

CHAPTER XV. UTILITIES

- Article 1. Water
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ARTICLE 1. WATER

- 15-101. SERVICE CONNECTIONS. (a) The city shall make all taps to the water mains and pipes of the city, install all service pipe from the mains to the property line, install all meters and curb cocks, make all excavations in the public streets which shall be necessary therefore. The costs of making such connections shall be paid by the applicant to the city clerk.
- (a) All water taps made to the city water system shall be billed at the cost of materials plus any amounts paid to contract labor or to contract equipment that is not provided by the city.
- (Code 1961, 15-101; Ord. 770, Sec. 1)
- 15-102. APPLICATION FOR CONNECTION. Any person, firm or corporation desiring a connection with the municipal water system for the city shall apply in writing to the city clerk on a form furnished for that purpose for a permit to make a connection with the water mains adjacent to the applicant's property. (Code 1961, 15-102)
- 15-103. PERMITS. Upon receiving an application as provided in section 15-102, if the same is in proper form, the city clerk shall issue to the person, firm or corporation applying for the same a permit to connect with the water system. All taps shall be done under the supervision of the superintendent of utilities. (Code 1961, 15-103)
- 15-104. SPECIAL PERMIT. Before any permit is granted by the city clerk for making an attachment to the water mains and pipes of the city larger than one inch, the application shall be examined by the superintendent of utilities and he or she shall mark thereon his or her approval or objections to the granting of the permit, and refer the same to the governing body which shall approve or disapprove the application. (Code 1961, 15-104)
- 15-105. CONSUMERS TO MAKE REPAIRS. All consumers shall keep their own service pipes, stop cocks and boxes and apparatus in good repair and protected from freezing at their own expense, and shall prevent all unnecessary waste of water; and it is expressly stipulated that no claim be made against the city by reason of the breaking and leaking of any service pipe or service cock. (Code 1961, 15-105)

15-106. MAINS AND CONNECTIONS SUPERVISED. All mains and connections with mains shall be laid or made under the supervision of the superintendent of utilities. (Code 1961, 15-106)

15-107. EXTENSION OF MAINS. If there is no main or distribution line to which a connection can be made, the city, at its option, may extend its mains and may extend them outside the city limits on the basis of special contracts for the construction of the extension at the cost of the consumers to be served by the proposed extension. (Code 1961, 15-107)

Water line main extension shall be at the expense of the owner or developer. The main shall extend through the length of the property to be serviced. As an alternative, a water district can be approved by the City for the development. Property must be annexed to the City before the owner may receive City water service. (Ordinance 894 – 11/08/1999)

15-108. METERS. All water supplied by the municipal water system shall be metered. All meters to be used by consumers of the city shall be furnished by the city. (Code 1961, 15-108)

15-109. TURNING ON WATER. Any person or persons from whose premises the water shall have been turned off for any reason herein provided for or for a violation of any of the provisions of this article who shall turn the water on or cause the same to be turned on without authority in writing from the superintendent of utilities, shall, upon conviction thereof, be fined in any sum not exceeding \$25 for each offense. (Code 1961, 15-109)

15-110. INJURY TO PROPERTY. Any person, company or corporation who shall willfully and maliciously injure or destroy any machinery, meters, pipes, hydrants or other fixtures or property belonging to the city, or carry away from the waterworks system of the city any water for private use without a written permit from the superintendent of utilities shall, upon conviction thereof, be fined in any sum not exceeding \$50 for each offense. (Code 1961, 15-110)

15-111. SPRINKLING DURING FIRE. It shall be unlawful for any person to sprinkle, throw or eject water from any pipe or private hydrant, washer or sprinkler connected with the water mains after any alarm of fire has been turned in until the fire, if any, is extinguished, except to prevent the spread of or to extinguish a fire, and any person convicted of a violation of this section shall be fined in any sum not exceeding \$100 for each offense. (Code 1961, 15-111)

15-112. CITY RESERVES RIGHT TO DISCONTINUE SERVICE. The city hereby reserves the right to discontinue service to any or all consumers of the municipal water without notice when the same is necessary for the repair of the system, or any part thereof, of for the extension of mains. (Code 1961, 15-112)

15-113. RATES. (Ordinance 961 – 7/09/07)

1. Water Rates. The following monthly water rates are hereby established for water furnished by the City of Cimarron, Kansas, as follows:

- a) Minimum Meter Service, per month plus first 1,000 gallons for all services within the city limits.....
\$10.54
- b) Minimum Meter Service, per month plus first 1,000 gallons for all services outside the city limits.....
\$21.09
- c) All water volume in excess of 1,000 gallons for all services within the city limits..... \$0.00195
per gallon
- d) All water volume in excess of 1,000 gallons for all services outside the city limits..... \$0.0039
per gallon

15-113. SAME; WATER UTILITY CHARGE. (a) There shall be assessed against every water customer in the city an assessment in the amount of \$3.00 per water customer per month which is to be used for the cost of the maintenance of the swimming pool, as part of the water utility fund.”

- (b) For the purpose of this section “Water Customer” is defined as follows:
 - (1) Persons or a single person who are residents of the city who maintain a home of living quarter of any kind of size in which water is used, except that individual ordinarily defined as roomers who are not being furnished cooking facilities or use of a common kitchen are not included herein.
 - (2) All commercial establishments with city water utility connections and all school or governmental institutions.
- (c) The swimming pool facilities in the city shall be a part of the water utility service of the city.
(Ordinance 919 – 8/04/2003)

15-114. REQUIRING BACKFLOW PREVENTERS TO PREVENT CONTAMINATION OF THE POTABLE WATER OF THE CITY OF CIMARRON, AND TO PROHIBIT IMPROPER CROSS-CONNECTIONS BETWEEN THE PUBLIC WATER SUPPLY AND OTHER WATER SOURCES. (Ordinance 841 – 11/01/1988)

Section 1 – Cross-Connection Prohibited. No person, company, corporation, or institution shall establish or permit to be established or maintain or permit to be maintained, any cross-connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the City of Cimarron may enter the

supply and distributing system of the municipality, unless specifically approved by the Kansas State Department of Health & Environment and the City Council of the City of Cimarron.

Section 2 – Protective Backflow Devices Required. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may be pulled into the potable water supply piping following a reduction in pressure in the city piping. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage or polluted water into the system shall be improper and must be protected by approved backflow preventer valves and systems.

Section 3 – Inspection. The city utility superintendent or other designate of the City Council of the City of Cimarron shall have the right of entry into any building or premises in the City as frequently as necessary in his judgment in order to ensure that plumbing has been installed in a manner as to prevent the possibility of pollution of the water supply of the City.

Section 4 – Protection From Contaminants. Pursuant to the authority given under Home Rule Powers and K.S.A. 65-163a, the City of Cimarron, by its utility superintendent, may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until the condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross-connections or backsiphonage condition is such as to create an emergency danger of pollution to the potable water of the City of Cimarron.

Section 5 – Right To Hearing In Emergency. If the owner of the premises considers the termination of water service or refusal of water service to be unjust, the owner, lessor, or maintainer of the premises may appeal the decision of the city utilities superintendent to the City Council of the City of Cimarron by filing with the City Clerk a request for a public hearing. A public hearing will be held by the City of Cimarron Council within a reasonable time.

Section 6 – Right to Hearing in Non-Emergency. In the event that termination of water service or refusal to deliver water is not an emergency situation, the City Council of the City of Cimarron is authorized and directed to discontinue or refuse to provide water service after reasonable notice to the occupant that he is entitled to a hearing before the Council if he requests one to determine if his water use will contaminate the water supply of the City of Cimarron.

REGULATIONS REGARDING BACKFLOW AND BACKSIPHONAGE. (Ordinance 848 – 01/08/1090)

Section 1. Ordinance No. 841 shall be enlarged by the addition of the following totally new section: Section 8 – INCORPORATION BY REFERENCE. There is hereby incorporated by reference for the purpose of regulating cross connections between the public water supply and any source of contamination that certain manual adopted by the Governing Body of the City of Cimarron known as, “MANUAL OF REGULATIONS REGULATING BACKFLOW AND BACKSIPHONAGE OF CONTAMINANTS DUE TO CROSS CONNECTION FOR THE CITY OF CIMARRON PUBLIC WATER SUPPLY.” No fewer than three copies of said manual shall be marked or stamped, “Official Copy as Adopted by Ordinance Number 848” and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

- 15-115. THE DECLARATION OF A WATER WATCH, WARNING OR EMERGENCY; ESTABLISHING PROCEDURES AND VOLUNTARY AND MANDATORY CONSERVATION MEASURES; AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE REGULATIONS; AND PRESCRIBING CERTAIN PENALTIES. (Ordinance 882 – 9/08/1997)

Section 1. Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present or supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

Section 2. Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

Section 3. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 2, the mayor (of the city manager) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

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

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

Section 4. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section 2, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge).

Section 5. Regulations. During the effective period of any water supply emergency as provided for in Section 2, the mayor (of city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 6. Violations, Disconnections, and Penalties.

- (a) If the mayor, city clerk, water superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 3 or 5 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:
 - (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled

before the City governing body or a city official designated as a hearing officer by the governing body;

- (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered.
- (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
 - (b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.
 - (c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be fine not to exceed \$100.00. The penalty for a second or subsequent conviction shall be a fine not to exceed \$200.00.

Section 7. Emergency Termination. Nothing in this ordinance 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.

Section 8. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

ARTICLE 2. ELECTRIC

- 15-201. **ALL ELECTRICITY TO BE METERED.** All electricity furnished by the electrical distribution system of the city shall be measured by meters furnished by the city for that purpose. (Code 1961, 15-201)
- 15-202. **EVERY PREMISE TO HAVE SEPARATE CONNECTION.** Unless special permission is granted by the superintendent of utilities, each premise shall have a separate and distinct service connection. (Code 1961, 15-202)
- 15-203. **APPLICATION FOR SERVICE.** Any person, firm or corporation desiring a connection with the electrical distribution system of the city shall apply in writing to the city clerk on a form furnished for that purpose and pay to the city clerk a sum equal to the actual cost of the meter. (Code 1961, 15-203)

15-204. **SERVICE CONNECTION.** No connection shall be made to the electric distribution system of the city until a permit therefore shall have been issued by the city clerk. The superintendent of utilities shall inspect all inside wiring to be connected to the electric distribution system and shall endorse his or her approval or disapproval on the application. If the superintendent of utilities shall endorse his or her approval on the application, the city clerk shall issue a permit therefore. (Code 1961, 15-204)

Electric Service will be extended only at the expense of those requesting service, including poles, power lines, and transformers to the extent necessary to completely span the entire tract to be served. (Ordinance 894 – 11/08/1999)

15-205. **TURNING ON ELECTRIC CURRENT WITHOUT AUTHORITY.** It shall be unlawful for any person or persons, from whose premises the electric current shall have been turned off for any violation of this article or for nonpayment of bills, to turn on or cause to be turned on any electric current without authority from the superintendent of utilities. (Code 1961, 15-205)

15-206. **ACCESS TO PROPERTY.** The superintendent of utilities, his or her assistants or any person authorized by him or her or the mayor shall have the right of access at all reasonable hours to any premises connected to the city electric distribution system for the purpose of reading meters, inspecting the location and condition of all wiring and fixtures therein, and seeing that the rules and regulations of this article are being observed. It shall be unlawful for any person to prevent, hinder or delay the superintendent of utilities, his or her assistants or other person authorized by him or her in the discharge of their duties under the provisions of this section. (Code 1961, 15-206)

15-207. **INJURING PROPERTY.** It shall be unlawful for any person to unlawfully or wantonly injure, destroy or deface any building or other property belong to the electric distribution system, or to cut, break or pull up any tree, plant or shrub situated upon such property. Any person violating the provisions of this section, shall, upon conviction thereof, be fined in any sum not exceeding \$100, or be imprisoned not to exceed 30 days, or be both so fined and imprisoned. (Code 1961, 15-207)

15-208. **RATES; SCHEDULE R-1 – CITY RESIDENTIAL – (Ordinance 878 – 7/01/1996)**

- (a) Availability: All territory served by the city. For all electric service supplied to one customer through one metering point, and to be used exclusively for domestic purposes. Service is for exclusive use of customer, and is not to be resold or shared with others.

Where two or more dwelling units such as duplexes, apartments, and trailer homes, each having separate kitchen facilities, are served through one meter, Schedule R-1 may be applied by multiplying the KWH blocks by the number of dwelling units served, or at the option of the city, Schedule CSP-1 will be applied.

Where more than four rooms in a residence are rented, or are available for rent, such residence shall be considered a commercial rooming house, and billed on Schedule CSP-1.

Residential Schedule R-1 is not available to residential premises used for commercial purposes; however, if the customer's wiring is so arranged that electric service for domestic and non-domestic purposes can be metered separately, then Schedule R-1 applies to that portion used for domestic purposes.

(b) Character of Service: Alternating current, single phase, approximately 60 cycles, and at voltage the city has available for service required.

(c) Monthly Rate:

7.3¢ per KWH for the first 100 KWH

4.1¢ per KWH for all over 100 KWH

(c) Minimum Charge: \$5.00 per month, for which customer may use 50 KWH. In the event the same customer orders a disconnection or reconnection of electric service at the same premises within a period of 12 months, the city shall collect as a reconnection charge, the sum of such minimum bills as would have accrued during period of disconnection. (Ord. 720, Sec. 1)

15-209. SAME; SCHEDULE CSP-1 – COMMERCIAL AND SMALL POWER SERVICE.

(Ordinance 878 – 7/01/1996)

(a) Availability. All territory served by the city. For electric service supplied to one customer conducting a gainful enterprise through one meter, and show demand is less than 10 KW per month. Service is for exclusive use of customer, and is not to be resold or shared with others.

(b) Character of Service: Alternating current, approximately 60 cycles, single phase or three phase, 120/240 volts, 4-wire delta, 120/208 volts, 4-wire wye, 240 volts, 3-wire delta, or at the voltage and phase the city has available for service required.

(c) Monthly Rate:

7.0¢ per KWH for the first 100 KWH

3.8¢ per KWH for the next 900 KWH

3.5¢ per KWH for all used above 1000

(d) Minimum Charge: \$8.50 per month, for which customer may use 50 KWH. In the event the same customer orders a disconnection or reconnection of electric service at the same premises within a period of 12 months, the city shall collect as a reconnection charge the sum of such minimum bills as would be accrued during period of disconnection. (Ord. 720, Sec. 1)

15-210. SAME; SCHEDULE LP-1 – LARGE POWER. (Ordinance 878 – 7/01/1996)

- (a) Availability: All territory served by the city. For electric service supplied to one customer whose demand is higher than 99 KW per month. Service is for exclusive use of customer, and is not to be resold or shared with others.
- (b) Character of Service: Alternating current, approximately 60 cycles, single phase or three phase, 120/240 volts, 4-wire delta, 120/208 volts, 4-wire wye, 240 volts, 3-wire delta, or at the voltage and phase the city has available for service required.
- (c) Demand Charge: The demand charge is \$11.00 per KW per month for all KW used. The billing demand shall be the maximum indicated or recorded 15 minute demand during the month.
- (d) Monthly Rate: 1.5¢ per KWH for all energy used per month.
- (e) Minimum Charge: The minimum shall be \$5.00 for each KW over 10 KW of the highest demand during the months of June, July, August, or September. In the event the customer orders a disconnection and reconnection of electric service at the same premises within a period of 12 months, the city may collect as a reconnection charge the sum of such minimum bills as would be accrued during period of disconnection. (Ord. 720, Sec. 1; Ord. 763. Sec. 1)
- (f) Applicable: To all electric service of a single character supplied at one point of deliver and used for general purposes, institutions, public or private, and purpose for which no specific rate schedule is provided. This schedule is not applicable to temporary, break-down, standby, supplementary, resale or share service. This rate is applicable to service to 99 KW of Demand and over.
- (g) Power Factor: If the average power factor for the month (determined at the Company's option by permanent measurement or by test under normal operating conditions) is less than 85%, the demand will be adjusted by multiplying by 85% and dividing by the average power factor expressed in percent.
- (h) Contract Period: Not less than one year for any service covered under the rate.

15-211. SAME SCHEDULE MP-1 – MEDIAN POWER. (Ordinance 878 – 7/01/1996)

- (a) Availability: All territory served by the City of Cimarron. For electric service supplied to one (1) customer whose demand is higher than 10 KW to 99 KW. Service is for exclusive use of customer, and is not to be resold or shared with others.
- (b) Character of Service: Alternating current, approximately 60 cycles, single phase or three phase, 120/240 volts, 4-wire delta, 120/208 volts, 4-wire wye, 240 volts, 3-wire delta, or at the voltage and phase the city has available for service required.
- (c) Demand Charge: \$6.00 per KW per month for all KW. The billing demand shall be the maximum indicated or recorded fifteen minute demand during the month.

- (d) Monthly Rate: 1.5¢ per KWH for all energy used per month.
- (e) Minimum: The minimum shall be \$5.00 for each KW over 10 KW of the highest demand during the months of June, July, August or September. In the event the customer orders a disconnection and reconnection of electric service at the same premises within a period of twelve months, the City may collect as a reconnection charge the sum of such minimum bills as would have accrued during period of disconnection.
- (f) Applicable: To all electric service of a single character supplied at one point of delivery and used for general business or commercial purposes, institutions, public or private, and purpose for which no specific rate schedule is provided. This schedule is not applicable to temporary, breakdown, standby, supplementary, resale of share service. This rate is applicable to service to 10 KW of Demand.
- (g) Power Factor: If the average power factor for the month (determined at the Company's option by permanent measurement or by test under normal operating conditions) is less than 85%, the demand will be adjusted by multiplying by 85% and dividing by the average power factor expressed in percent.
- (h) Contract Period. Not less than one year for any service covered under the rate.

ARTICLE 3. SEWER USE REGULATIONS

15-301. **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°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 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.
- (f) Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (g) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (h) Person shall mean any individual, firm, company, association, society, corporation or group.
- (i) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- (j) Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.28 centimeters) in any dimension.
 - (k) Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
 - (l) Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
 - (m) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.
 - (n) Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
 - (o) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
 - (p) Sewer shall mean a pipe or conduit for carrying sewage.
 - (q) Shall is mandatory; May is permissive.
 - (r) 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 15 minutes more than five times the average 24 hour concentration or flows during normal operation.
 - (s) Storm Drain (sometimes termed 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.
 - (t) Superintendent shall mean the superintendent of sewage works and/or water pollution control or the authorized deputy, agent, or representative.
 - (u) Suspended Solids shall mean solids that either float on the surface or, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
 - (v) Watercourse shall mean a channel in which a flow of water occurs either continuously or intermittently.
- (Ord. 756, Art. 1)

15-302. **UNLAWFUL DEPOSITS.** 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 or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste. (Ord. 756, Art. 2)

15-303. **PROHIBITED DISCHARGES.** It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this article. (Ord. 756, Art. 2)

15-304. **PRIVYS, SEPTIC TANKS.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 756, Art. 2)

15-305. 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 or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line. (Ord. 756, Art. 2)

The cost of sewer main extension and laterals shall be at landowner expense. Before sewer laterals can service a lot or tract, the sewer main must extend to the area being served so that the next landowner can connect a main. As an alternative, a sewer district with a system of sewer mains can be approved by both the City and the Kansas Department of Health and paid for by the landowner. (Ordinance 894 – 11/08/1999)

15-306. PRIVATE DISPOSAL SYSTEM. Where a public sanitary or combined sewer is not available under the provisions of section 15-305, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 756, Art. 3)

15-307. SAME; PERMIT. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the city clerk after approval by the city council. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement with duplicate plans, specifications, and other information as are deemed necessary by the city council. A permit and inspection fee of \$10 shall be paid to the city at the time the application is filed. (Ord. 756, Art. 3)

15-308. SAME, INSPECTION. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He or 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 24 hours of the receipt of notice by the superintendent. (Ord. 745, Art. 3)

15-309. SAME; SPECIFICATIONS. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Kansas Department of Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 22,500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 756, Art. 3)

15-310. SAME; CONNECTION TO PUBLIC SEWER. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided

- 15-311. **SAME; OPERATION.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 756, Art. 3)
- 15-312. **SAME; REQUIREMENTS OF HEALTH OFFICER.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Gray County health officer. (Ord. 756, Art. 3)
- 15-313. **CONNECTIONS, PERMITS.** 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 city clerk. (Ord. 756, Art. 4)
- 15-314. **SAME; APPLICATION FEE.** There shall be two classes of building sewer permits:
- (a) For residential and commercial service, and
 - (b) For service in 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 with duplicated plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of \$10 for an industrial building sewer permit shall be paid to the city at the time the application is filed. (Ord. 756, Art. 4)
- 15-315. **EXPENSES, DAMAGE.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 756, Art. 4)
- 15-316. **SEWER FOR EACH BUILDING.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 756, Art. 4)
- 15-317. **OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found on examination and test by the superintendent, to meet all requirements of this article. (Ord. 756, Art. 4)
- 15-318. **SPECIFICATIONS.** The size, slope, alignment, materials or 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 S.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 756, Art. 4)

- 15-319. **ELEVATION.** (a) 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 drain shall be lifted to approved artificial means and discharged into the building sewer. The use of any pumping equipment, for which cross connections of a public water supply system are needed, is prohibited. (Ord. 756, Art. 4)
- 15-320. **CONNECTION STANDARDS.** The connection of the building sewer into the public 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. All building laterals shall be tapped in the top of the city main. (Ord. 756, Art. 4; Code 1986)
- 15-321. **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 or a designated representative. (Ord. 756, Art. 4)
- 15-322. **BARRICADES, LIGHTS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 756, Art. 4)
- 15-323. **DOWNSPOUTS, DRAINS.** No person shall make connections of roof downspouts, exterior and interior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer. (Ord. 756, Art. 4)
- 15-324. **SANITARY SEWERS.** No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 756, Art. 5)
- 15-325. **STORM SEWERS.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the city clerk or the superintendent to a storm sewer or natural outlet. (Ord. 756, Art. 5)

DESIGNATING CURBS AND GUTTERS CONSTRUCTED WITHIN THE BOUNDARIES OF THE CITY AS A PART OF THE CITY'S STORM WATER COLLECTION AND DRAINAGE SYSTEM. (Ordinance 907 – 1/10/2001)

SECTION 1. Designation of Curbs and Gutters. It is hereby found and determined to be advisable in the in the best interests and for the general health and welfare of the public, that all curbs and gutters within the boundaries of the City of Cimarron, Kansas (hereinafter the “City”), from and after the date of adoption hereof, shall be and hereby are determined to be necessary for the purpose of carrying away excess storm water which accumulates on the surfaces of the streets, avenues, roads, highways, trafficways, alleys, overpasses, underpasses, culverts and bridges located within the City; and as such, are hereby declared and designated to be a part of the City's storm water collection and drainage system. (Ordinance 907 – 1/10/2001)

- 15-326. 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 mg/1 as CN in the wastes as discharged to 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 or 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, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (Ord. 756, Art. 5)

- 15-327. SAME; DISCRETION OF SUPERINTENDENT. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process of equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance in forming his or her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity 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 150°F (65°C).
- (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperature between 32 and 150°F (0 and 65°C).
- (c) Any garbage that has not been properly treated. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) 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.
- (j) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amendable 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.
- (k) Any waters or wastes having:
 - (1) A five-day BOD greater than 300 parts per million by weight, or
 - (2) Containing more than 350 parts per million by weight or suspended solids, or
 - (3) Having an average daily flow greater than two percent 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 or her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million by weight, or
- (2) Reduce the suspended solids to 350 parts per million by weight, or
- (3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. 756, Art. 5)

15-328. SAME; PROCEDURE. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-229 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 to constitute a public nuisance, the superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-323 of the article.

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. (Ord. 756, Art. 5)

15-329. 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 capability approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 756, Art. 5)

15-330. PRELIMINARY TREATMENT. Where preliminary treatment for 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 or her expense. (Ord. 756, Art. 5)

15-331. MANHOLES. 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 or her expense and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 756, Art. 5)

- 15-332. **TESTING.** All measurements, tests and analyses 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 Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of 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 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.) (Ord. 756, Art. 5)
- 15-333. **INDUSTRIAL WASTE.** No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 756, Art. 5)
- 15-334. **DAMAGING SEWERS.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. (Ord. 756, Art. 6)
- 15-335. **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 purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point of having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 756, Art. 7)
- 15-336. **SAME; DAMAGE, LIABILITY.** While performing the necessary work on private properties referred to in section 15-335 above, 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 15-331. (Ord. 756, Art. 7)
- 15-337. **EASEMENT.** The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private prop-

erties through which the city holds a duly negotiated easement for the purposes of, but not limited, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 756, Art. 7)

- 15-338. VIOLATIONS. (a) Any person found to be violating any provision of this article except section 15-334 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) above shall be guilty of a violation of this article and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. Each 24 hour period in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.
- (Ord. 756, Art. 8)

ARTICLE 4. SEWER SERVICE CHARGES

- 15-401. PURPOSE. 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, maintaining and retiring the debt for such public wastewater treatment works. (Ord. 757, Art. 1)
- 15-402. 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°C, expressed in milligrams per liter (mg/l).
- (b) Normal Domestic Wastewater shall mean wastewater that has a BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 200 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 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.

- (e) Residential Contributor shall mean any contributor to the city's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.
 - (f) Shall is mandatory; May is permissive.
 - (g) SS (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
 - (h) 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 included 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 or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.
 - (i) Useful Life shall mean the estimated period during which a treatment works will be operated.
 - (j) User shall include without limitation the owner or occupant of any dwelling, dwelling unit, residence of any kind or size, or commercial building. (Ordinance 929 – 4/05/2004)
 - (k) 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. (re-numbered by Ordinance 929 – 4/05/2004)
 - (l) Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city. (re-numbered by Ordinance 929 – 4/05/2004)
- (Ord. 757, Art. 2)

- 15-403. **USER CHARGE SYSTEM.** (a) 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 use charge system. That portion of the total use charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this article.
- (b) That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in 15-404, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

- (1) An account designated for the specific purpose of defraying operation 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 monthly from the operation, maintenance and replacement revenue in the amount of \$5,180 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 year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the use charge rates for operation, maintenance and replacement. The use charge shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.
- (Ord. 757, Art. 3)

- 15-404. RATES. (a) Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meters acceptable to the city.
- (b) (1) 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 or her monthly user charge shall be the median charge of all other residential contributors.
- (2) 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 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 meter installed and maintained at the contributor's expense, and in a manner acceptable to the city.
- (c) The minimum charge per month shall be \$7.00. In addition, each contributor shall pay a user charge rate for operation and maintenance of \$0.65 per 1,000 gallons of water as determined in this Article and an additional \$0.55 per 1,000 gallons of water for replacement and improvement. (Ordinance 962 – 07/09/2007)
- (d) For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal use charge will be collected. The surcharge for operation and maintenance including replacement is:
- (1) \$0.1417 – per pound BOD
 - (2) \$0.1417 – per pound SS
- (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 governing body.

- (f) The user charge rates established in this article apply to all users of the city's treatment works.

(Ord. 757, Art. 4; Ord. 791, Sec. 1)

- 15-405. BI-ANNUAL REVIEW; NOTICE. (a) The city will review the user charge system bi-annually 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.
- (c) The city will notify each user at least annually, in conjuncture with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.

(Ord. 757, Art. 6)

ARTICLE 5. SOLID WASTE

- 15-501. DEFINITIONS. The following terms used in this article shall have the following meanings and definitions.

- (a) Garbage shall mean waste from the preparation, cooking and consumption of food, market and uses. Waste from handling, storage and sale of produce.

- (b) Trash:

- (1) Combustible: Paper, cartons, boxes, barrels, wood and excelsior, tree branches (not to exceed five foot in length and not more than seven inches in diameter and of otherwise manageable size to be handled by one man), yard trimming, wood furniture, bedding, objects and articles usually defined as trash.
- (2) Noncombustible: Metals, tin cans, metal furniture, small quantities of dirt and rock not to exceed one square yard of either, pieces of concrete, glass, crockery, and other objects and articles of discard usually defined as trash.
- (3) Resident: Cold ashes from fires used for cooking, heating and burning of combustibles.
- (4) Trash shall not include for the purpose of this article not intended to be covered herein are such items as earth and waste from building operations, solid waste resulting from industrial processes, large and unwieldy objects requiring lever, jack or hoist to move, excessive tree limbs or portions thereof and any objects generally not considered garbage and trash by common usage and custom.

(Ord. 713, Sec. 1)

- (c) Residence or residential establishment shall mean a dwelling, dwelling unit, residence of any kind or size from which garbage, trash, or solid waste accumulates or results from occupancy thereof and which has a connection to the city electrical service. (Ordinance 930 – 4/05/2004)

- (d) Commercial or commercial establishment shall mean an individual, partnership, corporation, limited liability company, trust, or other entity operating or maintaining a business carried on for profit and all eleemosynary enterprises, religious institutions and others having a connection to the city electrical service. (Ordinance 930 – 4/05/2004)
- (e) Collector shall mean any authorized person or persons who collect garbage and trash as herein defined and shall be authorized and have an exclusive authority to haul garbage and trash in the City of Cimarron.
- (f) Surroundings shall mean an area around place of residence, living quarters, commercial establishments, including out buildings, sheds, barns and garages.

15-502. DUTY OF OWNER OR OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article and shall accept the services of the collector as herein provided and pay the charge as herein provided. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within any structure and shall keep the surroundings clean unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Ord. 699, Sec. 3)

15-503. CONTAINERS. Containers shall not have a capacity of more than 35 gallons, unless they are mechanized for non-manual loading and are approved by the collector for his or her machinery. Containers shall be of galvanized iron or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic trash bags are not approved unless placed in a container as described herein, unless the plastic trash bag contains only lawn clippings, weeds, leaves or paper products clean of food or animal waste. (Ord. 800, Sec. 3)

15-504. MISCELLANEOUS WASTE. (a) Trees less than seven inches in diameter, branches and shrubbery trimmings shall be securely tied in bundles which shall not exceed 18 inches in diameter nor 48 inches in length and shall not, regardless of any size, exceed 50 pounds in weight.

(a) Books, magazines and newspaper may be securely tied in bundles or placed in disposable containers in lieu of placing in an approved container. Such bundle or container and contents shall not exceed a weight of 50 pounds. No trash other than books, papers, magazines or lawn clippings, shall be placed in cardboard containers. All trash and garbage must be in containers as herein defined or bundles as described in this section. Refuse placed in an improper container shall not be collected. Rocks, dirt, sod, concrete or building materials are not considered normal household wastes and will not be removed.

(Ord. 699, Sec. 5)

15-505. DISTRIBUTING CONTAINERS. Refuse materials, when placed in containers by the occupants or owners of the premises upon which the same are located, shall be subject to the exclusive control of the city, its agent or contractors and no person shall

meddle with refuse containers or in any way pilfer or scatter the contents thereof.
(Ord. 699, Sec. 6)

15-506. BURNING. (a) Residential. There shall be no burning in any container used as a trash or garbage container. Only cold ashes are allowed in any container picked up by the collector for hauling to the sanitary landfill. Incinerators may not be emptied by the collector.

(b) Commercial. There shall be no burning or trash or garbage from a commercial establishment.

(Ord. 699, Sec. 7)

15-507. RIGHT OF ENTRY. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 699, Sec. 8)

15-508. HAULING. It shall be unlawful for any individual, person, corporation, firm or partnership to haul garbage or trash for hire, service, or consideration of any kind unless such individuals, person, corporations, firm, or partnership are operating under a contract with the city, provided that, periodic cleanup of items not defined herein as trash and garbage such as furniture, appliances and construction waste may be hauled by owner or at his or her expense and direction. (Ord. 699, Sec. 9)

15-509. NUISANCE. It shall be unlawful for any person or persons to transport on the streets of the city any garbage or trash in a manner causing a nuisance or in an unsightly or unsanitary manner. (Ord. 699, Sec. 10)

15-510. FUNDING. In the event the funds provided by the solid waste collection rates are insufficient to properly maintain a collector carry out the intents and purposes of this article, the city clerk is hereby authorized to include in the next annual levy, a levy of one mill on all taxable property in the city for the purpose of compliance of this article. (Ord. 699, Sec. 11)

15-511. PROHIBITED PRACTICES. It shall be unlawful for any person, form or corporation to:

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

(b) Interfere in any manner with employees or the city or its contractor in the collection of solid wastes.

(c) Burn solid waste in any container to be picked up or emptied by the collector.

(d) Dispose of solid waste in an unapproved site.

(Ord. 699, Sec. 12)

15-512. RATES. (a) For the purpose of this section, the following shall mean:

(1) Residential – One pick up per week.

(2) Commercial –

Class 1 – One collection per week.

Class 2 – Two collections per week.

Class 3 – Three collections per week.

- (b) Collection services shall be classified according to the amount of solid waste, trash and garbage generated as determined by the collector. Changes in classification may be made by the collector provided he or she gives the individual or the city notice of the change in classification 30 days prior to the effective date of the change. Disputes concerning classification shall be resolved by the governing body.
- (c) It shall be the obligation of the collector to collect the solid waste, garbage and trash according to the requirements of each classification as above set out.
- (d) The following charges will be collected by the City from each category. Bills will be mailed each month. (Ordinance 942 – 10/03/2005)
 - (1) Residential - \$13.80 per month.
 - (2) Commercial - Class 1-\$21.85 per month.
Class 2 - \$39.10 per month.

ARTICLE 6. BILLING AND ACCOUNTING PROCEDURES

15-601. DEPOSITS AND GUARANTEES. (a) A security deposit in the sum of the greater of \$150 or the projected utility bill for two months shall be required of all applicants for residential utility service of the city at the time of application for service to guarantee payment of all utility bills of the city including but not limited to water, trash, sewer, electrical, and pool. If the applicant is both a resident and owner or purchaser of the real estate to be served, this deposit may, at the discretion of the City Clerk, be waived. In exercising such discretion, the City Clerk shall take into account the applicant's credit history with the City, the applicant's credit history with third parties, and the historical average or projected utility bills for the facility to be served. (Ordinance 937 – 2/07/2005)

- (b) If the applicant is a business or industry, the security deposit shall be in an amount set by the City Clerk taking into account the applicant's credit history with the City; the applicant's credit history with third parties; and the historical average or projected utility bills for the facility to be served. (Ordinance 937 – 2/07/2005)

15-602. DISCONTINUANCE AT REQUEST OF CUSTOMER. Upon discontinuance of utility service at the demand of the customer, his or her deposit shall be refunded by the city, together with any interest accrued thereon to date, less any amount due and owing the city for services rendered. The city shall have the right to set off for any bills or amount due the city before the customer shall receive the remainder of his or her deposit. (Ord. 742, Sec. 2)

15-603. BILLING. All utility bills shall be due and payable at the office of the city clerk on the first day of the month for utilities used during the preceding month. A penalty of 10 percent shall be added to all bills not paid on or before the 20th day of the month, and if

not paid by the 30th day of the month, utility service shall be discontinued. (Ord. 742, Sec. 2)

15-604. **TERMINATION OF SERVICE FOR NON-PAYMENT.** A delinquency and termination notice shall be issued after the 25th day of the month for bills not paid to the city clerk by that date. The delinquency and termination notice shall provide the customer of record with the following information:

- (a) The amount due on the unpaid balance;
- (b) The customer's right to a hearing before the governing body members appointed to the water and electrical standing committee;
- (c) Notice that service will be terminated on the second day of the upcoming month if the bill remains unpaid. Notice shall be sent by ordinary mail to the address given by the customer to the city clerk. It is the customer's duty to advise of any changes in mailing address. If the customer of record is not the occupant of the property, then the city will provide similar notification to the occupant if they have been made aware that such an occupant exists.

(Ord. 742, Sec. 2)

15-605. **CUSTOMER REQUEST FOR HEARING.** The city shall provide an administrative hearing for those customers that request such a hearing provided that the hearing request shall be made to the city clerk no later than three working days before the date of the discontinuance. Such hearing will be conducted by one or more of the following representatives of the city: The councilmembers on the water and electrical standing committee. The department is authorized to discontinue and disconnect electrical and water services for any customer who shall be delinquent by 10 days after the 20th due date in the payment of bills. (Ord. 742, Sec. 2)

15-606. **DISCONNECTION AND RECONNECTION FEES.** If the water or electrical service is terminated for nonpayment, a charge of \$50 will be added to the amount due as a disconnection fee. If the service is restored, there shall be an additional \$50 charge for restoring service, and this amount shall be due along with the said disconnection fee prior to restoration of water or electrical service. (Ordinance 920 – 2/02/2004)

15-607. **LIABILITY OF OWNER; LIEN.** (a) All city customers whose premises receive city utility services including but not limited to trash, water, sewer, and electricity, receive bills showing the charge for such services monthly. As an alternative or in addition to other ordinances providing for termination of service for failure of customers to pay such bills, any bills of customers who are also legal or equitable owners of the premises serviced that remain unpaid for a period of 60 or more days after the date upon which they were billed, may be collected as provided for in this section.

- (b) At least once a year the governing body shall cause to be prepared a report of delinquent fees. The governing body shall fix a time, date, and place for hearing the report and any objections or protests thereto.
- (c) The governing body shall cause notice of the hearing to be mailed to the property owners listed on the report not less than 10 days prior to the date of the hearing.

- (d) At the hearing the governing body shall hear any objections or protests of property owners liable to be assessed for delinquent fees. The governing body may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
- (e) The delinquent fees set forth in the report as confirmed shall constitute assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county clerk for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county clerk of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All taxes applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such assessment.

(Ord. 764, Sec. 1:5)

15-608. ALLOWING FOR THE TEMPORARY EXEMPTION OF QUALIFYING RESIDENTIAL AND COMMERCIAL SITES FROM LIABILITY FOR USER CHARGES IN CONNECTION WITH THE CITY OF CIMARRON'S WASTEWATER TREATMENT FACILITIES. (Ordinance 927 – 2/02/2004)

1. Definition of “Qualifying Residential Site.” A “qualifying residential site” is a) an unoccupied residence for which municipal water service is not being currently provided; or b) a residence which does not have a connection into the City of Cimarron’s sanitary sewer system.
2. Definition of “Qualifying Commercial Site.” A “qualifying commercial site” is a building which does not have a connection into the City of Cimarron’s sanitary sewer system.
3. Application for Exemption. The owner or occupant of a qualifying residential site or a qualifying commercial site may apply to the City for exemption from the charges associated with use of the City’s wastewater treatment facilities.
4. Consideration and Approval of Applications. The Governing Body shall consider each application for exemption and, if approved, issue a certificate of exemption for a period which shall end upon the earlier to occur of a) the cessation of status as a qualifying residential site or a qualifying commercial site; or b) two years.

15-609. LEVELIZED UTILITY PAYMENT PROGRAM OPTION. (Ordinance 880 – 4/07/1997)

Section 1. The City of Cimarron offers a levelized payment option which allows utility customers to pay the same amount every month toward City utilities for a period of one

year. The amount owed will not differ ultimately from that owed if the customer had not elected even pay. (Ordinance 880 – 4/07/1997)

Section 2. In order to be eligible to elect a levelized payment option, an existing customer must have a good credit history with the City of Cimarron. If the customer is new, such customer must have made a minimum of twelve (12) monthly payments with the City of Cimarron with no delinquent payment during such time before the levelized payment option may be elected. (Ordinance 898 – 4/03/2000)

Section 3. A customer using the levelized payments must pay all utility payments before the delinquent date. In the event of a late payment, the City shall have the right to terminate the agreement and revert the account to regular pay and the account will be settled. The City will collect the penalty payment shown on the customer's billing. The City will advise the customer that even payment has ended and that the balance shown on the next billing must be paid in full. (Ordinance 880 – 4/07/1997)

Section 4. The levelized payment amount will be determined by the City Clerk based upon the last 12 month usage by the customer. Estimated amounts may be added or deducted by the City Clerk based upon anticipated lesser or greater use, increased utility rates and other estimates made at the discretion of the City Clerk. The levelized payment amount will be the previous 12 month's billings plus the City Clerk's adjustment divided by 11. (Ordinance 880 – 4/07/1997)

Section 5. The City of Cimarron shall have the right to adjust the levelized payment with a minimum of thirty (30) days notice to the customer. If the adjustment is not agreeable with the customer, the levelized pay plan must be discontinued and the amount settled with a refund check or with a debit balance due in full. (Ordinance 880 – 4/07/1997)

Section 6. At the end of the one year period, if the customer continues on the level pay program, the debit or credit balance will be used in the calculation of a new level pay amount. If the customer does not continue on the program, the following adjustments will be made: a credit balance will be applied to future bills or the customer can request a refund check; a debit balance will become due in full with the next utility bill. (Ordinance 880 – 4/07/1997)

Section 7. The one year period for the levelized utility payment program begins only with the bills sent on or about November 1 of each year. No other date can be used to start on the levelized payment program. The customer must elect the plan by October 1st to be in the level payment program. (Ordinance 880 – 4/07/1997)