

ORDINANCE NO. 782

AN ORDINANCE REGULATING SEWER SERVICE AND RATES IN THE CITY OF LYNDON, KANSAS, PRESCRIBING RULES AND FIXING RATES FOR SUCH SERVICE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LYNDON, KANSAS:

SECTION 1. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this ordinance shall be as follows:

(a) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the innerface of the building wall.

(b) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

(c) B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.

(d) PH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(e) Individual Domestic means any single family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city on an individual city or private water service meter, or connection to any such water service.

(f) Industrial means any industrial business engaged in the manufacturing or processing of one or more products, and in which wastewaters are produced from such manufacturing or processing and said wastewaters are discharged directly or indirectly to the wastewater facilities of the city.

(g) Multi-domestic means any multi-family residence, apartment or mobile home and any commercial business, office, institution, school, church or public entity having a direct or indirect connection to the wastewater facilities of the city and not having an individual water service meter but is served with city or private metered water by the owner of the property on which it is located.

(h) Superintendent shall mean the maintenance superintendent of the city or his or her authorized deputy, agent or representative.

(i) 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.

(j) Sewer shall mean a pipe or conduit for carrying sewage.

(k) Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(l) Combined Sewers shall mean sewers receiving both surface runoff and sewage are not permitted.

(m) Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(n) Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(o) Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

(p) Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

(q) User means any person, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

(r) Wastewater means sewage, the combination of liquids and water carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or storm water that may be present.

(s) Normal wastewater The strength of normal wastewater shall be considered within the following ranges:

- (1) A five day biochemical oxygen demand of 300 milligrams per liter or less;
- (2) A suspended solid concentration of 350 milligrams or less;
- (3) Hydrogen ion concentration of 5.0 to 9.0.

SECTION 2. SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that said public sewer is within 140 feet of the property line.

SECTION 3. PERMIT; CONNECTION FEE.

(a) No 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.

(b) There shall be charged a fee of \$30.00 payable at the time of making application for the permit.

SECTION 4. APPLICATION. Any person desiring to make a connection to the city sewer system shall apply in writing to the City Clerk who shall forward the application to the maintenance superintendent or city designee. The application shall contain:

- (a) The legal description of the property to be connected;
- (b) The name and address of the owner or owners of the property;
- (c) The kind of property to be connected (residential, commercial or industrial);
- (d) The point of proposed connection to the city sewer line.

SECTION 5. COSTS. All costs and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer; including but not limited to damage to any city street or right-of-way.

SECTION 6. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the maintenance superintendent or city designee and at a location designated by the superintendent.

SECTION 7. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SECTION 8(1). SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe; ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved sewer pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of approved sewer pipe, except that non-metallic material may be accepted if laid on a suitable bed or cradle as approved by the city.

SECTION 8(2). SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be no less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement.

SECTION 8(3). SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fitting.

SECTION 8(4). SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner.

SECTION 8(5). SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired.

SECTION 8(6). SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved.

SECTION 8(7). SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.

Cast iron pipe with lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pour and caulked and packed tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

All joints in vitrified clay pipe shall be the polyurethane-compression type joints, approved by the city inspector.

Joints for all plastic pipe used in building sewers shall be the slip type joints or solvent weld type, approved by the city.

Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city.

SECTION 9. SEWER EXCAVATIONS: DAMAGES. All excavations for building sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation

work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city.

SECTION 10. FAILURE TO CONNECT.

(a) If any person shall fail to connect any dwelling or building with the sewer system after being noticed, the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.

(b) The cost and expense, including inspection fees, shall be assessed against the property. Until such assessments shall have been collected and paid to the city, the cost of making such connection may be paid from the general fund or through the issuance of no fund warrants.

SECTION 11. PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage except as provided in this ordinance.

SECTION 12. PRIVATE SEWER SYSTEM. Where a public sanitary sewer is not available under the provisions of Section 2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Sections 13 to 16.

SECTION 13. SAME; PERMIT. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the maintenance superintendent or city designee. The application shall be accompanied by any plans, specifications or other information deemed necessary by the maintenance superintendent or city designee. A permit and inspection fee of \$50.00 for residential service and \$100 for commercial and industrial service shall be paid to the city at the time the application is filed.

SECTION 14. SAME; INSPECTION. The maintenance superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

SECTION 15. SAME; DISCHARGE

(a) The type, capacities, location and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Kansas Department of Health and Environment, Bureau of Water. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tank,

cesspool and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials.

(c) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

SECTION 16. SAME; ADDITIONAL REQUIREMENTS. No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the city maintenance superintendent or city designee. Nor shall anything in this ordinance be construed to relieve any applicant from any other applicable state, county or municipal law.

SECTION 17. DISPOSAL OF SEWAGE. It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage of human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; 12-1617g)

SECTION 18. DAMAGE TO SEWERS. It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. Any person violating this provision may be subject to an appropriate civil or criminal action.

SECTION 19. NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this ordinance.

SECTION 20. STANDARDS. The size, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city or State of Kansas.

SECTION 21. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the maintenance superintendent or city designee, to meet all requirements of this ordinance.

SECTION 22. MUD, GREASE TRAPS. All garages, filling stations, restaurants, misc. food providers, milk plants, or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any grease, sand, mud, sediment, litter, waste or any

substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer.

SECTION 23. ROOF, FOUNDATION DRAINS.

(a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioned unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.

(b) All discharges prohibited in subsection (a) may be discharge into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharge into any unpaved street or alley.

SECTION 24. SAME; EXCEPTION. Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon approval of the maintenance superintendent or city designee where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city.

SECTION 25. PROHIBITED DISCHARGES. No person shall discharge any of the following waters or wastes to any public sewer.

(a) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;

(b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;

(c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(d) Garbage that has not been properly shredded;

(e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewer or other interference with the proper operation of the sewage works;

(f) Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(g) Waters or wastes containing a toxic poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(i) Noxious or malodorous gas or substance capable of creating a public nuisance.

SECTION 26. RATES. Sewer rates shall be based on each resident's water consumption and the following monthly rates are hereby established and shall be paid for sewer service furnished by the City of Lyndon, Kansas;

A. Residents whose dwelling is located within the corporate limits of the City of Lyndon, Kansas:

As of July 1, 2012

\$24.00 access fee for single dwelling structures

\$64.00 access fee for multi-dwelling structures. For purposes of this subsection "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$27.72 for up to the first 1,000 gallons; includes access fee (\$67.72 for multi-dwelling structures)

\$4.05 for the next 1,000 gallons

\$5.20 per thousand for all water usage of 2,000 gallons

As of January 1, 2013

\$24.00 access fee for single dwelling structures

\$64.00 access fee for multi-dwelling structures. For purposes of this subsection "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$31.44 for up to the first 1,000 gallons; includes access fee (\$71.44 for multi-dwelling structures)

\$4.59 for the next 1,000 gallons

\$5.90 per thousand for all water usage of 2,000 gallons

Within this subsection, the term "resident" means each metered location, whether or not more than one family or dwelling is serviced by said meter.

B. Residents whose dwelling is located outside the corporate limits of the City of Lyndon, Kansas:

As of July 1, 2012

\$35.00 access fee for single dwelling structures

\$75.00 access fee for multi-dwelling structures. For purposes of this subsection "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$40.43 for up to the first 1,000 gallons; includes access fee (\$80.43 for multi-dwelling structures)

\$4.05 for the next 1,000 gallons

\$5.20 per thousand for all water usage over 2,000 gallons

As of January 1, 2013

\$35.00 access fee for single dwelling structures

\$75.00 access fee for multi-dwelling structures. For purposes of this subsection "multi-dwelling structure" means three or more separate residential units (such as a four-plex or an apartment complex) that is serviced by one meter.

\$45.85 for up to the first 1,000 gallons; includes access fee (\$85.85 for multi-dwelling structures) \$4.59 for the next 1,000 gallons

\$5.90 per thousand for all water usage over 2,000 gallons

Within this subsection, the term "resident" means each metered location, whether or not more than one family or dwelling is serviced by said meter.

SECTION 27. CALCULATING WATER USAGE. In that many residents utilize more water in the summer months for needs unrelated to sewer usage such as watering yards and gardens, the residents' average water use in January, February and March shall be used to determine the residents' sewer rate for the months of June, July, August and September of each year.

SECTION 28. RE-CONNECTION. A charge of \$30.00 shall be made for reinstatement of service for the default of payment of sewer service charges and such charge shall be made for and included in the reinstatement of services after disconnection of water service for non-payment of sewer use charges. If premises served are vacated, the consumer must either pay the rates as set forth in Section 26 of this Ordinance, or request disconnection of service.

SECTION 29. BILLING. All sewer bills will be mailed on or before the 10th of the month and due by the 23rd day of the following month; if the 23rd falls on a non-working day, payment is due on the next business day. Delinquent accounts shall be assessed a \$10.00 late charge. Late notices shall be mailed on the 24th or next working day, extending receipt of payment in full until noon on the 1st of the following month; if not paid by noon, services will be terminated.

SECTION 30. NOTICE AND HEARING PROCEDURE. A delinquency and termination notice shall be issued on the 24th day of the month (or next working day). The delinquency notice shall provide the customer of record with the following information:

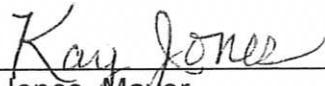
- A. The amount remaining unpaid and giving an extension to the 1st of the following month to remit the balance.
- B. The customer's right to a hearing before the Governing Body of the City of Lyndon or their designated agent.
- C. Notice service will be terminated after 12:00 p.m. on the 1st of the following month. The request for a hearing must be made no later than three (3) working days before the date of discontinuance.

Such hearings will be conducted by the Governing Body of the City of Lyndon or their designated agent. The City is authorized to discontinue and disconnect water service for any customer who shall be delinquent in the payment of bills. Customers are responsible for furnishing the City with their correct address for billing purposes.

SECTION 31. Ordinance number 755 and all other ordinances in conflict herewith are hereby repealed.

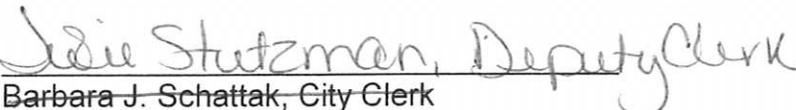
SECTION 32. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official newspaper of the City, as provided by law. New rates will take effect July 1, 2012 and will be reflected on utility bills issued in August, 2012.

PASSED AND APPROVED by the Governing Body of the City of Lyndon, Kansas, this 4th day of June, 2012.



Kay Jones, Mayor

Attest:

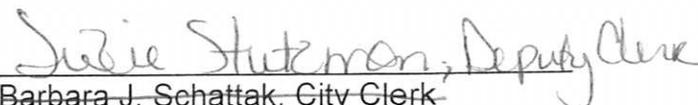


Barbara J. Schattak, City Clerk

STATE OF KANSAS, COUNTY OF OSAGE, SS:

I, the undersigned, hereby certify that I am the duly appointed and acting City Clerk of the City of Lyndon, Kansas; that the above Ordinance was passed by the council and approved by the Mayor on the 4th day of June, 2012, and it was published on the 14th day of June, 2012, and that the record of the final vote of passage is shown in the minutes of the proceedings of the Governing Body.





Barbara J. Schattak, City Clerk