

ORDINANCE NO. 1579

AN ORDINANCE AMENDING CHAPTER XV, UTILITIES, ARTICLE 6, SEWERS, OF THE CODE OF THE CITY OF COLBY, KANSAS; INCREASING CONSUMER AND USER CHARGES; AND REPEALING ORDINANCE NO. 1565, DATED DECEMBER 15, 2015.

WHEREAS, the City of Colby, County of Thomas, Kansas, has in existence a wastewater treatment works;

WHEREAS, the City must pay all expenses associated with said treatment works and charge the users of said treatment works accordingly; and

WHEREAS, 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, replacing, extending, expansion, and debt retirement for such public wastewater treatment works.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY, OF THE CITY OF COLBY, THOMAS COUNTY, KANSAS:

SECTION 1. Chapter XV, Utilities, Article 6, Sewers, of the Code of the City of Colby, Kansas is hereby repealed.

SECTION 2. Chapter XV, Utilities, Article 6, Sewers, of the Code of the City of Colby, Kansas is hereby amended to read as follows:

ARTICLE 6. SEWERS

15-601. **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance 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°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.
- (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) Normal Domestic Wastewater - shall mean wastewater that has a BOD concentration of not more than 300 mg/l, a suspended solids concentration of not more than 350 mg/l and a fat, oil, or grease concentration of not more than 100 mg/l.
- (i) 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 treatment works to achieve the capacity and performance for which such works were designed and constructed.
- (j) Person - shall mean any individual, firm, company, association, society, corporation, or group.
- (k) pH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (l) Properly Shredded Garbage - shall mean the wastes from the preparation, cooking, and dispensing of foods 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 ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.
- (m) Public Sewer - shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (n) 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.

- (o) 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.
- (p) Sanitary Sewer - shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (q) Sewage - shall mean a combination of the water-carried wastes from residents, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (r) Sewage Treatment Plant - shall mean any arrangement of devices and structures used for treating sewage.
- (s) Sewage Works - shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (t) Sewer - shall mean a pipe or conduit for carrying sewage.
- (u) Shall - is mandatory; May - is permissive.
- (v) Slug - shall mean any discharge of water, sewage, or industrial waste which in concentrations of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (w) 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.
- (x) 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.
- (y) 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, wastewater collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extension, 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 storm water and sanitary sewer systems.

- (z) Useful Life - shall mean the estimated period during which a treatment works will be operated.
- (aa) User Charge - shall mean the wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement, extension and debt retirement of the wastewater treatment works.
- (bb) Watercourse - shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (cc) Water Meter - shall mean a water volume measuring and recording device, furnished and/or installed by the City of Colby or furnished and/or installed by a user and approved by the City of Colby.

15-602. UNLAWFUL ACTS.

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

15-603. CONNECTION REQUIRED. The owner of all houses, buildings or properties used for human employment, recreation, or other purposes, situated within the City of Colby 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 of Colby, 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 three hundred feet (300') (91.44 meters) of the property line.

15-604. PRIVATE SYSTEM; AUTHORIZATION; REQUIREMENTS.

- (a) Where a public sanitary or combined sewer is not available under the provisions of 15-603, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- (b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Director of Public Works/Utilities. The application for such permit shall be made on a form furnished by the City of Colby, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Director of Public Works/Utilities. A permit and inspection fee of Ten Dollars (\$10.00) shall be paid to the City of Colby at the time the application is filed.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Public Works/Utilities. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director of Public Works/Utilities when the work is ready for final inspection, and before any underground portions are covered. The inspections shall be made within twenty-four (24) hours of the receipt of notice by the Director of Public Works/Utilities.
- (d) 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 two (2) acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) At such time as a public sewer becomes available to a property serviced by a private sewage disposal system, as provided in Subsection (d), a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

- (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Colby.
- (g) No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Kansas Department of Health & Environment.
- (h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

15-605. SEWER CONNECTION PERMIT; REQUIREMENTS.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works/Utilities.
- (b) 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 of Colby. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director of Public Works/Utilities. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the City of Colby at the time the application is filed.
- (c) 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 of Colby from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building, except where one 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works/Utilities, to meet all requirements of this Article.

- (f) 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 of Colby. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (A.S.T.M.) and Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall apply.
- (g) 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.
- (h) No permit shall make connection of roof down spouts, interior and exterior 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 a public sanitary sewer.
- (i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City of Colby, 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 Director of Public Works/Utilities or his/her representative.
- (j) The applicant for the building sewer permit shall notify the Director of Public Works/Utilities when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Works/Utilities or his/her representative.
- (k) 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 of Colby.

15-606. DISCHARGE; REQUIREMENTS; ITEMS PROHIBITED; UNLAWFUL ACTS.

- (a) No person shall discharge or cause to be discharged any storm water, 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.
- (b) Storm water 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 Director of Public Works/Utilities. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director of Public Works/Utilities. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director of Public Works/Utilities, to a storm sewer, combined sewer, or natural outlet.
- (c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes,

cups, milk containers, etc., either whole or ground by garbage grinders.

- (d) No permit shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director of Public Works/Utilities 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 Director of Public Works/Utilities will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150)°F (65°C).
 - (2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director of Public Works/Utilities.
 - (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director of Public Works/Utilities for such materials.
 - (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Director of Public Works/Utilities as necessary, after treatment of

the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works/Utilities in compliance with applicable State and Federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
 - (A) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (C) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (D) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Any waters or wastes having (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) having an average daily flow greater than 2 percent of the average sewage flow of the City of Colby, shall be subject to the review of the Director of Public Works/Utilities. Where necessary in the opinion of the Director of Public Works/Utilities, the owner shall provide, at his 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 Director

of Public Works/Utilities and no construction of such facilities shall be commenced until said approvals are obtained in writing.

- 15-607. TREATMENT OF IMPROPER DISCHARGE. 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 15-606(d), and which in the judgment of the Director of Public Works/Utilities, 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 Director of Public Works/Utilities may:
- (1) Reject the wastes,
 - (2) Require pre-treatment 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 15-611.

If the Director of Public Works/Utilities permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director of Public Works/Utilities, and subject to the requirements of all applicable codes, ordinances and laws.

- 15-608. SAME; INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works/Utilities, 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 Director of Public Works/Utilities, and shall be located as to be readily and easily accessible for cleaning and inspection.

- 15-609 OWNER REQUIREMENTS; EXPENSES.
- (a) 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.

- (b) When required by the Director of Public Works/Utilities, 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 Director of Public Works/Utilities. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

15-610 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 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 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.)

15-611 SAME; EXCEPTIONS. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Colby and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Colby for treatment, subject to payment therefore, by the industrial concern.

15-612. UNLAWFUL DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of

the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

15-613. DIRECTOR OF PUBLIC WORKS; DUTIES; AUTHORITY.

- (a) The Director of Public Works/Utilities and other duly authorized employees of the City of Colby 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 Ordinance. The Director of Public Works/Utilities or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in Section (a) of this provision, the Director of Public Works/Utilities or duly authorized employees of the City of Colby 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 of Colby employees and the City of Colby shall indemnify the company against loss or damage to its property by the City of Colby 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 15-609.
- (c) The Director of Public Works/Utilities and other duly authorized employees of the City of Colby bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Colby 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.

15-614. VIOLATION; PENALTY.

- (a) Any person found to be violating any provision of this article except 15-612 shall be served by the City of Colby 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 Section (a) of this provision, 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 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 article shall become liable to the City of Colby for any expense, loss, or damage occasioned the City of Colby by reason of such violations.

15-615. SEWER SERVICE CHARGES. Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter(s) acceptable to the City.

- (a) 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 monthly user charge shall be the average charge of all other residential contributors.
- (b) For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City, or by filing a detailed report with the City and approved by the City which clearly indicates the expected amount of wastewater to be sewerred.
- (c) For contributors located within the city limits, the consumer charge per month shall be \$26.63 for the first 2,000 gallons of water used. In addition, each contributor shall pay a user charge rate or commodity charge of \$3.96 per 1,000 gallons of water above 2,000 gallons for operation, maintenance, replacement, extension and debt retirement with the quantity of water to be as determined in Subsections (a) and (b) above. No user shall pay less than \$26.63 in any month. For contributors located outside

the city limits, the charges shall be twice the charges for contributors located within the city limits.

- (d) 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 will be as determined by the treatment plant operator personnel and approved by the City Manager. This charge will be in addition to the standard user charges as established in Subsection (c) above.

15-616. SEWER CONNECTION FEES AND TAP FEES.

- (a) Anyone making a connection to a City sewer shall be charged a connection and a tap fee as established by this Article.
- (b) If the City extends the sewer system to accommodate the connection of the facilities, the owner or developer shall pay the actual cost of such extension in addition to the applicable connection charges.
- (c) Connection charges shall be at the rate of \$1.56 per gallon per average day of wastewater allowance from the property being served to go toward later expansion of the treatment plant when it becomes necessary. The flow upon which the connection charge is based shall be calculated by application of the following:

<u>Facility Type</u>	<u>Unit Flow</u>
(1) Residential, one-family dwelling	750 gallons per day per acre of land area
(2) Residential, two-family dwelling	1,500 gallons per day per acre of land area
(3) Apartments	0.10 gallons per day per square foot of finished floor space
(4) Commercial:	
(A) Small stores, offices and miscellaneous businesses excluding carwashes, laundro-	0.10 gallons per day per square foot of finished floor space

mats, and other facilities where the quantity of sewerage water is a major consideration.

(B) Shopping Centers 0.10 gallons per day per square foot of finished floor space

(5) Industrial

(A) Light industry, excluding wet industry and where the quantity of sewerage water is a major consideration. 0.14 gallons per day per square foot of finished floor space

Average daily flows for areas to be served but which are not included in the above categories shall be as determined by the City Manager or his/her representative.

- (d) The minimum fee based on the above shall be \$100.00.
- (e) The connection charge shall be paid prior to the connection to the main sewer line being completed.
- (f) Any connection made to an existing sewer will be made by the City and the customer will be charged a tap fee of \$100.00 in addition to the connection fee as established in this provision.

15-617 GENERATE ADEQUATE REVENUE. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and extension and costs associated with debt retirement of bonded capital associated with financing the treatment works and improvements.

15-618 SEWAGE DISPOSAL UTILITY FUND. The revenue derived from the charges for the use of the treatment works shall be placed in the city treasury and kept in a separate non-lapsing fund known as the Sewage Disposal Utility Fund, and shall not be paid out nor distributed except for the purpose of operating, maintaining and renewing the treatment works and the payment of the salaries of the employees engaged in operating said treatment works, and at any time there may be a surplus

in such fund, it shall be semi-annually placed in a sewage Disposal Depreciation Reserve Fund for the purpose of retiring the bonded indebtedness upon said treatment works, not primarily payable by special assessments against the property in a sewer district; provided, in the event that said Sewage Disposal Depreciation Reserve Fund shall be used to retire such outstanding bonds, the same shall be in addition to the money derived by the taxation for said retirement of such bonds as is now provided by law; provided further, that when the Sewage Disposal Depreciation Reserve Fund is not needed for any of the above mentioned purposes, said funds may be merged into the City's General Operating Fund.

- 15-619 **INACTIVE FUNDS; DEFINITION; INVESTMENT.** Funds in the Sewage Disposal Utility Fund which are not immediately required for the purpose of paying the cost of operation, maintenance, alteration, reconstruction, repair, improvement, extension or enlargement of the treatment works, and which are in excess of the amount required for the payment of one year's principal and interest in addition to the current year's principal and interest upon the revenue bonds issued on account of the construction and enlargement of said facility, are hereby declared to be inactive funds and the City Clerk/Finance Director of the City of Colby, Kansas is hereby authorized to invest said inactive funds in direct obligations of the United States government which mature or are redeemable without loss of principal within one year from the date of purchase, and the principal and interest whereof are guaranteed by the government of the United States, or to invest said inactive funds in the temporary notes of the said city issued pursuant to 10-123 of K.S.A.
- 15-620 **INTEREST RECEIVED.** All interest derived from the investment of such inactive funds shall be placed in and become a part of the regular Sewage Disposal Utility Fund.
- 15-621 **INACTIVE FUNDS. PART OF SEWAGE DISPOSAL UTILITY FUND.** The inactive funds so invested shall at all times remain in and a part of the Sewage Disposal Utility Fund and be subject to the provisions of Article 12, Chapter 10 of K.S.A. and to the requirements of all revenue bonds issued on account of the construction, enlargement, extension or improvement of said sewage disposal plant.
- 15-622 **BILL DUE AND PAYABLE; WHEN DUE.**
(a) All sewer service bills are due and payable at the office of the City Clerk on or before the 15th day of the month subsequent to the

month in which said sewer was used; and if not paid by the 15th of that month, a penalty of 10% shall be added. A delinquency and termination notice shall be issued within five (5) days after the bill is delinquent. The delinquency and termination notice shall provide the customer of record with the following information:

- (1) The amount due on the unpaid balance plus penalty;
 - (2) The customer's right to a hearing before the City Clerk or delegated representative; and
 - (3) Notice that service will be terminated in ten (10) days from the date the bill was due or the twenty-fifth (25th) of the month if the bill remains unpaid.
- (b) If the customer of record is not the occupant where utility service is provided, the office of the City Clerk may provide similar notification to the occupant, if known.
 - (c) A request for a hearing by a customer must be no later than one (1) working day before the shut-off date or the twenty-fifth (25th) day of the month.
 - (d) If the customer does not request a hearing, or does not appear at the time and date set by the City Clerk for such hearing, or it is determined to disconnect after the hearing, the City Clerk shall issue the order to disconnect the service.
 - (e) The City of Colby is authorized to discontinue and disconnect utility service for any customer who shall be delinquent in the payment of bills. Customers are responsible for furnishing the office of the City Clerk with their correct address for billing purposes.
 - (f) When a customer is leaving the premises where the service was used, the bill shall be due at once. When service is discontinued for non-payment of bills, a charge of \$20.00 will be made for re-connection of service. Service disconnected in case of non-payment of bills shall not be reconnected unless written arrangements are made with the City Clerk or delegated representative or until past due and accrued bills, together with all penalties, are paid. Written arrangements shall be allowed only once in each six (6) month period.

15-623

FAILURE TO PAY. LIENS. In the event any person, firm, or corporation, using said treatment works, neglects, fails or refuses to pay the charges fixed by said governing body, said person, firm, or corporation shall not be disconnected from said treatment works or refused the use thereof, but said charges due therefore, shall be by the

City Clerk certified to the County Clerk of Thomas County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collected, and shall become a lien upon the real property so served.

15-624 **USER CHARGE SYSTEM REVIEW.** The City will review the user charge system at least every two years, specify and revise user charge rates in order that the system generates adequate revenues to pay the costs of operation, maintenance, replacement, extension and debt retirement and that the system continues to provide for the fair and equitable distribution of same costs among users and user classes.

SECTION 3. REPEALER. Ordinance No. 1565 passed December 15, 2015 is hereby repealed.

SECTION 4. This Ordinance shall take effect and be in force from and after February 20, 2017.

PASSED by the Governing Body and approved by the Mayor this 6th day of December, 2016.

Gary L. Adrian, Mayor

ATTEST:

Joni L. Ketchum, City Clerk