

CHAPTER XIII. SEWER REGULATIONS

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ARTICLE 1. SEWER CONNECTIONS

13-101 SEWER CONNECTIONS. All persons owning dwelling houses or buildings within the City of Washington, which building or buildings are or shall be located near a sewer, or in a block within any such sewer district in the City through which a sewer extends, shall make such connections with the sewer system of the city, as may be necessary in the judgment of the city board of health for the protection of the health of the public, for the purpose of disposing of all substances from any such houses or buildings affecting the public health which may be lawfully and properly disposed of by means of such sewer.

13-102 REFUSAL TO CONNECT. If any person shall fail, neglect, or refuse to connect any building with the sewer system of such city as herein provided for more than ten (10) days after being notified in writing by the city board of health to do so, the mayor and governing body may cause such premises and buildings to be connected to the sewer system and are hereby authorized to advertise for bids for the construction and making of such sewer connections. The governing body may contract therefore with the lowest responsible bidder and cause such premises to be connected with the sewer system. The costs and expenses thereof shall be assessed against the property and premises so connected; the assessment to be made in the same manner as other special assessments are made.

ARTICLE 2. SEWAGE DISPOSAL SYSTEM

13-201 DEFINITION. For the purpose of this article “Sewage Disposal System” shall consist of all means by which sewage is transported, treated and disposed of and shall not include drainage or storm sewers or drains.

13-202 SAME. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- (a) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- (b) “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

- (c) “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
- (d) “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- (e) “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

13-201.1 SAME;

- (a) “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (b) “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface of groundwater.
- (c) “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- (d) “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (e) “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle great than one-half (1/2) inch (1.27 centimeters) in an dimension.

13-202.2 SAME;

- (a) “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (b) “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (c) “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (d) “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- (e) “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (f) “Sewer” shall mean a pipe or conduit for carrying sewage.
- (g) “Shall” is mandatory; “May” is permissive.

13-202.3 SAME;

- (a) “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any

period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

- (b) “Storm Sewer” shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (c) “Superintendent” shall mean the Superintendent of Washington, or his authorized deputy, agent, or representative.
- (d) “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in waste, sewage, or other liquids, and which are removable by laboratory filtering.
- (e) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

13-203 PROHIBITED WASTE. 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 Washington, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

13-204 UNLAWFUL TO POLLUTE WATERWAYS. It shall be unlawful to discharge to any natural outlet within the City of Washington, 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.

13-205 SEPTIC TANK. 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.

13-206 SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so; PROVIDED, that said public sewer is within one hundred (100) feet of the property line.

13-207 SAME; EXCEPTION. Where a public sanitary or combined sewer is not available under the provisions of Section 13-206, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

13-208 PRIVATE SYSTEM; PERMIT. 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 ten dollars (\$10.00) shall be paid to the city at the time the application is filed.

- 13-209 SAME; APPROVAL. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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 forty-eight (48) hours of the receipt of notice by the Superintendent.
- 13-210 SAME; AREA RESTRICTION. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- 13-211 SAME; ADDITIONAL REQUIREMENTS. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- 13-212 SAME; TERMINATION. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13-206, a direct connection shall be made to the public sewer within sixty (60) days, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank run gravel and dirt.
- 13-213 SAME; NO COST TO CITY. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- 13-214 USE PERMIT. 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.
- 13-215 SAME; CLASSES. There shall be two (2) classes of building sewer permits;
- (a) For residential and commercial service, and
 - (b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of fifty dollars (\$50.00) for a residential or commercial building sewer permit and one hundred dollars (\$100.00) for an industrial building sewer permit shall be paid the city at the time the application is filed.

- 13-216 OWNER'S EXPENSE. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 13-217 SEPARATE SEWER; EXCEPTION. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 13-218 EXISTING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.
- 13-219 SEWER SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- 13-220 SAME; ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 13-221 SAME; CONNECTION. The connection of the building sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- 13-222 SAME; INSPECTION. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent of his representative.
- 13-223 EXCAVATION GUARDED. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- 13-224 STORM SURFACE DRAINAGE. No person shall discharge or cause to be discharged, directly or indirectly, any storm water, surface water, ground water, roof runoff, subsurface drainage including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 13-225 SAME; DESIGNATED AREAS. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- 13-226 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 13-227 SAME. 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 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:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.
- (b) Any water wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or between zero and sixty-five (0 and 65) degrees Celsius.
- (c) Any garbage that has not been properly shredded. The installation of any operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower, (9/76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

13-227.1 SAME.

- (a) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- (b) 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;
- (c) 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;
- (d) 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.
- (e) Any waters or wastes having a pH in excess of 9.5.

13-227 SAME.

- (a) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein
- (b) Waters of wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies have jurisdiction over discharge to the receiving waters.
- (c) Any waters or wastes having:
1. A 5-day BOD greater than 300 parts per million by weight, or
 2. Containing more than 350 parts per million by weight of suspended solids, or
 3. 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. If such flow occurs, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight, reduce the suspended solids to 350 parts per million by weight, or control the quantities and rates of discharge of such waters or waste. 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.

13-228 SAME; PRETREATMENT.

- (a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics in Section 13-227 through 13-227.2, inclusive, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the 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 cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 13-233 of this Article.

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

13-229 TRAPS, INTERCEPTORS. 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 not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

13-230 SAME; MAINTENANCE. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

13-231 MANHOLE REQUIRED. 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 expense, and shall be maintained by him so as to be safe and accessible all times.

13-232 TESTING SEWERAGE. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste-water," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the

sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls whereas pH's are determined from periodic grab samples.)

- 13-233 SAME; SPECIAL PROVISIONS. 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 of character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.
- 13-234 UNLAWFUL ACTS. 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 persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.
- 13-235 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point have a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- 13-236 SAME; HOLD HARMLESS. While performing the necessary work on private properties referred to in Section 13-235, 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 as required in Section 13-231.
- 13-237 EASEMENTS: RIGHT TO ENTER. 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 easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. .
- 13-238 VIOLATIONS; NOTICE. Any person found to be violating any provision of this article except Section 13-234, 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.

13-239 SAME; PENALTY. Any person who shall continue any violation beyond the time limit provided for in Section 13-238, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each twenty-four (24) hour period in which any violation shall continue shall be deemed a separate offense.

13-240 SAME; LIABILITY. 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.

13-241 SEVERABILITY. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

ARTICLE 3. SEWAGE DISPOSAL CHARGES

13-301.1 ESTABLISHMENT OF CHARGES. 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 treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt of such public wastewater works. (Ord. 599)

13-302.1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- (a) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l).
- (b) "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 350 mg/l.
- (c) "Operation and Maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.
- (d) "Replacement" shall mean all expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the 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.

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

13-302 SAME;

- (a) “Shall” is mandatory; “May” is permissive.
- (b) “SS” (denoting Suspended Solids) shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
- (c) “Treatment Works” shall mean 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, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as stand-by treatment units and clear well facilities; and any works including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
- (d) “Useful Life” shall mean the estimated period during which a treatment works will be operated.
- (e) “User Charge” shall mean that portion of the total wastewater service charge, which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.
- (f) “Water Meter” shall mean a water volume measuring and recording device furnished and/or installed by the City of Washington, Kansas.

13-303 CHARGES TO FINANCE SYSTEM. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this article.

13-304 OPERATION, REPLACEMENT ACCOUNTS. That portion of the total user charge collected which is designated for operation and maintenance, including replacement, as established in Section 13-306 through 13-310, shall be deposited in a separate non-lapsing fund known as the Operating, Maintenance, and Replacement Fund and will be kept in two primary accounts as follows:

- (a) An account designated for the specific purpose of defraying operation and maintenance costs of the treatment works (Operation and Maintenance Account).

- (b) An account designated for the specific purposes of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the Replacement Account shall be made annually, or more often as the council may elect, from the operation, maintenance and replacement revenue in the amount of \$3,900.00.
- 13-305 SAME; BALANCE. 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 year, and shall be used for no other purpose 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 of operation, maintenance and replacement. The user charge rate 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.
- 13-306 USER FEES. Each user shall pay for the services provided by the city based on his use of the treatment work as determined by water meters acceptable to the city. The user rates established in this article shall apply to all users of the city's treatment works, regardless of where such user may be located.
- 13-307 SAME; RESIDENTIAL. For residential contributors, the monthly user charge will be based upon the average monthly water usage during the months of November, December, January, February and March and each residential contributor shall pay a monthly user fee based upon the average number of gallons of water used each month for said five (5) month period. (Ord. 655 Sec. 2)
- 13-308 SAME; INDUSTRIAL. 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 consumption use of water, or in some other manner uses water which is not returned to the Wastewater Treatment System, the user charge for that contributor may be based on a wastewater meter or a separate water meter installed and maintained at the contributor's expense and in a manner acceptable to the city. The proof of use is up to the contributor, at his expense.
- 13-309 SAME; USER CHARGES, MINIMUM. Each contributor shall pay a minimum charge per month of \$15.50. In addition, each contributor shall pay a charge of Two Dollars and Five Cents (\$2.05) per 1,000 gallons, or any part thereof, of water used as determined under the provisions of Chapter XIII, Article 3, Section 307 hereof for residential contributors and under the provisions of Chapter XIII, Article 3, Section 308 hereof for industrial and commercial contributors. (Ordinance 720 Sec. 2)
- 13-310 POLLUTION CHARGE. Any user which discharges any toxic pollutants which cause an increase of the cost of managing the effluent or the sludge from the

city's wastewater 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, directly proportional to the cost of the plant operation, maintenance, and replacement as the additional substance increases the cost. This shall be as determined by the responsible Plant Operating Personnel and approved by the city council.

- 13-311 ANNUAL REVIEW. The city will review the 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 operating and maintenance including replacement costs among users and user classes.
- 13-312 SAME; NOTICE TO CUSTOMER. 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.
- 13-313 BILLED MONTHLY. All users shall be billed monthly. Billing for any particular month shall be made within thirty (30) days after the end of that month or sooner. Payments are due when the billings are made. Any payment not received within 30 days after the billing is made shall be delinquent.
- 13-314 LATE CHARGE. A late penalty of ten (10) percent of the user charge will be added to each delinquent bill for each thirty (30) days of delinquency. When any bill is 30 days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. Due notice shall be give within five (5) days following the delinquent time requesting the delinquent contributor to appear at the next regular council meeting where he will be heard.
- 13-315 SAME; FINDINGS. Following the hearing provided for in Section 13-314, the governing body shall either affirm or adjust the monthly service charge. If the charge is affirmed, water service may be discontinued until all charges have been paid in full. Findings of the governing body shall be final and binding upon all parties concerned.
- 13-316 REFUSAL TO PAY. In the event any person, firm, corporation, political unit (except the United States and the State of Kansas) or organization living or operating on premises connected to a sanitary sewer, shall neglect, fail or refuse to pay the service charges fixed by the governing body of the city for the operation of the sewage disposal system, such charges shall constitute a lien upon the real estate served by the connection to the sewer, and shall be certified by the clerk of the city to the county clerk of Washington County, to be placed on the tax rolls for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible, and such governing body is hereby authorized and shall have the right to refuse the delivery of water through the

pipes and mains of the Washington City waterworks until such time as such charges are fully paid.

13-317 VACANCY. Upon proof of vacancy for any period in excess of thirty (30) days, no service charge shall be made. The user shall have the duty of informing the city clerk of such vacancy, and in the absence of the notice, the user shall be charged according to the appropriate schedule of rates.