

CHAPTER 21. UTILITIES

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ARTICLE 1.

GENERAL PROVISIONS

21-101. DEFINITION. For purposes of this article unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- (a) “Account in Good Standing” shall mean an account with three years of consecutive billings with no delinquencies.
- (b) “Administrator” shall mean the city administrator of Washington, or his/her authorized deputy, agent, or representative.
- (c) “Agency” shall mean the City of Washington.
- (d) “Air Gap” shall mean the unobstructed vertical distance at least twice the diameter of the supply line and no less than one inch through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.
- (e) “Approved Device” shall mean devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment and the City of Washington.
- (f) “Backflow” shall mean the flow of water or other substances into the distribution system of a potable supply of water from any source other than its intended source. Backsiphonage is one type of backflow.
- (g) “Backflow Preventer” shall mean a device or means to prevent backflow.
- (h) “Backsiphonage” shall mean the flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply system due to negative pressure in said system.
- (i) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- (j) “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.
- (k) “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

- (l) “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- (m) “Contaminant” shall mean any substance that upon entering the potable water supply would render it a danger to the health or life of the consumer.
- (n) “Cross Connection” shall mean any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains water or any substance of unknown or questionable quality whereby there may flow from one system to the other.
- (o) “Customer” shall mean the utility service account holder of record.
- (p) “Double Check Valve Assembly” shall mean a device consisting of two internally loaded soft-seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports.
- (q) “Dual Check Valve” shall mean a device consisting of two internally loaded soft-seated check valves. This device does not contain test ports and is acceptable for use only at the meter of residential customers.
- (r) “Flood Level Rim” shall mean the edge of the receptacle from which water overflows.
- (s) “Free Water Surface” shall mean a water surface at atmospheric pressure.
- (t) “Frost Proof Closet” shall mean a hopper with no water in the bowl and with the trap and water supply control valve located below frost line.
- (u) “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.
- (v) “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (w) “Irrigation Meter” shall mean a water meter that is installed separately to account for water used for irrigation purposes which does not enter the sanitary sewer system.
- (x) “KDHE” shall mean the Kansas Department of Health and Environment.
- (y) “Landlord” shall mean the owner of the property, dwelling unit, or the building of which it is a part, and it also means a manager of the premises.
- (z) “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (aa) “Normal Domestic Wastewater” shall mean wastewater that has a BOD concentration of not more than 300 mg/1 and a suspended solids concentration of not more than 350 mg/1.
- (bb) “Operation and Maintenance” shall mean all procedures and expenditures during the useful life of the utility systems for materials, labor, utilities, and other items which are necessary for managing and maintaining the utility systems to achieve the capacity and performance for which such systems were designed and constructed.
- (cc) “Person” shall mean any individual, firm, company, association, society, corporation, or group, and any and all corporations, partnerships, and all other types and kinds of organizations and entities, without limitation.

- (dd) “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (ee) “Plumbing” shall mean the practice, materials and fixtures used in the installation maintenance, extension and alteration of all piping fixtures, appliances and appurtenances.
- (ff) “Pollution” shall mean the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does not adversely affect the water.
- (gg) “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 (1/2) inch (1.27 centimeters) in any dimension.
- (hh) “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (ii) “Reduced Pressure Zone Backflow Preventer” shall mean an assembly of two independently acting soft-seated approved check valves together with a hydraulically operating mechanically independent deferential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved these assemblies must be accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.
- (jj) “Replacement” shall mean all expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.
- (kk) “Residential Contributor” shall mean any contributor to the city’s treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.
- (ll) “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (mm) “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (nn) “Sewage Disposal System” shall consist of all means by which sewage is transported, treated and disposed of and shall not include drainage or storm sewers or drains.
- (oo) “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- (pp) “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (qq) “Sewer” shall mean a pipe or conduit for carrying sewage.

- (rr) “Shall” is mandatory; “May” is permissive.
- (ss) “Slug” shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (tt) “SS” (denoting Suspended Solids) shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
- (uu) “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.
- (vv) “Suspended Solids (SS)” shall mean solids that either float on the surface of, or are in suspension in waste, sewage, or other liquids, and which are removable by laboratory filtering.
- (ww) “Tester” shall mean a trained technician certified in the testing and repair of backflow preventers.
- (xx) “Treatment Works” shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as stand-by treatment units and clear well facilities; and any works including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
- (yy) “Useful Life” shall mean the estimated period during which a treatment works will be operated.
- (zz) “User Charge” shall mean that portion of the total utility service charge, which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of each of the utility services.
- (aaa) “Utility Services” shall include water, electric, sewer, storm water, and other utility services provided by the city.
- (bbb) “Vacuum” shall mean any absolute pressure less than that exerted by the atmosphere.
- (ccc) “Vacuum Breaker” shall mean a device that permits entrance check of air into the water supply distribution line to prevent backsiphonage.
- (ddd) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (eee) “Water Meter” shall mean a water volume measuring and recording device furnished and/or installed by the City of Washington, Kansas.
- (fff) “Water, Non-potable” shall mean water that is not safe for human consumption or that is of questionable potability.

(ggg) “Water, Potable” shall mean water free from impurities in amount sufficient to cause disease or harmful physiological effects. Its quality shall conform to KDHE requirements for public water supplies.

21-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, storm water, or other utility service shall be terminated for nonpayment of service fees or charges in accordance with Sections 21-103:104.

21-103. BILLING; LATE PAYMENT FEES; NOTICE; HEARING.

(a) Bills shall be mailed on approximately the 25th day of each month for the previous month service. All metered services shall cover the period ending with the meter reading of the last preceding month. Bills shall be due and payable at City Hall in the City of Washington, Kansas. Bills shall be calculated in accordance with the applicable rates each month and shall be considered paid on time if paid before the close of business on, or before, the 10th calendar day of each month. If such date falls on a Saturday, a Sunday or a national holiday, then the bill shall be considered paid on time if paid before the close of business on, or before, the business day immediately following the 10th calendar day.

(b) A customer shall immediately notify the City of any perceived error in utility billing, at which such time the city will investigate. If an error is discovered, the city will determine an estimated consumption for the applicable billing cycle(s) by adding the consumption for the same month(s) the inaccuracy is determined to have occurred for the previous three years, and dividing said amount by three. If the customer does not have a three-year history, staff will create an estimated usage based on the available history. In the event a perceived billing error is determined based on the estimated consumption, an adjustment will be made to the customer’s utility account; provided, however, that said adjustment shall not exceed the three previous billing cycles from the cycle in which the request was being made. In the event the adjustment results in a credit, it will be applied to the customer’s account during the next billing cycle. If the adjustment results in an underpayment, it will be applied to the customer’s account during the next billing cycle, and will be due and payable the same as all other utility bills. (Ord 807 9-8-2020)

(c) A bill is considered late and delinquent when not paid in accordance with 21-103(a). A late payment fee of 10 percent of the bill shall be added to all delinquent accounts. A delinquency and termination notice shall be issued by the City Clerk contemporaneously with the monthly bill which is mailed, first class postage prepaid, to the address provided by the account holder(s).

(d) The notice shall state as follows:

1. The amount due, including delinquency charges and penalties, if applicable;
2. The customer’s right to a hearing before the hearing officer;
3. Notice that service will be terminated on the 20th calendar day of the month if the bill is not paid on, or before, 9:00 a.m. on such termination date; if such date falls on a Saturday, a Sunday or a holiday observed by the City, then the day of termination will be the business day immediately following the 20th calendar day of the month, and if the bill is not paid on or before, 9:00 a.m. on such termination date, service will be terminated.

4. Once service to a premise has been disconnected due to non-payment, if the City has not received a response from the customer nor has a payment agreement been established within sixty days of the shutoff date, then the utility account will be terminated and the utility deposit(s) will be applied to the account in order to stop the accrual of minimums being applied to the account's outstanding uncollected balance. (Ord 812 9-7-21)

(e) The City administrative offices and utilities offices are authorized to discontinue and disconnect utilities service for any customer who shall be delinquent in the payment of bills. In the event service is discontinued because of nonpayment of bill, the City will require:

1. Delinquent bill paid in full, to include penalties and interest, as applicable. In addition, a reconnection fee of \$25.00 shall be paid for the first reconnection following a disconnection for nonpayment in any calendar year.
2. Request for reconnection shall be made between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday at City Hall, providing that City offices are open for regular business on that day.
3. Request for reconnection at times other than provided for in paragraph (e)(2) of this section shall require a reconnection fee of \$50.00 if no disconnection for non-payment has occurred in the current calendar year.

(f) A second and subsequent reconnection request received in any calendar year shall require a reconnection fee of \$50.00 if said request is received as provided for in Section (e)(2); or \$75.00 as provided for in Section (e)(3).

(g) A hearing shall be available upon request to address the disputed bill upon written notice, served upon the City Clerk by the end of business the 15th day of the month in which the bill is due. In the event that the 15th day of the month falls on a weekend or holiday for which City Hall is not open for business, notice shall be served upon the City Clerk no later than the close of business the next working day thereafter.

21-104. HEARING; FINDING; EXTENSIONS. Procedural requirements are as follows, and provided in writing to each applicant for hearing by the City Clerk:

Notice of the hearing date will be provided to the customer by the City Clerk upon receipt of the request for hearing by the customer.

Such hearing shall be presided over by the Mayor or his/her designee. At such hearing, the customer will be provided the opportunity to show cause for service to not be discontinued.

All hearings shall be conducted on the 19th day of the month in which the bill is due. Time of hearing shall be agreed upon by customer and City Clerk. All hearings shall be heard at City Hall, in the council chambers unless otherwise noticed. In the event the 19th day of the month falls on a weekend or holiday for which City Hall is not open for business, the hearing shall be held the next working day thereafter at the time and location provided above.

All findings of the hearing officer shall be final.

Utility Payment Extension policies as may be approved by City Council shall be followed.

21-105. LANDLORD LIABILITY.

- (a) Owners of premises served by utility service under this ordinance, to include electric, water and sewer service, shall be liable for payment of the cost of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.
- (b) In the event a delinquency arises involving leased premises, in addition to the tenant, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry.
- (c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
- (d) The city may collect the amount of the unpaid utility bill for utility services by any lawful means; provided, however, that no collection attempt shall be pursued against the owner or owner's agent of any premises for a delinquent tenant bill until an account has been delinquent for at least ninety (90) days. No utility lien shall attach to the property for unpaid utility fees or charges when the utility service has been contracted for by a lessee and not by the lessor or owner of the property to which such service is provided.

21-106. DEPOSITS. Each customer of electric service shall deposit with the City of Washington a sum of one hundred fifty dollars (\$150.00) per electric meter to insure payment of the customer's electric bill; and each customer of water service shall deposit with the City of Washington a sum of fifty dollars (\$50.00) per water meter to insure payment of the customer's water bill; provided, however, that the city administrator may require such additional sum to be deposited by any customer as in said administrator's judgment will adequately secure the payment of the customer's use of electric and water service; provided further that the amount of the deposit required shall at all times be reasonable, and shall be based upon the value of the maximum service rendered.

Persons or firms requesting utility services which have previously left the City of Washington owing a debt shall pay a deposit two (2) times greater than the normal deposit as described herein.

In the event the City would require a deposit for other utility services other than electric and water service, the City may require a single deposit to be paid by a customer for all utility services, except that such deposit shall not exceed an amount equal to the expected average bills for a three-month period for such utility services. A separate account shall be kept of each deposit held with the date when the same was received and amount of the deposit noted. The city shall pay interest on each deposit to the customer making the deposit at the rate determined by the state corporation commission. Such interest shall be credited once a year or credited on January 1 succeeding such deposit and, on each January 1, thereafter, to such customer's outstanding account, unless, prior to January 1, such customer shall request the payment of such interest in cash, in which event payment of interest shall be made as requested. Any interest credited shall be subject to call and payment at any time, but shall not draw interest.

A deposit may not be required of an existing utility customer who makes a request for a second electric or water meter service to be installed on an existing premise with a

deposit, as long as services are not billed separately, and the customer has an account in good standing.

The City shall have the right to apply the deposit of a customer held by the City, plus any interest accrued thereon, to the bill of the customer at any time after a customer's account becomes delinquent without notice to the customer.

21-107. CONNECTION FEE. Each customer of electric and/or water service shall pay to the City of Washington the sum of twenty-five dollars (\$25.00) as a nonrefundable connection fee upon each customer connecting to the city electric and/or water service.

21-108. DISCONTINUANCE OF UTILITY SERVICES.

(a) The City may discontinue or refuse utility service to any customer, without notice or hearing, for any of the following reasons:

1. When the customer so requests;
2. When it is determined by an employee of the city utility department, fire department or police department that the continuance of utility service constitutes a dangerous condition presenting a likely immediate threat to health or safety of persons or to property on or near the customer's premises.

(b) The City may discontinue or refuse utility service to any customer following compliance with the notice and hearing requirements hereinafter set forth for any of the following reasons:

1. Nonpayment of utility bills and charges as provided in Section 21-103.
2. When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility service from the City.

(c) The City may discontinue or refuse utility service to any customer, following notice to the customer, for any one of the following reasons:

1. When the customer violates any rule, regulation or ordinance of the City pertaining to utility service, which violation adversely affects the safety of the customer or other persons, or the integrity of the City's utility service delivery system;
2. When the customer refuses to grant employees of the City's utility department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement;
3. When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility service or the utility service's delivery system situated or delivered on or about the customer's premises.

The customer shall have the right to a hearing within a reasonable time, not to exceed ten (10) days, following termination or refusal of service. If after such hearing, the hearing Board finds in favor of the customer, the hearing Board may order connection or reconnection of the service at no cost to the customer.

21-109. RECONNECTION CHARGES: Prior to reconnecting utility service disconnected following a delinquency, the customer shall fulfill the requirements set out in Sections 21-103(e) through (g) of this code.

21-110. DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY.

- (a) In the event that any person, firm, corporation, political unit (except the United States or the state of Kansas), or organization shall fail to pay the fees or charges for such utility service(s), utility service(s) shall be terminated as provided in Sections 21-103:104. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.
- (b) In the event that any person, firm, corporation, political unit (except the United States or the state of Kansas), or organization residing, occupying, using or operating on property to which utility service(s) furnished by the city is not paid, the unpaid fees or charges shall constitute a lien upon the property to which the utilities are furnished. The amount of the unpaid fees or charges shall be certified by the governing body to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law.
- (c) The lien, described in Subsection (b) of this section, shall not attach to property for unpaid utility fees or charges when the utility service(s) have been contracted for by a tenant and not by the landlord or owner of the property to which the utility service is provided.
- (d) If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided by the city, the application shall not be accepted until all fees or charges are paid in full.

21-111. UNLAWFUL ACTS.

- (a) 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 utility services. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.
- (b) It shall be unlawful for any person, firm, or corporation other than duly authorized city officials or employees to turn electric or water on or off at the meter shut off, with a key or in any other manner unless authorized by the city administrator, or to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that utility service supplied by the city may be used or wasted without being metered.

21-112. RIGHT OF ENTRY. The city administrator bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The administrator or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond the point where such processes have a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

21-113. SAME; HOLD HARMLESS. While performing the necessary work on private properties referred to in Section 21-112, the administrator 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 21-326.

21-114. EASEMENTS; RIGHT TO ENTER. The administrator of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

21-115. TESTING OF METERS; ADJUSTMENTS TO UTILITY ACCOUNTS.

(a) Water and electric meters will be tested and verified for accuracy prior to installation. Meters will be tested by the City when, upon the City's own observation, any meter appears to be measuring incorrectly. If a meter is found to be measuring incorrectly, it will be replaced by the City at the City's cost.

(b) If a customer requests that a meter be tested, a meter change-out fee of \$25.00 shall be paid to the City at the time of the request. If a meter can be tested within the capability of the city (water meters up to 2" and residential single-phase electric meters) then a charge of \$30.00 per hour for actual testing performed by the City, with a one hour minimum, will be invoiced to the customer upon the completion of the testing, provided the meter is found to be accurate within two percent. If a meter is found to be measuring incorrectly, the meter change-out fee shall be returned to the customer, and testing fees shall be waived.

(c) If a customer requests that a meter be tested that is outside the testing capabilities of the city, a meter change-out fee of \$25.00 shall be paid at the time of the request, and all costs associated with the meter testing by an outside agency will be invoiced to the customer upon the completion of the testing, provided the meter is found to be accurate within two percent. If a meter is found to be measuring incorrectly, the meter change-out fee shall be returned to the customer, and testing fees shall be waived.

(d) If payment for testing fees is not received in full within 30 days of the invoice date, the City reserves the right to terminate utility services to the customer until the bill is paid in full. The City also reserves the right to use any and all other measures it deems necessary and legal to recover payment for services.

(e) If, after testing, a meter is found to be inaccurate, an estimated consumption for the applicable billing cycle(s) will be determined by adding the consumption for the same month(s) the inaccuracy is determined to have occurred for the previous three years, and dividing said amount by three. If the customer does not have a three-year history, staff will create an estimated usage based on the available history.

(f) An adjustment to a customer's utility account will occur after an estimated consumption is determined, but said adjustment shall not exceed the three previous billing cycles from the cycle in which the request is being made. If the adjustment results in a credit, it will be applied to the account during the next billing cycle. If the adjustment results in an underpayment, it will be applied to the account during the next billing cycle, and will be due and payable the same as all other utility bills.

(g) Any request for a variance on the foregoing procedure must be submitted to and approved by the City Council. No request for a variation may be made by a City employee.

21-116. PENALTIES. Any person, company, corporation, or institution violating any of the provisions of this Ordinance of the City of Washington, Kansas, shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$500.00 and shall be subject to imprisonment for a term not to exceed three (3) months.

21-117. CONFLICTS. In the event the terms of this section shall conflict with any other Ordinances of the City of Washington, Kansas regulating all utility services, in that event, the regulation providing the greatest protection to the public, shall in that case apply.

ARTICLE 2.

WATER UTILITY

21-201. CONTROL. The municipal waterworks shall be under the control of the City Council. The city administrator shall be responsible for the supervising and managing of this department and with the approval of the Mayor and Council, appoint a department head for the good and efficient daily operations of this department.

21-202. LIABILITY FOR FAILURE TO DELIVER WATER; INTERRUPT SERVICE. No claim shall be made against the city nor shall the city be liable to any consumer of water for failure to deliver when such failure is due to a break in any main, distribution or service line, or in the pumps, engines, or other equipment used to produce and distribute water by the city, or for any other reason beyond the control of the city. The city reserves the right to shut off water service when necessary to make repair or to install mains, distributing lines or other equipment used to produce and distribute water for consumers. The city reserves the right to refuse service and to shut off water at the main or other distribution line when any consumer fails or refuses to properly repair defective yard lines (any customer owned line downstream of the meter), or water appliances; provided, the city shall first give notice of such defect to party or parties responsible for its repair and if proper repair is not made within five days thereafter, the city may discontinue service as herein provided until such time as proper repair is made.

21-203. WATER RATIONING: USE RESTRICTED OR STOPPED. The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the governing body determines the public exigency so requires.

21-204. WATER RATIONING: IMPOSING RESTRICTIONS. Whenever the governing body determines that water use must be restricted or prohibited, they shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation.

21-205. WATER RATIONING: WATER RESTRICTIONS. In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:

- (a) Water lawns, gardens, trees, shrubs, plants and water outside dwellings for such purposes as car, boat or trailer washing, exterior of dwellings;
- (b) Industrial uses of water, including but not limited to, car wash operations and packing plant operations;
- (c) Business use, other than industrial;
- (d) Home uses other than those set forth in Subsection "a".

21-206. WATER RATES. The rates to be paid by customers within the city limits of the City of Washington, Kansas, for the use and consumption of water furnished or supplied by the city shall be as follows:

Base Rate -----	Up to a ¾” meter	\$21.25;
	Up to a 1” meter	\$22.25;
	Up to a 2” meter	\$26.25;
	3” and larger	\$31.25;
Each 1,000 gallons or part thereof -----		\$4.50 per 1,000.

The base rate and use rate shall be subject to an annual review by the governing body of the City of Washington.

- 21-207. SAME; OUTSIDE CITY LIMITS. The rates to be paid by customers outside of the city limits of the City of Washington, Kansas, for the use and consumption of water furnished or supplied by said city shall be as follows:

Base Rate -----	Up to a ¾” meter	\$23.25;
	Up to a 1” meter	\$24.25;
	Up to a 2” meter	\$30.25;
	3” and larger	\$36.25.
Each 1,000 gallons or part thereof -----		\$5.25 per 1,000.

The base rate and use rate shall be subject to annual review by the governing body of the City of Washington.

- 21-208. SAME; BULK WATER RATES. The rate to be paid by customers purchasing bulk water from the City of Washington, Kansas shall be as follows: \$6.25 per 1,000 gallons.

An additional fee of \$100 shall be charged for the use of a meter and backflow device to be installed by the City at a fire hydrant. It shall be a \$100 fee for each separate setup.

The bulk water rate shall be subject to annual review by the governing body of the City of Washington.

- 21-209. SAME; WATER PROTECTION FEE. All retail water consumers shall pay a state water protection fee at the rate of \$.032 cents per 1,000 gallons.

- 21-210. ESTABLISHMENT OF CHARGES. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the city to collect charges from all users who use the water system of the city. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring any debt of such public water works.

- 21-211. CHARGES TO FINANCE SYSTEM. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the water works which the city may by ordinance, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this article.

- 21-212. ANNUAL REVIEW. The city will review the charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues

to provide for the proportional distribution of operating and maintenance including replacement costs among users and user classes.

- 21-213. BILLED MONTHLY. All users shall be billed monthly on the number of gallons of water used during the current billing cycle. Meters will be read on the first of each month or as close as possible, allowing for weekends, holidays, or unacceptable weather conditions.
- 21-214. DISCONTINUANCE OF SERVICE. If a customer terminates service for any reason and then re-connects within the period of one year the monthly minimum charge shall apply for all months that service was discontinued.
- 21-215. WATER CROSS CONNECTION CONTROL PROGRAM. The city administrator shall be responsible for effectively conducting the cross-connection control program of the City of Washington public potable water supply. If in the judgment of the city administrator an approved backflow prevention device is required, the city administrator or his/her agent shall give notice in writing to the customer to install the proper device at the customer's expense. Failure to comply shall constitute grounds for discontinuing or denying water service to said customer until the device is properly installed.
- 21-216. SAME; REQUIREMENTS.
- (a) General: A public potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable sources through cross connections or any piping connection to the system.
 - (b) Cross Connections Prohibited: Cross connections are prohibited, except when and where as approved by the city administrator, suitable backflow preventers are properly installed, tested and maintained to insure proper operation on a continuing basis.
 - (c) Interconnections: Interconnections between two or more public water supplies shall be permitted only with the approval of the Kansas Department of Health and Environment.
 - (d) Individual Water Supplies: Connections between a private water supply and the public potable water supply are prohibited.
 - (e) Connections to Boilers: Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are or can be introduced shall be made through an air gap or through a reduced pressure zone principle backflow preventer located in the potable water line before the point where such chemicals may be introduced.
 - (f) Prohibited Connections: Connection to the public potable water supply system for the following is prohibited unless properly protected by the appropriate backflow prevention device:
 - 1. Bidets.
 - 2. Operating, dissecting, embalming, and mortuary tables or similar equipment. In such installations the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or its attachments.
 - 3. Pumps for non-potable substances.
 - 4. Building drains, sewers or vent systems.
 - 5. Commercial buildings or industrial plants, manufacturing or otherwise using polluting or contaminating substances.

6. Any fixture of similar hazard.

- (g) Refrigeration Unit Condensers and Cooling Jackets: Except when potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat exchanges used to heat water for potable use shall be of the double wall type.
- (h) Protective Devices Required: The type of protective device required under this ordinance shall be determined by the degree of hazard which exists as follows:
 - 1. Premises having auxiliary water supply shall protect the public system by either an approved air gap or an approved reduced pressure principle backflow prevention assembly.
 - 2. Premises having water or substances which would be non-hazardous to the health and well-being of the consumers shall protect the public system with no less than an approved double check valve assembly.
 - 3. Premises where material dangerous to health is handled in a manner which creates an actual or potential hazard shall protect the public system by an approved air gap or an approved reduced pressure principle backflow prevention assembly.
 - 4. Premises where cross connections are uncontrolled shall protect the public water supply by installing an approved air gap or an approved reduced pressure principle backflow prevention device at the service connection.
 - 5. Premises wherein, because of security requirements or other prohibitions it is impossible to complete an in plant cross connection inspection, the public system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

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

- (a) Beverage bottling plants;
- (b) Building-- hotels, apartments, public or private buildings, or other structures having actual cross connections;
- (c) Car wash facilities;
- (d) Chemical manufacturing, handling, or processing plants;
- (e) Dairies and cold storage facilities;
- (f) Film or photography processing laboratories;
- (g) Fire sprinkler systems;
- (h) Hospitals, medical centers, morgues, mortuaries, autopsy facilities, medical clinics, or nursing and convalescent homes;
- (i) Irrigation or lawn watering systems;
- (j) Laundries and dry cleaners;
- (k) Metal cleaning, processing, or fabricating plants;
- (l) Oil and gas production, storage, or transmission facilities;
- (m) Packing or food processing plants;

- (n) Paper and paper product plants;
- (o) Radioactive materials plants or handling facilities;
- (p) Power plants;
- (q) Restrictive access or classified facilities;
- (r) Rubber processing plants;
- (s) Sand, gravel and asphalt plants;
- (t) Schools and colleges;
- (u) Sewage and storm drainage facilities and reclaimed water systems;
- (v) Solar heating systems;
- (w) Temporary service connections such as fire hydrants, air valves, water blow-offs and other outlets.

21-217. SAME; INSTALLATION.

- (a) Approved devices shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where a minimum air gap between the potable water outlet and the fixture or equipment flood-level rim cannot be maintained. Backflow and backsiphonage devices of all types shall be in accessible location. Installation in pits or other locations not properly drained shall be prohibited, except that dual check valves may be installed in the meter box.
- (b) Water connections not subject to backpressure shall contain a vacuum breaker on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protection are as follows:

<u>Fixture or Equipment</u>	<u>Method of Installation</u>
Aspirators & ejectors.	Critical level at least 6 inches above flood level of receptacle served.
Dental units.	On models without built in vacuum breaker critical level at least 6 inches above flood level of the bowl.
Commercial dish washing equipment.	Critical level at least 6 inches above flood level of the equipment. Installed on both hot and cold water supply lines.
Garbage can cleaning equipment.	Critical level at least 6 inches above flood level of equipment. Installed on both hot and cold water supply lines.
Hose outlets.	Critical level at least 6 inches above highest point on hose line.
Commercial laundry equipment.	Critical level at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.

Lawn sprinkler system.	Critical level at least 6 inches above highest sprinkler head or discharge outlet.
Steam tables.	Critical level at least 6 inches above flood level rim or line.
Tanks and vats.	Critical level at least 6 inches above flood level rim or line.
Through urinals.	Critical level at least 30 inches above perforated flush pipe.
Flush tanks.	Equipment with approved ball cock, installed according to manufacturer's instructions.
Hose bibs.	Critical level at least 6 inches above flood level of receptacle served.

(c) Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an air gap cannot be installed, the city administrator may require the use of an approved reduced pressure principle backflow preventer. The following partial list shows cross-connections subject to back pressure situations which may use approved reduced pressure principle backflow preventer devices:

- 1) Chemical lines;
- 2) Individual water supplies;
- 3) Industrial process water lines;
- 4) Tanks and vats-- bottom inlets;
- 5) Pumps;
- 6) Steam lines;
- 7) Swimming pools;
- 8) Pressure tanks;
- 9) Certain hose bibs.

(d) Water connections where an actual or potential backsiphonage hazard exists may in lieu of devices specified above be provided with a barometric loop. Barometric loops shall precede the point of connection.

(e) Dual check valves may be installed at the meter. These valves shall be inspected and repaired not less frequently than every third year. Dual check valves shall be installed only in situations where the city administrator is assured that only non-contaminating substances are subject to backflow into the potable system.

(f) Atmospheric vacuum breakers shall be installed with the critical level at least 6 (six) inches above the flow rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shut-off valve or faucet shall be installed beyond the atmospheric vacuum breaker. Pressure vacuum breakers shall be installed with the critical level at least 12 (twelve) inches above the flow rim but may have control valves downstream from the vacuum breaker. For closed equipment or vessels such

as pressure sterilizers, the top of the vessel shall be considered the flood level rim and a check valve shall be installed on the discharge side of the pressure vacuum breaker.

- 21-218. SAME; MAINTENANCE AND REPAIR. It shall be the responsibility of the premise owner(s) to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have been installed for the purpose of bypassing the backflow devices. Testing and repair of these devices should be made by qualified technicians who have completed a KDHE approved training course and have passed qualified written examinations. The city shall verify said device testers who have met the required qualifications.

The city will inspect all backflow preventer installations to assure proper installation and will assist in the development of appropriate testing and overhaul schedules for such devices. Testing intervals shall not exceed one (1) year except as noted for meter installed backflow preventer devices and overhaul shall not exceed every five (5) years.

- 21-219. SAME; PENALTIES AND FINES. The city administrator shall notify the owner, or authorized agent of the owner, of a building or premises in which a violation of this ordinance is discovered of such violation and what corrective measures are necessary to correct the violation. The city administrator shall set reasonable time for the owner or owner's agent to correct the violation. If the owner fails to correct the violation within the specified time the City of Washington shall cease delivery of water to the building or premises until such time as the violation is satisfactorily corrected.

ARTICLE 3

SEWER UTILITY

- 21-301. SEWER CONNECTIONS. All persons owning dwelling houses or buildings within the City of Washington, which building or buildings are or shall be located near a sewer, or in a block within any such sewer district in the City through which a sewer extends, shall make such connections with the sewer system of the city, as may be necessary in the judgment of the city board of health for the protection of the health of the public, for the purpose of disposing of all substances from any such houses or buildings affecting the public health which may be lawfully and properly disposed of by means of such sewer.
- 21-302. REFUSAL TO CONNECT. If any person shall fail, neglect, or refuse to connect any building with the sewer system of such city as herein provided for more than ten (10) days after being notified in writing by the city board of health to do so, the mayor and governing body may cause such premises and buildings to be connected to the sewer system and are hereby authorized to advertise for bids for the construction and making of such sewer connections. The governing body may contract therefore with the lowest responsible bidder and cause such premises to be connected with the sewer system. The costs and expenses thereof shall be assessed against the property and premises so connected; the assessment to be made in the same manner as other special assessments are made.
- 21-303. PROHIBITED WASTE. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Washington, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
- 21-304. UNLAWFUL TO POLLUTE WATERWAYS. It shall be unlawful to discharge to any natural outlet within the City of Washington, or in any area under the jurisdiction of said

city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

- 21-305. SEPTIC TANK. Septic tanks intended for the use of disposal of sewage shall not be allowed within the city limits; provided, however, that these provisions shall not pertain to septic tanks currently in existence so long as the same are in good condition and proper working order.
- 21-306. SEWER CONNECTION REQUIRED. The owner of all houses, buildings or properties used for human habitation, employment, recreation or other purposes situated within the city limits 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 said owner's 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, however, that this section shall not apply to lots that continue to remain vacant or empty.
- 21-307. SAME; EXCEPTION. Where a public sanitary or combined sewer is not available under the provisions of Section 21-306, the city administrator, with direction from the City Council, will evaluate and make recommendations.
- 21-308. SAME; ADDITIONAL REQUIREMENTS. 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.
- 21-309. SAME; NO COST TO CITY. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- 21-310. USE PERMIT. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the city administrator.
- 21-311. SAME; CLASSES. There shall be two (2) classes of building sewer permits:
- (a) For residential and commercial service; and
 - (b) For service to establishments producing industrial wastes.

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

- 21-312. OWNER'S EXPENSE. All costs and expense incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 21-313. SEPARATE SEWER; EXCEPTION. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

- 21-314. EXISTING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city administrator, to meet all requirements of this article.
- 21-315. SEWER SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the State of Kansas Department of Health & Environment “Minimum Standards of Design for Water Pollution Control Facilities”.
- 21-316. SAME; ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 21-317. SAME; CONNECTION. The connection of the building sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the State of Kansas Department of Health & Environment “Minimum Standards of Design for Water Pollution Control Facilities”. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city administrator before installation.
- 21-318. SAME; INSPECTION. The applicant for the building sewer permit shall notify the city administrator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city administrator.
- 21-319. EXCAVATION GUARDED. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- 21-320. STORM SURFACE DRAINAGE. No person shall discharge or cause to be discharged, directly or indirectly, any storm water, surface water, ground water, roof runoff, subsurface drainage including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 21-321. SAME; DESIGNATED AREAS. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or industrial cooling water or unpolluted process waters may be discharged on approval of the city administrator, to a storm sewer, combined sewer, or natural outlet.
- 21-322. PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the

sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer;

- (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

21-323.

SAME. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the city administrator 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 city administrator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius;
- (b) Any water wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or between zero and sixty-five (0 and 65) degrees Celsius;
- (c) Any garbage that has not been properly shredded. The installation of any operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (9/76 hp metric) or greater shall be subject to the review and approval of the city administrator;
- (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 city administrator 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 city administrator 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 city administrator 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, Fuller's 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 amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (k) Any waters or wastes having:
 - 1. A 5-day BOD greater than 300 parts per million by weight, or
 - 2. Containing more than 350 parts per million by weight of suspended solids, or
 - 3. An average daily flow greater than two percent (2%) of the average sewage flow of the city shall be subject to the review of the city administrator. If such flow occurs, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight, reduce the suspended solids to 350 parts per million by weight, or control the quantities and rates of discharge of such waters or waste. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city administrator and no construction of such facilities shall be commenced until said approvals are obtained in writing.

21-324. SAME; PRETREATMENT.

- (a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics in Section 21-322 through 21-323, inclusive, and which in the judgment of the city administrator, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city administrator may:
 - 1. Reject the wastes;
 - 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - 3. Require control over the quantities and rates of discharge; and/or
 - 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 21-341 of this Article.

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

- 21-325. TRAPS, INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the city administrator, 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 city administrator, and shall be located as to be readily and easily accessible for cleaning and inspection.
- 21-326. SAME; MAINTENANCE. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- 21-327. MANHOLE REQUIRED. When required by the city administrator, 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 city administrator. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible all times.
- 21-328. TESTING SEWERAGE. 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) 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 twenty-four-hour composites of outfalls, whereas pH's are determined from periodic grab samples.)
- 21-329. SAME; SPECIAL PROVISIONS. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.
- 21-330. VIOLATIONS; NOTICE. Any person found to be violating any provision of this article except Section 21-111, 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.
- 21-331. SAME; PENALTY. Any person who shall continue any violation beyond the time limit provided for in Section 21-330, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each

violation. Each twenty-four (24) hour period in which any violation shall continue shall be deemed a separate offense.

- 21-332. SAME; LIABILITY. Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.
- 21-333. SEVERABILITY. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.
- 21-334. ESTABLISHMENT OF CHARGES. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the city to collect charges from all users who contribute wastewater to the city treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt of such public wastewater works.
- 21-335. CHARGES TO FINANCE SYSTEM. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this article.
- 21-336. SAME; BALANCE. Fiscal year end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purpose than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance, and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates of operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.
- 21-337. USER FEES. Each user shall pay for the services provided by the city based on his use of the treatment work as determined by water meters acceptable to the city. The user rates established in this article shall apply to all users of the city's treatment works, regardless of where such user may be located.
- 21-338. SAME; RESIDENTIAL. All residential users shall be billed monthly on the number of gallons of water used during the current billing cycle.
- 21-339. SAME; COMMERCIAL, INDUSTRIAL. All commercial and industrial users shall be billed monthly on the number of gallons of water used during the current billing cycle. If a commercial or industrial contributor has a consumption use of water, or in some other manner uses water which is not returned to the Wastewater Treatment System, the user charge for that contributor may be based on a wastewater meter or a separate water meter installed and maintained at the contributor's expense and in a manner acceptable to the city. The proof of use is up to the contributor, at said contributor's expense.
- 21-340. SAME; USER FEES, MINIMUM, EXCEPTIONS. Each user shall pay a minimum fee per month of \$15.50. In addition, each user shall pay a fee of Two Dollars and Twenty-Five Cents (\$2.25) per 1,000 gallons, or any part thereof, of water used as determined

under the provisions of Section 21-338 hereof for residential contributors and under the provisions of Section 21-339 hereof for commercial and industrial contributors. User fees will not be applied to any residential or commercial designated irrigation meter.

- 21-341. SAME; ADJUSTMENTS. User fee adjustments may be requested by the account holder if the user has experienced a water leak or water line break in which the water did not enter the city's sewer collection system. The leak and associated repairs must be verified by the City Administrator or his/her designee.
- 21-342. POLLUTION CHARGE. Any user which discharges any toxic pollutants which cause an increase of the cost of managing the effluent or the sludge from the city's wastewater treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs, directly proportional to the cost of the plant operation, maintenance, and replacement as the additional substance increases the cost. This shall be as determined by the responsible Plant Operating Personnel and approved by the city council.
- 21-343. ANNUAL REVIEW. The city will review the charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operating and maintenance including replacement costs among users and user classes.

ARTICLE 4. ELECTRIC UTILITY

- 21-401. ELECTRIC RATES; SCHEDULE R-83: CITY RESIDENTIAL – LIGHTING AND GENERAL APPLIANCE SERVICE AND ALL ELECTRIC HOME; AVAILABILITY. All territory served by the City of Washington, for all electric service supplied to one (1) consumer through one (1) metering point, and to be used exclusively for domestic purposes. Service is for the exclusive use of customer and is not to be resold or shared with others.

Where two (2) or more dwelling units such as duplexes, apartments, and trailer homes, each having separate kitchen facilities and served through one (1) meter, Schedule R-83 may be applied by multiplying the KWH blocks by the number of dwelling units served, or at the option of city, Schedule CSP-83 will be applied.

Where more than four (4) rooms in a residence are rented, or are available for rent, such resident shall be considered as a commercial rooming house, and billed on Schedule CSP-83.

Resident Schedule R-83 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-83 applies to that portion used for domestic purposes.

(a) CHARACTER OF SERVICE:

Alternating current, single phase, approximately 60 cycles, and at voltage the city has available for service required.

(b) MONTHLY RATE:

0.1255 per kWh for usage from and after August 1, 2022

0.1275 per kWh for usage from and after August 1, 2023

(c) MINIMUM CHARGE: Each customer shall pay a minimum charge of five dollars and twenty cents (\$5.20) per month, which charge shall be in addition to the charge for any electricity used; provided, however, that said charge shall increase to seven dollars and fifty cents (\$7.50) from and after August 1, 2024. In the event the same customer orders a disconnection or reconnection of electric service at the same premises within a period of twelve (12) months, the City shall collect as a reconnection charge the sum of such minimum bills as would have accrued during the period of disconnection. (Ord 817 7-5-22)

21-402.

SCHEDULE CSP-83; COMMERCIAL AND SMALL POWER SERVICE; AVAILABILITY. All territory served by the City of Washington for electric service supplied to one (1) consumer conducting a gainful enterprise through one (1) meter. Service is for exclusive use of customer, and is not to be resold or shared with others.

(a) CHARACTER OF SERVICE:

Alternating current, approximately 60 cycles, single 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.

(b) MONTHLY RATE:

0.1255 per kWh for usage from and after August 1, 2022

0.1275 per kWh from and after August 1, 2023

(c) MINIMUM CHARGE: Each customer shall pay a minimum charge of seven dollars and twenty-eight cents (\$7.28) per month which charge shall be in addition to the charge for any electricity used; provided, however, that said charge shall increase to ten dollars (\$10.00) from and after August 1, 2024. In the event the same customer orders a disconnection or reconnection of electric service at the same premises within a period of twelve (12) months, the City shall collect as a reconnection charge the sum of such minimum bills as would have accrued during the period of disconnection.

21-403.

ENERGY COST ADJUSTMENT FOR SCHEDULES R-83 AND CSP-83. Whenever the monthly average cost of energy (fuel, lube oil and purchased electric energy) exceeds, or is less than, 54.0 mills per kilowatt-hour sold, a charge shall be added to each customer's next monthly electric service bill in the amount of .01 mill per KWH for each 0.1 mill, or major fraction thereof, by which said average cost exceeds 54.0 mills.

This Energy Cost Adjustment shall be applied to all users to whom bills are rendered and from whom money normally is collected; likewise, all and only the energy sold to such users shall be the basis for the determination of the average cost. Cost of energy shall include all the direct costs of fuel, lube oil and electric energy purchased, plus taxes, freight, surcharges or adjustments applied thereon.

The Energy Cost Adjustment shall be for the most recent month, being the sum of energy cost actually paid in that period adjusted by the previous month's carry-over revenue, divided by the sum of the estimated energy sold in the same period (the period being the normal period for billing and for bill payment most nearly coinciding under the city's normal accounting practices), minus the ECA base of 54.0 mills. The carry-over revenue is the difference between the actual total revenue recovered and the actual cost of energy. The formulas for calculating the ECA and carry-over revenue are as follows:

$$ECA = \frac{\$dc + \$co}{\text{ }} - \$.054$$

kwh x 0.84

Where ECA = energy cost adjustment factor applied to bills

\$dc = direct cost of energy as described above

\$co = dollars carried over from previous month

(See below)

kwhn = net kilowatt hours furnished to the bus (equals gross kwh generated minus plant use kwh plus kwh purchased), as actually metered

0.84 = multiplier which assumes 16% loss and free kilowatt hours (This is the assumed average which is corrected monthly by the carry-over dollars added to or subtracted from the actual monthly cost).

.054 = base energy charge included in rates

The monthly carry-over dollars which are to be applied to the present month are computed as follows:

$\$co - (ECA' = 0.054) (kwh's - kwhn \times 0.84)$

Where kwh's = actual kilowatt hours sold against which an energy cost adjustment charge is made from month immediately preceding

kwh'n = net kilowatt hours furnished to the bus from the month immediately preceding

ECA' = energy cost adjustment factor applied in the month immediately preceding.

The city may apply a negative Energy Cost Adjustment in the event the cumulative carry-over dollars of over-recovery exceeds [\$120,000] so as to limit the over-recovery amount. (Ord 817 7-5-22)

SCHEDULE LIS-88: LARGE INDUSTRIAL SERVICE.

(a) AVAILABILITY:

All territory served by the City of Washington for electric service supplied to one (1) customer through one (1) meter whose usage reaches at least 1,500 kilowatts per hour during each month.

(b) CHARACTER OF SERVICE:

Service will be delivered at a single three-phase standard primary voltage from available lines having adequate capacity. The city retains the right to change the voltage of its supply lines.

(c) METERING:

Service will normally be measured at delivery voltage. City reserves the right to locate its meters on the low side of customer owned transformation and compensate for transformer losses.

(d) NET MONTHLY RATE:

Demand Charge

\$6.00 per kW of demand

Energy Charge

0.0417 per kWh used per month

Minimum Charge

\$50.00 per month which charge shall be in addition to the charge for any electricity used.

Fuel Adjustment. All kWh will be subject to the applicable Energy Cost Adjustment Clause as hereinafter set forth in this Schedule LIS-88.

Minimum Bill. The demand charge plus fuel adjustment determined by Energy Cost Adjustment Clause set forth in Schedule LIS-88.

Tax Adjustment. There shall be added, as separately stated items, to the monthly bills of customers receiving electric service so affected, the pro rata monthly amounts of any franchise, occupational, sales, license, excise, privilege or similar tax or fee of any kind placed upon the Electric Utility by any taxing authority based upon (1) the sale of electric service, (2) the amounts of electric energy sold, (3) the gross receipts, net receipts of revenues derived by the Electric Utility from the sale of electric energy, or (4) any other basis.

(e) DEMAND:

The average kW, adjusted for power factor as indicated below, supplied during the 15-minute period of maximum use during the current month, but not less than 75% of the highest average kW similarly established during the billing months of July, August or September and occurring in the preceding eleven months, nor less than the minimum kW specified in the Agreement for Electric Service. If customer utilizes demand control equipment, City may, at its option, measure demand based on the three (3) consecutive five (5) minute intervals of maximum use during the month.

(f) POWER FACTOR:

If customer's power factor for the billing period is less than 85%, then city will increase the measured kW demand for billing purposes by 1/2% for each 1% by which the power factor is less than 85%.

(g) CONTRACT PERIOD:

Contracts under this Rate Schedule LIS-88 will be made for a term of five (5) years, taking into consideration the size of the load, the location of the load and the amount of additional facilities required, but the contracts will be for an initial term of not less than five (5) years and will be automatically extended for successive periods of at least two years each. Contracts may be canceled at the end of the initial term or extension thereof on not less than 24 months prior written notice.

(h) ENERGY COST ADJUSTMENT CLAUSE FOR SCHEDULE LIS-88:

Rates and charges for electric service under Schedule LIS-88 for the current month provided by the City of Washington shall be increased or decreased by 0.001c/kWh (kilowatt hour) for each 0.001c, or major fraction thereof, increase or decrease in the aggregate cost of energy per kWh as computed by the following formula:

$$(F + P + N1) - 2.000c \text{ per kWh} = \text{Adjustment}$$
$$0.01S$$

Where:

F- Actual dollar cost of fossil fuel burned during the current month to supply electric energy to customers.

P- Actual total cost of purchased power and energy during the current month to supply electric energy to customers.

N1- Actual net dollar cost of interchange received less interchange sales during the current month.

S- Actual kWh delivered to retail and wholesale customers during the current month. The current month is defined as the calendar month during which energy is being used by wholesale and retail customers.

The adjustment computed above will be increased or decreased by the amount (to the nearest .001c/kWh) by which the total amount billed to customers under the energy adjustment in the previous month was greater or less than the actual cost of energy experienced during that month. The actual cost of energy will be calculated using the above formula with components defined as above, except that the fuel cost (F) will be reduced by any supplier refunds received.

21-404. METERS. Whenever the judgment of the city administrator by reason of different types of service required, or for any other reason it is desirable that electricity sold to a

consumer be measured through more than one meter, such additional meter or meters shall be installed.

- 21-405. CHARGE AND SUPERVISION OF ELECTRIC PLANT. The city administrator shall have general charge and supervision of the electric plant, under the direction of the council. The city administrator shall have access at all reasonable hours to the premises supplied with electricity, to make any and all necessary examinations of the premises, to read meters, and to see that rules herein are observed.
- 21-406. ELECTRICAL INTERCONNECTION STANDARDS, PROCEDURES, AGREEMENTS, CHARGES AND FEES

Section 1. Interconnection Standards for Installation and Parallel Operation.

a. ADOPTION OF STANDARDS. There is hereby adopted and approved Interconnection Standards for Installation and Parallel Operation of Customer-Owned Renewable Electric Generation Facilities 25kWAC or Less for Residential Service and 200kWAC or less for Commercial Service in the City of Washington, Kansas dated October 5, 2020, and the same is fully incorporated hereto as if fully set forth herein.

Section 2. Renewable Parallel Generation.

a. AVAILABILITY. Service is available under this Rider at points on the Utility's existing electric distribution system for Customers operating Renewable Energy Resources. The service is available to Customer-generators on a first-come, first-served basis until the total rated generating capability of all interconnections served under Parallel Generation equals or exceed four percent of the City's peak load for the previous calendar year. Upon reaching this limit, no additional service shall be available under this Rate Schedule. This Rate Schedule shall not be available for any electric service scheduled allowing for resale.

b. APPLICATION. Service under this Renewable Parallel Generation Rate Schedule is available to City of Washington ("Utility") customers in good standing with a Customer-owned renewable electric Generation Facility as defined in the Interconnection Standards for Installation and Parallel Operation of Customer-owned Renewable Electric Generation Facilities 25kWAC or Less for Residential Service and 200 kWAC or less for Commercial Service customers that wish to receive a billing credit for surplus renewable energy supplied to the Utility subject to the terms and conditions of this Schedule. Customer-owned renewable generation and associated equipment are collectively referred to as a Generation Facility.

Utility may refuse interconnection of any generating facility with a rated generating capacity greater than Customer's annual peak electric load.

c. CHARACTER OF SERVICE. Single phase, 60 Hertz, alternating current will be supplied at standard voltages as available through one transformer. A qualifying Customer is a customer in good standing, connected to the Utility Electric Distribution System for the purpose of receiving retail electric service that also owns and operates a Generation Facility as defined in the Interconnection

Standards for Installation and Parallel Operation of Customer-owned Renewable Electric Generation Facilities 25 kWAC or Less for Residential Service. The Generation Facility shall be installed and operated in accordance with the requirements of said Interconnection Standards.

d. RATES. In addition to the rates set in Article 4 of Chapter 21 of the Code of the City of Washington for Commercial and Residential Customers, all interconnected Parallel Generation shall be billed monthly at a Capacity Charge based off the System Nameplate Capacity Rating. The Capacity Charge shall be calculated using the following formula.

System Nameplate Capacity Rating (kW) x \$5.00 = Capacity Charge.

Section 3. Metering, Billing, Terms and Conditions for Renewable Parallel Generation.

a. METERING. Metering shall be accomplished by use of a Utility-approved electric meter or meters capable of registering the flow of electricity in each direction. The Utility may, at its own expense and with written consent of the Customer, install one or more additional meters to monitor the flow of electricity.

b. CUSTOMER BILLING. The measurement of net electricity supplied by the Electric Utility and delivered to the Electric Utility shall be calculated in the following manner. Electric Utility shall measure the amount of electricity delivered by Electric Utility to Customer and the amount of electricity generated by the Customer and delivered to Electric Utility during the billing period, in accordance with normal metering practices. The kWh delivered by Electric Utility to the Customer shall be billed to the Customer at the rates contained in Article 4 of Chapter 21 of the Code of the City of Washington. The kWh generated by the Customer and delivered to Electric Utility shall be credited as described in Customer Billing Credit below. The calculated credit (\$) applied to the bill will not result in a total bill less than the Minimum Bill.

c. CUSTOMER BILLING CREDIT. The billing credit for surplus energy generated by the Generation facility and delivered to the Electric Distribution System that exceeds the Customer's instantaneous load but is not in excess of the appropriate generator size, the City shall credit one hundred and fifty percent (150%) of the Utility's actual cost of purchased energy (\$/kWh) for the periods in which energy was delivered to the City.

d. TERMS AND CONDITIONS.

1. The Utility shall offer this Renewable Parallel Generation Rate Schedule to Customers that wish to receive billing credit for surplus renewable energy supplied to the Utility from eligible Customer-owned Generation Facilities.

2. The Utility may limit the number and size of renewable generators to be connected to the Utility's system due to the capacity of the distribution line to which such renewable generator would be connected, and in no case shall the Utility be obligated to purchase an amount greater than 4% of such Utility's peak power requirements to be installed.

3. This Schedule shall only be available to Customers in good standing. All agreements hereunder shall be between the Customer and the City and will not include third parties.

4. This Schedule is subject to the provisions of the Interconnection Standards for Installation and Parallel Operation of Customer-owned Renewable Electric Generation Facilities.

5. The Interconnection Agreement between the Utility and Customer must remain in effect and the Customer-Owned Generation Facility must be in full compliance with the terms and conditions of the Interconnection Standards for Installation and Parallel Operation of Customer-owned Renewable Electric Generation Facilities.

6. Any required insurance coverage is specifically addressed in the Interconnection Standards for Installation and Parallel Operation of Customer-owned Renewable Electric Generation Facilities.

7. Nothing in this Schedule shall abrogate any Customer's obligation to comply with all applicable Federal, State and Local laws, codes or Ordinances.

8. This Schedule shall remain in place for a minimum of 12 months.

ARTICLE 5.

STORM WATER
(RESERVED)

ARTICLE 6.
SOLID WASTE
(RESERVED)

SEE CHAPTER VII, ARTICLE 2 OF THE CODE OF WASHINGTON