

CHAPTER XV: UTILITIES

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ARTICLE 1: GENERAL PROVISIONS

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§ 15-101 DEFINITION.

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

UTILITY SERVICES. Includes water, electrical and sewer services provided by the city.

(b) All contracts for utility service for residential use must be made in the name of the head of household, using the established spelling of that person's name. Attempts to obtain service by use of other names, different spellings or by substituting other persons for the head of household will be considered a subterfuge resulting in denial of utility service. If utility service has been terminated due to nonpayment of obligations hereunder, and utility service has been obtained through subterfuge, misrepresentation or fraud, that utility service will be disconnected immediately, without notice, and the whole or such part of the security deposit as may be necessary to satisfy the unpaid obligation shall be retained by the city and credited to the proper account, including any past-due account(s).

(1996 Code, § 15-101) (Ord. 1459, passed 11-8-2010)

§ 15-102 DELINQUENT ACCOUNTS.

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

(1996 Code, § 15-102)

§ 15-103 NOTICE; HEARING.

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

(b) The notice shall state:

(1) The amount due, plus delinquency charge;

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

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

(4) Notice that the request for a hearing must be in writing and filed with the City Clerk 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 that shall be held within three working days following receipt of the request.
(1996 Code, § 15-103)

§ 15-104 SAME; FINDING.

Following the hearing, if the Hearing Officer shall find that service should not be terminated, then notice of such finding shall be presented to the City Clerk. If the Officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested, however, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The Hearing Officer has a right, for good cause, to grant an extension, not to exceed ten days, for the termination of such service.
(1996 Code, § 15-104)

§ 15-105 UTILITY DEPOSIT.

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

(b) Cash deposits for any one or the combined services of electricity, water and sewer service shall be \$200.

(c) The deposit so made shall be kept by the City Clerk in a separate account and deposited in a fund designated as the Meter Deposit Fund. Interest shall be payable at the rate determined by the State Corporation Commission yearly and credited to the customer's account January 1 of each calendar year.

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

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

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

(K.S.A. 12-822) (1996 Code, § 15-105)

§ 15-106 LANDLORD LIABILITY.

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

(b) In the event that a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first-class regular mail within ten days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry.

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

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

(1996 Code, § 15-106)

§ 15-107 LIABILITY OF PROPERTY OWNER; LIEN AGAINST PROPERTY.

(a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.

(b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail within ten days after a billing becomes delinquent.

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

(d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the City Clerk to the County Clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.
(1996 Code, § 15-106A) (Ord. 1019, passed - -)

§ 15-108 PETTY CASH FUND.

A Petty Cash Fund in the amount of \$1,000 is established for the use of the City Utilities Department, for the purpose of paying postage, freight, temporary labor and other emergency expenses, including refund of deposits made to secure payment of accounts.
(1996 Code, § 15-107)

§ 15-109 SAME; DEPOSITS.

The Petty Cash Fund shall be deposited in the regular depository bank of the city and paid out on the order of the City Clerk by check which shall state clearly the purpose for which issued.
(1996 Code, § 15-108)

§ 15-110 SAME; VOUCHERS.

Whenever the Petty Cash Fund becomes low or depleted, the City Clerk shall prepare vouchers covering expenses as have been paid from the Petty Cash Fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the Petty Cash Fund and shall be deposited therein to restore said Petty Cash Fund to its original amount.
(1996 Code, § 15-109)

§ 15-111 CHARGES, PENALTY, TERMINATION OF SERVICE.

(a) All accounts and charges for utility service shall be due and payable at the city offices on or before the fifteenth day of the month following such service. If the amount owed for such service is not paid when due, a penalty of 10% shall be added thereto.

(b) If a utility bill has not been paid on or before the due date as provided in this section, a delinquency and termination notice shall be issued by the Utility Billing Department and mailed to the customer at his or her last known address.

(c) The notice shall state:

(1) The amount due, plus applicable delinquency charges; and

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

(Ord. 1459, passed 11-8-2010)

§ 15-112 UTILITY DEPOSIT, LETTER OF CREDIT FORFEITURE.

(a) The purpose of the utility deposit is to provide the city a source of funds to draw upon in the event that a customer does not remit payment for charges for utility services received.

(b) Each customer shall pay a \$200 utility deposit unless the customer meets the city's letter of credit/deposit waiver policy as set forth below. This deposit shall be kept on account in the name of the customer and shall accrue interest at the rate set yearly by the KCC. This account shall be maintained for a period of 12 months or if a termination occurs earlier, until the date of termination. If at the end of 12 months or earlier termination the customer is in good standing regarding payment of obligations, the city shall remit the deposit and accrued interest to the customer.

(c) In the event of termination due to nonpayment of obligations hereunder, the city shall remit as much of the deposit as needed to payment of these obligations. Any balance remaining in the account of the customer such shall be refunded to the customer. In the event the deposit is insufficient to satisfy the obligation owed, the remaining balance due shall be forwarded to collections. In either event a reconnection fee and a new deposit shall be required to reinstate any utility services.

(d) Letter of credit/deposit waiver policy: under the following circumstances the city may waive the deposit requirement for a customer account.

(1) The responsible party must have at least one year of good payment history for other commercial accounts. A good payment history is defined as a record of 12 monthly payments made on time.

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(2) The responsible billing party's name must be the same as the name on the account referred to in § 15-101(b).

(3) The city will charge the maximum fee allowed by state law for all checks that are returned for insufficient funds to the city. A returned check shall be the basis to terminate the account without notice and to require a cash deposit for future utility service.

(4) The decision to approve a letter of credit/deposit waiver shall be at the sole discretion of city.
(Ord. 1459, passed 11-8-2010)

ARTICLE 2: WATER

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- 15-204 Service connections required
- 15-205 Application for service
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- 15-207 Connection fees
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- 15-211 Incorporating Cross-Connection Code of 1988
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- 15-229 Use during fire
- 15-230 Public Wholesale Water Supply District

§ 15-201 SUPERINTENDENT OF WATER AND SEWAGE.

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

(1996 Code, § 15-201)

§ 15-202 REGULATIONS.

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

(1996 Code, § 15-202)

§ 15-203 SERVICE NOT GUARANTEED.

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

(1996 Code, § 15-203)

§ 15-204 SERVICE CONNECTIONS REQUIRED.

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

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

(1996 Code, § 15-204)

§ 15-205 APPLICATION FOR SERVICE.

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

(b) The application shall:

- (1) Contain an exact description including street address of the property to be served;
- (2) State the size of tap required;

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

(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in § 15-207.
(1996 Code, § 15-205)

§ 15-206 CITY TO MAKE CONNECTIONS.

All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected only by city employees.
(1996 Code, § 15-206)

§ 15-207 CONNECTION FEES.

The fees for connection to the city waterworks system shall be as published in the Operations and Policy Manual.
(1996 Code, § 15-207)

§ 15-208 CURB COCKS.

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

(b) Curb cocks shall be supplied with strong and suitable "T" handles.
(1996 Code, § 15-208)

§ 15-209 CHECK VALVES.

Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the Water Superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.
(1996 Code, § 15-209)

§ 15-210 UNAUTHORIZED SERVICE.

It shall be unlawful for any person, firm or corporation, other than duly authorized city officials or employees, to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the City Administrator.
(1996 Code, § 15-210)

§ 15-211 INCORPORATING CROSS-CONNECTION CODE OF 1988.

There is hereby incorporated by reference for the purpose of regulating cross-connection in the municipal potable water system, the "Sabetha Cross-Connection Code of 1988", developed by city officials. No fewer than three copies of the "Cross-Connection Code of 1988" shall be marked or stamped "Official Copy as Adopted by Ord. 1128" and to which shall be attached a copy of this section, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Superintendent of Water and Wastewater, and all administrative departments of the city charged with the enforcement of this section shall be supplied, at the cost of the city, such number of official copies of the "Cross-Connection Code of 1988", similarly marked, as may be deemed expedient.
(1996 Code, § 15-211) (Ord. 1128, passed - -)

§ 15-212 CROSS-CONNECTIONS PROHIBITED.

No person shall make or permit to be made a cross connection whereby a private, auxiliary, emergency water supply or non-potable water supply may enter the supply or distribution system of the municipality, unless permitted under the "Cross-Connection Code" of the city.
(Ord. 1128, passed - -)

§ 15-213 SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED.

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

§ 15-214 SAME; INSPECTION.

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

§ 15-215 SAME; PROTECTION FROM CONTAMINANTS.

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

§ 15-216 METERS.

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

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

(c) The city's responsibility stops at the property line.
(1996 Code, § 15-212)

§ 15-217 SAME; TESTING.

Meter tests will be made on request of the customer. If meter test shows that a meter is in error plus or minus more than 2%, a three months correction will be made either in favor of the customer or the city for the period of three months immediately preceding the test. If the meter tests within 2%, a meter test charge shall be made to the customer.

(1996 Code, § 15-213) (Ord. 1422, passed 3-26-2007)

§ 15-218 TAMPERING WITH METER.

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

(1996 Code, § 15-214)

§ 15-219 LEAKS PROHIBITED; PENALTY.

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

(1996 Code, § 15-215)

§ 15-220 DISCONNECTION, RECONNECTION CHARGE.

The governing body shall establish a water service disconnection and reconnection charge and publish the same in the Operations and Policy Manual. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon and the reconnection charge.
(1996 Code, § 15-216)

§ 15-221 UTILITY DEPOSIT.

At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in § 15-105 to secure payment of accrued bills or bills due on discontinuance of service.
(1996 Code, § 15-217)

§ 15-222 INTERRUPT SERVICE.

The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.
(1996 Code, § 15-218)

§ 15-223 PROHIBITED ACTS.

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

- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
- (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body; and
- (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff or any other appurtenances to the water system of the city.
(1996 Code, § 15-219)

§ 15-224 WASTING WATER.

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

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

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

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

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

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

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

(d) The penalties for violating this section shall be the same as those set forth in § 15-608. (1996 Code, § 15-220)

§ 15-225 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. (1996 Code, § 15-221)

§ 15-226 RATES.

The rates per month for the use of water in the city shall be set by the City Commission by resolution from time to time. (1996 Code, § 15-222)

§ 15-227 PAYMENT OF BILLS.

All water bills for the previous month's water service shall be paid on or before the fifteenth day of the month following the service. For any billing not paid when due a late charge of 10% will be added to the bill. (1996 Code, § 15-223)

§ 15-228 DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY.

Water service shall be terminated for nonpayment of service fees or charges as provided in §§ 15-102 through 15-104. (1996 Code, § 15-224)

§ 15-229 USE DURING FIRE.

No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire.

Upon the sounding of a fire alarm, it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (1996 Code, § 15-225)

§ 15-230 PUBLIC WHOLESALE WATER SUPPLY DISTRICT.

(a) The governing body of the city has determined that it is in the best interest of the city to enter into an agreement with other rural water districts and cities, pursuant to K.S.A. 19-3545 et seq., as may be amended, to establish a quasi-municipal corporation which shall be known as a public wholesale water supply district.

(b) The function of the public wholesale water supply district shall be to secure a source of water on a scale larger than is feasible for the other cities and rural water districts acting alone, and to sell such water at wholesale to the cities and the rural water districts.

(c) The Mayor and City Clerk are hereby directed to execute the agreement to organize public wholesale water supply district and to take such other action as is necessary to accomplish the purpose of this section.

(Ord. 1344, passed 5-22-2000)

ARTICLE 3: ELECTRICITY

Section

15-301 General

15-302 Model standards adopted

§ 15-301 GENERAL.

For all bills rendered on and after September 30, 2015 for electric power sold from the municipal electric system of the city, the rates for all patrons of the municipal electric system of the city, as well as the fuel cost computation formula shall be set by the City Commission by resolution from time to time.

(Ord. 1496, passed 8-24-2015)

§ 15-302 MODEL STANDARDS ADOPTED.

The *Model Standards of Billing Practices* recommended by the Kansas Corporation Commission, is hereby adopted as the billing practices for jurisdictional customers of the city municipal electric system.

(1996 Code, § 15-409) (Ord. 1146, passed - -)

ARTICLE 4: SEWERS

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§ 15-401 DEFINITIONS.

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

B.O.D. (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°C, expressed in parts per million by weight.

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

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWERS. Sewers receiving both surface runoff and sewage are not permitted.

INDIVIDUAL DOMESTIC. Any single-family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city and on individual city or private water service meter, or connection to any such water service.

INDUSTRIAL. Any industrial business engaged in the manufacturing or processing of one or more products, and in which wastewaters are produced from such manufacturing or processing and said wastewaters are discharged directly or indirectly to the wastewater facilities of the city.

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

NORMAL WASTEWATER. The strength of normal wastewater shall be considered within the following ranges:

- (1) A five day biochemical oxygen demand of 300 milligrams per liter or less;
- (2) A suspended solid concentration of 350 milligrams or less; and
- (3) Hydrogen ion concentration of 5.0 to 9.0.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

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

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

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

SEWER. A pipe or conduit for carrying sewage.

STORM SEWER or **STORM DRAIN.** A sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUPERINTENDENT. The Superintendent of the city or his or her authorized deputy, agent or representative.

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

USER. Any person as defined in § 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

WASTEWATER. Sewage, the combination of liquids and water-carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or stormwater that may be present.

§ 15-402 SEWER CONNECTION REQUIRED.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so; provided, that said public sewer is within 140 feet of the property line.

§ 15-403 PERMIT; CONNECTION FEE.

(a) No person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(b) There shall be charged a fee, as set by the governing body, payable at the time of making application for the permit.

§ 15-404 APPLICATION.

(a) 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.

(b) The application shall contain:

- (1) The legal description of the property to be connected;
- (2) The name and address of the owner or owners of the property;
- (3) The kind of property to be connected (residential, commercial or industrial); and
- (4) The point of proposed connection to the city sewer line.

§ 15-405 COSTS.

All costs and expense incident to the installation and connection of the building sewer shall be paid 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.

§ 15-406 SEWER CONNECTION.

The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the Utility Superintendent and at a location designated by the Superintendent.

§ 15-407 SEWER FOR EACH BUILDING.

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 15-408(1) SAME; SPECIFICATIONS.

The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and water-proof. Any part of the building sewer that is located within ten feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building

sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city.

§ 15-408(2) SAME; SPECIFICATIONS; SIZE AND SLOPE OF BUILDING SEWER.

The size and slope of the building sewer to be installed shall be subject to the approval of the City Inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than one-eighth inch per foot and for four inch pipe, not less than one-fourth inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the City Inspector prior to placement.

§ 15-408(3) SAME; SPECIFICATIONS; ELEVATION.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings.

§ 15-408(4) SAME; SPECIFICATIONS; LIFT.

At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner.

§ 15-408(5) SAME; SPECIFICATIONS; CESSPOOL, SEPTIC TANK OR VAULT.

No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired.

§ 15-408(6) SAME; SPECIFICATIONS; EXCAVATIONS.

All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved.

§ 15-408(7) SAME; SPECIFICATIONS; JOINTS.

(a) All joints in the building sewers shall be made water-tight. If recommended by the City Inspector, a water pressure test shall be made on the completed sewer to ensure a compliance with this

requirement, requiring that the building sewer withstand an internal water pressure of five psi, without leakage.

(b) Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, federal specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

(c) All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the City Inspector.

(d) Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.

(e) Joints between any two different types of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be water-tight and constructed to ensure minimum root penetration and to the satisfaction of the city.

§ 15-409 SEWER EXCAVATIONS: DAMAGES.

All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city.

§ 15-410 FAILURE TO CONNECT.

(a) If any person as defined in § 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.

(b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the General Fund or through the issuance of no fund warrants.

§ 15-411 PRIVY UNLAWFUL.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage except as provided in this article.

§ 15-412 PRIVATE SEWER SYSTEM.

Where a public sanitary sewer is not available under the provisions of § 15-402, the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 15-411 to 15-416.

§ 15-413 SAME; PERMIT.

Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Utility Superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the Utility Superintendent. A permit and inspection fee, as set by the governing body, shall be paid to the city at the time the application is filed.

§ 15-414 SAME; INSPECTION.

The Utility Superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the Superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

§ 15-415 SAME; DISCHARGE.

(a) The type, capacities, location and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the State Department of Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 15-402, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials.

§ 15-416 SAME; ADDITIONAL REQUIREMENTS.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City or County Health Officer.

§ 15-417 DISPOSAL OF SEWAGE.

It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage,

excrement and polluted water may be abated as a public nuisance upon the order of the City or County Board of Health in accordance with the laws of the state.
(K.S.A. 12-1617e, 12-1617g)

§ 15-418 DAMAGE TO SEWERS.

It shall be unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance or equipment which is part of the municipal sewer system.

§ 15-419 NATURAL OUTLET.

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

§ 15-420 STANDARDS.

The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city.

§ 15-421 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 Utility Superintendent, to meet all requirements of this article.

§ 15-422 MUD, GREASE TRAPS.

All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer.

§ 15-423 ROOF, FOUNDATION DRAINS.

(a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.

(b) All discharges prohibited in division (a) above may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharged into any unpaved street or alley.

§ 15-424 SAME; EXCEPTION.

Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the Utility Superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city.

§ 15-425 PROHIBITED DISCHARGES.

No person shall discharge any of the following waters or wastes to any public sewer:

- (a) Liquid or vapor having a temperature higher than 150°F;
- (b) Water or waste that may contain more than 100 parts per million, by weight, of fat, oil or grease;
- (c) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (d) Garbage that has not been properly shredded;
- (e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- (h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; and
- (i) Noxious or malodorous gas or substance capable of creating a public nuisance.

§ 15-426 BILLS.

(a) Bills shall be rendered monthly as provided in § 15-222 and shall be collected as a combined utility bill.

(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly

rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate.

§ 15-427 DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.

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

(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in § 15-106 shall apply to sewer service fees, charges and services.

§ 15-428 SEWER SERVICE CHARGE.

The monthly charge for sewer service shall be as set by the governing body.

ARTICLE 5: SOLID WASTE

Section

- 15-501 Definitions
- 15-502 Collection
- 15-503 Contracts
- 15-504 Duty of owner, occupant
- 15-505 Containers
- 15-506 Bulk containers
- 15-507 Enter private premises
- 15-508 Ownership of solid waste
- 15-509 Wrapping garbage
- 15-510 Heavy, bulky waste
- 15-511 Hazardous materials
- 15-512 Prohibited practices
- 15-513 Objectionable waste
- 15-514 Unauthorized disposal
- 15-515 Private collectors; license required
- 15-516 Same; application
- 15-517 Same; fee
- 15-518 Same; number to be displayed
- 15-519 Closed vehicle
- 15-520 Rules and regulations
- 15-521 Failure to secure license
- 15-522 Charges
- 15-523 Billing
- 15-524 Same; delinquent account

§ 15-501 DEFINITIONS.

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

COMMERCIAL WASTE. All refuse emanating from establishments engaged in business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.

DWELLING UNIT. Any enclosure, building, or portion thereof, occupied by one or more persons for and as living quarters.

GARBAGE. Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.

MULTI-FAMILY UNIT. Any structure containing more than four individual dwelling units.

REFUSE. All garbage and/or rubbish or trash.

RESIDENTIAL. Any structure containing four or fewer individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes.

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

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

SOLID WASTE. All non-liquid garbage, rubbish or trash.
(1996 Code, § 15-501) (Ord. 904, passed - -)

§ 15-502 COLLECTION.

All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste.
(1996 Code, § 15-502)

§ 15-503 CONTRACTS.

The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.
(1996 Code, § 15-503)

§ 15-504 DUTY OF OWNER, OCCUPANT.

The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.
(1996 Code, § 15-504) (Ord. 904, passed - -)

§ 15-505 CONTAINERS.

Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight-fitting lid and shall be leakproof and flytight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers.

(1996 Code, § 15-505) (Ord. 905, passed - -)

§ 15-506 BULK CONTAINERS.

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

(1996 Code, § 15-506)

§ 15-507 ENTER PRIVATE PREMISES.

Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article.

(1996 Code, § 15-507) (Ord. 905, passed - -)

§ 15-508 OWNERSHIP OF SOLID WASTE.

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

(1996 Code, § 15-508)

§ 15-509 WRAPPING GARBAGE.

All garbage shall be drained of all excess liquid and wrapped in paper or other disposable container before being placed in solid waste containers.

(1996 Code, § 15-509)

§ 15-510 HEAVY, BULKY WASTE.

Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same.

(1996 Code, § 15-510) (Ord. 904, passed - -)

§ 15-511 HAZARDOUS MATERIALS.

(a) No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse or waste.

(b) Hazardous material shall include:

(1) Explosive materials;

(2) Rags or other waste soaked in volatile and flammable materials;

(3) Chemicals;

(4) Poisons;

(5) Radio-active materials;

(6) Highly combustible materials;

(7) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease; and

(8) Any other materials that may present a special hazard to collection or disposal personnel, equipment, or to the public.

(1996 Code, § 15-511) (Ord. 904, passed - -)

§ 15-512 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

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

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

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

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

(1996 Code, § 15-512)

§ 15-513 OBJECTIONABLE WASTE.

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

(1996 Code, § 15-513)

§ 15-514 UNAUTHORIZED DISPOSAL.

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

(1996 Code, § 15-514) (Ord. 904, passed - -)

§ 15-515 PRIVATE COLLECTORS; LICENSE REQUIRED.

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

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

(1996 Code, § 15-515) (Ord. 905, passed - -)

§ 15-516 SAME; APPLICATION.

Any person desiring to collect or transport solid waste within the city shall make application for a license to the City Clerk. The application shall set forth the name and address of the applicant, the make, and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the County Health Officer issued not more than 15 days prior to the date of application.

(1996 Code, § 15-516)

§ 15-517 SAME; FEE.

No license shall be issued unless the applicant shall pay to the City Clerk the sum of \$50 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1 of the calendar year in which said permit is issued.

(1996 Code, § 15-517)

§ 15-518 SAME; NUMBER TO BE DISPLAYED.

The City Clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued.

§ 15-519 CLOSED VEHICLE.

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

(1996 Code, § 15-518) (Ord. 904, passed - -)

§ 15-520 RULES AND REGULATIONS.

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

(1996 Code, § 15-519) (Ord. 904, passed - -)

§ 15-521 FAILURE TO SECURE LICENSE.

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

(1996 Code, § 15-520)

§ 15-522 CHARGES.

The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city.

§ 15-523 BILLING.

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

§ 15-524 SAME; DELINQUENT ACCOUNT.

In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the City Clerk shall annually certify such unpaid bills to the County Clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected.
(K.S.A. 65-3410)

ARTICLE 6: WATER CONSERVATION

Section

- 15-601 Purpose
- 15-602 Definitions
- 15-603 Declaration of a water emergency
- 15-604 Voluntary conservation measures
- 15-605 Mandatory conservation measures
- 15-606 Emergency water rates
- 15-607 Regulations
- 15-608 Violations, disconnections and penalties
- 15-609 Emergency termination
- 15-610 Water well drilling
- 15-611 Same; permit
- 15-612 Same; penalty

§ 15-601 PURPOSE.

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

(1996 Code, § 15-2a01) (Ord. 1134, passed - -)

§ 15-602 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

(1996 Code, § 15-2a02) (Ord. 1134, passed - -)

§ 15-603 DECLARATION OF A WATER EMERGENCY.

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

(1996 Code, § 15-2a03) (Ord. 1134, passed - -)

§ 15-604 VOLUNTARY CONSERVATION MEASURES.

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

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

(d) Waste of water.

(1996 Code, § 15-2a04) (Ord. 1134, passed - -)

§ 15-605 MANDATORY CONSERVATION MEASURES.

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

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

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

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

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

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

(f) Any combination of the foregoing measures.

(1996 Code, § 15-2a05) (Ord. 434, passed - -)

§ 15-606 EMERGENCY WATER RATES.

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

(b) Such emergency rates may provide for, but are not limited to:

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

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

(3) Extra charges in excess of a specified level of water use (excess demand surcharge).

(1996 Code, § 15-2a06) (Ord. 1134, passed - -)

§ 15-607 REGULATIONS.

During the effective period of any water supply emergency as provided for in § 15-603, the Mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this

article, any water supply emergency resolution or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.
(1996 Code, § 15-2a07) (Ord. 1134, passed - -)

§ 15-608 VIOLATIONS, DISCONNECTIONS AND PENALTIES.

(a) If the Mayor, Water Superintendent or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to §§ 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures.

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

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

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

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

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

(1996 Code, § 15-2a08) (Ord. 1134, passed - -)

§ 15-609 EMERGENCY TERMINATION.

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

(1996 Code, § 15-2a09) (Ord. 1134, passed - -)

§ 15-610 WATER WELL DRILLING.

It shall be unlawful for any person to commence, permit or allow any activities for the drilling or other means of obtaining a water well within the corporate limits of the city, without having first obtained a water well permit from the City Clerk's office.

(1996 Code, § 15-2a10) (Ord. 1145, passed - -)

§ 15-611 SAME; PERMIT.

The water well permit shall not be issued by the City Clerk until the Clerk has received the following from the applicant:

(a) A non-refundable application fee; and

(b) The written street address and legal description of the property where the proposed well is to be located.

(1996 Code, § 15-2a11) (Ord. 1145, passed - -)

§ 15-612 SAME; PENALTY.

The penalty for violating any provisions of §§ 15-610 and 15-611 shall be a fine not to exceed \$200 and each continuing violation shall be deemed to be a separate offense which shall have an additional fine of \$10 for each day such well is operated in violation of those sections.

(1996 Code, § 15-2a12) (Ord. 1145, passed - -)

ARTICLE 7: NET METERING POLICY AND PROCEDURES FOR CUSTOMER-OWNED RENEWABLE ENERGY RESOURCES

Section

- 15-701 Introduction
- 15-702 Net metering general provisions
- 15-703 Interconnection standards
- 15-704 Request
- 15-705 Billing practices
- 15-706 Eligibility
- 15-707 Request
- 15-708 System effects
- 15-709 System upgrades
- 15-710 Codes and permits
- 15-711 Certificate of completion
- 15-712 Normal operations
- 15-713 Definitions
- 15-714 Application for net metering

§ 15-701 INTRODUCTION.

(a) Net metering customer generators must meet all the applicable requirements of the city's interconnection standards for parallel installation and operation of customer-owned electric generating facilities in addition to the requirements of the net metering policy and procedures for customer-owned renewable energy resources.

(b) The provisions of this net metering policy shall apply only to customer generators with renewable energy resources approved by the city.
(Ord. 1448, passed 6-14-2010)

§ 15-702 NET METERING GENERAL PROVISIONS.

(a) The city shall offer net metering to its customers that wish to generate electricity on the customer's side of the meter using only renewable resources for energy sources.

(b) Net metering is intended for customer generators with a rated output of less than 25,000 watts (25 KW). Systems rated for more than 25 KW will be handled under a different process and may involve the local control area and regional transmission organization.

(c) The city shall make net metering available to eligible customer generators within its service area on a first come, first served basis. The maximum total rated capacity in KW of customer generation that will be allowed on the city's system shall be restricted to not more than 1% of the city's peak demand during the previous annualized period.

(d) Customer generators shall be equipped with properly approved city metering equipment that can measure the flow of electricity in both directions at the same rate, typically through use of a single bi-directional meter. Necessary metering will be supplied and installed by the city.

(e) Whenever the amount of electricity delivered by an eligible customer generator in a billing period exceeds the electricity supplied by the city in such billing period, the city shall settle with the customer generator for the excess kilowatt hours (KWH) in accordance with the billing practices described in this policy.

(f) If a customer generator formally terminates net metering, the city shall treat the end of the service period as if it were the end of the billing period and, if applicable, settle with the customer generator according to the appropriate billing practices.

(g) The city shall provide net metering at non-discriminatory rates that are identical with respect to the applicable customer rate class, retail rate components and any monthly charges, to the rates that a customer would be charged if not a customer generator.

(h) The city shall not charge a customer generator any fee or charge, or require additional equipment or any other requirement, unless the fee, charge or other requirement is specifically authorized under the terms of the interconnection agreement, this policy or if the fee, charge or other requirement would apply to other customers that are not customer generators. Any insurance coverage that may be required is specifically exempted from this division (h), however, and is subject to the terms of the interconnection standards for parallel installation and operation of customer-owned electric generating facilities.

(i) Nothing in this policy shall abrogate any customer's obligation to comply with all applicable federal, state or local laws, codes or ordinances; nor with the standards, service regulations and policies of the city.

(Ord. 1448, passed 6-14-2010)

§ 15-703 INTERCONNECTION STANDARDS.

To qualify for net metering, customer generators must comply with the city's interconnections standards for parallel installation and operation of customer-owned electric generating facilities.

(Ord. 1448, passed 6-14-2010)

§ 15-704 REQUEST.

The customer generator shall make a request for net metering by completing the city's application for net metering and the city's application for interconnection. The city may require additional details or clarifications as needed to properly evaluate the application.
(Ord. 1448, passed 6-14-2010)

§ 15-705 BILLING PRACTICES.

(a) *Positive net consumption.* Whenever the amount of electricity delivered by an eligible customer generator in a billing period is less than the electricity delivered by the city during such billing period, billing for the net energy supplied by the city will be made in accordance with the rate schedule applicable to the customer's assigned rate class and all applicable riders.

(b) *Negative net consumption.* Whenever the amount of electricity delivered by an eligible customer generator in a billing period is more than the electricity supplied by the city in a billing period, the excess electric energy shall be retained by the city as a contribution to fixed costs associated with owning and maintaining the facilities required to provide electric service.

(c) *Customer generators.* Customer generators remain responsible for all charges incurred during each billing period including, but not limited to: customer charges; facilities charges; demand charges; environmental charges; transmission charges; any late payment charges; and any requirements for deposits or special charges or fees that may be applied.

(d) *Net excess generation credit.* Any net excess generation credit remaining in a customer generator's account at the end of each annualized period shall expire.
(Ord. 1448, passed 6-14-2010)

§ 15-706 ELIGIBILITY.

Interconnection to the electric system shall be granted only to new or existing customers, in good standing, under the city's electric service schedules. All agreements hereunder shall be between the customer generator and the city and will not include third parties.
(Ord. 1448, passed 6-14-2010)

§ 15-707 REQUEST.

The customer generator shall make a request by completing the application for net metering and application for interconnection in § 15-714. The city may require additional information or clarifications as needed to properly evaluate the application.
(Ord. 1448, passed 6-14-2010)

§ 15-708 SYSTEM EFFECTS.

The city will analyze the overall impact of the proposed generating facility on the transmission and distribution system. Such analyses will be based on good utility practice to determine thermal effects, voltage ranges, power quality, system stability and the like.
(Ord. 1448, passed 6-14-2010)

§ 15-709 SYSTEM UPGRADES.

As a result of the above analysis, the city will provide the customer generator with a cost estimate and projected timeframe for any system upgrades, to be paid for by the customer generator, that may be necessary to accommodate the generating facility.
(Ord. 1448, passed 6-14-2010)

§ 15-710 CODES AND PERMITS.

(a) The customer generator shall be responsible for procuring all building, operating and environmental permits that are required by any governmental authority having jurisdiction for the type of generating facility and for the necessary ancillary structures to be installed.

(b) The equipment shall meet the standards listed in the National Certification Codes and Standards, § 15-808.

(c) The construction and facilities shall meet all local building and electrical codes.
(Ord. 1448, passed 6-14-2010)

§ 15-711 CERTIFICATE OF COMPLETION.

Upon completion of the generating facility and prior to normal operation, the customer generator shall provide a signed copy of the certificate of completion, § 15-806, as required by the interconnection agreement.
(Ord. 1448, passed 6-14-2010)

§ 15-712 NORMAL OPERATIONS.

The customer generator may begin normal operation of the generating facility upon completion of all documentation, inspection by and receipt of written approval from the city.
(Ord. 1448, passed 6-14-2010)

§ 15-713 DEFINITIONS.

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

**Net Metering Policy and Procedures For Customer-
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ANNUALIZED PERIOD. The city's 12 calendar month fiscal year; that is, from January 1 through December 31 of the same year.

APPLICABLE LAWS AND REGULATIONS. All duly promulgated applicable federal, state and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives or judicial or administrative orders, permits and other duly authorized actions of any governmental authority.

CUSTOMER. Any entity interconnected to the city's distribution system for the purpose of receiving retail electric power service from the city's distribution system.

CUSTOMER GENERATOR. The owner or operator of a net metered facility which:

- (1) Is powered by a renewable energy resource;
- (2) Is located on a premises owned, operated, leased or otherwise controlled by the customer generator;
- (3) Is interconnected and operates in parallel phase and synchronization with an affected utility and is in compliance with the standards established by the affected utility;
- (4) Is intended primarily to offset part or all of the customer generator's own electrical energy requirements; and
- (5) Contains a mechanism, approved by the utility, that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer generator is interrupted.

CUSTOMER-OWNED GENERATING FACILITY. The customer's equipment for the production of electricity identified in the interconnection application.

DISTRIBUTION SYSTEM. The city's facilities and equipment used to transmit electricity to ultimate usage points including residential, commercial and industrial facilities directly from nearby generation points or from interchanges with higher voltage transmission networks which transport bulk power over longer distances.

FORCE MAJEURE. Any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a party's control. A **FORCE MAJEURE EVENT** does not include an act of negligence or intentional wrongdoing.

GOOD UTILITY PRACTICE. Any of the practices, methods and acts engaged in or approved by a significant portion of the electric industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. **GOOD UTILITY PRACTICE** is not intended to be limited to the optimum practice, method or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

GOVERNMENTAL AUTHORITY. Any federal, state, local or other governmental regulatory or administrative agency, court, commission, department, board or other governmental subdivision, legislature, rulemaking board, tribunal or other governmental authority having jurisdiction over the parties, their respective facilities or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police or taxing authority or power; provided, however, that such term does not include the "customer" or any "affiliate" thereof.

INTERCONNECTION APPLICATION. The customer's request to interconnect a new customer-owned generating facility, or to increase the capacity of, or make a material modification to the operating characteristics of, an existing customer-owned generating facility that is interconnected with the city's electrical system.

NET METERING. A bi-directional metering process using equipment sufficient to measure the difference between the electrical energy supplied by a customer generator to the city's distribution system and the electrical energy supplied by the customer generator to the city and over an applicable billing period.

REASONABLE EFFORTS. With respect to an action required to be attempted or taken by a party under the interconnection agreement, efforts that are timely and consistent with good utility practice and are otherwise substantially equivalent to those a party would use to protect its own interests.

RENEWABLE ENERGY RESOURCE. Electric energy produced from solar or wind resources, or other energy resources defined as renewable by state statute.

SYSTEM AVERAGE ENERGY COST. The current average cost of fuel and purchased energy for the billing period as determined by the city.

SYSTEM UPGRADES. The additions, modifications and upgrades to the city's distribution system at or beyond the point of interconnection to facilitate interconnection of the customer-owned generating facility.

(Ord. 1448, passed 6-14-2010)

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§ 15-714 APPLICATION FOR NET METERING.

<i>Application for Net Metering</i>		
<p>This application is considered complete when it provides all applicable and correct information required below. Additional information or clarification to evaluate the application may be requested by the city.</p>		
<u>Customer</u>		
Name: _____		
Contact Person: _____		
Address: _____		
City: _____	State: _____	Zip: _____
Telephone (Day): _____		(Evening): _____
Fax: _____	E-Mail Address: _____	
<u>Customer Signature</u>		
<p>I agree to abide by the terms and conditions of the City's Net Metering Policy and Procedures for Customer-Owned Renewable Energy Resources.</p>		
Signed: _____		
Date: _____		
<i>For Office Use Only</i>		
<u>Requirements for Approval of Net Metering</u>		
<p>The city must verify that the following requirements are met in order for customer generator to qualify for net metering:</p>		
<div style="list-style-type: none;"><div><input type="checkbox"/> Qualified Renewable Energy Resource</div><div><input type="checkbox"/> Application for Interconnection</div><div><input type="checkbox"/> Interconnection Agreement</div><div><input type="checkbox"/> Certificate of Completion</div></div>		
City Signature: _____		
Title: _____	Date: _____	
Application ID number: _____		

(Ord. 1448, passed 6-14-2010)

ARTICLE 8: INTERCONNECTION STANDARDS FOR PARALLEL INSTALLATION AND OPERATION OF CUSTOMER-OWNED ELECTRIC GENERATING FACILITIES

Section

- 15-801 General
- 15-802 Program overview
- 15-803 Technical requirements
- 15-804 Application for interconnection
- 15-805 Interconnection agreement
- 15-806 Certificate of completion
- 15-807 Definitions
- 15-808 National Certification Codes and Standards

§ 15-801 GENERAL.

(a) There is hereby adopted interconnection standards for parallel installation and operation of customer-owned electric generating facilities.

(b) Each application will require a \$300 non-refundable application fee.
(Ord. 1449, passed 6-14-2010)

§ 15-802 PROGRAM OVERVIEW.

(a) *Eligibility.*

(1) Interconnection to the electric system shall be granted only to new or existing customers, in good standing, under the city's electric service schedules. The interconnection agreement shall be between the customer and the city and will not include third parties.

(2) The interconnection standards are intended for customer-owned generation with a rated output of less than 25,000 watts (25 KW). Systems rated for more than 25 KW will be handled under a different process and may involve the local control area and regional transmission organization.

(b) *Request.* The customer shall make a request by completing the application for interconnection, § 15-804. The city may require additional details or clarifications as needed to properly evaluate the application.

(c) *System effects.* The city will analyze the overall impact of the proposed generating facility on the transmission and distribution system. Such analyses will be based on good utility practice to determine thermal effects, voltage ranges, power quality, system stability and the like.

(d) *System upgrades.* As a result of the above analysis, the city will provide the customer with a cost estimate and projected timeframe for any system upgrades that may be necessary to accommodate the generating facility.

(e) *Agreement.* Once the customer and the city have identified mutually agreed on the scope of the overall project including the generating facility, system upgrades and estimated costs, the customer and the city shall execute the interconnection agreement, § 15-805.

(f) *Codes and permits.*

(1) The customer shall be responsible for procuring all building, operating and environmental permits that are required by any governmental authority having jurisdiction for the type of generating facility and for the necessary ancillary structures to be installed.

(2) The equipment shall meet the standards listed in the National Certification Codes and Standards, § 15-808.

(3) The construction and facilities shall meet all local building and electrical codes.

(g) *Net metering.* The customer shall complete the necessary net metering service schedule documentation to permit the bi-directional flow of electricity and the financial treatment of the net deliveries.

(h) *Certificate of completion.* Upon completion of the generating facility and prior to normal operation, the customer shall provide a signed copy of the certificate of completion, § 15-806.

(i) *Normal operation.* The customer may begin normal operation of the generating facility upon completion of all documentation and receipt of written approval from the city.

(j) *Definitions.* All terms and phrases throughout this set of standards shall be defined as indicated in § 15-807.

(Ord. 1449, passed 6-14-2010)

§ 15-803 TECHNICAL REQUIREMENTS.

(a) *Character of service.* The electrical service shall be 60 cycle per second alternating current (AC) at supply voltages and number of phases that apply under the city's rate schedules.

(b) *Code requirements.* The generating facility shall meet all requirements established by the National Electrical Code (NEC), National Electrical Safety Code (NESC), Institute of Electrical and

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Electronics Engineers (IEEE) and Underwriters Laboratories (UL). Specific codes are listed in the National Certification Codes and Standards, § 15-808.

(c) *Generating facility parameters.* The control system of the generating facility shall comply with the IEEE specifications and standards for parallel operation with the city, and in particular as follows.

(1) Power output control system shall automatically disconnect from city source upon loss of city voltage and not reconnect until city voltage has been restored by the city.

(2) Power output control system shall automatically disconnect from city source if city voltage fluctuates beyond plus or minus 10%.

(3) Power output control system shall automatically disconnect from city if frequency fluctuates plus or minus two cycles (hertz).

(4) Inverter output distortion shall meet IEEE requirements.

(5) The generating facility shall meet the applicable IEEE standards concerning impacts to the distribution system with regard to harmonic distortion, voltage flicker, power factor, direct current injection and electromagnetic interference.

(d) *Fault current contribution.* The generating facility shall be equipped with protective equipment designed to automatically disconnect during fault current conditions and remain disconnected until the voltage and frequency have stabilized.

(e) *Reclosing coordination.* The generating facility shall be coordinated with the distribution system reclosing devices by disconnecting from the system during the initial de-energized operation and shall remain disconnected until the voltage and frequency have stabilized.

(f) *Disconnect device.* A safety disconnect switch shall be installed that is visible to and readily accessible by city personnel. The switch shall be capable of being locked in the open position and shall prevent the generator from supplying power to the distribution system.
(Ord. 1449, passed 6-14-2010)

§ 15-804 APPLICATION FOR INTERCONNECTION.

Application for Interconnection

This application is considered complete when it provides all applicable and correct information required below. Additional information or clarification to evaluate the application may be requested by the city.

Processing Fee

A non-refundable processing fee of \$ _____ must accompany this application.

Customer

Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone (Day): _____ (Evening): _____

Fax: _____ E-Mail Address: _____

Contact (if different from Customer)

Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone (Day): _____ (Evening): _____

Fax: _____ E-Mail Address: _____

Generating Facility Information

Location (if different from above): _____

Electric Service Company: _____

Account Number: _____

Inverter Manufacturer: _____

Model: _____

Nameplate Rating: (KW) _____ (KVA) _____

(AC Volts) Single Phase _____ Three Phase _____

System Design Capacity: (KW) _____ (KVA) _____

Prime Mover: Photovoltaic ☐ Reciprocating Engine ☐ Fuel Cell ☐Turbine ☐ Other: _____Energy Source: Solar ☐ Wind ☐ Hydro ☐ Diesel ☐ Natural Gas ☐Fuel Oil ☐ Other (describe) _____

Is the equipment UL1741 Listed? Yes _____ No _____

If Yes, attach manufacturer's cut-sheet showing UL1741 listing

Estimated Installation Date: _____ Estimated In-Service Date: _____

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List components of the Small Generating Facility equipment package that are currently certified:

Equipment Type	Certifying Entity
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____

Customer Signature

I hereby certify that, to the best of my knowledge, the information provided in this application is true. I agree to abide by the terms and conditions of the city's interconnection standard and will return the certificate of completion when the generating facility has been installed.

Signed: _____

Title: _____ Date: _____

Contingent Approval to Interconnect the Generating Facility

Interconnection of the Generating Facility is approved contingent upon the terms and conditions of the City's Interconnection Standard and upon return of the Certificate of Completion.

City Signature: _____

Title: _____ Date: _____

Application ID number: _____

City waives inspection/witness test? Yes _____ No _____

(Ord. 1449, passed 6-14-2010)

§ 15-805 INTERCONNECTION AGREEMENT.

Interconnection Agreement

This Agreement, ("Agreement") is entered into by and between the City of _____, Kansas ("City"), and _____, ("Customer"). Customer and City are referenced in this Agreement collectively as "Parties" and individually as "Party".

Recitals

WHEREAS, City is a publicly-owned electric utility engaged in the retail sale of electricity in the state of Kansas;
WHEREAS, Customer owns or desires to install, own and operate an electric Generating Facility;

Agreement

NOW, THEREFORE, in consideration of the covenants and promises herein, the Parties mutually agree as follows:

1. Scope of Agreement

This agreement governs the terms and conditions under which the customer's generating facility will interconnect with, and operate in parallel with, the city's electrical system.

2. Parallel Operation

Customer shall not commence parallel operation of the generating facility until written approval of the interconnection facilities has been given by city. Such approval shall not be unreasonably withheld. City shall have the right to have representatives present at the initial testing of customer's protective apparatus.

3. Interconnection Costs

City has estimated the costs, including overheads, for the purchase and construction of necessary system upgrades to its distribution system and has provided a detailed itemization of such costs on the attached document entitled system upgrade estimated costs. The customer agrees to pay the costs upon receipt of the city's invoice within the timeframe indicated on the invoice.

4. Interruption or Reduction of Deliveries

City may require customer to interrupt or reduce deliveries when the city determines, in its sole discretion, that curtailment, interruption or reduction is necessary because of personnel safety, emergencies, force majeure or compliance with good utility practices.

5. Adverse Operating Effects

The interconnection of the customer-owned generation shall not reduce the reliability and quality of the distribution system. This includes, but is not limited to high levels of harmonics, abnormal voltage fluctuations and excessive frequency deviations. The city shall notify the customer as soon as practicable if, based on good utility practice, operation of the generating facility may cause disruption or deterioration of service to other customers served from the same electric system, or if operating the generating facility could cause damage to the city's distribution system. If, after notice, the customer fails to remedy the adverse operating effect within a reasonable time, the city may disconnect the generating facility. The city shall provide the customer with notice of such disconnection as provided in the city's service policies.

6. Access to Premises

The city shall have access to the customer's premises or property as permitted in the service policies.

7. Indemnity and Liability

The parties shall at all times indemnify, defend, and hold the other party and the directors, officers, employees and agents for said party, harmless from, any and all damages, losses, claims, including claims and actions relating to injury to or death of any person or damage to property, demand, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the other party's action or failure to meet its obligations under this agreement on behalf of the indemnifying party, except in cases of gross negligence or intentional wrongdoing by the indemnified party.

8. Consequential Damages

Other than as expressly provided for in this agreement, neither party shall be liable under any provision of this agreement for any losses, damages, costs or expenses for any special, indirect, incidental, consequential, or punitive damages, including but not limited to loss of profit or revenue, loss of the use of equipment, cost of capital, cost of temporary equipment or services, whether based in whole or in part in contract, in tort, including negligence, strict liability, or any other theory of liability; provided, however, that damages for which a party may be liable to the other party under another agreement will not be considered to be special, indirect, incidental or consequential damages hereunder.

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9. Insurance

The customer shall, at its own expense, maintain in force general liability insurance without any exclusion for liabilities related to the interconnection undertaken pursuant to this agreement. The amount of such insurance shall be sufficient to insure against all reasonably foreseeable direct liabilities given the size and nature of the generating equipment being interconnected, the interconnection itself, and the characteristics of the system to which the interconnection is made. The customer shall obtain additional insurance only if necessary as a function of owning and operating a generating facility. Such insurance shall be obtained from an insurance provider authorized to do business in the State of Kansas. Certification that such insurance is in effect shall be provided upon request of the city, except that the customer shall show proof of insurance to the city no later than ten business days prior to the anticipated date of normal operation.

10. Governing Law.

This Agreement shall be interpreted and governed under the laws of the State of Kansas. Venue of any action arising hereunder or related to this Agreement shall lie in _____ County, Kansas.

11. Documents

The agreement includes the following documents, which are attached and incorporated by reference:

- a. Application For Interconnection;
- b. Net Metering Service Schedule;
- c. Certificate of Completion; and
- d. Other documents of the city's interconnection standards for parallel operation and net metering of customer-owned electric generating facilities.

12. Glossary of Terms

The terms used herein shall have the meanings specified in § 15-807

13. Notices

All written notices shall be directed as follows:

City: City of Sabetha
 805 Main
 P.O. Box 187
 Sabetha, KS 66534

Customer: Name _____
 Address _____
 City _____

14. Term of Agreement

This agreement shall be in effect when signed by the customer and city and shall remain in effect thereafter month to month unless terminated by either party on 30 days' prior written notice and in accordance with the service policies.

IN WITNESS WHEREOF, the parties hereto have caused two originals of this agreement to be executed by their duly authorized representatives.

This agreement is effective as of the last date set forth below.

(CUSTOMER)

City of Sabetha, Kansas

Signature _____

Signature _____

Print Name _____

Print Name _____

Title _____

Title _____

Date _____

Date _____

(Ord. 1449, passed 6-14-2010)

§ 15-806 CERTIFICATE OF COMPLETION.

Certificate of Completion

Is the generating facility installed, tested and ready for operation? Yes _____ No _____

Customer: _____

Contact Person: _____

Address: _____

Location of the generating facility (if different from above): _____

City: _____ State: _____ Zip: _____

Telephone (Day): _____ (Evening): _____

Fax: _____ E-Mail Address: _____

Electrician/Service Company:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone (Day): _____ (Evening): _____

Fax: _____ E-Mail Address: _____

License number: _____

Date approval to install facility granted by the city: _____

Application ID number: _____

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Inspection

The generating facility has been installed and inspected in compliance with the local building and electrical codes of _____

Signed (Local electrical wiring inspector, or attach signed electrical inspection): _____

Print Name: _____

Date: _____

As a condition of interconnection, you are required to send/fax a copy of this form along with a copy of the signed electrical permit to:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone (Day): _____ (Evening): _____

Fax: _____

Approval to Energize the Generating Facility

Energizing the Generating Facility is approved:

City Signature: _____

Title: _____ Date: _____

(Ord. 1449, passed 6-14-2010)

§ 15-807 DEFINITIONS.

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

APPLICABLE LAWS AND REGULATIONS. All duly promulgated applicable federal, state and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives, or judicial or administrative orders, permits and other duly authorized actions of any governmental authority.

DISTRIBUTION SYSTEM. The city's facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries directly from nearby generators or from interchanges with higher voltage transmission networks which transport bulk power over longer distances.

FORCE MAJEURE. Any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a party's control. A **FORCE MAJEURE EVENT** does not include an act of negligence or intentional wrongdoing.

GENERATING FACILITY. The customer's device for the production of electricity identified in the interconnection application.

GOOD UTILITY PRACTICE. Any of the practices, methods and acts engaged in or approved by a significant portion of the electric industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. **GOOD UTILITY PRACTICE** is not intended to be limited to the optimum practice, method or action the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

GOVERNMENTAL AUTHORITY. Any federal, state, local or other governmental regulatory or administrative agency, court, commission, department, board or other governmental subdivision, legislature, rulemaking board, tribunal or other governmental authority having jurisdiction over the parties, their respective facilities or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police or taxing authority or power; provided, however, that such term does not include the customer or any affiliate thereof.

INTERCONNECTION APPLICATION. The customer's request to interconnect a new generating facility, or to increase the capacity of, or make a material modification to the operating characteristics of, an existing generating facility that is interconnected with the city's electrical system.

REASONABLE EFFORTS. With respect to an action required to be attempted or taken by a party under the interconnection agreement, efforts that are timely and consistent with good utility practice and are otherwise substantially equivalent to those a party would use to protect its own interests.

SYSTEM UPGRADES. The additions, modifications and upgrades to the city's distribution system at or beyond the point of interconnection to facilitate interconnection of the generating facility and render the transmission service necessary to effect the interconnection customer's wholesale sale of electricity in interstate commerce. Distribution upgrades do not include interconnection facilities.
(Ord. 1449, passed 6-14-2010)

§ 15-808 NATIONAL CERTIFICATION CODES AND STANDARDS.

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| <ul style="list-style-type: none"> (a) IEEE1547 Standard for Interconnecting Distributed Resources with Electric Power Systems (including use of IEEE 1547.1 testing protocols to establish conformity) (b) UL 1741 Inverters, Converters, and Controllers for Use in Independent Power Systems (c) IEEE Std 929-2000 IEEE Recommended Practice for City Interface of Photovoltaic (PV) Systems (d) NFPA 70 (2002), National Electrical Code (e) IEEE Std C37.90.1-1989 (R1994), IEEE Standard Surge Withstand Capability (SWC) Tests for Protective Relays and Relay Systems (f) IEEE Std C37.90.2 (1995), IEEE Standard Withstand Capability of Relay Systems to Radiated Electromagnetic Interference from Transceivers |
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**Interconnection Standards For Parallel Installation and Operation
of Customer-Owned Electric Generating Facilities**

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- (g) IEEE Std C37.10S-1989 (R2002), IEEE Guide for the Protection of Network Transformers
- (h) IEEE Std C57.12.44-2000. IEEE Standard Requirements for Secondary Network Protectors
- (i) IEEE Std C62.41.2-2002, IEEE Recommended Practice on Characterization of Surges in Low Voltage (1000V and Less) AC Power Circuits
- (j) IEEE Std C62.45-1992 (R2002). IEEE Recommended Practice on Surge Testing for Equipment Connected to Low-Voltage (1000V and Less) AC Power Circuits
- (k) ANSI CS4.1-1995 Electric Power Systems and Equipment - Voltage Ratings (60 Hertz)
- (l) IEEE Std 100-2000, IEEE Standard Dictionary of Electrical and Electronic Terms
- (m) NEMA MG 1-1998, Motors and Small Resources, Revision 3
- (n) IEEE Std 519-1992, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems
- (o) NEMA MG 1 -2003 (Rev 2004). Motors and Generators. Revision 1

(Ord. 1449, passed 6-14-2010)

