CHAPTER XV. UTILITIES

Article 1. General Provisions
Article 2. Water
Article 3. Electricity
Article 4. Sewers
Article 5. Solid Waste
Article 6. Water Conservation

ARTICLE 1. GENERAL PROVISIONS

15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 2007)

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 sections 15-103:104. (Code 2007)

15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

(1) The amount due, plus delinquency charge;

7 8 (2) Notice that service will be terminated if the amount due is not paid within [redacted] days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;

(3) Notice that the customer has the right to a hearing before the designated hearing officer;

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

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request.
(Code 2007)

15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known

address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 2007)

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

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

(1) Water Service - $175.00;

(2) Electric Service - $~~175.00~~; $250.00

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

(d) On the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor who is owner of the premises wherein such utility service is being furnished and has not been delinquent in payment of any utility service charge during the past year. Interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.

(f) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the utility fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended.
(Ord. 549, Sec. 1:3; Code 2007)

15-106. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article shall be liable for payment of the cost of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event a delinquency arises involving leased premises, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry. If the delinquent billing, interest and penalty are not paid within 15 days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.

(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 2007)

15-107. PETTY CASH FUND. A petty cash fund in the amount of $100.00 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 2007)

15-108. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 2007)

15-109. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount.
(Code 2007)

15-110. LEVEL PAY PLAN, ESTABLISHED. There is hereby established a level pay plan for users of electric, water and sewer services provided by the City of Arma, Kansas. (Ord. 455; Code 2007)

15-111. SAME; ELIGIBILITY. There shall be available to any business cr commercial user of electric, water, and sewer services provided by the City of Arma a level pay plan provided that those users meet the following qualifications:

(a) Such user, on the average, uses total electric, water and sewer services that equates to charges of at least one thousand dollars ($1,000.00) per month, and

(b) Such user has a proven history of at least twelve months wherein timely payment has been made for its electric, water and sewer charges.
(Ord. 455, Sec. 1; Code 2007)

15-112. SAME; PROCEDURE. (a) Applicants to the level pay plan offered by the City of Arma shall apply for participation in such plan at the office of the City Clerk. Final determination as to which applicants will be accepted into the level pay plan shall by made by the City Council.

(b) If it is determined that a user shall be accepted for the level pay plan, the monthly amount to be paid by that user for its electric, water, and sewer service for the first eleven months of a given calendar year shall be equal to its total usage for those services in the previous calendar year divided by eleven (the "base amount"). In the twelfth month of a given calendar year in which the level pay plan is used, the City and the user will adjust the base amount so that if a surplus has been paid by the user during the year, a credit will be given to the user, which can be applied to the user's bill for the following month. If a shortage exists, the payment for the twelfth month of the calendar year will be adjusted upwards accordingly.

(c) Any adjustments to the rates that are anticipated, or that have been made during the previous calendar year, can be taken into consideration by the City when setting the base amount. Adjustments may also be made by either the City or the user if the spread between actual usage and the cumulative base amount paid in is either over or under the cumulative base amount paid in by seventy-five percent (75%) of the then established base amount for any given month.
(Ord. 455, Sec. 2; Code 2007)

15-113. SAME; FAILURE TO PAY. If a user fails to timely make a monthly payment of its base amount, or fails to timely make the requisite payment in the twelfth month of a calendar year or when an adjustment has been made, the user shall no longer be eligible for the level pay play, its participation in such plan shall be terminated, and its service for electric, water, and sewer shall be governed by the ordinances and regulations applied to all other electric, water, and sewer customers of the City.
(Ord. 455, Sec. 3; Code 2007)

ARTICLE 2. WATER

15-201. SUPERINTENDENT OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the superintendent of water and sewage, who shall be appointed by the mayor with the consent of the governing body. (Code 2007)

15-202. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 2007)

15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 2007)

15-204. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main.

(b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 2007)

15-205. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, 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 clerk;

(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 15-207. (Code 2007)

15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb

cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 2007)

15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be as follows:

(a) For connecting water main with three-fourths inch tap, three- fourths inch service line and installing three-fourths inch meter - $_____ plus tax;

(b) For connecting water main with larger than a three-fourths inch tap, service line or meter - $_____ plus tax.

(Code 2007)

15-208. 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 2007)

15-209. 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 2007)

15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. (Code 2007)

15-211. METERS. (a) All water furnished to customers shall be metered.

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

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

(Code 2007)

15-212. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of $10.00 will be made to the customer. (Code 2007)

15-213. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off. (Code 2007)

15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass 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 2007)

15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 2007)

15-216. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 2007)

15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 2007)

15-218. PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:

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

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

(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 2007)

15-219. 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 2007)

15-220. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 2007)

Rates change annually in May

15-221. RATES WITHIN CITY LIMITS. The following rates will be charged for all water consumed by the consumers who reside within the city limits of the City of Arma, and use water from the water works system of said City:

(a) Two Thousand (2,000) gallons of water for Ten Dollars and Sixty Cents ($10.60) and which shall be the minimum charge per month.

(b) The next Eight Thousand (8,000) gallons shall be charged at Three Dollars and Ten Cents ($3.10) per thousand gallons.

(c) All water consumed by the customer over Ten Thousand (10,000) gallons shall be charged at Three Dollars and Fifty Cents ($3.50) per thousand gallons. (Ord. 555, Sec. 1; Code 2007)

15-222. RATES OUTSIDE THE CITY LIMITS. The following rates will be charged for all water consumed by the individual residential consumers who reside outside the city limits of the City of Arma, and who use water from the water works system of said City.

(a) Two Thousand (2,000) gallons of water for Fifteen Dollars and Fifty Cents ($15.50) and which shall be the minimum charge per month.

(b) All water consumed by the customer over Two Thousand (2,000) gallons, but less than 1,000 gallons, shall be charged at Six Dollars and Fifty Cents ($6.50) per thousand gallons.

(c) All water consumed over 10,000 gallons shall be charged Seven Dollars and Fifty Cents ($7.50) per thousand gallons)
(Ord. 555, Sec. 2; Code 2007)

15-223. WATER COMPANIES. All water companies using water from the water system of the City of Arma shall be billed at the rate of Six Dollars and Fifty Cents ($6.50) per thousand gallons, if the water company does not request the City of Arma to read its meters or perform repairs. If the City of Arma reads meters, those persons shall be billed as set out in 15-222. (Ord. 555, Sec. 3; Code 2007)

15-224. HOOK-UP REQUESTS. Any other request for water from the City of Arma, Kansas, from any outside the city limit source shall be charged at Eight Dollars and Fifty Cents ($8.50) per thousand gallons. All hook up, meter costs and related or associated costs shall be solely at the expense of the outside the city limit consumer. (Ord. 555, Sec. 4; Code 2007)

15-225. INDEPENDENT WATER COMPANY BOARD FEE. The City of Arma, at the request of the Independent Water Company Board shall assess a $2.00 per bill assessment to collect the difference between the water meter and individual households bills. The City shall not be required to account for any excess fees collected, but will retain any overage as collection fees. If the Independent Water Company still owes the City of Arma at the end of the year, a bill shall be submitted to the Independent Water Company if the amount is in excess of $10.00.
(Ord. 555, Sec. 5; Code 2007)

15-226. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the _____ day of the month following the service. For any billing not paid when due a late charge of _____ percent will be added to the bill. (Code 2007)

15-227. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 2007)

15-227. USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 2007)

15-228. CROSS-CONNECTIONS PROHIBITED. No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Ord. 471, Sec. 2; Code 2007)

15-229. 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. 471, Sec. 3; Code 2007)

15-230. SAME; INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city.
(Ord. 471, Secs. 4:5; Code 2007)

15-231. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply.
(Ord. 471, Sec. 6; Code 2007)

ARTICLE 3. ELECTRICITY

15-301. METER LOCATION. The City shall designate the location of the customer's electric meter to be serviced by the City of Arma. (Ord. 506, Sec. 1; Code 2007)

15-302. CITY RESPONSIBILITY. The City shall provide and be responsible for the full cost of installation of overhead electrical service to a location designated by the City on the City utility right-of-way, or as close thereto as is possible, adjacent to the customer's property, hereafter referred to as the point of service. (Ord. 506, Sec. 2; Code 2007)

15-303. CUSTOMER ELECTION. The customer shall have the election of either overhead or underground electrical service.

(a) If overhead electrical service is elected by the customer:

(1) The City shall provide and be responsible for the cost of the installation of overhead electrical service from the point of service to the location of the electric meter.

(2) The customer shall bear the expense for overhead electrical service from the electric meter and into the customer's residence or business building.

(3) Any overhead electrical service shall be installed according to the City's specifications.

(b) If buried or underground electrical service is elected:

(1) The customer shall be responsible for the cost of providing all buried or underground electrical service.

(2) Any buried or underground service shall be installed according to the City's specifications and in accordance with the National Electric Code in effect on the date the service is installed or modified.

(Ord. 506, Sec. 3; Code 2007)

15-304. NEW CONNECTIONS. Provision 15-303 shall apply only to any new service connections made to the City of Arma's electrical system and shall not affect any existing service connection which is replaced subsequent to the passage of this ordinance. (Ord. 506, Sec. 4; Code 2007)

15-305. CONNECTION ACCESS. The City shall be given ease of access by the customer, without interference, to come onto the customer's property to install, maintain, inspect, or service electric lines, meters, and other electrical equipment. (Ord. 506, Sec. 5; Code 2007)

15-306. PENALTY. Any customer found to be in violation of any of the provisions of this ordinance shall be subject to termination of electrical service by the City, and shall, upon conviction, be fined not less than Ten Dollars ($10.00) and not more than Five Hundred Dollars ($500.00). (Ord. 506, Sec. 6; Code 2007)

Rates change annually in January

15-307. ELECTRICITY RATES. The following rates will be charged for all electric current consumed by customers within or without the city limits of the City of Ama, Kansas, and use electricity from the distribution lines of said City, and the connected

load demand for each consumer shall be fixed by the Superintendent of Public Utilities.

(a) Demand Rate:

(1) A minimum monthly charge shall be based on the connected load demand as follows: 30 KWH per KW of demand at seven dollars and sixty cents, ($7.60).

(2) Next 80 KWK per KW of demand at fourteen cents, ($0.14). Next 200 KWH per KW of demand at eight cents, ($0.08). Balance at seven and a half cents, ($0.07.5).

(3) Demand Charge: $6.50 per KWH per KW of Demand.

(b) Residential: Single demand.

(1) Minimum Charge $3.80 for 15 KWH

(2) Next 40 KWH at fourteen cents ($0.14)

(3) All over 55 KWH at eight cents ($0.08);

(c) Multiple: The following minimum monthly charge shall be based on such fixed connected load demand at the following rate:

(1) 15 KWH or less connected load for $3.80

(2) Next 40 KWH per KW of demand at fourteen cents ($0.14)

(3) Next 100 KWH per KW of demand at eight cents ($0.08)

(4) Balance at seven and one half cents ($007.5).

(Ord. 473, Secs. 1:2; Code 2007)

15-308. EXCESSIVE USE. If any consumer uses through one meter more electricity in any one month that the fixed connected load demand, then all of the electricity consumed in that month by that consumer through that meter shall be charged at the rates set out above for calculating the minimum monthly charge.
(Ord. 473, Sec. 3; Code 2007)

ARTICLE 4. SEWERS

15-401. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as 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 five feet 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) 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.

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

(e) Individual Domestic - means any single family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city and on individual city or private water service meter, or connection to any such water service.

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

(g) Industrial - means any industrial business engaged in the manufacturing or processing of one or more products, and in which wastewaters are produced from such manufacturing or processing and said wastewaters are discharged directly or indirectly to the wastewater facilities of the city.

(h) Multi-domestic - means any multi-family residence, apartment or mobile home and any commercial business, office, institution, school, church or public entity having a direct or indirect connection to the wastewater facilities of the city and not having an individual water service meter but is served with city or private metered water by the owner of the property on which it is located.

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

(j) Superintendent - shall mean the superintendent of the city or his or her authorized deputy, agent or representative.

(k) 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.

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

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

(n) 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 (1/2) inch (1.27 centimeters) in any dimension.

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

(p) Combined Sewers - shall mean sewers receiving both surface runoff and sewage, are not permitted.

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

(r) Storm Sewer or Storm Drain - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(x) Superintendent - shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the City of Arma, or his authorized deputy, agent, or representative.

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

(z) User - means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

(aa) Wastewater - means sewage, the combination of liquids and water carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or storm water that may be present.

(bb) Normal wastewater. - The strength of normal wastewater shall be considered within the following ranges:

(1) A five day biochemical oxygen demand of 300 milligrams per liter or less;

(2) A suspended solid concentration of 350 milligrams or less;

(3) Hydrogen ion concentration of 5.0 to 9.0.

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

(Ord. 544, Sec. 1; Code 2007)

15-402. UNLAWFUL DISCHARGE. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Arma, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Arma, or in any area under the jurisdiction of said City, any sewage or other polluted

waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
(Ord. 544, Art. 2, Secs. 1:2; Code 2007)

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 or used for the disposal of sewage. (Ord. 544, Art. 2, Sec. 3; Code 2007)

15-404. CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet 30.5 meters of the property line. (Ord. 544, Art. 2, Sec. 4; Code 2007)

15-405. PRIVATE DISPOSAL. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 544, Art. 3, Sec. 1; Code 2007)

15-406. PRIVATE APPLICATION; FEE. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Mayor. 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 Mayor. A permit and inspection fee of $100.00 shall be paid to the City at the time the application is filed.
(Ord. 544, Art. 3, Sec. 2; Code 2007)

15-407. INSPECTION; PRIVATE. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the City.
(Ord. 544, Art. 3, Sec. 3; Code 2007)

15-408. STATE REQUIREMENTS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Ord. 544, Art. 3; Sec. 4; Code 2007)

15-409. DIRECT CONNECTIONS; ABANDONMENT. At such time as a public sewer becomes available to a property served by a private sewage disposal system, 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. 544, Art. 3, Sec. 5; Code 2007)

15-410. PRIVATE EXPENSE. 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. 544, Art. 3, Sec. 6; Code 2007)

15-411. HEALTH OFFICER; PRIVATE. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. 544, Art. 3, Sec. 7; Code 2007)

15-412. CONNECTION; TIME. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 544, Art. 3, Sec. 8; Code 2007)

15-413. PERMIT. (a) 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 Mayor.

(b) There shall be two (2) classes of building sewer permits:

(1) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Mayor. A permit and inspection fee of $100.00 dollars for a residential or commercial building sewer permit and $500.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.
(Ord. 544, Art. 4, Secs. 1:2; Code 2007)

15-414. INSTALLATION COSTS. All costs and expense 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. 544, Art. 4, Sec. 3; Code 2007)

15-415. INDIVIDUAL SERVICE. 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. 544, Art. 4, Sec. 4; Code 2007)

15-416. OLD CONNECTION. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this ordinance. (Ord. 544, Art. 4, Sec. 5; Code 2007)

15-417. MATERIALS CONFORMATION. (a) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(b) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city before installation.
(Ord. 544, Art. 4, Secs. 6, 9; Code 2007)

15-418. SEWER ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 544, Art. 4, Sec. 7; Code 2007)

15-419. INSPECTION NOTICE. The applicant for the building sewer permit shall notify the city Clerk when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City designee. (Ord. 544, Art. 4, Sec. 10; Code 2007)

15-420. BARRICADES. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
(Ord. 544, Art. 4, Sec. 11; Code 2007)

15-421. SURFACE RUNOFF CONNECTIONS. (a) No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or 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 Council, to a storm sewer, or natural outlet.
(Ord. 544, Art. 4, Sec. 8; Art. 5; Sec. 2; Code 2007)

15-422. SEWER DISCHARGE RESTRICTIONS. (a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(2) 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 (2) mg/l as CN in the wastes as discharged to the public sewer.

(3) 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.

(4) 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.

(b) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming this 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 treat ability of wastes in the sewage treatment plan, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty 150)°F (65°C).

(2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty 150)°F (65°C).

(2) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City.

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

(4) 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.

(5) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations 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.

(6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State and Federal regulations.

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

(8) Materials which exert or cause:

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

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

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

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

(9) 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 waters.

(10) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 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 provided, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 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 said approvals are obtained in writing.

(Ord. 544, Art. 5; Sec. 4; Code 2007)

15-423. HANDLING OF IMPROPER DISCHARGE. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 15-404 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 to constitute a public nuisance, the City may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the 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. 544, Art. 5; Sec. 5; Code 2007)

15-424. 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 of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 544, Art. 5; Sec. 6; Code 2007)

15-425. PRELIMINARY TREATMENT. 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 expense. (Ord. 544, Art. 5; Sec. 7; Code 2007)

15-426. MANHOLES. 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 installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 544, Art. 5; Sec. 8; Code 2007)

15-427. TESTING STANDARDS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 said 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 twenty-four (24) hours composite of all out falls 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 out falls whereas PH' s are determined from periodic grab samples.) (Ord. 544, Art. 5; Sec. 9; Code 2007)

15-428. EXCEPTIONS. 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. 544, Art. 5; Sec. 10; Code 2007)

15-429. AUTHORITY TO ENTER PRIVATE PROPERTY. (a) The duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The City or its 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.

(b) The 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 544, Art. 6; Secs. 1, 3; Code 2007)

15-430. SAFETY LIABILITY. While performing the necessary work on private properties referred to in this Article, the 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 this Article.
(Ord. 544, Art. 6; Sec. 2; Code 2007)

15-431. VIOLATIONS. Any person found to be violating any provision of this ordinance 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 such notice, permanently cease all violations. (Ord. 544, Art. 7; Sec. 1; Code 2007)

15-432. PENALTY. (a) Any person who shall continue any violation beyond the time limit provided for in this Article, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding $1,000.00 dollars for each violation and/or a maximum of 30 days in jail, or both.

(b) 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 ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.
(Ord. 544, Art. 8; Secs. 2:3; Code 2007)

15-433. SEWER SERVICE CHARGE. The following are hereby established as the monthly service charges for the use of services rendered by the sewage disposal system to be paid to the City by all persons, firms, corporations, the United States,

the State of Kansas and its political subdivisions, and any organization within and without the City, as hereinafter limited and defined, whose premises are connected or may hereafter be connected to the sanitary sewer system of the City:

(a) All property defined as "R-1" or "R-2" in the City of Arma, Kansas, Zoning ordinance and located within the corporate city limits of the City Of Arma, Kansas, * shall pay a $15.00/monthly service charge.

(b) All property including, but not limited to: apartments, dormitory, hotel, rooming house, institution, business, commercial, industrial or governmental property having sewer connections, directly or indirectly, with the sewage disposal system service which shall be based on the quantity of water used on the premises furnished with such sewage service, according to the following schedule:

(1) Users or customers within the corporate limits of the City: For the first 1,000 cubic feet or less of water metered per month shall be $15.00 per month; the next 2,000 cubic feet of water metered per month at the rate of $0.30 per 100 cubic feet of metered water per month; all over 3,000 cubic feet of water metered per month at the rate of $0.40 per 100 cubic feet of metered water per month.

Ord. 539, Sec. 1; Code 2007)

* Rates change annually in May

ARTICLE 5. SOLID WASTE

15-501. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

(a) Commercial Waste. - All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.

(b) Dwelling Unit. - Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;

(c) Garbage. - Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;

(d) Multi-Family Unit. - Any structure containing more than four individual dwelling units;

(e) Refuse. - All garbage and/or rubbish or trash;

(f) Residential. - Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;

(g) Rubbish or Trash. - All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;

(h) Single Dwelling Unit. - An enclosure, building or portion thereof occupied by one family as living quarters.

(i) Solid Waste. - All non-liquid garbage, rubbish or trash.
(Code 2007)

15-502. COLLECTION. All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Code 2007)

15-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 2007)

15-504. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.
(Code 2007)

15-505. CONTAINERS. Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely

closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 2007)

15-506. BULK CONTAINERS. On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 2007)

15-507. ENTER PRIVATE PREMISES. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 2007)

15-508. OWNERSHIP OF SOLID WASTE. Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 2007)

15-509. WRAPPING GARBAGE. All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 2007)

15-510. HEAVY, BULKY WASTE. Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 2007)

15-511. HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

(a) Explosive materials;
(b) Rags or other waste soaked in volatile and flammable materials;
(c) Chemicals;
(d) Poisons;
(e) Radio-active materials;
(f) Highly combustible materials;
(g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
(h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.

(Code 2007)

15-512. PROHIBITED PRACTICES. It shall be unlawful for any person to:

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

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

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

(d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
(Code 2007)

15-513. OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 2007)

15-514. UNAUTHORIZED DISPOSAL. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 2007)

15-515. PRIVATE COLLECTORS; LICENSE REQUIRED. (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.
(Code 2007)

15-516. SAME; APPLICATION. Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application. (Code 2007)

15-517. SAME; FEE. No license shall be issued unless the applicant shall pay to the city clerk the sum of $_____ per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1st of the calendar year in which said permit is issued. (Code 2007)

15-518. SAME; NUMBER TO BE DISPLAYED. The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 2007)

15-519. CLOSED VEHICLE. Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 2007)

15-520. RULES AND REGULATIONS. The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer. (Code 2007)

15-521. FAILURE TO SECURE LICENSE. Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116. (Code 2007)

15-522. CHARGES. The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 2007)

15-523. SAME; FEE SCHEDULE. (Reserved)

15-524. BILLING. Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 2007)

15-525. SAME; DELINQUENT ACCOUNT. In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65-3410; Code 2007)

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. (Ord. 557, Sec. 1; Code 2007)

15-602. DEFINITIONS. (a) Water - shall mean water available to the City of Arma, Kansas 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.
(Ord. 557, Sec. 2; Code 2007)

15-603. DECLARATION OF WATER WATCH. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.
(Ord. 557, Sec. 3; Code 2007)

15-604. DECLARATION OF WATER WARNING. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a

warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. (Ord. 557, Sec. 4; Code 2007)

15-605. DECLARATION OF WATER EMERGENCY. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.
(Ord. 557, Sec. 5; Code 2007)

15-606. VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water watch or water warning as provided in Sections 15-603 and 15-604, the mayor (or the city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

(a) Class I uses of water.

(b) Waste of water.

(Ord. 557, Sec. 6; Code 2007)

15-607. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in Section 15-605, the mayor (or the city manager) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

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

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

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

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

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

(f) Any combination of the foregoing measures.

(Ord. 557, Sec. 7; Code 2007)

15-608. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in Section 16-605, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

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

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

(c) Extra charges in excess of a specified level of water use (excess demand surcharge).
(Ord. 557, Sec. 8; Code 2007)

15-609. REGULATIONS. During the effective period of any water supply emergency as provided for in Section 15-605, the mayor (or city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.
(Ord. 557, Sec. 9; Code 2007)

15-610. VIOLATIONS; DISCONNECTIONS AND PENALTIES. (a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 15-607 or 15-609, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

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

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

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

(b) A fee of $50.00 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 reconnection and $300.00 for any additional reconnections.

(c) Violations of this ordinance 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 ordinance 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 $100.00. 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 $200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.
(Ord. 557, Sec. 10; Code 2007)

15-611. EMERGENCY TERMINATION. Nothing in this Article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 557, Sec. 11; Code 2007)