

CHAPTER 15. UTILITIES

Article 1. Water

Article 2. Sewers

Article 3. Solid Waste

Article 4. Municipal Water Conservation Plan

ARTICLE 1. WATER

15-101. DEFINITIONS. For purposes of this article the following terms, unless the context indicates otherwise, shall mean:

(a) Customer's service line - a supply pipe installed, maintained and owned by the customer extending from the meter setting to the premises served;

(b) Department service line - a pipe with appurtenances connected to a water main for the purpose of controlling the flow of water and extending from the water main to the inlet side of the meter yoke;

(c) Master meter - one meter measuring the water furnished to serve two or more premises;

(d) Meter - a mechanical device which measures and records the quantity of water furnished to a customer;

(e) Meter setting - a box, vault or tile, with covering, containing a meter, meter yoke and connecting appurtenances;

(f) Person - any person, firm, partnership, association, corporation, company or organization of any kind;

(g) Premises - a building or buildings on a tract of land;

(h) Special service - any water service that involves the installation of facilities and equipment other than designated as standard service in subsection (i) of this section or which involves a use of water other than for normal residential, commercial or industrial purposes;

(i) Standard service - facilities normally installed for residential, commercial or industrial usage not requiring special or unusual methods of installation, construction and engineering.

15-102. REGULATIONS, RATES. (a) The furnishing of water to customers by the City of Liberal through its waterworks system shall be governed by the regulations set out in this article. In addition, the water superintendent is authorized to promulgate such rules as shall be reasonably necessary to carry out the provisions of this chapter.

(b) The governing body retains continuing jurisdiction and authority to change by resolution from time to time the schedule of rates and charges and the regulations provided in this chapter as such changes shall be determined to be expedient and necessary. Rates as established annually in the budget resolution are shown in Exhibit C - Article 15.

- 15-103. 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 and pressure of water is sufficient for the usual demand of its consumers. Neither does the department guarantee to maintain any specific water pressure for its service and no complaint concerning the pressure shall give any right of claim against the city or the water department.
- 15-104. APPLICATION, WATER SERVICE. Water service shall be made available only after the customer has made written application to the water department, has entered into written contract, and has paid the non-refundable turn-on fee. Fees as established annually in the budget resolution are shown in Exhibit C-1501.
- 15-105. SERVICE CONNECTIONS. The city will make all street excavations and bring the water service line from the main to the water meter near the property line. Size of the service line shall be based upon information furnished by the consumer. However, in no case shall the service line be the same size or any greater size than the main to which it is connected. Any change in size or location of the service line after the original installation shall be done at customer's expense unless the change is initiated by the water department. All connections and water taps shall be made under the direction and supervision of the waterworks division.
- 15-106. SAME; OUTSIDE CITY. Water connections outside the corporate limits of the city shall be allowed only upon specific approval of the governing body. Fees as established annually in the budget resolution are shown in Exhibit C - Article 15.
- 15-107. CONNECTION CHARGE. Prior to the installation for new service connections the person making application shall pay to the water department a sum equal to the cost of the time and material to the City for the installation, as determined by the City's Chief Financial Officer. Fees as established annually in the budget resolution are shown in Exhibit C-1502.
- 15-108. SERVICE LINES. The customer shall be responsible for the installation, maintenance and repair of the service line between the meter and the structure served by the service line. Installation of the service line shall be done by a master plumber in accordance with the building and plumbing codes of the city. No service line shall be placed into service until it has been inspected and approved by the city building inspector.
- 15-109. SEPARATE SERVICE REQUIRED. (a) Each and every structure shall be served by a separate service line and water meter except as provided in subsection (b). Additional service lines and meters may be installed upon approval of the water department. All additional costs shall be paid by the applicant.
(b) Master metering of water service may be permitted under the following conditions:
(1) A building under single ownership consisting of family dwelling units;

- (2) A multi-story building used for commercial or industrial purposes;
- (3) Rural water districts;
- (4) Any other structure or structures, public or private, where because of unusual circumstances approval is given by the water superintendent.

15-110. METER REQUIRED. All water service shall be metered except as provided in section 15-119. The water department shall have exclusive jurisdiction to determine the location of the water service connection and location of the meter. The meter shall be placed within the public right-of-way whenever possible or in such other location as shall be approved by the water department. If the water service line has been installed prior to making application for water service, it shall be the duty of the applicant to clearly mark the location of the service line.

(b) Where a meter is located inside any building or in another place that the water department cannot use customary methods for its protection against freezing or other injury, the owner of the property in which the meter is placed shall be responsible for its protection and any damages sustained by the meter shall be chargeable to the property serviced. Cost of repairs or alterations shall be actual cost of labor and materials plus 25 percent for overhead. The cost shall be added to the monthly water bill.

15-111. SAME; INSTALLATION, CHARGES. The city will install the water meter, meter box, corporation cock, curb cock and all necessary apparatus at the expense of the property owner. In addition the property owner shall pay the turn-on charge. The meter and all appurtenances will be maintained by the water department and kept within its exclusive control. Meters shall, whenever possible, be installed outside a building. Installation inside a building must be approved in writing by the water superintendent or his or her representative. Fees are established annually in the budget resolution and are shown in Exhibit C-1503.

15-112. SAME; VAULTS. When the meter to be installed is one and one-half inches or larger, or other special circumstances make it necessary a special vault to house the meter shall be required. Vaults shall be constructed by the consumer in conformity with specifications and drawings which shall be furnished by the water department. All special vaults constructed and installed on the premises of the customer shall be the property of the customer. Those installed on public property, at the customer's expense, shall be the property of the city. The customer shall be responsible for all maintenance and adjustments to grade of any special vault.

15-113. SAME; SIZE. The applicant shall determine the size of the meter to be installed based upon information furnished by the water department. Any change in meter size requested by the customer after the initial meter installation shall be granted to the extent reasonable but the entire cost of any change shall be paid by the customer, unless determined otherwise by the water superintendent. In cases of dispute as to meter size, the decision of the water superintendent shall be final.

15-114. SAME; TESTING. Meters shall be tested before being set. Whenever a customer requests inspection and testing of a water meter, a minimum fee shall be paid. If upon

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examination and test the meter is found to be inaccurate according to the standards of the American Water Works Association, another meter will be substituted and the water bill for the preceding billing period shall be adjusted. Adjustment shall be made by averaging the water used for the corresponding billing period of the past 12 months, or if such records are not available, from the best other method practicable. When a bill is adjusted the customer shall be given a credit for the testing fee. Fees are established annually in the budget resolution and shown in Exhibit C-1504.

- 15-115. SAME; TAMPERING WITH. (a) It shall be a Class B violation 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 a Class B violation for any person except an authorized employee of the water department to turn any curb cock on or off.
(b) Any person who deposits dirt, stone or rubbish of any nature in any meter or meter box or service box shall be charged with a Class B violation.
- 15-116. SAME; OBSTRUCTING. The occupant of any premises where a meter is located shall keep the meter free from all obstructions so that it is at all times conveniently accessible for reading, inspecting or repairing.
- 15-117. 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.
- 15-118. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. The city will endeavor insofar as possible to notify consumers affected of the intention to interrupt service. However, failure to give such notice or the interruption of service shall not give rise to any claim on the part of any consumer against the water department or the city.
- 15-119. TEMPORARY SERVICE. Where no permanent water service is available contractors, builders and others requiring water may receive such service upon the making of an application and payment of applicable fees as required for permanent service. Where practicable meters shall be installed. Whenever meters are not installed and usage is estimated, the monthly bill shall not be less than the minimum monthly bill for metered service.
- 15-120. CROSS CONNECTIONS; PROHIBITED. It is in conformity with K.S.A. 65-171(y) and KAR 28-15-18 and in the public interest to protect the quality of water to the consumers of the City of Liberal, Kansas, hereinafter referred to as "the city"; and,

This public water supply system is operated by the city in compliance with the policies and regulations of the Kansas Department of Health & Environment, hereafter referred to as "KDHE"; and,

Restrictions are necessary to prevent contamination of the water provided to the consumers from cross connections with the public water supply system and therefore the following regulations are hereby adopted.

A. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.
2. Approved tester means a person certified by the state of Kansas to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the city.
3. Authorized representative means any person designated by the city to administer this cross connection control regulation.
4. Auxiliary water supply means any water source or system, other than the city, that may be available in the building or premises. This does not include other KDHE permitted public water supply systems.
5. Backflow means the flow other than the intended direction of flow, of any foreign liquids, gases, used water or substances into the distribution system of a public water supply system.
6. Backflow prevention device means any device, method, or type of construction intended to prevent backflow into the public water supply system.
7. Consumer means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the city.
8. Contamination means an introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an esthetic deterioration, color, taste or odor.
9. Cross connection means any physical connection or arrangement between two (2) otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be backflow from the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.
10. Degree of hazard means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.
11. Health hazard means any condition, device, or practice in the public water supply system that could create or may create a danger to the health and well-being of anyone using the water or allow contamination of the water.

12. Public water system means the water supply source, distribution system and appurtenances to the service meter operated as a public utility that supplies potable water to the consumers' water systems.

13. Public water supply system means the public water system and the consumers' water systems.

14. Consumer's water system means all service pipe, all distribution piping and all appurtenances beyond the service meter of the public water system.

15. Service connection means the terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

B. CROSS CONNECTION CONTROL GENERAL POLICY.

1. Purpose. The purpose of this policy is:

(a) To protect the public water supply system from contamination.

(b) To promote the elimination, containment, isolation, or control of cross connection between the public water supply system and non-potable water systems, plumbing fixtures, and industrial process systems or other systems which introduce or may introduce contaminants into the public water system or the consumer's water system.

(c) To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination of the public water supply system.

2. Application. This regulation shall apply to all consumers' water systems. The city may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the city.

3. Intent. This policy will be reasonably interpreted by the city. It is the intent of the city to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at their personal expense. Failure or refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided.

C. CROSS CONNECTIONS PROHIBITED.

1. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the city or its authorized representative.

2. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

D. SURVEY AND INVESTIGATIONS.

1. The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.
2. On request by the city or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer's water system.
3. On request by the city or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the city or its authorized representative.

E. WHERE PROTECTION IS REQUIRED.

An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the city or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the city or its authorized representative or the KDHE, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present a health hazard or contamination of the public water supply system from a cross connection. This includes but is not limited to the following situations:

1. Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the city or its authorized representative and the KDHE.
2. Premises having internal plumbing arrangements, which make it impractical to ascertain whether or not, cross connections exist.
3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
4. Premises having a repeated history of cross connections being established or re-established.
5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.

6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

7. Premises where toxic or hazardous materials are handled,

The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the city or its authorized representative and the KDHE:

- (a) Agricultural chemical facilities
- (b) Auxiliary water systems, wells
- (c) Boilers
- (d) Bulk water loading facilities
- (e) Car washing facilities
- (f) Chemical manufacturing, processing, compounding or treatment plants
- (g) Chill water systems
- (h) Cooling towers
- (i) Feedlots
- (j) Fire protection systems
- (k) Hazardous waste storage and disposal sites
- (l) Hospitals, mortuaries, clinics or others as discovered by sanitary surveys
- (m) Irrigation and sprinkler systems
- (n) Laundries and dry cleaning
- (o) Meat processing facilities
- (p) Metal manufacturing, cleaning, processing and fabricating plants
- (q) Oil and gas production, refining, storage or transmission properties
- (r) Plating plants
- (s) Power plants
- (t) Research and analytical laboratories
- (u) Sewage and storm drainage facilities--pumping stations and treatment plants
- (v) Veterinary clinics

F. BACKFLOW PREVENTION DEVICES.

1. Any backflow prevention device required by this regulation shall be of a model or construction approved by the city or its authorized representative and the KDHE.

(a) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

(b) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed at the time this regulation was passed and complies with required inspection and maintenance.

(c) All consumers must obtain a permit, register and pay applicable fees if any prior to installation of each device.

G. INSTALLATION.

1. Backflow prevention devices required by this policy shall require a permit and be installed at a location and in a manner approved by the city or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the city or its authorized representative agrees otherwise.

2. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

3. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturers' recommendations.

H. INSPECTION AND MAINTENANCE.

1. The consumer is required by this regulation to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the city or its authorized representative.

(a) Air gap separations shall be inspected at the time of installation and at least yearly.

(b) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed.

Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed.

2. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the consumer and shall be performed by an approved tester.

(a) The city can do the testing and inspections for \$225.00 (plus repairs if needed) to be added to the next water bill or the consumer may use any certified tester of their choice.

3. Whenever backflow prevention devices required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.

4. The city and consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. All records of

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inspections, tests, repairs, and overhauls shall be provided within 30 days to the city or its authorized representative.

(e) All backflow prevention devices shall have a tag showing the date of the last inspection, test, or overhaul or other maintenance.

(f) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the city or its authorized representative.

I. DEVICES.

The following devices are recognized for cross connection control and backflow prevention by the Kansas Department of Health & Environment.

1. Air Gap. Gap must be two pipe diameters (in no instance less than one inch). Must be inspected annually. Satisfactory for any material. Whenever practical the control method of choice.

2. Reduced Pressure Principle Backflow Preventer. Contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss. (10 psi or more) Must be tested and inspected annually. Repaired as necessary.

3. Double Check Valve Assembly. Contains two soft-seated independently acting check valves in series. Shut off valves before and after device. Adequate for non-toxic applications only. Minor pressure loss. Must be inspected and tested annually. Repaired as necessary.

4. Pressure Vacuum Breaker. Must be installed a minimum of 12 inches above highest point of usage. No backpressure, only back siphon age. Can operate under constant pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary.

5. Atmospheric Vacuum Breaker. Must be installed a minimum of 6 inches above highest point of usage. No backpressure, only back siphon age. Not for use under constant pressure. Shut off valves must be located ahead of vacuum breaker. Must be inspected annually and repaired as necessary.

J. VIOLATION AND PENALTIES.

1. The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the city or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

2. Water service to such premises shall not be restored until the consumer is in compliance with this cross connection regulation to the satisfaction of the city or its authorized representative.

K. EFFECTIVE DATE.

The City will set a target date of January 1, 2025 to achieve total compliance of the ordinance. All devices installed after January 1, 2015 must comply with this ordinance. (2014, Ord. 4443)

- 15-121. PROHIBITED ACTS. It shall be a Class C violation for any person to:
- (a) Take or use water from the waterworks system of the city without a proper permit and without paying for the same;
 - (b) To turn on or shut off water at any valve, curb cock, corporation cock or other place regulating the supply of water to any premises or part of the waterworks system, except authorized members of the water department or persons authorized to do so by the water superintendent. Any licensed plumber may turn on or shut off water for the purpose of testing his or her work but shall leave the valve or curb cock in the same condition in which he or she finds it.
 - (c) Tamper, damage or meddle with any water main, fire hydrant or any other water equipment belonging to the city.
- 15-122. 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.
- 15-123. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines.
- 15-124. TEMPORARY TURN-OFF, TURN-ON. If a customer requests a temporary turn-off or temporary turn-on, a fee per call shall be paid if the services requested are to be provided during normal business hours of the water department. An additional charge is due for such service when provided after normal business hours, or on Saturdays, Sundays or holidays. If a customer requests that a turn-off and turn-on be performed within the same day, only one charge shall be assessed. Fees are established annually in the budget resolution and shown in Exhibit C-1505.
- 15-125. WATER RATIONING; PURPOSE; DEFINITIONS. The purpose of this article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.
- (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:

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

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

(3) Class 3: Domestic usage other than that which would be included in either Classes 1 or 2.

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

15-126.

DECLARATIONS. (a) 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.

(b) 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. Pursuant to the approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, the recommended restrictions on nonessential uses may be extended to private wells within the City limits.

(c) 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 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. (2015: Ord. No. 4449)

15-127. CONSERVATION MEASURES. (a) Voluntary. Upon declaration of a water watch as provided in section 15-126, the city manager 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:

- (1) Sprinkling of water on lawns, shrubs or trees (including golf course and parks).
- (2) Washing of private vehicles.
- (3) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (4) Waste of water.

(b) Mandatory. Upon the declaration of a water supply emergency as provided in section 15-126, the city manager is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (1) 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;
- (2) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (3) Restrictions on the sales of water at coin operated facilities or sites;
- (4) 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;
- (5) Complete or partial bans on the waste of water; and
- (6) Any combination of the foregoing measures.

15-128. RATES; REGULATIONS AND VIOLATIONS. (a) Emergency Water Rates. Upon the declaration of a water supply emergency as provided in section 15-126, 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: (1) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rates); or (3) extra charges in excess of a specified level of water use (excess demand surcharge).

(b) Regulations. During the effective period of any water supply emergency as provided for in section 15-126, the city manager or water superintendent, 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.

(c) Violations, Disconnections and Penalties.

(1) 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 learn of any violation of any water use restrictions imposed pursuant to sections 15-127 of this article, 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 and charge the person with a Class C violation subject to the following procedures :

- a.) 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(s) 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 City governing body;
- b.) If such a hearing is requested by the customer charged with the violation, the customer shall be given a full opportunity to be heard by the City governing body or the city official designated as a hearing officer by the City governing body before termination is ordered; and

The City governing body or the city official designated as a hearing officer by the City governing body shall make findings of fact and order whether service should continue or be terminated.

(d) A fee shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, reconnection fees shall be established for the second and any subsequent additional reconnections within a one year period. Fees are established annually in the budget resolution and shown in Exhibit C-1520 of the Code of the City of Liberal, Kansas.

(e) 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 calendar day in which a violation is observed 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 \$250. 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. (2015; Ord. No. 4449)

15-129. **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.

15-130. **PETTY CASH FUND.** There is hereby established a petty cash fund for the use of the department of water. The fund shall be used for the purpose of paying postage, freight, temporary labor and other emergency expenses, including refund of utility security deposits, the payment of interest due thereon and for such other purposes as may be authorized by rules and regulations of the city manager. The petty cash fund

shall be in an amount adequate to serve the needs of the department for the purpose above described, and as provided and restricted hereafter.

- 15-131. SAME; CUSTODIAN. The manager of collections and accounts of the department shall be the custodian of the petty cash fund. Such petty cash fund shall be deposited in the designated city depository bank and paid out on the order of the cashier of such utilities by checks which shall state clearly the purpose for which issued.
- 15-132. SAME; CLAIMS. The custodian shall draw checks on such fund in his or her name as custodian under the following conditions. A check shall be drawn by the custodian upon the basis of an itemized account certified by the claimant to be true and correct and that the same is due and unpaid.
- 15-133. SAME; PAYEES. The payees of such checks shall certify thereupon over their signatures that such services were rendered, supplies furnished, or refunds received, as the case may be, and any false certification on such check shall be deemed obtaining money under false pretenses and punished as provided by law.
- 15-134. RECORD OF ACCOUNTS. A separate account shall be kept for each water service. The account shall record:
- (a) The address of the service;
 - (b) The service number;
 - (c) The name of the consumer;
 - (d) Monthly meter readings;
 - (e) Computed monthly usage;
 - (f) Amount of the service bills;
 - (g) Miscellaneous charges, if any;
 - (h) Date bill paid;
 - (i) Amount of penalty, if paid with penalty;
 - (j) Amount of service charges and/or meter testing deposits and/or charges.
- 15-135. BILLING. (a) Once each month, unless impractical, each meter shall be read and a bill rendered to the customer. All water bills shall be paid at the office of the water department or at other places designated by the water superintendent on or before the date shown on the statement. Customers are responsible for furnishing the department with their correct address for billing purposes.
- (b) All bills are due and payable when rendered. A bill not paid within 20 days shall be considered delinquent and a late payment charge of 10 percent shall be added which charge shall be collected at the time the bill is finally paid. Whenever payment is not made within 10 days following the due date, the city shall have the right to terminate water service after notice and hearing. Before service shall be restored, the customer shall pay the total account balance, including the bill, late payment charge and a reconnection fee. Fees are established annually in the budget resolution and are shown in Exhibit C-1506. (2015; Ord. 4448)
- 15-136. DELINQUENT ACCOUNTS, NOTICE; HEARING. (a) A delinquency and termination notice shall be issued by the city, preferably within five days after the

delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

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

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

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

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

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

15-137. 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 water superintendent. If the officer finds that service should be terminated, an order shall be issued terminating service three days after the date of the order. The customer shall be notified either in person, posting a notice on the premises, or by mail, unless the order is made at the hearing in the presence of the customer. The hearing officer has authority for good cause, to grant an extension, not to exceed 10 days, for the termination of service.

15-138. RESERVED FOR FUTURE USE.

15-139. WATER RATES. Water Rates shall be set annually by the budget resolution and are shown in Exhibit C-1507.

15-140. PARTIAL SERVICE. Any person who shall receive water service for a period of less than 30 days shall be charged not less than the minimum water rate for each unit served.

15-141. LIEN ON PROPERTY. In the event such charges for the use of water services are not paid within the time and manner as by this article provided, the city clerk shall certify to the county clerk of Seward County, the legal description of the real property enjoying the use of the water services together with the amount of such charge or charges remaining unpaid, such amount to be placed on the tax roll for collection subject to the same penalties and collected in like manner as other taxes are by law collectible, and shall become a lien upon the real property so served.

15-142. GENERAL. The governing body will limit water line extensions to those tracts of land, parcels, lots or subdivisions within the corporate boundaries of the city, with the exception of those rural water districts organized under the laws of the State of

Kansas, which may be served by agreements that are reviewed and approved by the governing body.

- 15-143. FACILITIES. The city at-large will pay for all new facilities such as pumping stations, treatment facilities, storage reservoirs, elevated storage facilities and appurtenances thereto.
- 15-144. SIZE OF WATER MAINS. All water mains must be sized in accordance with the current recommended standard design procedures as set forth by the water superintendent. No water main less than eight inches in diameter shall be installed in the city, unless approved by the City Engineer. (2006, Ord. 4326)
- 15-145. DEVELOPER OR USER IMPROVEMENTS. The developer or the user will be required to pay for the design, material, installation and inspection fees, if any, of all new or modified water line extensions. In addition, the developer or user will be required to pay for all fire hydrants located on private property and all appurtenances thereto.
- 15-146. PLATTING REQUIREMENTS. Water lines will not be extended to those areas that are not in compliance with the subdivision regulations.
- 15-147. SEWAGE DISPOSAL REQUIREMENTS. No water service shall be extended to a user's property until a uniform plumbing code or state approved sewage disposal system has been installed or satisfactory arrangements have been made.
- 15-148. STANDARDS AND SPECIFICATIONS. All water distribution lines, valves, mains, private fire hydrants and appurtenances thereto shall be constructed in accordance with specifications as determined by the city engineer and the water superintendent.
- 15-149. PLAN, REVIEW AND INSPECTIONS. The city engineer or his or her designated representative will be responsible for the review of all plans and specifications. After the city engineer has completed his or her review, he or she will return one approved set of plans to the applicant. The developer, user or contractor will coordinate with the city engineer and schedule inspections of the water line installation and any appurtenances thereto.
- 15-150. WATER MAIN OWNERSHIP. All water mains shall become the property of the city and the city shall have full control over the mains and may, at its option, extend or permit the extension of the mains to serve other customers adjacent to the addition, and shall keep the same in repair and maintain the same at its own expense.
- 15-151. WATER UTILITY FUND. There is hereby created in the treasury of the city a separate water utility fund. All revenues derived from the water service charges herein established including any investment earnings of such revenue shall, when received, be promptly paid into the water utility fund. The moneys in the fund shall be used for the purposes and in the following order:

(a) Paying the cost and expense of the administration, operation and maintenance of the waterworks system of the city.

(b) Paying the cost of alteration, reconstruction, repair, improvement, extension and enlargement of the water system of the city when authorized by the governing body or as approved in the city's annual budget. In accord therewith, there shall be established a replacement account for the specific purpose of ensuring the replacement needs over the useful life of the waterworks system. Deposits in the replacement account shall be made from the operation, maintenance and replacement revenue in an amount equal to the necessary capital improvements for the next budget period, or at least equal to 10% of the previous year budgeted expenditure line item.

(c) Paying the principal and interest on any bonds that have been or may be issued for the purposes of improving, enlarging or extending water mains, pumping stations, treatment works operated as a part of the city's waterworks system.

(d) Other accounts within the water utility fund may be established and maintained as are in the judgment of the city manager necessary for the proper administration of the waterworks system.

ARTICLE 2. SEWERS

15-201. DEFINITIONS. Unless otherwise indicated by the specific context, the meanings of the terms used in this article are as follows:

(a) ASTM - The American Society of Testing Materials for publications thereof.

(b) BOD (denoting Biochemical Oxygen Demand) - 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 milligrams per liter.

(c) Building Drain - 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 outside the building wall.

(d) Building Sewer - The extension from the building drain to the public wastewater collection system or other place of disposal.

(e) City - The City of Liberal, Kansas.

(f) Combined Sewer - A sewer receiving both surface runoff and sewage.

(g) Garbage - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(h) Governing Body - The city commission of the City of Liberal, Kansas.

(i) Health Officer - A person having public health responsibility by or through the State of Kansas.

(j) Industrial Wastes - The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(k) Natural Outlet - Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

- (l) Normal Domestic Waste - Normal wastewater for the city in which the average concentration of five-day BOD is established at 200 milligrams per liter; the average concentration of suspended solids is established at 250 milligrams per liter.
- (m) Person - Any individual, firm, company, association, society, corporation or group.
- (n) pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (o) Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food which 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 (1/2") (1.27 centimeters) in any dimension.
- (p) Public Sewer - A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- (q) Replacement - Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- (r) Sanitary Sewer - A sewer which carries wastewater and to which storm, surface and groundwater are not intentionally admitted.
- (s) Sewer - A pipe or conduit for carrying wastewater.
- (t) Shall is mandatory, May is permissive.
- (u) Slug - Any discharge of water, wastewater or industrial waste which has a concentration of any given constituent or in which the quantity of flow for any period of duration longer than 15 minutes exceeds more than five times the average 24 hour concentration or flow quantities during normal operation.
- (v) Storm Drain (Storm Sewer) - A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (w) Superintendent - The agent or designee of the city manager.
- (x) Suspended Solids (SS) - Solids that either float on the surface of, or are suspended in water, sewage or other liquids and which are removable by laboratory filtering.
- (y) Uniform Plumbing Code - The latest revision of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.
- (z) Useful Life - The estimated period during which a sewage treatment plant will be operated; for said city the design life of 20 years shall be used.
- (aa) Wastewater - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters that may be present.
- (bb) Wastewater Collection System - Each, and all, of the common lateral sewers, within a publicly-owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities which convey wastewater from individual structures or from private property to the public lateral sewer or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized

lines, for individual structures or groups of structures when such units are cost effective and are owned and maintained by the city.

(cc) Wastewater Treatment Facility - Any devices and systems used in the storage, treatment, recycling and reclamation of municipal wastewater or industrial wastes of a liquid nature to implement section 201 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243, or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including intercepting sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as stand-by treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

(dd) Watercourse - A channel in which a flow of water occurs, either continually or intermittently.

(ee) WPCF - The Water Pollution Control Federation or publications thereof.

15-202. UNLAWFUL SEWAGE DEPOSITS. (a) It shall be be a Class B violation for any person to place, deposit or permit to be deposited any human or animal excrement, garbage or other objectionable waste in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city.

(b) It shall be be a Class B violation to discharge any wastewater or other polluted waters into any natural outlet except where suitable treatment has been provided in accordance with subsequent provisions of this article.

15-203. PRIVYS; SEPTIC TANKS. Except as hereinafter provided, it shall be a Class B violation to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the city.

15-204. CONNECTIONS REQUIRED. (a) The owner(s) of all houses, buildings or properties used for human occupancy, employment recreation or other purposes, situated within the city and abutting any street, alley or right-of-way in which there is now located or may be located in the future, a sanitary sewer of the city is hereby required to install, at his or her expense, toilet facilities therein and to connect such facilities directly with the proper public wastewater collection system in accordance with the provisions of this article within 90 days after the official notice to do so.

(b) No sewer connection will be permitted for areas outside the city limits until the developer or owner obtains approval from the governing body. Any sewer lines needed to connect with existing city sewer mains and laterals must conform to city and state specifications for same.

- 15-205. SAME; REFILLING. All disposal systems shall be cleaned of sludge and filled with clean bank-run gravel, locally available chat, or soil.
- 15-206. INSTALLATION, CONNECTION PERMITS. (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 superintendent.
(b) There shall be one class of building sewer permit for residential and commercial service. The owner or his or her 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 superintendent. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the city clerk at the time the application is filed. Fees are established annually in the budget resolution are shown in Exhibit C-1508.
- 15-207. SAME; APPLICATION. Any person desiring to make a connection to the city sewer system shall apply in writing to the city clerk who shall forward the application to the utility superintendent. The application shall contain:
(a) The legal description of the property to be connected;
(b) The name and address of the owner or owners of the property;
(c) The kind of property to be connected (residential, commercial or industrial);
(d) The point of proposed connection to the city sewer line.
- 15-208. SAME; COSTS BORNE BY OWNER. 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.
- 15-209. SEPARATE SEWER FOR EVERY BUILDING. A separate and independent building sewer shall be provided for every building unless a special use permit is issued by the Board of Zoning Appeals.
- 15-210. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.
- 15-211. SEWER SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating and backfilling the trench, installing jointing, and testing the building sewer, shall conform to the Uniform Plumbing Code as hereinafter modified.
(a) Minimum internal pipeline diameter for all building sewers shall be four inches.
(b) Building sewers shall be constructed of one of the following pipeline materials:
(1) Extra-strength vitrified clay pipeline and fittings conforming to ASTM C 700-78.

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(2) PVC, PSM, SDR 35, ASTM D3034-80 and PVC, PSP, SDR 41, ASTM D3033-80 Non-Pressure Pipe may be used in sizes four inches (101.6 mm) and larger. PSM and PSP sewer piping is not interchangeable in sizes eight inches (203.2 mm) and larger.

(3) Concrete Sewer, Storm Drain and Culvert Pipe conforming to ASTM C-14-71.

(4) ABS composite sewer pipe conforming to ASTM D 2661-78 or D2751-80.

(5) Asbestos-cement non-pressure sewer pipe conforming to ASTM C-428-74.

(6) Cast or ductile iron pipe with a minimum pressure rating of 150 pounds per square inch conforming to Federal Specification WW-P421C, or ANSI A21.1-67, A21.6 or A21.8, except that iron used in the manufacture of pipe shall have minimum design strength value, in pounds per square inch, of 21,000 for bursting strength and 45,000 for modules of rupture.

15-212. 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 collection system, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

15-213. DOWNSPOUTS, DRAINS. It shall be a Class B violation to discharge wastewater into the city sewage system so as to overburden the city system of sewage disposal or otherwise cause a nuisance or violate the rules and regulations of the city respecting safety of persons or property.

15-214. CONNECTION TO PUBLIC SYSTEM. The connection of the building sewer into the public wastewater collection system shall conform to the requirements of the Uniform Plumbing Code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

15-215. INSPECTION BEFORE CONNECTION TO PUBLIC SYSTEM. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his or her representative, within 24 hours of the receipt of the notice.

15-216. BARRICADES AND LIGHTS. 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.

15-217. LOCATION AND ALIGNMENT OF SERVICE. Sanitary sewer service lines shall be constructed on the shortest and straightest route possible. At no time shall the service line be any closer than five feet to the side property line and no service line may be constructed through or in front of any adjoining property. When possible, the

service line shall be located five feet toward the low side of the lot from the centerline of the lot. Service lines are not to extend beneath driveways. Sewer and water service lines must be a minimum of 10 feet apart horizontally or concrete encasement of the sewer line or special protection will be required.

15-218. SERVICE STUB-INS TO PROPERTY LINE. Service stub-ins shall be extended at least to property line and shall be plugged with a watertight compression stop. Adjacent to the end of the service stub-in, a four foot length of 2" x 4" wood shall be placed in a vertical position prior to backfilling. The contractor shall take measurements of distances from manholes to service taps and give this information to the utilities inspector. Service locations will also be marked with an "X" on the curb. Markings shall be chiselled, not painted.

15-219. CONNECTIONS. (a) Where wyes have not been installed in the main sewer, the contractor shall excavate around the main and prepare the main for tapping. The main shall then be tapped by the utilities department personnel or a duly authorized representative. In addition to all other charges, the person desiring the sewer connection shall pay for said connection, a sum to the city equal to the cost of all labor, material, equipment, equipment reserve, and overhead involved in making said connection. The connection shall be watertight and at a minimum of 30° and at a maximum of 45° angle above the pipe horizontal centerline. No projection of the sewer service pipe inside the sewer main being connected to shall be permitted. Approved sewer service saddles shall be used to connect the service line to the sewer main. After utilities department personnel or their authorized representative have completed installing the saddle and tap all other work shall be performed by the contractor.

(b) No aluminum saddles shall be permitted. Approved plastic, cast iron or vitrified clay saddles shall be epoxied to the sewer main. The inspector shall inspect the main and saddle at every tap prior to backfilling. In the event the tap is covered before it is inspected, it shall be dug out by the contractor and any concrete or mortar around the fitting shall be removed to allow visual inspection of the tap and the main. If the main sewer line is cracked or broken during the process of locating and tapping, it shall be repaired immediately either by replacing the broken section or by placing a minimum of nine inches of concrete above, and the sides and below the main pipe parallel for the width of the excavation. Service must be machine tapped. Two machine taps on the same joint of pipe will not be permitted.

(c) A manhole shall be installed instead of a service tap when a six inch connection is to be made on an eight inch or 10 inch line. Service taps to existing manholes shall not be permitted, unless otherwise authorized by the superintendent.

(d) Sewer mains shall be laid through manholes at the end of cul-de-sacs. One joint of pipe and plugged wyes shall be installed in order that the end of the cul-de-sac may be serviced without tapping into the manhole.

(e) No more than two 1/8 bends shall be permitted in any sanitary sewer service line. Where service lines are longer than 100 feet, cleanouts will be required at least every 100 feet.

- 15-220. **COMMERCIAL AND/OR INDUSTRIAL MANHOLES.** A manhole may be required where so specified by the superintendent in order to have samples taken if industrial wastes are suspected. Such a manhole would be located on the commercial service line, so samples could be taken before such fluids could reach the sanitary sewer main line.
- 15-221. **INFILTRATION.** The joints shall be made in a workmanlike manner so as to ensure a maximum infiltration of not more than .16 gallons per inch of diameter per hour per 100 feet.
Service lines to be abandoned shall be dug and plugged at the main with an approved watertight plug, unless otherwise specified.
- 15-222. **RETAP CHARGE.** Only one tap is allocated per single family residential structure. If the sanitary sewer main has been tapped once, and for any reason another service tap is required, charge of time, materials and overhead will be assessed prior to the retap. An additional tap will only be allowed upon approval of the superintendent.
- 15-223. **VIOLATIONS OF SPECIFICATIONS.** Contractors and/or developers guilty of flagrant or multiple documented violations of the standard specifications, as determined by the superintendent, shall be subject to revocation of bond and contractor's license.
- 15-224. **STORM AND SURFACE WATER.** (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer wherever such discharge will overburden the sewage disposal system or otherwise cause a nuisance or violate the rules and regulations of the city respecting safety of persons or property.
(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers as approved by the superintendent, or to a natural outlet. Such flows are also subject to federal and state regulations.
- 15-225. **UNLAWFUL 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
(c) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other property capable of causing damage or hazard to structures, equipment, and personnel of the treatment works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in sewers, or other interference with the proper operation of the treatment 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.

15-226.

SAME; DISCRETION OF SUPERINTENDENT. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, wastewater 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 his or her opinion as to the acceptability of these wastes, the superintendent 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 wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plan, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit (49 degrees Centigrade).

(b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 120 degrees Fahrenheit (0 and 49 degrees Centigrade).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (.076 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid 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 wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials, or pretreatment requirements established by state, federal, or other public agencies of jurisdiction for such discharge.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite wastewater to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge.

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

(h) Materials which exert or cause:

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

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(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 wastewater treatment works.

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

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

(j) Any waters or wastes having a five-day BOD greater than 300 milligrams per liter, or containing more than 350 milligrams per liter of suspended solids, or having an average daily flow greater than two percent of the average wastewater flow of the city, shall be subject to the review of the superintendent. Where necessary, in the opinion of the superintendent the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the BOD to 300 milligrams per liter, or reduce the suspended solids to 350 milligrams per liter, or 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 superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(k) a. Any waters or wastes that exceed the following:

(1) Chlorides	1,200.00 mg/l
(2) Cyanide, total	0.24 mg/l
(3) Copper	3.68 mg/l
(4) Nickel	7.76 mg/l
(5) Chromium	7.00 mg/l
(6) Silver	0.06 mg/l
(7) Zinc	7.42 mg/l
(8) Lead	0.54 mg/l
(9) Cadmium	0.60 mg/l
(10) Mercury	0.01 mg/l
(11) Sulfide	1.00 mg/l
(12) Surfactanis	100.00 mg/l
(13) Phenaloc Compounds	0.76 mg/l
(14) Total Toxic organics	2.13 mg/l

b. Exception: As determined by the Wastewater Superintendent, in writing, low volume discharges may exceed the above.

15-227. SAME; PROCEDURE. (a) If any waters or wastes are discharged, or are proposed to be discharged to the public wastewater collection system, which waters contain the substances or possess the characteristics enumerated in section 15-233, the superintendent may:

(1) Reject the wastes,

(2) Require pretreatment to an acceptable condition for discharge to the public wastewater collection system,

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

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or user charges.

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

15-228. GREASE AND SAND TRAPS. At any commercial facility, such as a car wash, restaurant or gas station, where the possibility exists that a foreign substance may be initiated into the sewer system, grease or sand traps will be required. All installations shall be approved by the superintendent so that all substances introduced into the Liberal sewer system shall conform to all requirements of the city. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and other foreign substances removed from grease and sand traps shall be removed to the sanitary landfill. Under no circumstances shall such substances be dumped into a manhole.

15-229. PRETREATMENT AT OWNERS EXPENSE. Where preliminary treatment of flow-equalizing facilities are provided for any water wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his or her expense.

15-230. INSPECTIONS, MANHOLES. (a) When required by the superintendent, 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 construed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(b) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be performed by a laboratory approved by the superintendent and 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 the constituents upon the treatment 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 building sewers of a premises 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 building sewers whereas pH's and heavy metals are determined from periodic grab samples.)

(c) Any pretreatment standards as established by state, federal, or other public agencies of jurisdiction for such discharge will be used as the minimum requirements by the superintendent as applied to this section.

15-231. ENTERING PREMISES; INSPECTIONS. (a) The superintendent of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Any report, record, or information taken for purposes of administering this article shall remain confidential to the superintendent, except that such report, record, or information may be disclosed to other officials, employees, or authorized representatives of the city and except for such effluent information as may be required by federal and state regulations.

(b) While performing the necessary work on private properties referred to in (a) above, the superintendent 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 unless the employee's death or injury is caused by the negligence of the company.

(c) The superintendent 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, or maintenance of any portion of the wastewater collection system lying within said 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.

17-232. DAMAGING SEWERS. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal wastewater collection system and treatment facility. Any person violating this provisions shall be subject to the immediate arrest under charge of disorderly conduct.

15-233. USER CHARGE LEVIED. The service charges to be paid by contributors of the Liberal Municipal Wastewater Collection and Treatment System shall be established by ordinance.

15-234. SAME; INDEPENDENT WATER SOURCE. In the event a lot, parcel of land, premises or facility discharging wastewater, industrial process waste, water or other liquids, either directly or indirectly into the city's wastewater collection and treatment system or which eventually enters the system, is supplied with water from any source

other than from the city's municipal water system, then the sewer user charge will be estimated at the average of all users in the city, unless the owner of lot, parcel of land, premises or facility installs, and maintains at his or her own expense, a water meter approved by the city's water department. This meter(s) shall serve as a control for the establishment of the sewer user charge and shall be accessible to the city's meter readers.

- 15-235. SAME; MORE THAN ONE METER. Where more than one water meter is installed for service to one industry or commercial business located at a single site or adjoining sites, only one minimum monthly charge shall apply. The additional monthly charge shall apply to the total average winter water use from all meters which supply service to one industry or commercial business located at a single site or adjoining sites.
- 15-236. SAME; WATER LEAKS. Where it can be established that a contributor has had a water leak during the establishment of the contributor's average winter water use, the contributor's charge may be adjusted by the cashier of the utility office by using the previous year's average winter water use or portion thereof.
- 15-237. SAME; ANNUAL REVIEW. The city shall annually review user charges and revise them, if necessary, to reflect, as a minimum, the following conditions:
- (a) User charges shall maintain a proportional distribution of operations, maintenance and replacement (OM&R) costs among all users and/or user classes;
 - (b) User charges shall generate adequate revenues to pay the costs of OM&R.
 - (c) All end of year balances collected through user charges to pay for OM&R must be carried over to the next year and user charges adjusted accordingly.
- 15-238. SAME; ADJUSTMENT. Whenever current standards or guidelines are altered by any governmental agency the user charges, if any, must be adjusted to reflect the costs of expanding and/or upgrading the treatment works required by these revisions.
- 15-239. SEWER UTILITY FUND. There is hereby created in the treasury of the city a separate sewer utility fund. All revenues derived from the sewer service charges herein established including any investment earnings of such revenue shall, when received, be promptly paid into the sewer utility fund. The moneys in the fund shall be used for the purposes and in the following order:
- (a) Paying the cost and expense of the administration, operation and maintenance of the sewerage system of the city.
 - (b) Paying the cost of alteration, reconstruction, repair, improvement, extension and enlargement of the sewerage system of the city when authorized by the governing body or as approved in the city's annual budget. In accord therewith, there shall be established a replacement account for the specific purpose of ensuring the replacement needs over the useful life of the treatment works. Deposits in the replacement account shall be made from the operation, maintenance and replacement revenue in an amount equal to the necessary capital improvements for the next budget period or at least equal to 10% of the previous year budgeted expenditure line item.

(c) Paying the principal and interest on any bonds that have been or may be issued for the purposes of improving, enlarging or extending main sewers, pumping station, treatment works, and disposal works operated as a part of the city's sewerage system.

(d) Other accounts within the sewer utility fund may be established and maintained as are in the judgment of the city manager necessary for the proper administration of the sanitary sewerage system.

15-240. SAME; BALANCES, ADJUSTMENT. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts.

Moneys which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

15-241. SERVICE CHARGES. (a) For residential and small non-residential users, monthly sewer charges will be based on the average monthly water usage during the three billing months of January, February and March. This period is further defined as from the time each customer's water meter is read in December through the time each customer's water meter is read in March. Water meters are usually read beginning the fifteenth through the twenty-first of the month. Under certain circumstances such as extremely dry weather, inability to read water meters on a timely basis, etc., the City Commission, by majority vote, can change the base period used for calculating sewer rates.

If a residential and small non-residential customer has not established a monthly sewer charge during the base period, his or her monthly user charge shall be based on water metered during the current month for the months of November, December, and January. During the months of February, March, April, May, June, July, August, September and October his or her monthly user charge shall be based on water metered during the current month to a maximum charge of the average charge of all other residential and small non-residential contributors.

(b) For large non-residential users, charges shall be based on water metered during the current billing month. (Large non-residential users are defined as non-residential users who purchase at least 30,000 gallons of water in at least one of the billing months of November, December and January or in at least one of the months during the base period if changed by the Commission.)

A customer that does not have an average established during the base period, charges will be based on water metered during the current billing month.

15-242. SEWER RATES. Sewer rates are established annually in the budget resolution and are shown in Exhibit C-1509.

- 15-243. SAME; OUTSIDE CITY. For users or customers outside the corporate limits of the city entitled to use the city's sewage disposal system by virtue of consent of the governing body, the rates for such use shall be double those prescribed in sections 15-241-242.
- 15-244. SAME; SURCHARGE. For contributors who contribute wastewater, the strength of which is greater than normal wastewater as defined in section 15-201, a surcharge in addition to the normal user charge will be collected. Fees are established annually in the budget resolution and are shown in Exhibit C-1510.
- 15-245. SAME; ADDITIONAL CHARGE. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances caused identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the governing body.
- 15-246. SAME; CONTRACT FOR SEWER SYSTEM USE. The city commission is authorized to contract for sewer system use charges with persons, firms, corporations, organizations, political subdivisions and all other entities having premises either within or outside the corporate limits of the city, on mutually acceptable terms based on water consumption and the character of the wastes.
- 15-247. BILLING. (a) Billings for wastewater service shall be rendered at the same time and on the same bills issued for water service, but shall be shown as a separate item from the charge for water.
(b) If wastewater service is commenced or terminated during a period for which bills are rendered, billing shall be prorated on a daily basis.
NOTE: For water billing procedure see sections 15-135 to 15-139.
- 15-248. DELINQUENT ACCOUNT. In the event any person operating on premises connected to the sanitary sewer system shall fail, neglect or refuse to pay the sewer service charge fixed herein, the city following notice and hearing as provided in sections 15-135:137 may discontinue the service to the user.
- 15-249. SAME; LIEN ON PROPERTY. In the event such charges for the use of the wastewater collection and treatment system are not paid within the time and manner as by this article provided, the city clerk shall certify to the county clerk of Seward County the legal description of the real property enjoying the use of the wastewater collection and treatment system together with the amount of such charge or charges remaining unpaid, such amount to be placed on the tax roll for collection subject to the same penalties and collected in like manner as other taxes are by law collectible, and shall become a lien upon the real property so served.
- 15-250. PENALTIES AND VIOLATION. (a) Any person found to be violating any provision of this article except section 15-232 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.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a), shall on conviction thereof be charged with a Class B violation. Each day 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, fines, penalties or damage occasioned by the city, by reason of such violation.

15-251. CITY AT-LARGE. The city at-large will pay for the installation and maintenance of interceptor mains, lifts, pump stations, trunks, mains and sewage treatment facilities.

15-252. RIGHT TO REFUSE LINE EXTENSIONS. The city reserves the right to refuse sanitary sewer line extensions where such extensions are financially impractical from a construction, maintenance or operational perspective.

15-253. DEVELOPER OR USER IMPROVEMENTS. The developer or user shall pay for the installation of all gravity sanitary sewer lines. If lift stations and force mains are required in order to serve the user, the city may establish a benefit district for the purpose of assessing the cost of such improvements. Prior to the extension of any sanitary sewer line, the developer or user will cause a study, by a Kansas certified engineer, to be conducted. The study will address the capacity of each sanitary line that will be affected down stream of the proposed installation.

15-254. PLATTING REQUIREMENTS. Prior to the extension of any sanitary sewer line, all platting requirements, zoning ordinances and subdivision regulations will be complied with.

15-255. COMPLIANCE WITH CITY CONSTRUCTION STANDARDS. All sanitary sewer lines, force mains, lift stations and appurtenances thereto shall be constructed in accordance with plans approved by the city engineer. Plans and specifications shall be prepared based on design standards approved by the city engineer. The developer or user shall be responsible for providing plans that are drawn by a certified engineer licensed in the State of Kansas. No contracts for construction shall be awarded and no construction shall commence until the plans and specifications have been approved by the city engineer. Inspections of all sanitary sewer lines, lift stations and appurtenances thereto shall be performed by the city engineer or his or her designated representative.

15-256. COST OF IMPROVEMENTS. The developer or user shall be responsible for the cost of all construction, engineering plans, land acquisition of easements, supervision of the project and any inspection fees for the project, or any other costs the city may incur as a result of the project.

ARTICLE 3. SOLID WASTE

15-301. DEFINITIONS. Unless the context clearly indicates otherwise, the following words and phrases as used in this article shall mean:

(a) Commercial Solid Waste - solid waste generated by stores, offices and other activities that do not actually turn out a product;

(b) Nonresidential Solid Waste - solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four or more dwelling units, as stored in city-approved refuse containers placed in an approved location for service as deemed necessary by the superintendent of sanitation;

(c) Refuse - solid waste including both garbage and trash; and shall be divided into the following classes:

(1) Garbage - shall consist of wastes from the preparation, cooking and consumption of food, market refuse, wastes from the handling, storage and sale of produce, and all animal and vegetable matter which has been or was intended to be used as food for man or animals, which has been drained to remove all liquids;

(1) Trash - is dry, nonputrescible solid wastes consisting of both combustible and noncombustible wastes. However, certain specific trash items shall not be an obligation of the city collect. Those items shall include wash rack residue, earth and wastes from building operations, liquids of all types, grass from commercial power raking, sod, tree trimmings greater than two inches in diameter or longer than four feet; and/or greater in weight than 65 pounds. The material not included as trash may be removed in accordance with special service contracts hereinafter provided for;

(d) Residential Solid Waste - all solid waste that normally originates in a residential environment. This definition is applicable to the solid waste from a building of three or less separate units;

(e) Solid Waste - useless, unwanted or discarded material including all nonliquid garbage, rubbish or trash;

(f) Throw-away containers - plastic or water resistant paper bags, boxes, cartons, cans, crates and baskets which shall be secured in such a manner that the contents thereof shall not be blown or scattered about or become frozen to the ground or become a nuisance to the neighbors of the area. Such containers may hold combined refuse except such containers other than plastic bags shall not contain garbage. If contained in a plastic bag, the contents shall not weigh more than 30 pounds; if otherwise contained, the contents and container shall not weigh more than 40 pounds. In any case, each container shall not be more than 36 inches in length. In no case shall any surface of the container have sharp or dangerous surfaces which may be harmful to the collectors or others.

15-302. CITY TO COLLECT. (a) All solid waste within the City shall be collected, removed, and disposed of by designated employees of the City or its authorized contractor, only. No persons shall be permitted to refuse to accept the refuse collection and disposal service provided by the City, or its contractor, and the failure of any person to receive such service shall not exempt such person from the payment of charges herein specified, unless such person resides in an area in which no collection

service is provided for the entire area by the City or its contractor. Boundaries within the City exempt from the refuse collection charge shall be established by the City Commission by ordinance.

(b) Where containers have been provided, failure to use such containers will relieve the City of any obligation to remove solid waste, except for special collections as provided in Section 15-307.

15-303. COMMERCIAL SERVICE. (a) In commercial areas solid waste shall be collected on a schedule as determined by the superintendent of sanitation.

(b) Solid waste shall be placed and stored in containers which shall be provided and maintained by the city.

15-304. RESIDENTIAL SERVICE. All solid waste which can be placed in a cart or which can be stored on or beside the cart in throw-away containers shall be collected on a regular basis, not less than once each week. Excluded from such regular collection is unusual, heavy, bulky or hazardous solid waste.

15-305. SAME; STORAGE AND COLLECTION POINTS. All carts and throw-away containers shall be stored at any location on private property which is so located so as not to create a nuisance to the neighbors or the area. For properties with street access only, all carts and throw-away containers shall be placed on the collection day at a point between the curb and the public sidewalk, near or on the driveway approach or service walk, affording easy access to the collectors. For properties receiving alley pick up, all carts and throw-away containers shall be placed on the collection day at a point immediately adjacent to the alley right-of-way.

15-306. SAME; BULKY OR HAZARDOUS MATERIALS. (a) Tree limbs up to four inches in diameter and less than four feet in length may be placed at the regular collection point for the residence or property for collection by special equipment on a weekly basis by the Department of Sanitation;

(b) Special collection of heavy or bulky items such as furniture, appliances, branches or tree trunks over four inches in diameter and cut in lengths not exceeding four feet and trimmed of twigs which can be safely handled by a crew of two persons and a truck, to be determined by the superintendent of sanitation or his or her designee, shall be collected on a prearranged custom basis for a fee.

15-307. SAME; DUTY OF OWNER, TENANT. The owner and/or tenant on each lot or parcel of land or ground shall have the duty to keep such premises free and clear of all classes of refuse, and other substances dangerous to the health, sanitation and welfare of the community. In addition, the owner or tenant shall have the duty to have removed those items which the city is not obligated to collect.

15-308. SAME; CART USERS. The users of carts shall:

(a) Comply with all prescribed instructions imprinted on the carts, including but not limited to limiting the use of carts, setting maximum weights and prohibiting the storage of certain heavy, bulky or hazardous substances;

- (b) Not damage, deface or alter carts in any manner;
- (c) Keep carts reasonably clean.

The cost of repairs resulting from negligent use of a cart by a resident shall be reported to the superintendent of sanitation who may direct recovery of the costs from the resident upon giving of notice and hearing.

- 15-309. DISPOSAL OF LIQUID. All liquids shall be disposed of by the customer and shall in no case be kept or stored with refuse as herein defined.
- 15-310. SCAVENGING PROHIBITED. It shall be a Class C violation for any person to scavenge any solid waste within the boundaries of the city.
- 15-311. HAZARDOUS WASTES. No person shall place any hazardous waste in any container for collection, transport, processing or disposal until the enforcement agency has approved the method of storage, transport, processing or disposal.
- 15-312. ADDITIONAL RULES AND REGULATIONS. The city manager is hereby authorized to make additional reasonable rules and regulations for the administration of the refuse collection services of all types performed in the city. No such regulations and rules shall contravene the specific provisions of this article nor shall be in any way inconsistent with the established policies of the governing body. All rules and regulations prescribed by the city manager shall be published at least once in the official city newspaper prior to being enforced.
- 15-313. BILLING. The city shall render bills for refuse removal charges in conjunction with the regular monthly water bills to the person designated to receive the water bill for water and water service furnished the premises. If there is no connection on the premises to the city's water utility system then such bill for refuse removal charges shall be rendered to the person or legal entity owning or occupying the premises. All bills for refuse removal charges shall be payable on or before the date shown on the statement.
- 15-314. DELINQUENT ACCOUNTS. In the event any person, political unit or organization shall fail, neglect or refuse to pay the refuse removal charge fixed herein, the city clerk shall certify to the county clerk of Seward County the legal description of the real property enjoying the use of said refuse collection system together with the amount of such charge or charges remaining unpaid, such amount to be placed on the tax roll for collection subject to the same penalties and collected in like manner as other taxes are by law collectible, and shall become a lien upon the real property so served.
- 15-315. REFUSE UTILITY FUND. There is hereby established a separate refuse removal utility fund. All revenues derived from solid waste charges, including any investment earnings of such revenue, shall be paid into the refuse removal utility fund. The fund shall be used for:
- (a) Paying the cost and expense of the administration, operation, and maintenance of the refuse removal utility of the city;

(b) Paying the cost of alteration, reconstruction, repair, improvement, extension and enlargement of the sanitary landfill operated as a part of the refuse removal utility of the city when authorized specifically by the governing body or as approved in the city's annual budget.

(c) Paying the principal of and interest on any bonds that have been or may be issued for improving, enlarging or extending the storage garage and the sanitary landfill operated as a part of the city's refuse removal utility.

(d) Such other accounts within the refuse removal utility fund may be established and maintained as are in the judgment of the city manager necessary for the proper administration of this city's refuse removal utility.

(e) Deposits in the refuse utility account shall be made from the operation, maintenance and replacement revenue in an amount equal to the necessary capital improvements for the next budget period or at least equal to 10% of the previous year budgeted expenditure line item.

15-316. SOLID WASTE RATES WITHIN CITY; RESIDENTIAL. Residential Refuse Collection Rates are established annually in the budget resolution and are shown in Exhibit C-1511.

15-317. SOLID WASTE RATES WITHIN CITY; COMMERCIAL. Commercial Refuse Collection Rates are established annually in the budget resolution and are shown in Exhibit C-1512.

15-318. SOLID WASTE; CONTRACTS. The refuse removal charge for any customer not covered in the above schedule, shall be determined based on volume of refuse and frequency of pickups by the city manager with the approval of the city commission.

15-319. SOLID WASTE RATES OUTSIDE CITY. For users or customers outside the corporate limits of the city entitled to use the city's refuse collection system by virtue of consent of the governing body, the rates for such use shall be a minimum of two times those prescribed in sections 15-316 and 15-317. Fees are established annually in the budget resolution and are shown in Exhibit C-1513.

ARTICLE 4. MUNICIPAL WATER CONSERVATION PLAN

15-401. MUNICIPAL WATER CONSERVATION PLAN INCORPORATED. That certain documents, three copies of which are on file in the office of the city clerk, being marked and designated as the "Municipal Water Conservation Plan for the City of Liberal", 1998 Edition, written by the Public Works Division of the City of Liberal, Kansas, be and the same is hereby adopted as the Plan of the City of Liberal for determining long term water use efficiency, drought/emergency contingency and plan revision, monitoring and evaluation, including stage 1-water watch, stage 2-water warning and stage 3-water emergency, which is on file in the office of the city clerk,

Liberal, Kansas, is hereby referred to, adopted and made a part hereof as if fully set out in this code, and is shown in Exhibit "D". (2014, Ord. 4444)