

## Chapter 700

### GENERAL PROVISIONS

Note — The city has adopted by resolution no. 2009-5, an identity theft prevention program which is on file in the city offices.

#### ARTICLE I

##### Utility Systems Combined

**Section 700.005. Pole Fees.** [Ord. No. 1149 §24, 8-19-2002]

Cable, telephone and electric companies shall pay to use City poles as set forth in Section 100.240.

**Section 700.010. Merger of Utility Systems.** [Ord. No. 997 §§1 — 2, 11-6-1995; Ord. No. 1125 §1, 7-15-2002]

- A. The City hereby merges the electric and waterworks utility system, the sewer utility system and the stormwater management system of the City and such combined system shall be known as the Electric, Waterworks and Sewer Utility System of the City of Mulvane, Kansas (the "System").
- B. *1991 Prior Lien Bonds.* The 1991 bonds shall constitute a first and prior lien on the net revenues of the electric and waterworks system.

#### ARTICLE II

##### Utility Services

**Section 700.020. Application for Service.** [CC 1985 §11-301; Ord. No. 733, 11-21-1983]

- A. Any property owner or resident requesting the right to attach municipal utility services to a residential or commercial structure shall make application through the office of the City Clerk. The form for application shall contain a statement of the nature and use to be made of the sewer or utility connection, a legal description of the property to be connected, a complete description of the type of the materials proposed to be used in making such connections and any other pertinent data necessary for the proper administration of the connection by the City or any owner or owners of such real property after being connected to the municipal utility services. The applicant shall not be permitted to make utility connections until:
  1. All appropriate charges have been paid to the City;
  2. The Building Official has approved the connection; and
  3. Deposit shall have been made to cover the estimated cost to the City for making the

connection with any unused amounts being returned to the applicant or additional sums being paid by the applicant.

The City shall have no obligation to make the connection for services upon an application regarding real property which either has not been included in a benefit district or is not within the limits and boundaries of the City as a whole.

**Section 700.030. Access.** [CC 1985 §11-302; Ord. No. 733, 11-21-1983]

The City's employees and officials shall have access to any of the premises served by municipal utilities for the purpose of inspecting the same and gathering data concerning the operation of the utility system at all reasonable times and dates, upon reasonable notice to the owner or tenant.

**Section 700.040. Connection Assessment.** [CC 1985 §11-303; Ord. No. 733, 11-21-1983; Ord. No. 1190 §1, 1-5-2004]

- A. When no assessment has been made for the lateral sewer against the property to be connected to the City sewer, upon approval of the application for connection by the City, the assessment fee for allowing connection to the municipal sewer utility shall be designated by City staff in writing. The assessment fee shall be the pro rata cost as determined by taking the average of the three (3) most recent sewer utility projects within the City and applying to the applicant's property the same method of assessment, whether per lot or otherwise, said calculation to utilize the three (3) most recent projects' total cost assessed in making the calculations.
- B. Separate and apart from, and in addition to, the above assessment fee, regardless of whether an assessment has been made for lateral sewer or an assessment fee paid pursuant to Subsection (A) above, where property is located within a sewer basin, a sewer basin connection fee shall be paid by the owner of any property proposing to connect to City sewer. As used herein, "*sewer basin*" shall mean an area of land specifically designated by the Governing Body of the City of Mulvane to benefit from a previously established interceptor sewer line, sewer main or other related improvement. The "*sewer basin connection fee*" shall be the fee specifically established by the City for each sewer basin based upon:
  1. Total costs to the City at large for the sewer line or related improvements benefitting the sewer basin (including, but not limited to, construction, excavation and material costs as well as legal, administrative, fiscal, engineering, finance and interest costs directly related to the improvement), and
  2. The relationship that the total area of the property proposing to connect to the City sewer (inclusive of streets, parks, reserves and other public dedications) bears to the total land area within the sewer basin from which the City intends to recoup its expenses.
- C. Subject to Subsection (D), the sewer basin connection fee shall be due for any property within a sewer basin proposing to connect to the City sewer service upon either of:
  1. The approval of the application for connection, or

2. The acceptance of a petition for special assessment for sewer improvements necessitating a connection, as the case may be.

If the sewer basin connection fee is not timely paid, the City Clerk of said City shall from time to time and not less often than annually, certify to the County Clerk of the appropriate County, the legal description of the real property to which said services were provided, along with the sum of such delinquent charges, including penalty and interest accrued, to be placed upon the tax rolls for collection. Upon such certification said charges shall become a lien against the property upon which they are certified, subject to the same penalties and collected in the same manner as taxes levied against the property are by law collectible.

- D. As an alternative to paying the sewer basin connection fee at the time of approval of application or acceptance of the special assessment petition as provided in Subsection (C) above, the owner of one hundred percent (100%) of the property to be served may request, and the City in its sole discretion may provide, the sewer basin connection fee be divided into ten (10) equal annual installments and placed upon the tax rolls for collection. Said installments shall include interest at the average yield borne by the City's most recently issued general obligation bonds. Upon such certification said charges shall become a lien against the property upon which they are certified, subject to the same penalties and collected in the same manner as taxes levied against the property are by law collectible.
- E. The procedure outlined above shall be construed as being in accordance with the laws of the State of Kansas and any provision herein deemed or finally determined to be contrary to the laws of Kansas shall be void provided that in such event the remaining provisions of this Section shall remain in full force and effect.

**Section 700.050. Payment of Fees and Charges — Returned Payment — Monies Received.** [CC 1985 §11-305; Ord. No. 733, 11-21-1983; Ord. No. 1410 §2, 2-18-2013]

- A. *Payment Of Fees And Charges.* All payments of fees and charges due to the City under this Title shall be made by cash, check, money order, wire transfer, automated clearing house transfer, electronic check, credit card, debit card, or any other form of payment acceptable to the City; provided however, that no payment in cash may include more than two dollars (\$2.00) in coins for each invoice or monthly bill.
- B. *Returned Payment.* In the event any payment by a person for fees and charges due under this Title is returned to the City as not payable (e.g., a "worthless check", insufficient funds, stop-payment, refused automatic debit), the City shall impose a returned payment service charge as set forth in Section 100.160 upon such person and shall accept only verified, immediately available funds (e.g., cash, money order) from such person for payments of fees and charges due to the City under this Title for the twelve (12) months following such return.
- C. *Monies Received.* All monies received as connection fees or payments for municipal utilities shall be placed into a Municipal Utility Fund. This fund shall be maintained separate and apart from General Fund monies and shall be utilized as directed by the Governing Body.
- D. *Waiver Of Available Funds Requirement.* For good cause shown upon satisfactory proof,

the City Clerk may waive the requirement of payment in verified, immediately available funds whenever exceptional circumstances are shown. In the event this waiver is granted by the City Clerk, the City Clerk shall enter in the official records of the City an explanation of the circumstances under which the waiver was granted.

**Section 700.060. Sewer Tap Fee.** [Ord. No. 1149 §25, 8-19-2002]

The sewer tap fee for connecting to the City sewers shall be as set forth in Section 100.240.

**Section 700.070. Connection Fees for Water.** [CC 1985 §14-102; Ord. No. 523, 6-21-1976; Ord. No. 1064, 8-16-1999; Ord. No. 1149 §26, 8-19-2002]

- A. The parties desiring water service, in front of whose premises there is a main water line, shall pay a service connection fee at the time application is made, according to the size of pipe required, as set forth in Section 100.240.
- B. In addition to the connection fee heretofore specified, where pipe larger than one (1) inch in size is required or the connection is made under unusual circumstances involving greater than normal costs, the parties shall, as soon as the work has been completed, pay any excess of the cost of the labor and material over the connection fee paid at the time the application was made.

**Section 700.080. New or Transferring Customers — Connection Fees.** [CC 1985 §14-307; Ord. No. 567, 12-5-1977; Ord. No. 1149 §27, 8-19-2002; Ord. No. 1347 §1, 6-7-2010]

- A. *Connection Fee.* There shall be a connection fee for any and all new and transferring utility customers as set forth in Section 100.240. Unless same day service is requested, new and transfer connections shall occur the next business day.
- B. *Additional Fees.* In addition to the connection fee, there shall be charges as set forth in Section 100.240 for same day service calls.

**Section 700.090. Deposits.** [CC 1985 §14-203; Ord. No. 176 §4, 1-17-1955; Ord. No. 1058 §700.090, 5-3-1999; Ord. No. 1149 §28, 8-19-2002]

- A. Security deposits required for guarantee of payment of utility bills shall be according to the size of meter required. Such deposits shall bear interest at the rate as set by the State Corporation Commission and will be refunded to the customer whenever the utility service is discontinued; provided that if any amount shall be due and unpaid for at the time service is discontinued, or the meter furnished shall be damaged in any way except by ordinary wear, the whole of such deposit or so much thereof as is necessary to pay the amount due the Utility Department shall be deducted from said deposit. The deposit required shall be as set forth in Section 100.240.
- B. *Meter Deposit Refund.* After making either an initial or additional deposit as hereinabove provided, if a customer makes satisfactory timely payments by the due date for twelve (12) consecutive months following the payment of said deposit, then the customer may make written request upon a form provided by the City for the return of either the initial or additional deposits.

**Section 700.100. Permits Issued by City Clerk.** [CC 1985 §14-104; Revised, 1961]

The City Clerk, upon receiving an application as hereinbefore provided, if the same is in proper form, and receiving the required connection fees and advance payments and the customer's deposit as provided in this Code, shall issue a permit to the person or persons applying for the same to connect with the municipal water system or electric system.

**Section 700.110. All Water and Electricity to Be Metered — Temporary Provision of System Services.** [R.O. 1924 §93; CC 1985 §14-105; Ord. No. 1388 §1, 1-16-2012]

- A. *Metering Requirement.* All water and electricity furnished by the municipal water and electric systems of this City shall be measured by meters furnished by the City for that purpose.
- B. *Temporary System Service — Procedure And Fees.* Where system services with respect to a given electric and/or water meter have been disconnected such that there is not a current established customer for such meter(s), a request may be made in writing to the City for the establishment of temporary service on one (1) or more meters, not to exceed four (4) hours. The purpose of such temporary provision of system services shall be limited to property inspections or other similarly limited purposes in which the consumption of any utility is restricted to that required to be used in connection with the specified limited purpose. Any request for such service must be made in writing at least one (1) full business day prior to the requested connection, and must specify:
1. The meter or meters to be connected,
  2. The date and time of the connection, and
  3. The anticipated necessary duration of the connection (not to exceed four (4) hours).

As a prerequisite to any temporary connection of the requested system services, a per-meter fee (including any applicable taxes) shall be charged and collected by the City as set forth in a fee schedule available at the City offices (as allowed by item YY of Section 100.240 of the Code), which may, from time to time, be amended by the City. Further, should any measurable consumption of any system service occur during the requested temporary connection, the person requesting the service shall be billed for such usage at the current commercial rates.

**Section 700.120. City to Make Connections.** [R.O. 1924 §94; CC 1985 §14-106]

All taps shall be driven, street excavations made, corporation cocks inserted, pipes installed from main to curb, curb cock installed in an iron box to which the service pipe is to be connected, meters and switches installed and connections made with wires by the City employees only.

**Section 700.130. Every Premises to Have Separate Connection.** [CC 1985 §14-107; Ord. No. 586, 8-21-1978]

Unless special permission is granted by the Superintendent of the water and electrical plant, each premise shall have a separate and distinct service connection, and where permission is granted for branch services, each service must have a cut-off; provided however, that in the event the Superintendent of the water plant grants special permission, a minimum water charge and sewer

fee shall be charged for each individual cut-off installed on properties zoned and utilized as commercial or businesses.

**Section 700.140. Services to Be Installed by Licensed Operators.** [R.O. 1924 §96; CC 1985 §14-108]

No one except regular employees of the Water and Electric Departments of this City or persons licensed as plumbers or electricians shall do any plumbing or wiring work on any pipes or wires connected or to be connected to the municipal water or electric systems.

**Section 700.150. Trenching and Backfilling.** [R.O. 1924 §97; CC 1985 §14-109]

No excavation made by a plumber in public ground shall be kept open longer than is absolutely necessary to make the connections required and while open, shall be protected by suitable barriers, guards and lights as provided in the ordinances of this City, and backfilling shall be thoroughly compacted and left in a condition satisfactory to the Street Commissioner. Where such excavation is in an unsatisfactory condition, the Street Commissioner shall repair it and the cost thereof be charged to the plumber, and his/her license will be suspended unless said sum is paid.

**Section 700.160. Character of Pipe for Service Connections.** [R.O. 1924 §98; CC 1985 §14-110]

All service pipes in this City shall be in conformance with the current Plumbing Code in force in the City.

**Section 700.170. Character of Electrical Service Connections.** [R.O. 1924 §99; CC 1985 §14-111]

All electrical service connections shall be made in the manner and form prescribed by the current Electric Code in force in the City.

**Section 700.180. Cost of Installation Borne by Consumer.** [R.O. 1924 §103; CC 1985 §14-115]

The cost of original installation of all plumbing and wiring services and devices and all extensions hereafter made to such services as well as all repairs to the same shall be borne entirely by the consumer although such services and devices shall at all reasonable times be subject to inspection by duly authorized officials of the Water and Electric Departments of this City. Repairs found to be necessary by such officials shall be made promptly by the consumer or the City will discontinue service.

**Section 700.190. Service Where No Water Line.** [CC 1985 §14-116; Ord. No. 176 §3, 1-17-1955]

Parties desiring water service in front of whose premises there is no water line shall assume the cost of running a pipe line from a service tap as made by the Water Department to their premises in addition to the connection fees and advance payments herein provided.

**Section 700.200. Meters.** [R.O. 1924 §104; CC 1985 §14-117; Ord. No. 176 §3, 1-17-1955]

Every consumer shall provide a suitable place where a meter can be installed. All water and electric meters shall be located outside of buildings except in those cases where it is more advantageous to the City that the meter be located at a point determined by the City. The City

shall install and maintain the same, and if at any time the consumer desires to have the meter tested for accuracy, the same shall be done by the City and a fee of thirty-five dollars (\$35.00) charged therefor to the consumer if the meter registered ninety-seven percent (97%) or more accurate. If the meter registers less than ninety-seven percent (97%) accurate, it shall be replaced and repaired before installation on another service, and no charge shall be made.

**Section 700.210. Reading Meters — Gate Lock Fee for Locked Premises.** [R.O. 1924 §105; CC 1985 §14-118; Ord. No. 1149 §29, 8-19-2002]

- A. For the purpose of reading meters, duly authorized employees of the Water and Electric Departments of this City may legally enter upon any premises at any reasonable hour.
- B. Whenever any user fences or otherwise encloses the electric meter, he/she shall purchase a gate lock from the City at a rate as set forth in Section 100.240.

**Section 700.220. Discontinuance of Service.** [CC 1985 §14-120; Ord. No. 701, 10-18-1982; Ord. No. 716, 5-16-1983; Ord. No. 1058 §700.220D, 5-3-1999; Ord. No. 1149 §30, 8-19-2002; Ord. No. 1245, 12-4-2006; Ord. No. 1347 §2, 6-7-2010]

- A. The City hereby reserves the right to discontinue service to any or all customers of municipal water, sewer and electrical systems without notice when the same is necessary for the repair of the system.
- B. Billing shall be mailed on or before the twenty-fifth (25th) day of each month or the next business day thereafter for the previous month's service. Payment of utility billings shall be due upon the close of business on the fifth (5th) day of the month following the date of mailing. To the extent not otherwise provided by this Code, a one-time five percent (5%) late fee will be charged and become due and owing on the unpaid balance of any utility account for which payment is received after close of business on the fifth (5th) day of the month following the ordinary billing cycle. If the City does not receive a customer's payment within five (5) days of the billing due date (prior to the tenth (10th) of the month), the City shall mail such customer a delinquency and termination notice. If the City does not receive a customer's payment prior to 8:00 A.M. on the tenth (10th) day after the date of the mailing of such delinquency and termination notice (prior to 8:00 A.M. on the twentieth (20th) of the month) or the next business day thereafter if the twentieth (20th) is not a business day (the "disconnect date"), the City shall terminate and disconnect such customer's utility service for which payment is past due.
- C. The delinquency and termination notice mailed subsequent to the identification of delinquent bills shall provide the customer of record with the following information:
  - 1. Name and address where service is being provided;
  - 2. Account number;
  - 3. Amount past due;
  - 4. Notice that service shall be terminated upon failure to pay the delinquent billing prior to the disconnect date and that payment after 8:00 A.M. on the disconnect date will not avoid termination or related fees;

5. Notice of the utility administrative fee due if payment is not received by the City prior to the disconnect date;
  6. Notice that the customer may request, no later than the close of business three (3) business days prior to the disconnect date, a hearing with respect to its past due bill.
- D. If the City does not receive a customer's payment on its past due utility bill prior to the disconnect date, such customer shall be charged an additional utility administrative fee in the amount set forth in Section 100.240. If a customer's utility service is disconnected for non-payment and a customer requests reconnection to occur before 8:00 A.M. or after 5:00 P.M. on any business day or anytime on Saturday, Sunday or holidays, such customer shall be charged an additional after hours reconnection fee in the amount set forth in Section 100.240. Payments received after 5:00 P.M. on any business day shall be deemed to require after hours reconnection unless such customer specifically requests reconnection to occur between 8:00 A.M. and 5:00 P.M. on the next regular business day. Upon the issuance by the City of a customer's second (2nd) disconnection order for non-payment within a twelve (12) month period and upon each subsequent disconnection order, such customer shall deposit with the City (in addition to any applicable utility administrative fee and after hours reconnection fee) an additional deposit in an amount equal to the highest residential or commercial deposit (as appropriate) currently being charged by the City as set forth in Section 100.240. With respect to residential customers, the City shall collect such additional deposits until such time as the customer's total deposit amount on record reaches one thousand two hundred dollars (\$1,200.00). This deposit cap shall not apply to commercial utility accounts which shall have no such cap. All delinquent bills, service charges, fees and deposits shall be paid before any disconnected utility service will be reconnected.
- E. Any customer whose utility bill is past due may request a hearing with respect to such past due bill. The request for hearing must be made no later than the close of business three (3) business days prior to the disconnect date. Such hearings will be conducted by two (2) or more of the following representatives:
1. Utility Distribution Director;
  2. Utility Billing Clerk;
  3. City Clerk;
  4. City Administrator;
  5. Mayor;
  6. Other representative as may be appointed by the Mayor.

If a hearing is requested under this Section and such hearing cannot be held by the City prior to the disconnect date, the representatives to preside over such hearing may, in their sole and absolute discretion, postpone termination of service despite such customer's continued utility bill delinquency. No such extension may exceed fifteen (15) days from the disconnect date.

- F. Utility departments of the City are hereby authorized to discontinue and disconnect utility



services to any customer who shall be delinquent in payment of utility bills. Customers shall remain responsible for furnishing the departments and the City with the correct address for billing purposes.

**Section 700.230. Regulations for Drilling Private Water Wells and Providing for a Permit Thereof.** [CC 1985 §14-121; Ord. No. 642, 10-20-1980; Ord. No. 1149 §31, 8-19-2002]

- A. Any person, association, corporation or partnership desiring to drill a private water well within the City limits of the City of Mulvane or those not within said City but connected to the municipal water utilities services shall first secure a permit from the City Clerk for drilling said well. Said permit shall disclose the exact location of said well and the avowed purposes for said well.
- B. In the event said well furnishes water to any portion of the residence or building within the City limits wherein City water is used, an appropriate check valve as hereinbefore specified shall be utilized. There shall be a permit fee as set forth in Section 100.240 for any person, association, corporation or partnership desiring to drill said well.

**Section 700.240. Adjustment of Water Bills.** [CC 1985 §14-124; Ord. No. 974, 8-15-1994]

- A. Where the monthly water bill of any user of the public water of Mulvane, Kansas, is above normal due to a consumer leak, the head of the Water Department may allow an adjustment based on the previous twelve (12) month average. Upon establishing a twelve (12) month average, the consumer is obligated to pay their own average based on the current rates established. The consumer is also obligated to pay for the additional water usage over their established average at the current City rate. Any difference in the amount to be paid by the consumer and the amount billed for the billing period shall be the credit adjustment allowed.
- B. If the consumer has not established a twelve (12) month average any adjustment shall be based on the City average water usage. The consumer is obligated to pay the City average based on the current rates established. The consumer is also obligated to pay for the additional water usage over the City average at the current City rate. Any difference in the amount to be paid by the consumer and the amount billed for the billing period shall be the credit adjustment allowed.
- C. No adjustments shall be made until a representative of the Water Department determines that the excessive bill was due to a consumers leak and said leak has been satisfactorily repaired; provided however, that no adjustment shall be made where water-cooled air-conditioning equipment is used.
- D. In individual cases where the indicated consumption for one (1) billing period is abnormally high, and the Water Department can find no possible explanation for such consumption, the head of the Water Department may allow an adjustment through the best practical method.
- E. No bill adjustment shall be extended to the same customer more than once during a twelve (12) month period.

**Section 700.250. Proration of Residential Charges.** [CC 1985 §14-125; Amended Ord. No. 783, 3-17-1986]

Any residential subscriber who moves from one residential address within the City to another residential address within the City during the same calendar month shall be, upon application to the Superintendent, entitled to pro-rate the utility charge for such month for utility services delivered to any two (2) such locations within that month and such residential subscriber shall not be liable for double payments.

ARTICLE III  
**Water Rates**

**Section 700.260. Monthly Rates.** [CC 1985 §14-201; Amended Ord. No. 924; Ord. No. 1109, 9-17-2001; Ord. No. 1211, 3-7-2005; Ord. No. 1338, 12-7-2009]

A. Monthly rates for water and water services to be charged to consumers using water furnished by the City of Mulvane, Kansas, prior to the January 2010 billing shall be as follows:

Minimum monthly charge:

Up to 2,000 gallons of water per month	\$9.00
Over 2,000 gallons of water per month, per each 1,000 gallons	\$4.70

*Incremental Charge.* In addition, each customer's monthly rate (calculated above) will be increased five percent (5%) above the rate calculated above.

B. Monthly rates for water and water services to be charged to consumers using water furnished by the City of Mulvane, Kansas, on and after the January 2010 billing (mailed on or about February 25, 2010 and thereafter) shall be as follows:

Minimum monthly charge	\$5.25
Per each 1,000 gallons	\$4.94

**Section 700.270. Relocation Charge.** [CC 1985 §14-205; Ord. No. 566, 12-5-1977]

In the event a water meter is changed at the request of a customer or any builder, there shall be charged therefore sufficient funds to pay the cost of labor and the material cost as may be determined by the Superintendent of said Water Department.

**Section 700.280. Temporary Water Connections.** [CC 1985 §14-207; Ord. No. 478, 1-20-1975; Ord. No. 1149 §32, 8-19-2002]

For each building site, repair site or construction site wherein water is temporarily required by the building contractor or his/her representative, a fee as set forth in Section 100.240 in addition to any permanent fees set out in the preceding Sections shall be paid. No temporary hookups of water may be transferred to other sites. If a permanent water hookup is not effected within ninety

(90) days from the date of the original permit, then an additional fee as set forth in Section 100.240 will be charged for each ninety (90) days or portion thereof.

ARTICLE IV  
**Electrical Rates**

**Section 700.290. Residential Rates.** [CC 1985 §14-310; Ord. No. 669, 6-1-1981; Amended Ord. No. 790, 5-19-1986; Ord. No. 977 §§1,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §1, 8-6-2012]

- A. *Availability.* In all territory served by the City for which no specific schedules are provided.
- B. *Application.*
1. The residential rates shall apply to electric service for all domestic purposes in single-family residences and individually metered apartments when supplied at one (1) point of delivery. All service is measured through one (1) watt-hour meter, except where the customer elects to take another rate. Where a portion of a residence unit is used for non-residential purposes, the appropriate general service schedule is applicable to all service. However, if the wiring is so arranged that the service for residential purposes and for non-residential purposes can be metered separately, this schedule will be applied to the residential service.
  2. Service to hotels, multi-family dwellings having more than three (3) living units, recognized rooming or boarding houses or to the halls, basements or other common use portions of an apartment building will not be supplied under this schedule. There shall be no obligation on the part of the City of Mulvane to render service under that Section of the net monthly rate applicable to permanently installed electric space heating equipment in the absence of written notice from the customer that he/she has permanently installed and is using electric space heating equipment in accordance with the specifications set forth in the net monthly rate.
- C. *Character Of Service.* Alternating current at approximately sixty (60) cycles, single-phase, and at such voltage as the City of Mulvane may have available for the service required.
- D. *Net Monthly Rates.* The net monthly rate for residential service shall be:
1. *Minimum customer charge.* Five dollars forty-five cents (\$5.45).
  2. *Energy charge.* For all general use billing:
    - a. During the months of September through May: \$.0686 per kwh.
    - b. During the months of June, July and August: \$.0686 per kwh for the first five hundred (500) kwh. \$.0786 per kwh for all additional kwh.

When permanently installed electric space heating equipment is in regular use to supply the entire space heating requirements in the home, all kwh used in excess of five hundred (500) kwh per month shall be billed at \$.0475 per kwh during the winter heating season. Application of this Section to bills rendered in the months of November through May is interpreted as covering the winter heating season.

3. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "base cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the base cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below base cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.

4. (Reserved)

E. *Gross Monthly Bill.* The net monthly bill, computed in accordance with the net monthly rate plus five percent (5%) on the balance thereof.

F. *Payment.* The net monthly bill is due and payable when rendered; when not paid by the fifth (5th) of the following month, the gross monthly bill applies. Payments will be applied to the oldest balance first.

**Section 700.300. General Service — Commercial.** [CC 1985 §14-301(A); Ord. No. 669, 6-1-1981; Ord. No. 997 §§2,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §2, 8-6-2012]

A. *Net Monthly Rate.* The net monthly rate for general service — commercial shall be:

1. For bills incurred during the months of September through May, bill is at:

a. Five dollars forty-five cents (\$5.45) minimum customer charge.

b. Four dollars eighty-five cents (\$4.85) per kw for each kw in excess of five (5) kw of demand.

c. \$.0848 per kwh for first one thousand (1,000) kwh.

d. \$.0534 per kwh for all additional kwh.

e. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "base cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the base cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below base cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.

f. (Reserved)

2. For bills incurred during the months of June through August, billing is at:

a. Five dollars forty-five cents (\$5.45) minimum customer charge.

b. Five dollars seventy cents (\$5.70) per kw for each kw in excess of five (5) kw of demand.

- c. \$.0848 per kwh for first one thousand (1,000) kwh.
  - d. \$.0534 per kwh for all additional kwh.
  - e. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "base cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the base cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below base cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.
  - f. (Reserved)
- B. *Demand.* The average kw supplied during the fifteen (15) minute period of maximum use during the month.
  - C. *Gross Monthly Bill.* The net monthly bill, computed in accordance with the net monthly rate plus five percent (5%) on the balance thereof.
  - D. *Payment.* The net monthly bill is due and payable when rendered; when not paid by the fifth (5th) of the following month, the gross monthly bill applies. Payments will be applied to the oldest balance first.

**Section 700.310. Large General Service.** [CC 1985 §14-301(B); Ord. No. 669, 6-1-1981; Amended Ord. No. 790, 5-19-1986; Ord. No. 997 §§3,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §3, 8-6-2012]

- A. *Availability.* In all territory served by the City of Mulvane.
- B. *Application.* To all electric service supplied to any customer contracting for forty (40) kw or more at one delivery point.
- C. *Character Of Service.* Service is at approximately sixty (60) cycles and at such phase and voltage as the City may have available for the service required.
- D. *Net Monthly Rate.* The net monthly rate for large general service shall be:
  - 1. Four hundred forty-five dollars (\$445.00) for the first forty (40) kw of demand.
  - 2. Eight dollars forty-seven cents (\$8.47) per kw for all additional kw of demand.
  - 3. \$.0392 per kwh for the first twenty thousand (20,000) kwh.
  - 4. \$.0373 per kwh for the next five hundred eighty thousand (580,000) kwh.
  - 5. \$.0363 per kwh for all additional kwh.
  - 6. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "base cost"). Whenever the actual average municipal cost of electricity generated and/or purchased

shall differ from the base cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below base cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.

7. (Reserved)

- E. *Demand.* The average kw supplied during the fifteen (15) minute period of maximum use during the month.
- F. *Gross Monthly Bill.* The net monthly bill, computed in accordance with the net monthly rate plus five percent (5%) of the balance thereof.
- G. *Payment.* The net monthly bill is due and payable when rendered; when not paid by the fifth (5th) day of the following month, the gross monthly bill applies. Payment will be applied to the oldest balance first.

**Section 700.320. City Rate.**

The net monthly rate for City service shall be:

Customer charge	none
Energy charge	\$.0649 per kwh

**Section 700.330. Combination of Residential and Commercial Enterprise.** [CC 1985 §14-301(C); Ord. No. 669, 6-1-1981; Ord. No. 997 §§4,7, 9-19-1994]

Any combination of residential and commercial enterprise on one (1) premises when served through one (1) meter is considered as commercial and will be served only on General Commercial Rate. If the wiring of the residential portion of the premises is entirely separate from the business portion and service to each is rendered through a separate meter, the Residential Service Rate will be applied to the residential portion and the Commercial Rate to the business portion, each to be considered as a separate customer.

**Section 700.340. Athletic Fields — Rates — Demand.** [CC 1985 §14-301(E); Ord. No. 669, 6-1-1981; Amended Ord. 790, 5-19-1986; Ord. No. 977 §§5,7, 9-19-1994; Ord. No. 1210, 3-7-2005; Ord. No. 1400 §4, 8-6-2012]

- A. The demand provision of this Article shall be applicable to all athletic fields until the Governing Body of said athletic field or fields have paid to the City of Mulvane the cost of all transformers, installation, wires, lights, labor and other charges that might be associated with the installation of said service or until said Governing Body or the owner of said athletic field has installed at its cost by its own duly authorized person the transformer, wires, poles, lights or other necessary appurtenances for the purpose of lighting said athletic field or fields.
- B. In the event that the conditions set out in Subsection (A) have been satisfactorily met, then the following rates shall be applicable:

1. *Minimum customer charge.* Five dollars forty-five cents (\$5.45)
  2. *Energy charge.* For general use billing is:
    - a. \$.0818 per kwh for the first one hundred (100) kwh.
    - b. \$.0686 per kwh for all additional kwh.
  3. *Cost of power.* All rates hereby established are based on a municipal cost of \$.03532 per net kwh generated and/or purchased from electric suppliers (the "base cost"). Whenever the actual average municipal cost of electricity generated and/or purchased shall differ from the base cost, the net monthly rates established above shall be increased/decreased by the amount which the actual cost of generated and/or purchased electricity per net kwh is above or below base cost. Provided that, the City of Mulvane Utility Department shall have the authority to spread the foregoing rate adjustment into subsequent months as it deems appropriate and manageable.
  4. (Reserved)
- C. The provisions of Section 700.310 above pertaining to the availability, application, character of service, gross monthly bill, and method of payment shall be applicable to this Section.

**Section 700.350. Temporary Electrical Connections.** [CC 1985 §14-303; Ord. No. 656, 2-16-1981; Ord. No. 1149 §33, 8-19-2002]

For each building site, repair site or construction site wherein electricity is temporarily required by the building contractor or his/her representative, a fee as set forth in Section 100.240 in addition to any permanent fees set out in the preceding Sections shall be paid. No temporary installation of electricity may be transferred to other sites. If a permanent electrical connection is not effected within ninety (90) days from the date of the original permit, then an additional fee as set forth in Section 100.240 will be charged for each ninety (90) days or a portion thereof; provided however, the above charges stated shall not apply to mobile homes.

**Section 700.360. Public Utility Regulatory Policies Act.** [CC 1985 §14-308; Ord. No. 727, 10-17-1983]

- A. The City of Mulvane hereby undertakes to comply with all lawful regulations of the Federal Energy Regulatory Commission (FERC) codified in Subpart C of 18 CFR, Part 292, dealing with arrangements with qualifying cogeneration and small power production facilities under Section 210 of the Public Utility Regulatory Policies Act 1978 (PURPA).
- B. The City Administrator/City Clerk and the City Attorney are jointly and severally authorized and directed to file with the FERC a copy of this Section reflecting the City's compliance with 18 CFR, Section 292.401(c).

ARTICLE V  
Sewage Service Charge — Rates

**Section 700.370. Residences Not Connected to City Water System.** [CC 1985 §11-205; Ord. No. 765; Amended Ord. No. 766, 7-15-1985]

Any residence not connected to the City water system but having a sewer connected to the City sewer system of the City of Mulvane, Kansas, shall pay a monthly sewage service charge equal to the monthly sewage service as set by the residential customers of the City sewer system as set each year.

**Section 700.380. Commercial Establishments Not Connected to City Water System.** [CC 1985 §11-206; Ord. No. 516, 4-5-1976]

All commercial establishments having a sewage connection directly or indirectly with the sewage disposal system of the City of Mulvane, Kansas, which are not connected to the City water system shall be required to install a good and sufficient water meter of the type and kind to be approved by the City Water Department Supervisor and to measure the amount of water actually used (from whatever source other than the City water system) in said establishments. The connection of such establishments to the City Sewage Disposal system shall be deemed to be an authorization by such establishments to City employees to inspect the required meter and an authorization to come upon the premises at all reasonable hours to read the said meter. Based upon the average monthly gallons used, such establishment shall pay the sewer charge for commercial users.

**Section 700.390. Industrial Establishments Not Connected to City Water System.** [CC 1985 §11-207; Ord. No. 516, 4-5-1976]

All industrial type establishments having a sewage connection directly or indirectly with the sewage disposal system of the City of Mulvane, Kansas, and discharging therein sewage of such volume, type and character as shall place an unusual burden upon the City Sewage Disposal System and which are not connected to the City water system shall be required to install a good and sufficient water meter of a type and kind to be approved by the City Water Department supervisor and to measure the amount of water actually used (from whatever source other than the City water system) in said establishments. The connecting up of such establishments to the City sewage disposal system shall be deemed to be an authorization by such establishments to City employees to inspect the required meter and an authorization to come upon the premises at all reasonable hours to read the said meter. Based upon the average monthly gallons used, such establishments shall pay a sewage service charge rate that shall be determined by negotiation between the user and the City.

**Section 700.400. Damaging System — Unlawful Connection.** [CC 1985 §11-211; Ord. No. 516, 4-5-1976]

It shall be a misdemeanor for any person to deface, injure, destroy or in any manner limit the use or availability of any part of the sewage disposal system of the City or to tamper with such system or any part thereof or to make any connection therewith or to reconnect sewer service when such service has been disconnected for non-payment of a bill unless such bill has been paid in full including any reconnection fees remaining unpaid or to reconnect sewer service when such service has been disconnected for any reason.

**Section 700.410. Lien on Real Estate.** [CC 1985 §11-212; Ord. No. 205, 2-18-1957]

Any unpaid sewage service charges imposed pursuant to the provisions of this Article shall



constitute a lien upon the real estate served by the connection to the City's sanitary sewer system and shall be certified by the City Clerk to the County Clerk of Sumner County or Sedgwick County, Kansas, as the case may be and shall be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are collectible by law.

**Section 700.420. Use of Revenues.** [CC 1985 §11-218; Ord. No. 205, 2-18-1957]

All revenues derived from sewage service charges shall be deposited in the City Treasury and credited to a separate fund to be known as the Sewage Disposal Fund. Such revenues shall be used exclusively in the manner and for the purpose specified in Section 12-631(l) of the Supplement to the General Statutes of Kansas.

## Chapter 705

### WATER

Cross References — Merger of utility systems, see §700.010; utility services and rates, ch. 700, art. II — V; user charge system, ch. 715.

#### ARTICLE I

#### Regulations Limiting Water Use During Periods of Emergency <sup>1</sup>

**Section 705.010. Purpose.** [Ord. No. 1167 §1, 1-6-2003]

The purpose of this Article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared.

**Section 705.020. Definitions.** [Ord. No. 1167 §2, 1-6-2003]

As used in this Article, the following terms shall have these prescribed meanings:

**CLASSES OF USES OF WATER** — The following classes of uses of water are established:

1. **CLASS 1:** Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers or the exterior of any building or structure.
2. **CLASS 2:** Water used for any commercial or industrial, including agricultural, purposes except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
3. **CLASS 3:** Domestic usage other than that which would be included in either Classes 1 or 2.
4. **CLASS 4:** Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

**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

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<sup>1</sup>. Editor's Note — Ord. no. 1167 §13, adopted January 6, 2003 repealed sections 705.010 — 705.080 and enacted the new provisions set out herein. Former sections 705.010 — 705.080 derived from CC 1985 §§14-401 — 14-408 and ord. no. 631, 7-21-1980.

2. Failure to repair a controllable leak of water due to defective plumbing.

**WATER** — Water available to the City of Mulvane 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.

**Section 705.030. Declaration of Water Watch.** [Ord. No. 1167 §3, 1-6-2003]

Whenever the Mayor of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, the Mayor shall be empowered to declare by proclamation that a water watch exists and that the Mayor shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by proclamation of the Mayor to have ended.

**Section 705.040. Declaration of Water Warning.** [Ord. No. 1167 §4, 1-6-2003]

Whenever the Mayor of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, the Mayor shall be empowered to declare by proclamation that a water warning exists and that the Mayor will recommend restrictions on non-essential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by proclamation of the Mayor to have ended.

**Section 705.050. Declaration of Water Emergency.** [Ord. No. 1167 §5, 1-6-2003]

Whenever the Mayor of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, the Mayor shall be empowered to declare by proclamation that a water supply emergency exists and that the City of Mulvane will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by proclamation of the Mayor to have ended.

**Section 705.060. Voluntary Conservation Measures.** [Ord. No. 1167 §6, 1-6-2003]

- A. Upon the declaration of a water watch or water warning as provided in Sections 705.030 and 705.040, the Mayor (or the City Administrator) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:
  1. Class 1 uses of water.
  2. Waste of water.

**Section 705.070. Mandatory Conservation Measures.** [Ord. No. 1167 §7, 1-6-2003]

- A. Upon the declaration of a water supply emergency as provided in Section 705.050, the Mayor (or the City Administrator) is also authorized to implement certain mandatory water conservation measures including, but not limited to, the following:
  1. Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;

2. Restrictions on the uses of water in one (1) or more classes of water use, wholly or in part;
3. Restrictions on the sales of water at coin-operated facilities or sites;
4. The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
5. Complete or partial bans on the waste of water; and
6. Any combination of the foregoing measures.

**Section 705.080. Emergency Water Rates.** [Ord. No. 1167 §8, 1-6-2003]

- A. Upon the declaration of a water supply emergency as provided in Section 705.050, the Governing Body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:
1. Higher charges for increasing usage per unit of use (increasing block rates);
  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).

**Section 705.082. Regulations.** [Ord. No. 1167 §9, 1-6-2003]

During the effective period of any water supply emergency as provided for in Section 705.050, the Mayor (or City Manager or Water Superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this 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.

**Section 705.084. Violations, Disconnections and Penalties.** [Ord. No. 1167 §10, 1-6-2003]

- A. If the Mayor, City Administrator, Water Superintendent or other City Official or officials charged with implementation and enforcement of this Article or a water supply emergency resolution team of any violation of any water use restrictions imposed pursuant to Sections 405.070 or 405.082 of this Article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:
1. The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Governing Body or a City Official designated as a hearing officer by the Governing Body;

2. If such a hearing is requested by the customer charged with the violation, he/she shall be given a full opportunity to be heard before termination is ordered; and
  3. The Governing Body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
- B. A fee of fifty dollars (\$50.00) shall be paid for the reconnection of any water service terminated pursuant to Subsection (A). In the event of subsequent violations, the reconnection fee shall be two hundred dollars (\$200.00) for the second (2nd) reconnection and three hundred dollars (\$300.00) for any additional reconnections.
- C. Violations 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 one hundred dollars (\$100.00). In addition, such customer may be required by the court to serve a definite term of confinement in the City or County Jail which shall be fixed by the court and which shall not exceed thirty (30) days. The penalty for a second (2nd) or subsequent conviction shall be a mandatory fine of two hundred dollars (\$200.00). In addition, such customer shall serve a definite term of confinement in the City or County Jail which shall be fixed by the court and which shall not exceed thirty (30) days.

**Section 705.086. Emergency Termination.** [Ord. No. 1167 §11, 1-6-2003]

Nothing in this Article shall limit the ability of any properly authorized City Official from terminating the supply of water to any or all customers upon the determination of such City Official that emergency termination of water service is required to protect the health and safety of the public.

ARTICLE II  
**Cross-Connection Control**

**Section 705.090. General Information.** [CC 1985 §14-701; Ord. No. 881, 9-5-1989]

- A. *Purpose.* The purpose of this Article is:
1. To protect the public potable water supply of City of Mulvane from pollution or contamination due to cross-connection;
  2. To prohibit and eliminate all cross-connections within the public potable water supply system; and
  3. To provide for the maintenance of a continuing effective cross-connection control program and thus protect the public health.
- B. *Responsibility.* The City of Mulvane shall be responsible for effectively conducting the cross-connection control program of the City of Mulvane public potable water supply. If, in the judgement of said City of Mulvane an approved backflow prevention device is required the Utility Superintendent or his/her agent will give notice in writing to the customer to install the proper device. The customer shall immediately install the proper device at the customers expense. Failure to comply shall be grounds for discontinuing

water service to said customer until the device is properly installed.

**Section 705.100. Definitions.** [CC 1985 §14-702; Ord. No. 881, 9-5-1989]

As used in this Article, the following words or phrases shall have these prescribed meanings:

**AGENCY** — The department of the municipal government or water purveyor invested with the responsibility for enforcement of this Article.

**AIR GAP** — The unobstructed vertical distance at least twice the diameter of the supply line and no less than one (1) inch, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

**APPROVED DEVICE** — Devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment and the City of Mulvane.

**BACKFLOW** — The flow of water or other substances into the distribution system of a potable supply of water from any source other than its intended source. Backsiphonage is one type of backflow.

**BACKFLOW PREVENTER** — A device or means to prevent backflow.

**BACKSIPHONAGE** — The flow back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply system due to negative pressure in said system.

**CONTAMINANT** — Any substance that upon entering the potable water supply would render it a danger to the health or life of the consumer.

**CROSS-CONNECTION** — Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains water or any substance of unknown or questionable quality whereby there may be flow from one system to the other.

**DOUBLE-CHECK VALVE ASSEMBLY** — A device consisting of two (2) internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports.

**DUAL-CHECK VALVE** — A device consisting of two (2) internally loaded soft seated check valves. This device does not contain test ports and is acceptable for use only at the meter of residential customers.

**FREE WATER SURFACE** — A water surface at atmospheric pressure.

**FLOOD LEVEL RIM** — The edge of the receptacle from which water overflows.

**FROST PROOF CLOSET** — A hopper with no water in the bowl and with the trap and water supply control valve located below frost line.

**KDHE** — The Kansas Department of Health and Environment.

**PLUMBING** — The practice, materials and fixtures used in the installation, maintenance,

extension and alteration of all piping fixtures, appliances and appurtenances.

**POLLUTION** — The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.

**REDUCED PRESSURE ZONE BACKFLOW PREVENTER** — An assembly of two (2) independently acting soft seated approved check valves together with a hydraulically operating mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved these assemblies must be accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.

**TESTER** — A trained technician certified in the testing and repair of backflow preventers.

**VACUUM** — Any absolute pressure less than that exerted by the atmosphere.

**VACUUM BREAKER** — A device that permits entrance of air into the water supply distribution line to prevent backsiphonage.

**WATER, POTABLE** — Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirements for public water supplies.

**WATER, NON-POTABLE** — Water that is not safe for human consumption or that is of questionable potability.

**Section 705.110. Requirements.** [CC 1985 §14-703; Ord. No. 881, 9-5-1989]

- A. *General.* A public potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non potable sources through cross-connections or any piping connection to the system.
- B. *Cross-Connections Prohibited.* Cross-connections are prohibited except when and where, as approved by City of Mulvane, suitable backflow preventers are properly installed, tested and maintained to insure proper operation on a continuing basis.
- C. *Interconnections.* Interconnection between two (2) or more public water supplies shall be permitted only with the approval of the Kansas Department of Health and Environment. (K.S.A. 65-163(a))
- D. *Individual Water Supplies.* Connections between a private water supply and the public potable water are prohibited. (K.S.A. 65-163 (a))
- E. *Connections To Boilers.* Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are or can be introduced shall be made through an air-gap or through a reduced pressure zone principle backflow preventer located in the potable water line before the point where such chemicals may be introduced.
- F. *Prohibited Connections.* Connection to the public potable water supply system for the

following is prohibited unless properly protected by the appropriate backflow prevention device.

1. Bidets.
  2. Operating, dissecting, embalming, and mortuary tables or similar equipment. In such installations the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments.
  3. Pumps for non potable substances. Priming only through an air-gap.
  4. Building drains, sewers, or vent systems.
  5. Commercial buildings or industrial plants manufacturing or otherwise using polluting or contaminating substances.
  6. Any fixture of similar hazard.
- G. *Refrigeration Unit Condensers And Cooling Jackets.* Except when potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat-exchangers used to heat water for potable use shall be of the double wall type.
- H. *Protective Devices Required.* The type of protective device required under this Article shall be determined by the degree of hazard which exists as follows:
1. Premises having auxiliary water supply shall protect the public system by either an approved air-gap or an approved reduced pressure principle backflow prevention assembly.
  2. Premises having water or substances which would be non hazardous to the health and well being of the consumers shall protect the public system with no less than an approved double-check valve assembly.
  3. Premises where material dangerous to health is handled in a manner which creates an actual or potential hazard shall protect the public system by an approved air-gap or an approved reduced pressure principle backflow prevention assembly.
  4. Premises where cross-connections are uncontrolled shall protect the public water supply by installing an approved air-gap or an approved reduced pressure principle backflow prevention device at the service connection.
  5. Premises where because of security requirements or other prohibitions it is impossible to complete an in plant cross-connection inspection, the public system shall be protected by an approved air-gap or an approved reduced pressure principle backflow prevention assembly.



Premises which may fall into one or more of the above mentioned categories may be, but are not limited to the following:

1. Beverage bottling plants.
2. *Buildings*. Hotels, apartments, public or private buildings, or other structures having actual or potential cross-connections.
3. Car wash facilities.
4. Chemical manufacturing, handling, or processing plants.
5. Dairies and cold storage facilities.
6. Chemically contaminated water.
7. Film or photography processing laboratories.
8. Fire systems.
9. Hospitals, medical centers, morgues, mortuaries, autopsy facilities, clinics, or nursing and convalescent homes.
10. Irrigation systems.
11. Laundries.
12. Metal cleaning, processing, or fabricating plants.
13. Oil and gas production, storage, or transmission facilities.
14. Packing or food processing plants.
15. Paper and paper products plants.
16. Power Plants.
17. Radioactive materials plants or handling facilities.
18. Restricted or classified facilities.
19. Rubber plants.
20. Sand, gravel, or asphalt plants.
21. Schools or colleges.
22. Sewage and storm drainage facilities and reclaimed water systems.
23. Solar heating systems.
24. *Temporary service*. Fire hydrants, air valves, blow-offs and other outlets.
25. Water front marinas.

**Section 705.120. Installation.** [CC 1985 §14-704; Ord. No. 881, 9-5-1989]

A. Approved devices shall be installed at all fixtures and equipment where backflow or

backsiphonage may occur and where a minimum air-gap between the potable water outlet and the fixture or equipment flood-level rim cannot be maintained. Backflow and backsiphonage devices of all types shall be in an accessible location. Installation in pits or any other location not properly drained shall be prohibited, except that dual-check valves may be installed in the meter box.

- B. *Connections Not Subject To Backpressure.* Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind are given in the following table titled "Cross-Connections Where Protective Devices are Required".

**Cross-Connections Where Protective Devices Are Required And  
Critical Level (C — L) Settings For Vacuum Breakers.**

<b>Fixtures or Equipment</b>	<b>Method of Installation</b>
Aspirators and ejectors	C-L at least 6 inches above flood level of receptacle served.
Dental units	On models without built in vacuum breakers C-L at least 6 inches above flood level rim of bowl.
Commercial dish washing machine	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Garbage can cleaning machines	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Hose Outlets	C-L at least 6 inches above highest point on hose line.
Commercial laundry machines	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 6 inches above highest sprinkler head or discharge outlet.
Steam tables	C-L at least 6 inches above flood level rim.
Tanks and vats	C-L at least 6 inches above flood level rim or line.
Through urinals	C-L at least 30 inches above perforated flush pipe.
Flush tanks	Equipment with approved ball cock, installed according to manufacturer's instructions.
Hose bibs	C-L at least 6 inches above flood level of receptacle served.

- C. *Connections Subject To Backpressure.* Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to backpressure, and an air-gap cannot be installed, the City of Mulvane may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in the following table "Partial List of Cross-Connections Subject to Back Pressure".

**Partial List of Cross-Connections Subject to Back Pressure**

Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Industrial process water lines	Pressure tanks
Tanks and vats - bottom inlets	Hose bibs

- D. *Barometric Loop.* Water connections where an actual or potential backsiphonage hazard exists may in lieu of devices specified above be provided with a barometric loop. Barometric loops shall precede the point of connection.
- E. *Dual-Check Valve.* Dual-check valves may be installed at the meter. These valves shall be inspected and repaired not less frequent than every third (3rd) year. These valves shall be installed only in situations where the City of Mulvane is assured that only non contaminating substances are subject to backflow into the potable system.
- F. *Vacuum Breakers.* Atmospheric vacuum breakers shall be installed with the critical level at least six (6) inches above the flood rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shut off valve or faucet shall be installed beyond the atmospheric vacuum breaker. Pressure vacuum breakers shall be installed with the critical level at least twelve (12) inches above the flood rim but may have control valves down stream from the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be considered the flood level rim and a check valve shall be installed on the discharge side of the pressure vacuum breaker.

**Section 705.130. Maintenance and Repair.** [CC 1985 §14-705; Ord. No. 881, 9-5-1989]

- A. It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have been installed for the purpose of bypassing the backflow devices. Testing and repair of these devices should be made by qualified technicians. (Qualified technicians are those technicians who have completed a Kansas Department of Health and Environment approved training course and have passed a written examination such as the American Backflow Prevention Association device testers examination.) The City of Mulvane shall certify the device testers after ascertaining the technician meets the above qualifications. The City of Mulvane will also assure the proper installation of all backflow preventers and will set appropriate testing and overhaul schedules for such devices. Testing intervals shall not exceed one (1) year and overhaul intervals shall not exceed (5) years.
- B. *Certified Tester/Repair Technicians.* All certified tester/repair technicians shall be re-certified at no less than three (3) year intervals. Persons certified as tester/repair technicians at the time of the adoption of this Article shall continue to be certified for a period of not more than three (3) years as determined by the City of Mulvane.

**Section 705.140. Violation, Notice.** [CC 1985 §14-706; Ord. No. 881, 9-5-1989]

The City of Mulvane shall notify the owner, or authorized agent of the owner, of a building or premises in which there is found a violation of this Article, of such violation. The City of Mulvane shall set a reasonable time for the owner to have the violation corrected. If the owner fails to correct the violation within the specified time the City of Mulvane shall cease delivery of water to the building or premises until the violation shall be satisfactorily corrected.

## Chapter 710

### SEWERS AND SEWAGE DISPOSAL

Cross References — Merger of utility systems, see §700.010; utility services, ch. 700, art. II; service charges, ch. 700, art. III — V; user charge system, ch. 715.

#### ARTICLE I

#### Public and Private Sewers and Drains — Sewer Use Regulations

**Section 710.010. Definitions.** [CC 1985 §14-601; Ord. No. 644, 10-20-1980]

Unless the context specifically indicates otherwise, the meanings of the terms used in this Article shall be as follows:

**BOD** (denoting **BIOCHEMICAL OXYGEN DEMAND**) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius (20°C), expressed in milligrams per liter.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

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

**COMBINED SEWER** — A sewer receiving both surface runoff and sewage.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

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

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch in any dimension.

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

**SANITARY SEWER** — A sewer which 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 storm waters as may be present.

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

**SEWAGE WORKS** — All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER** — A pipe or conduit for carrying sewage.

**SHALL** — Is mandatory; **MAY** — is permissive.

**SLUG** — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**STORM DRAIN** (sometimes termed **STORM SEWER**) — A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT** — The Superintendent of the Water Utility of the City of Mulvane or an 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.

**WATERCOURSE** — A channel in which a flow of water occurs either continuously or intermittently.

**Section 710.020. Use of Public Sewer.** [CC 1985 §14-602; Ord. No. 644, 10-20-1980]

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Mulvane or in any area under jurisdiction of said City any human or animal excrement, garbage or other objectionable waste
- B. It shall be unlawful to discharge to any natural outlet within the City of Mulvane or in any area under the jurisdiction of said City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

- D. The owner of all houses, buildings or properties used for human employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his/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 ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line and any private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

**Section 710.030. Public Sewer Not Available.** [CC 1985 §14-603; Ord. No. 644, 10-20-1980]

- A. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the City at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Board 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 twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
- F. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**Section 710.040. Generalities.** [CC 1985 §14-604; Ord. No. 644, 10-20-1980]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. The owners or their agents shall make application for sewer permits. The permit application shall be supplemented by any plans, specifications or other information

pertinent in the judgment of the Superintendent.

- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where one (1) building stands at the rear of another building under the same ownership on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- E. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
  - 3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- F. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
  - 1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F)(65°C).



2. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F)(0 and 65°C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ( $\frac{3}{4}$ ) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "*slugs*" as defined herein
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
11. Any waters or wastes having:

- a. A five (5) day BOD greater than three hundred (300) parts per million by weight,
- b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
- c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City,

shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight,
- (2) Reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
- (3) Control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

G. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contained the substances or possess the characteristics enumerated in Subsection (D) of this Section, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipments, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge, and/or,
4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection (K) of this Section.

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

H. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and

inspection.

- I. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- J. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.
- K. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

**Section 710.045. Installation of Back Water Valves.** [Ord. No. 1092, 11-20-2000]

- A. To prevent the backflow from the public sanitary sewer system, it shall be required in all new construction that each building sanitary sewer drain, connected to the City sanitary sewer system, shall have a backwater valve installed.
  - 1. The device shall be installed where it is accessible for inspection and repair.
  - 2. The device shall be installed in accordance with the Section 710-9 of the 1997 Edition of the Uniform Plumbing Code.

**Section 710.050. Protection From Damage.** [CC 1985 §14-605; Ord. No. 644, 10-20-1980]

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**Section 710.060. Superintendent.** [CC 1985 §14-606; Ord. No. 644, 10-20-1980]

- A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to

the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

- C. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easements shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**Section 710.070. Violations — Liability.** [CC 1985 §14-607; Ord. No. 644, 10-20-1980]

- A. Any person found to be violating any provision of this Article, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

## Chapter 715

### USER CHARGE SYSTEM

**Section 715.010. User Charge System — Purpose.** [CC 1985 §14-501; Ord. No. 643, 10-20-1980]

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

**Section 715.020. Definitions.** [CC 1985 §14-502; Ord. No. 643, 10-20-1980; Ord. No. 1385 §1, 11-21-2011]

Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

**BOD** (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/l).

**COST PARTICIPATION RATIO** — That ratio (as a percentage) that the actual pounds of pollutants contributed to the treatment works by a significant contributor bears to the pounds of pollutants contributed by all users, including the significant contributor, where pounds of pollutants are computed from the actual measured total of TKN, TSS and BOD [each averaged over the last twelve (12) months, as available] and multiplied by the amount of water used by the significant contributor. Upon the request of a significant contributor, the above pollutants may be multiplied by, and the cost participation ratio determined in accordance with, the amount of wastewater actually contributed by the significant contributor to the treatment works (as opposed to water used), provided that such significant contributor provides a separate wastewater meter complying with municipal standards, together with such easements, remote readers, regular calibration and such other accommodations and reasonable requirements as the supervisor of the treatment works shall from time to time determine appropriate. In the event of any unexplainable anomalies or differences between water actually used and wastewater measured, the utility shall utilize water used for determining the cost participation ratio. [Ord. No. 1416 §1, 6-17-2013]

**FORMULA RATE** — The monthly user charge for significant contributors which consists of the sum of the variable monthly charge and participating user charge, all computed in accordance with provisions of Section 715.040(D).

**OPERATION AND MAINTENANCE** — All expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

**PARTICIPATING USER CHARGE** — This charge shall be the product of total treatment works cost multiplied by a significant contributor's cost participation ratio.

**REPLACEMENT** — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "*operation and maintenance*" includes replacement.

**SHALL** — Is mandatory; **MAY** — is permissive.

**SIGNIFICANT CONTRIBUTOR** — Any user of the City's treatment works who, upon sample testing or by admission, either:

1. Contributes effluent to the treatment works which contains:
  - a. Five (5) day BOD concentrations at or in excess of over three hundred (300) mg per liter, or
  - b. TKN concentrations at or in excess of forty (40) mg per liter, or
  - c. TSS concentrations at or in excess of three hundred fifty (350) mg per liter; or
2. Contribute volumes of wastewater averaging in excess of eight thousand (8,000) gallons per day.

**TKN** (denoting **TOTAL KJELDAHL NITROGEN**) — The sum of organic nitrogen, ammonia (NH<sub>3</sub>), and ammonium (NH<sub>4</sub><sup>+</sup>) in the chemical analysis of the wastewater measured in milligrams per liter, all in accordance with applicable industry standards.

**TOTAL TREATMENT WORKS COST** — The average of the sum total monthly cost of operating the treatment works over the preceding twelve (12) months (less the costs of any wastewater treatment or pretreatment facilities necessitated by and specifically constructed for use by a significant contributor and otherwise included in a significant contributor's variable monthly charge), including labor, debt service, electricity, testing, licensure fees and other allocable costs of the treatment works not included in the variable monthly charge.

**TREATMENT WORKS** — Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method of system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

**TSS** (denoting **TOTAL 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 filters of the industry specified pore size, measured in milligrams per liter, all computed in accordance

with applicable industry standards.

**USEFUL LIFE** — The estimated period during which a treatment works will be operated.

**USER CHARGE** — That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

**VARIABLE MONTHLY CHARGE** — The sum total of all actual monthly operational costs of the wastewater treatment or pretreatment facilities necessitated by and specifically constructed for use by a significant contributor, including the sum of:

1. Actual electrical costs to the City, as metered at any newly constructed headworks and force main injection stations (except to the extent such electricity is provided by the significant contributor), plus
2. The City's actual cost of water used, as metered at said headworks and injection stations, plus
3. The cost of all chemicals actually used, when used, at such locations, computed at the last known cost for the City's purchase of said chemicals.

**WATER METER** — A water volume measuring and recording device, furnished and/or installed by the City of Mulvane or furnished and/or installed by others and approved by the City of Mulvane.

**Section 715.030. User Charge System.** [CC 1985 §14-503; Ord. No. 643, 10-20-1980]

- A. The User Charge System shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designate to be paid by the User Charge System.
- B. The total user charge collected is designated for operation and maintenance including replacement purposes as established in Appendices A and B of this ordinance, which are on file in the City offices, and shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
  1. An account designated for the specific purpose of defraying operating and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
  2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the Replacement Account shall be made annually from the operation, maintenance and replacement revenue in the amount of fifteen thousand dollars (\$15,000.00) annually.
- C. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation,

Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the User Charge Rates for operation, maintenance and replacement. The User Charge Rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

**Section 715.040. Payments by Users.** [CC 1985 §14-504; Ord. No. 643, 10-20-1980; Ord. No. 811, 2-16-1987; Ord. No. 1019, 11-18-1996; Ord. No. 1094 §1, 12-18-2000; Ord. No. 1125 §2, 7-15-2002; Ord. No. 1212, 3-7-2005; Ord. No. 1258, 3-5-2007; Ord. No. 1301, 4-7-2008; Ord. No. 1340, 1-18-2010; Ord. No. 1385 §§2 — 3, 11-21-2011; Ord. No. 1397 §1, 7-16-2012]

- A. Each user shall pay for the services provided by the City based on his/her use of the treatment works as determined by water meters acceptable to the City.
- B. For residential contributors, monthly user charges will be based on average monthly water usage during the months of December, January and February. If a residential contributor has not established a December, January and February average, his/her monthly user charge shall be the average charge of all other residential contributors.
- B. For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meters installed and maintained at the contributor's expense and in a manner acceptable to the City.
- C. *Monthly User Charge.* Each residential and commercial contributor shall each pay a monthly user charge for operation and maintenance of the City's treatment works, computed in accordance with Section 715.040, as follows:
  1. *Ordinary contributor within the City.* Except for significant contributors (hereinafter defined), the monthly rate to be charged to residential and commercial customers using sewer services within the City of Mulvane, Kansas, shall be comprised of both a minimum charge and a user rate charge, as follows:
    1. Minimum monthly charge: \$21.00 (minimum charge).
    1. Per each 1,000 gallons: \$5.25 (user rate charge).
    2. *Ordinary contributor outside the City.* Monthly rates to be charged to residential and commercial customers located outside the City limits but using sewer services of the City of Mulvane, Kansas, shall be as separately contracted for by each consumer and in the absence of such written agreement shall be billed monthly at one hundred twenty-five percent (125%) of the amounts established for residents of the City and, in the absence of usage information, an average usage of similarly situated customers shall be applied as the user rate.
  3. *Significant contributors.* Notwithstanding the provisions of Section 715.040(C)(1) and (2), significant contributors to the City's treatment works shall pay a monthly user charge equal to the formula rate, computed in accordance with provisions of Section



715.040(D).

- D. *Formula Rate.* The Utilities Superintendent shall or shall cause others to compute the formula rate from actual use by significant contributors and actual costs obtained at the end of each billing cycle. The Utilities Superintendent shall obtain at least one (1) statistical sample over a twenty-four (24) hour period during each month from each significant contributor's direct effluent and the total effluent contributed to the treatment works as the basis for computing the relative pollutants used to determine the cost participation ratio. In the event of any unexplained anomaly in such samples, if there is insufficient time to obtain an additional (corrected) sample reading, the Utilities Superintendent shall use the average sample reading for the last twelve (12) months to compute the cost participation ratio. In the event that another customer shall use or contribute to a significant contributor's effluent, such that it shall not be possible to obtain a stand-alone statistic, flow or sampling of pollutants, or such that other customers contribute effluent through the same facilities originally constructed for a significant contributor, the participating user charge for such significant contributor shall be accordingly reduced by the full amount of the monthly user charge collected from such other customer(s). In the event two (2) or more significant contributors contribute effluent to the treatment works through the same facilities originally constructed for a single significant contributor, the total formula rate attributable to such significant contributors shall be prorated for each significant contributor by the percentage of such significant contributor's use of municipal water as compared to the total of all municipal water used by all significant contributors using the same facilities all as measured pursuant to the Code.
- E. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the City Council.
- F. The User Charge Rates established in this Section apply to all users, regardless of their location, of the City's treatment works.
- G. *Sewer Charges.* Transfer to another address. When a sewer service customer transfers service from one (1) address to another within the limits of the City, the Utilities Superintendent shall pro-rate the charge for service between the two (2) City addresses as precisely as practicable to prevent double charges for sewer service. When the Utilities Superintendent has determined that a customer has transferred sewer service to another address as above provided, the following formula shall be followed:
1. The monthly rate for the prior month shall be divided by thirty (30) days, then multiplied by the number of days of service.
  2. Where not otherwise specifically provided for under this Chapter, the Utilities Superintendent shall decree such rules and regulations as are reasonable and necessary to assess, charge and collect sewer charges in any lawful manner consistent with this Chapter.

**Section 715.050. Penalty for Non-Payment — Disconnection of Service.** [CC 1985 §14-505; Amended Ord. No. 766, 7-15-1985]

- A. All bills for the use of the City's sewage disposal system shall be due and payable monthly at the office of the City Clerk of the City of Mulvane on or before twenty-four (24) days from the date of billing for said service in which the bill comes due. When any bill is not paid on or before twenty-four (24) days from the date of billing for said service, both water and sewer service to such customer shall be cut off. All bills remaining unpaid after the tenth (10th) day from the date of billing for said service, shall have a penalty of five percent (5%) added to the total bill for sewer service charges. Failure to receive a bill shall not excuse a customer from his/her obligation to pay within the time specified. Should the City be unable to bill the customer for service rendered during any month, the billing next time shall include the charges for sewer service rendered during the unbilled month. A "*month*" shall be considered as a period of approximately thirty (30) days. When a customer's sewer is disconnected because of nonpayment of the bill, a fee of two hundred fifty dollars (\$250.00) shall be charged for such disconnection of service and an additional fee of two hundred fifty dollars (\$250.00) shall be charged for reconnection of sewer service.
- B. A late payment penalty of five percent (5%) of the user charge bill will be added to each delinquent bill for each thirty (30) days of delinquency. When any bill is sixty (60) days in default, the charges shall constitute a lien upon the real estate served by the connection to the sewer. When directed to do so by the Governing Body of the City, the City Clerk shall certify the accumulated charges and penalties to the County Clerk to be placed on the tax rolls for collection.

**Section 715.060. Revision of Rates.** [CC 1985 §14-506; Ord. No. 643, 10-20-1980]

- A. The City will review the User Charge System every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- B. The City will notify each user at least annually in conjunction with a regular bill of the rate being charged for operation and maintenance including replacement of the treatment works.

**Section 715.070. Establishing and Enforcing Sewer User Charges.** [CC 1985 §14-507; Ord. No. 643, 10-20-1980]

Under the provisions of K.S.A. 12-631 et seq., the City has the legal authority to establish and to enforce sewer user charges on all existing or future users of the system whether located inside the City limits or outside the City limits.

## Chapter 720

### STORMWATER MANAGEMENT SYSTEM

#### **Section 720.010. Creation of Stormwater Management System.** [Ord. No. 1125 §3, 7-15-2002]

Pursuant to the provisions of Charter Ordinance No. 20, the City of Mulvane does hereby establish a stormwater management system and declares its intention to operate, construct, maintain and repair such stormwater management system. It is hereby found, determined and declared that the elements of the stormwater management system which provide for the collection, treatment and disposal of stormwater are of benefit and provide services to property within the incorporated City limits. The beneficiaries of the system include all real properties within the City which benefit by the provisions, operation and improvement of the system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions, and improvement to the water quality in the storm and surface water system and its receiving waters.

#### **Section 720.015. Storm Drainage Fee.** [Ord. No. 1125 §4, 7-15-2002]

- A. There is hereby assessed against all property within the City that is connected to either the water or sanitary sewer systems, or both, of the City a monthly storm drainage fee. Such fee is based upon a determination of a comparable amount of impervious area for uses within each rate category as set forth hereinafter. The owner, occupant and any person who is responsible for the payment of water and/or sewer service to the property shall all be jointly and severally responsible for the payment of said fee. Persons responsible for the payment of water and/or sewer service to the property shall include the person responsible for payment for water provided to a master meter that is then distributed to multiple users, whether or not said users are located on the same property as the master meter. The fee shall be calculated as follows:
1. All property devoted to a residential use shall be assessed the sum of one dollar (\$1.00) per month per non-commercial living unit. The term "*residential*" shall include single-family homes, mobile homes and mobile home parks, duplexes and apartment units. The term "*residential*" shall not include rooming and boarding houses, fraternities, sororities and similar facilities. The term "*living unit*" shall mean and include one (1) or more rooms in a residential building and subordinate support structures which are arranged, designed, used or intended for use by one (1) family and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
  2. Property devoted to any use other than residential, as set forth above, shall be

assessed a monthly fee based upon the number of square feet developed for that particular use, as follows:

Less than or equal to 500,000 square feet:	\$1.00
500,001 to 1,000,000 square feet:	\$5.00
1,000,001 to 1,500,000 square feet:	\$10.00
1,500,001 to 2,000,000 square feet:	\$20.00

For all properties in excess of two million (2,000,000) square feet (forty-six (46±) acres), the fee shall be fifty cents (\$0.50) multiplied by the number of acres in the property.

3. In determining the area of property developed for a particular use, the area measured shall include all property contiguous to the particular use and under the same ownership, except that portion of said property that is both unimproved and legally subject to being subdivided from that portion actually devoted to the primary use. In situations where property is used in common with more than one (1) use, the common area shall be included with each use in the same proportions as the area of each use bears to the area of the total of all uses. In situations where property is devoted to uses on more than one (1) level, the area of the property shall be proportionately divided among the levels.
- B. The revenue generated by this fee shall be set aside in a special fund to be used only for the acquisition, construction, reconstruction, maintenance and repair of stormwater system facilities and infrastructure appurtenant thereto, including the acquisition and related costs thereof, of real estate for such use. In addition, said fund may be used to pay fees to study and prepare documents related to such facilities and to make payments of principal and interest on bonds issued for such improvements. Nothing in this Chapter shall be deemed to limit or restrict the City's ability to use and obtain other sources or funds for the same or similar purposes.
  - C. The monthly fees set forth above may be included as part of the monthly bill for water and sanitary sewer service but shall be identified separately on said billing, said fees shall be due at the same time as water charges are due and the failure to pay said fees shall be considered a failure to pay water charges and enforceable pursuant to Section 715.050 of this Code. If the monthly fees are not included as part of a water or sewer bill, they shall be billed at least annually. In addition, anytime water service is established or re-established to a property, all fees hereunder shall be paid current as of the date such water service is established or re-established.
  - D. *Appeals.*
    1. Any person who disagrees with the calculation of their storm drainage fee or who believes that the actual amount of impervious area located upon their property justifies a reduction in the square footage of their property used to calculate the fee, in order to make their fee consistent with other uses with a similar amount of impervious area, may appeal the determination of their fee to the Building Inspector. The appeal

shall be in writing. The Building Inspector shall thereafter hold an informal hearing. The Building Inspector, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey showing dwelling units, total property area and impervious area, as appropriate, if such information is deemed to be material by the Building Inspector. Based upon information provided, the Building Inspector shall make a determination of the storm drainage fee for such property. The Building Inspector shall notify parties in writing of his/her decision.

2. A person shall have the right to appeal the decision of the Building Inspector to a Board comprised of the City Administrator, or his/her designee, the Utilities Director and the Street Superintendent. Such appeal shall be made within fifteen (15) days of the date of the written decision of the Building Inspector. Such appeal shall be in writing and filed with the Building Inspector. A hearing on such appeal shall be held within thirty (30) days from the date of filing and the applicant shall be given seven (7) days' advance notice of the time and date of such hearing. Within seven (7) days after the conclusion of such hearing, the Board shall render a decision in writing that sets forth findings that support its decision. The decision of the Board shall be final and any further appeal of such decision shall be to the district court pursuant to K.S.A. 60-2101(d).

## Chapter 725

### STORMWATER MANAGEMENT SYSTEM AND REGULATIONS

**Section 725.010. Definitions.** [Ord. No. 1320 §1, 1-19-2009]

The terms defined at Chapter 710 are fully incorporated into this Chapter 725. In addition, unless the context specifically indicates otherwise, the meanings of the terms used in this Chapter shall be as follows:

**CONSTRUCTION PROJECT** — Any construction activities which result in a land disturbance of greater than or equal to one (1) acre. A project which includes construction activities disturbing less than one (1) acre is included as a construction project if such construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more.

**DEVELOPMENT PROJECT** — Any post-construction new development or redevelopment project which disturbs greater than or equal to one (1) acre. A project which disturbs less than one (1) acre is included as a development project if such project is part of a larger common plan of development or sale that would disturb one (1) acre or more.

**DISCHARGE** — Any addition or introduction of any pollutant, stormwater or any other substance whatsoever into the stormwater management system.

**STORMWATER** — Stormwater runoff, snow melt runoff and surface runoff and drainage.

**SUBDIVISION REGULATIONS** — The subdivision regulations of the City of Mulvane incorporated into the Municipal Code of the City of Mulvane by Ordinance No. 1188 and any subsequent ordinances, as amended or restated from time to time.

**Section 725.015. Administration.** [Ord. No. 1320 §1, 1-19-2009]

The Building Code Administrator shall be responsible for administration, implementation, management and enforcement of all stormwater management system regulations.

**Section 725.020. General Prohibitions.** [Ord. No. 1320 §1, 1-19-2009]

- A. Except as otherwise provided in this Chapter 725, it shall be unlawful for any person to place, deposit, introduce or permit to be placed, deposited or introduced into the stormwater management system any discharge that is not composed entirely of stormwater.
- B. The following non-stormwater discharges are allowed and shall not be considered violations of this Chapter:
  - 1. Discharge from water line flushing;
  - 2. Diverted stream flow;

3. Rising ground water;
4. Uncontaminated ground water infiltration as defined under 40 C.F.R. 35.2005(2) to separate storm sewers;
5. Uncontaminated pumped ground water;
6. Contaminated ground water if authorized by the Kansas Department of Health and Environment;
7. Discharges from potable water sources;
8. Discharges from foundation drains;
9. Air conditioning condensate;
10. Irrigation waters;
11. Springs;
12. Water from crawl space pumps;
13. Discharges from footing drains;
14. Discharge from individual residential car washing;
15. Flows from riparian habitats and wetlands;
16. Swimming pool discharges excluding filter backwash;
17. Street wash waters (excluding street sweepings which have been removed from the street);
18. Discharges or flows from emergency fire-fighting activities;
19. Heat pump discharge waters (residential only);
20. Treated wastewater meeting requirements of a permit under the National Pollutant Discharge Elimination System (NPDES);
21. Other discharges determined not to be a significant source of pollutants to waters of the State, a public health hazard or a nuisance.

**Section 725.025. Specific Prohibitions.** [Ord. No. 1320 §1, 1-19-2009]

- A. It shall be unlawful for any person to place, deposit, introduce or permit to be placed, deposited or introduced into the stormwater management system any of the following, provided however, the following items are not intended to be inclusive of all the discharges prohibited by the general prohibitions in Section 725.020:
  1. Human or animal excrement, gray water (from home clothes washing, bathing, showers, dishwashing and food preparation), other wastewater from household drains and waterborne waste normally discharged from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories and institutions;

2. Any putrescible animal or vegetable waste;
3. Any oil or petroleum product including, but not limited to, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, #1 and #2 diesel, motor oil, crude oil, sludge, oil refuse or oil mixed with waste;
4. Any pesticide, meaning any substance or mixture of substances intended to prevent, destroy, repel or migrate any pest, or substances intended for use as a plant regulator, defoliant or dessicant;
5. Any hazardous substance as listed in Table 302.4 of 40 C.F.R. Part 302;
6. Any hazardous waste as identified by the Environmental Protection Agency pursuant to 40 C.F.R. 261;
7. Any hazardous household waste, meaning any material generated in a household, including single and multiple residences, by a consumer which, except for the exclusion provided in 40 C.F.R. 261.4(b)(1), would be considered a hazardous waste under 40 C.F.R. 261;
8. Any extremely hazardous substance as listed in the appendices to 40 C.F.R. Part 355.

**Section 725.030. Construction Project Stormwater Runoff Control.** [Ord. No. 1320 §1, 1-19-2009]

- A. The owners of construction sites involving a construction project shall ensure that best management practices are used to control and reduce discharges other than stormwater from entering the stormwater management system, to reduce erosion and to prevent the discharge of sediment into the stormwater management system, all to the maximum extent possible under the circumstances.
- B. The owners of construction sites involving a construction project or a qualified representative of such owner shall inspect disturbed areas, areas used for storage of materials that are exposed to precipitation, structural control measures and locations where vehicles enter or exit the site, at least once every seven (7) days and within twenty-four (24) hours of the end of a storm that produces one-half ( $\frac{1}{2}$ ) inch or more of precipitation to ensure minimal non-stormwater discharges into the stormwater management system. Such inspections shall be made in writing and shall be available for inspection by the Building Code Administrator.
- C. The owner of a construction site involving a construction project is responsible for removing any non-stormwater discharge from the stormwater management system. If the owner fails to remove said discharge within the time period prescribed in the notice of violation from the Building Code Administrator, the City may remove the discharge and assess the cost thereof to the owner. Failure to pay such assessments shall be a violation of this Section.
- D. The owner of a construction site involving a construction project shall implement all necessary preventive measures and conservation standards which are used by the County Conservation District to control and prevent erosion at the construction site and surrounding areas.



- E. The Building Code Administrator or his/her authorized representatives shall have the right to enter any construction project at any reasonable time to determine if the owner is complying with all requirements of this Chapter. Owners shall allow the inspectors ready access to all parts of the premises for the purposes of inspection.
- F. In addition to the penalties authorized for violation of this Chapter set forth in Section 725.040, the Building Code Administrator may deny approval of any building permit, grading permit, subdivision plat, site development plan or any other City approval necessary to commence or continue construction or to assume occupancy if a construction project is in violation or has violated this Section.

**Section 725.035. Development Project Stormwater Control.** [Ord. No. 1320 §1, 1-19-2009]

Any development project must comply fully with the design standards (erosion controls) and required improvements set forth in Article 6 Section 105 and Article 7 Section 102B of the Subdivision Regulations. Development projects shall be subject to all penalties and enforcement actions authorized under the subdivision regulations.

**Section 725.040. Violations.** [Ord. No. 1320 §1, 1-19-2009]

- A. Pursuant to K.S.A. 12-761, as amended, any violations of this Chapter shall be deemed to be a misdemeanor. Any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months for each offense, or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
- B. The City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Chapter and to abate nuisances maintained in violation thereof; and in addition to other remedies, the appropriate authorities of the City of Mulvane may institute injunction, mandamus or other appropriate action or proceeding to prevent violations of this Section.

## **Title VII Notes**

### **UTILITIES**

*Cross Reference — Water, ch. 705; sewers and sewage disposal, ch. 710; user charge system, ch. 715.*