usage per unit of the use (increasing block rates);
- (b) Uniform charges for water usage per unit of use (uniform unit rate); or
- (c) Extra charges in excess of a specified level of water use (excess demand surcharge).

(Code 1991, 14-606)

15-607. REGULATIONS. During the effective period of any water supply emergency as provided for in section 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. (Code 1991, 14-607)

15-608. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed

pursuant to sections 15-605 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; and

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

(b) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200.00 for the second violation and \$300.00 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.

(Code 1991, 14-608)

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 as required to protect the health and safety of the public. (Code 1991, 14-609)