

## CHAPTER XV. UTILITIES

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### ARTICLE 1. GENERAL PROVISIONS

- 15-101. DEFINITIONS. As used in this chapter the following definitions shall apply:
- (a) Customer shall mean the utility service account holder of record.
  - (b) Persons shall mean persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.
  - (c) Utility Service shall mean electrical service, sanitary sewer service and water service.  
(Ord. 1683, Sec. 1)
- 15-102. CONNECTION FEES; SECURITY DEPOSITS. (a) At the time of application for service, the applicant shall pay to the city clerk an initial service charge of \$10 for each meter of service, which is not a deposit and is not refundable.
- (b) The city clerk shall have the option of demanding a cash deposit, not to exceed an estimated billing for two months service when, in the clerk's opinion, the customer's prior payment history or general credit record justifies the same.  
(Ord. 1683, Sec. 2)
- 15-103. DISCONTINUANCE OF UTILITY SERVICES. (a) The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:
- (1) When 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 a particular 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 a particular utility service to any customer, following compliance with the notice and hearing requirements of section 15-104 of this article, for any of the following reasons:
- (1) Nonpayment of utility bills and charges as provided in section 15-104 of this article.

(2) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purposes of obtaining utility services from the city.

(c) The city may discontinue or refuse a particular utility service to any customer, following notice to the customer, for any of the reasons set out in this subsection. Customer shall have the right to a hearing within a reasonable time, not to exceed 10 days, following termination or refusal of service. If after such hearing the hearing officer finds in favor of the customer, the hearing officer may order connection or reconnection of the service at no cost to the customer.

(1) When the customer refuses to grant employees of the city's utility department access to equipment installed upon the premises of customer for the purpose of inspection, meter reading, maintenance or replacement.

(2) When the customer violates any rule, regulation or ordinance of the city pertaining to utility services, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services delivery system.

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services delivery system situated on or about the customer's premises.  
(Ord. 1683, Sec. 3)

15-104. UTILITY BILLING DATE; DELINQUENCY DATE. Utility billings shall be mailed on approximately the last day of each month for the month serviced. All billings for utility services shall be due and payable at the office of the city clerk on the first day of the month and must be paid in full by the 10th day of the month. Failure to make payment before the 11th day of the month shall result in the mailing of an account delinquency and service discontinuance notice, and shall result in the addition of a delinquency charge in the amount of 10 percent of the net bill. (Ord. 1683, Sec. 4)

15-105. NONPAYMENT OF UTILITY BILLS. (a) An account delinquency and service discontinuance notice shall be issued in writing on the 11th day of the month with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the customer (and a copy also sent by U.S. mail, first class, to the occupant of the premises services, if the occupant is not the customer) at the last known address of the customer as shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city utility department or by any city law enforcement officer or by the city employee posting the written notice upon a door of a building upon the property serviced.

(b) A notice of account delinquency and service discontinuance shall provide the following information:

- (1) Name of customer and address where service is being provided.
- (2) Account number.
- (3) Amount past due plus delinquency charges.



(4) Notice that utility service shall be terminated upon failure to pay the delinquent billing plus delinquency charges within 10 days of the date of the mailing of the notice.

(5) Notice that the customer has the right to appear and be heard at a hearing on the hearing date set by the city.

(c) That notice of account delinquency and service discontinuance shall be substantially in the following form:

"Notice of Account Delinquency and Service Discontinuance.

"To: \_\_\_\_\_

"Your (electrical and/or sanitary sewer and/or water) bill in the amount of \$ \_\_\_\_\_ which was due \_\_\_\_\_, 19\_\_\_\_, remains unpaid and is now delinquent.

"Delinquency charge to be added to your bill is \$ \_\_\_\_\_. You are hereby notified that the city intends to terminate your service on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., unless you pay the amounts due as above stated or unless good cause be shown why such service should not be terminated. You are further notified that you are to appear in the LaHarpe City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., then and there to show good cause as to why your service should not be terminated for on payment of charges. Should you fail to attend the hearing or fail to request at least 24 hours prior to the above hearing date that the hearing be rescheduled, then you are notified that immediately following the hearing date the service or services shall be discontinued.

"Dated \_\_\_\_\_, 19\_\_\_\_.

CITY OF LAHARPE, KANSAS

By \_\_\_\_\_"

(d) Any utility customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to disconnection. At such hearing, the applicant or customer, and the city, shall have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses, however, formal rules of evidence shall not be followed. The hearing shall be conducted by the \_\_\_\_\_ or such other hearing officer as may be appointed by and with the consent of the governing body. In the event the hearing officer finds utility service(s) should not be discontinued, the hearing officer shall so order and advise the city thereof. In the event the hearing officer finds utility service(s) should be discontinued, the hearing officer shall so order

and advise the city thereof. Unless otherwise ordered by the hearing officer, utility service(s) shall be discontinued on the date that the order of discontinuance is issued by the hearing officer. Extensions of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The customer shall be given notice of order of discontinuance in person, or by certified mail. Making a determination of whether discontinuance should be ordered, the hearing officer shall consider, but not be limited to, the following factors:

- (1) Whether discontinuance is dangerous to the health of the customer, the customer's family or any other residents of the premises affected;
- (2) The weather;
- (3) Unforeseen financial hardship of the customer;
- (4) Medical conditions, ages or disabilities of the customer, the customer's family or other residents of the premises.

(Ord. 1683, Sec. 5)

15-106. DISCONTINUANCE OF UTILITY SERVICES. City utility departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to the procedures set out in this article. Customers shall remain responsible for furnishing the city with the correct address for billing purposes. (Ord. 1683, Sec. 6)

15-107. LIEN UPON CUSTOMER'S PROPERTY. In the event that any persons shall neglect, fail or refuse to pay within 10 days following notice of discontinuance, the utility billings and delinquency charges due the city, such billings and charges shall constitute a lien upon the real property served by the connection to the utility service, shall be certified by the city clerk to the county clerk of Allen County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible. (Ord. 1683, Sec. 7)

15-108. LATE PAYMENT CHARGES AND RECONNECTION FEES. (a) Late Payment Charges. All bills delinquent after the 10th day of the month of the billing shall be subject to a 10 percent penalty.

(b) Reconnection Charges. Prior to reconnecting a utility service disconnected following delinquency, customer shall pay to the city the entire balance due and owing to the city at the time of reconnection. Customer shall also pay a reconnection charge of \$12.50 for reconnection of electric service, \$12.50 for reconnection of sanitary sewer service, and \$12.50 for reconnection of water service.

(Ord. 1683, Sec. 8)

15-109. UTILITY SERVICE CONTRACT. The undersigned (hereafter customer) hereby makes application to the city for utility service upon the following conditions:



(a) Connection Charges and Deposit. A non-refundable connection charge of \$10 per utility will be collected upon the signing of this contract. In addition, the city clerk shall have the option of requiring, and customer agrees to pay, a cash deposit when in the clerk's opinion the customer's credit record or delinquency record justifies same, in an amount to be determined by the city clerk, but in no event shall the deposit exceed an amount equal to estimated billing for two month's service. Any deposit required under this section shall bear interest, and be refunded in the event all terms of this agreement are complied with.

(b) Payment. Utility billings shall be mailed on approximately the last day of the month. All bills are due and payable by the 1st day of each month.

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(c) Delinquent Bills and Service Discontinuation. Bills are delinquent after the 10th day of each month. Failure to make payment before the 11th day of the month shall result in the mailing of an account delinquency and service discontinuation notice, advising the customer that if the utility bills then owed are not paid within 10 days of the date of such notice that such utility service will be discontinued. The city clerk shall advise the customer receiving the notice of account delinquency and service discontinuation that the customer shall have the right to a hearing prior to the expiration of the 10 days by contracting the city clerk.

(d) Reconnection Fees. A reconnection charge of \$12.50 per meter shall be paid by the customer for utilities disconnected due to delinquency prior to reconnection of utility service.

(e) Meters. Meters are the property of the city and may not be tampered with, turned off or on, or otherwise abused by the customer subject to termination of service. The city will have the right of access to customer's premises for the purpose of installing, reading, inspecting or repairing any meters and other equipment and for any purpose incidental to the utility service supplied by the city to customer or to others. Meters which cannot be read are subject to estimated billing.

(f) Continuity of Service. The city will use reasonable diligence to supply continuous utility service, but does not guarantee the supply of utility service against irregularities or interruptions. In no event shall the city be liable for damages from irregularities or interruptions of service caused by , but not limited to, an act of God, governmental authority, action of the elements, public enemy, accident, labor disturbances, strikes or their equivalent, sabotage, vandalism, required maintenance work, legal process, inability to secure rights-of-way or other permits needed, or for other cause or causes beyond the control of the city.

(g) Delivery of Service. Utility service under this agreement is to be for the customer's premises located at \_\_\_\_\_.

(h) Credit Information. Customer warrants that the following information is correct and may be relied upon by city in furnishing utility service under this agreement:

Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_

Are the premises where you reside owned or rented? \_\_\_\_\_

If rented: Landlord's name: \_\_\_\_\_  
Landlord's address: \_\_\_\_\_

Place of employment: \_\_\_\_\_

Drivers License Number: \_\_\_\_\_ Social Security Number \_\_\_\_\_

Type of service requested: Electric Water Sewer  
(Circle appropriate service)

I, the undersigned, do hereby agree to pay the City of LaHarpe, Kansas, for utilities services as specified above, beginning on the date of connection of service to the premises.

I further state that I am not, nor is my spouse, as of this date, in arrears to the City of LaHarpe for any previous utility bills.

APPLICATION MADE this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signature (& title, if any)

APPLICATION ACCEPTED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

City of LaHarpe

By: \_\_\_\_\_

Title: \_\_\_\_\_

(Ord. 1683)

15-110. BUILDING INCENTIVES. The intent of sections 15-110:115 is to attract new building within the corporate limits of the city. (Ord. 1672, Sec. 1)

15-111. SAME; WHEN. The city will, at the request of owners of property within the city limits, construct, erect, or lay lines and install the meter for city-owned utility service or services to any eligible structure, at no cost to the landowner, provided that the sewer lines are within 150 feet from the eligible structure, that electric and water lines are within 300 feet from the eligible structure, and that the city has existing services lines adjacent to the lot where the proposed eligible structure is



to be built. Property owners may elect whether the electric lines are to be aerial or buried. (Ord. 1672, Sec. 2)

- 15-112.           DEFINITIONS. Eligible Structure shall be defined as:
- (a) A residential structure which:
    - (1) Is new construction or a structure, including a mobile home, moves from another location to the city;
    - (2) Has at least 1,000 square feet of living space;
    - (3) Has a market value of \$25,000 or more;
    - (4) Is set on a solid foundation of rock, brick, cement or other like materials, under the exterior walls;
    - (5) Is anticipated to be completed within a 23 month period.
  - (b) A commercial structure which:
    - (1) Is new construction or a structure, including a mobile home, moved from another location to the city;
    - (2) Satisfied at least two of the following:
      - (A) A market value of \$25,000;
      - (B) Is the site of a business which employs three or more people;
      - (C) Has at least 2,500 square feet.
    - (3) Is set on a solid foundation of rock, brick, cement or other like material, under the exterior walls.
    - (4) Is anticipated to be completed within a 23 month period.
- (Ord. 1672, Sec. 3)

- 15-113.           INSTALLATION OF UTILITIES. City owned and operated utilities may, at the property owner's request, be installed prior to completion of the structure. (Ord. 1672, Sec. 4)

- 15-114.           APPLICATION FOR INCENTIVE. Property owners may initiate requests under this article by indicating upon the application for a building permit that a building incentive is requested and by providing information with the application for building permit from which the city can determine whether the proposed structure is an eligible structure. If the permit is granted, and the building incentive is offered to the property owner, the city and the property owner shall execute an agreement in writing, outlining the rights and duties of the parties, in a form to be supplied by the city. (Ord. 1572, Sec. 5)

- 15-115.           COSTS. If, upon completing and inspection by the city, the structure does not meet the definition of the eligible structure, the city retains the right to bill the property owner for the cost of the construction and installation of the utility lines and meter, or \$550 whichever is greater. Any amounts billed pursuant to this section and remain uncollected for a period of 180 days shall be forwarded to the Allen County treasurer for assessment against the property. (Ord. 1672, Sec. 6)

15-116.

~~LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article 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.~~

*immediately*

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~~(b) In the event a delinquency arises involving leased premises, 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. If the delinquent billing, interest and penalty are not paid within 15 days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.~~

~~(Code 1992)~~

15-117.

LIABILITY OF PROPERTY OWNER; LIEN. (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.

(b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.

*immediately*

(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) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.~~

~~(Code 1992)~~

## ARTICLE 2. WATER

15-201.

SUPERINTENDENT OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the



superintendent of water and sewage, who shall be appointed by the mayor with the consent of the governing body. (Code 1992)

- 15-202.       REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1992)
- 15-203.       SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1992)
- 15-204.       SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located public water mains, is hereby required at his or her own expense to make connection to such public water main.  
              (b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Code 1992)
- 15-205.       APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.  
              (b) The application shall:  
              (1) Contain an exact description including street address of the property to be served;  
              (2) State the size of tap required;  
              (3) State the size and kind of service pipe to be used;  
              (4) State the full name of the owner of the premises to be served;  
              (5) State the purpose for which the water is to be used;  
              (6) State any other pertinent information required by the city clerk;  
              (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.  
              (c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207. (Code 1992)
- 15-206.       CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb

cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 1992)

15-207.

CONNECTION FEES. (a) A service connection charge for all new water reconnections to the water system of the city shall be as follows:

(1) Subject to the provisions of subsection (d) hereof, for taps of 3/4 inches only the sum of \$150.

(2) For taps of one inch or larger material and labor the sum of \$150 shall be paid in advance and the balance, if any, shall be paid with the first water bill becoming due after such connection is completed and at least within 60 days from such completion.

(b) If location of water tap is unknown, water service shall not thereafter be supplied to the premises affected except upon installation of new water connection or connections and payment of fees and charges as provided in (a) of this section.

(c) The governing body of the city shall have the right to refuse new water service to any premises outside the corporate limits of the city if, in the governing body's sole judgment, the demand to be created thereby will unduly decrease the supply to previously connected users.

(d) The governing body of the city shall have the right to refuse new water service to any premises within the corporate limits of the city if, in the governing body's sole judgment, the cost of extending the service from line is unjustified in view of return from utilities to be expected, unless the person desiring such service agrees to pay material and labor plus 10 percent and makes deposit suitable to the governing body to guarantee such payment.

(e) Except as provided in subsection (d) hereof, water service connections within the corporate limits shall be brought from the water main to the property lien, and shall be made at the water main outside such corporate limits.

(f) In case water service is turned off or placed on vacation at the request of user a turnon charge of \$5 will be required in addition to payment of any delinquencies, before service will be renewed.

(g) Except as otherwise provided by ordinance for trailer courts, no more than one user, whether residence or otherwise, shall be served through one water tap.

(h) Any violation of the terms hereof shall be considered a code violation and subject to violator to prosecution, and in lieu thereof or in addition thereof the governing body may cause the service to be turned off and not restored until the violation has been corrected and the city paid such sum as will reasonably reimburse it for the loss caused by such violation plus such penalty as the governing body may see fit to impose, not to exceed the sum of \$100.

(Ord. 1545, Secs. 1:8)

15-208.

CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1992)



- 15-209. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1992)
- 15-210. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. (Code 1992)
- 15-211. METERS. (a) All water furnished to customers shall be metered.  
(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.  
(c) The city's responsibility stops at the property line.  
(Code 1992)
- 15-212. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$10 will be made to the customer. (Code 1992)
- 15-213. TAMPERING WITH ELECTRIC OR WATER METER. It shall be unlawful for any person 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 water or electricity supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the city to turn any meter on or off or to tamper with, change, connect, disconnect or move any utility meter. (Ord. 1559, Sec. 1; Code 1992)
- 15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 1992)
- 15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body shall establish, by ordinance, a water service disconnection and reconnection charge. Whenever the city receives a request from a customer for termination of water service the disconnection charge shall be added to the customer's final bill. Any service disconnected for nonpayment of delinquent bill shall be reconnected only

upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Code 1992)

- 15-216. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 1992)
- 15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 1992)
- 15-218. PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:
- (a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;
  - (b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;
  - (c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city;
- (Code 1992)
- 15-219. WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1992)
- 15-220. RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 1992)
- 15-221. RATES. The rates per month for the use of water in the city shall be as follows: (Reserved)
- 15-222. PAYMENT OF BILLS. All water bills for the previous month's water service shall be paid on or before the 10th day of the month following the service. For any billing not paid when due a late charge of 10 percent will be added to the bill. (Code 1992)
- 15-223. DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY. Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1992)



- 15-224. USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1992)
- 15-225. CROSS-CONNECTIONS PROHIBITED. No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Code 1992)
- 15-226. SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Code 1992)
- 15-227. SAME; INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Code 1992)
- 15-228. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply. (Code 1992)

### ARTICLE 3. ELECTRICITY

15-301. ELECTRIC RATES. The charge for electric service furnished by the city shall be as follows:

(a) Single phase, three wire meter, within the city limits, first 300 kwh at 9.93 center per kwh, all over 300 kwh at 7.43 cents per kwh; with a \$8 monthly minimum.

(b) Single phase, three wire meter, outside the city limits, the first 300 kwh at 11.0 cents per kwh, all over 300 kwh at 8.36 centers per kwh; with a \$11 monthly minimum.

(c) Three phase power rate. Available for power purposes only, to customers adjacent to the city's lines using 60 cycle, 115-230 volt, three phase service where available.

First 110 kwh at 13.9 centers per kwh.

Next 200 kwh at 10.6 cents per kwh.

All over 300 kwh at 8.36 cents per kwh.

With a minimum of 3.0095 P.H.P. or \$15 which is greater.

(d) Mercury vapor yard lights may be installed on contract for not less than 12 months at a monthly rate of \$7, payment of the last two months at time of contract being required and to be applied to the 11th and 12th month, or to installation and removal expense if earlier terminated by nonpayment or otherwise. (Ord. 1669, Sec. 1)

### ARTICLE 4. SEWERS

15-401. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

(a) 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.

(b) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the innerface of the building wall.

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

(d) Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

(e) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(f) Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.



(g) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(h) Normal Domestic Wastewater shall mean wastewater that has a BOD concentration of not more than 250-300 mg/1 and a suspended solids concentration of not more than 90 mg/1.

(i) Operation and Maintenance shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

(j) Person shall mean any individual, firm, company, association, society, corporation, or group.

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

(l) Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

(n) Replacement shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

(o) Residential and/or Light Commercial Contributor shall mean any contribution to the city's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling or light commercial purposes only.

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

(q) 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.

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

(s) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

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

(u) Shall is mandatory; May is permissive.

(v) Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

(w) Storm Drain (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other unpolluted cooling water.

(x) Superintendent shall mean the (superintendent of sewage works and/or of water pollution control) of the city, or his or her authorized deputy, agent, or representative.

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

(z) 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 system, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

(aa) Useful Life shall mean the estimated period during which a treatment works will be operated.

(bb) User Charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, debt retirement and replacement of the wastewater treatment works.

(cc) Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city.

(dd) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 1536, Secs. 1:22; Ord. 1662, Secs. 1:11)

15-402. **DISPOSAL OF SEWAGE.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage, or other objectionable waste. (Ord. 1536, Art. II, Sec. 1)

15-403. **NATURAL OUTLETS.** It shall be unlawful to discharge to any natural outlet within the city any sewage or other polluted waters, except where suitable



treatment has been provided in accordance with subsequent provisions of this article. (Ord. 1536, Art. II, Sec. 2)

- 15-404. PRIVY UNLAWFUL. It shall be unlawful to construct or maintain any private, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 1536, Art. II, Sec. 3)
- 15-405. SEWER CONNECTION REQUIRED. The owner of all houses, buildings or property used for human occupancy, employment, recreational or other purposes, situated within the city on any street, alley, or right-of-way in which areas are 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 a suitable toilet facility therein and to connect such facility directly with the proper public sewer in accordance with provisions of this article, within 90 days after the date of official notice to do so, provided such public sewer is within 100 feet of the property line. (Ord. 1536, Art. II, Sec. 4)
- 15-406. PRIVATE SEWER SYSTEMS. Where a public sanitary or combined sewer is not available under the provisions of section 15-409, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1536, Art. III, Sec. 1)
- 15-407. SAME; PERMIT. Before commencement of construction of private sewage disposal system, the owner shall first obtain a written permission signed by the superintendent. The application for such permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the superintendent. A permit and inspection fee of \$5 shall be paid to the city clerk at the time the application is filed. (Ord. 1536, Art. III, Sec. 2)
- 15-408. SAME. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He or she shall be allowed to inspect the work in any state of construction. In any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. Inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Ord. 1536, Art. III, Sec. 3)
- 15-409. SAME. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-409, a direct connection shall be made within 60 days to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned. (Ord. 1536, Art. III, Sec. 4)

- 15-410. SAME. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. (Ord. 1536, Art. IV, Sec. 1)
- 15-411. SAME. There shall be two classes of building sewer permits:  
(a) For the residential and commercial service; and  
(b) For the service to establish and produce an industrial waste.  
In either case, the owner or his or her agent shall make application on a special form furnished by the city. Permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit inspection fee of \$5 for residential and commercial building sewer permit and \$15 for industrial builder sewer permit. It shall be paid to the city treasurer at the time application is filed. (Ord. 1536, Art. IV, Sec. 2)
- 15-412. EXPENSES. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord 1536, Art. IV, Sec. 3)
- 15-413. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 1536, Art. IV, Sec. 4)
- 15-414. OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article. (Ord. 1536, Art. IV, Sec. 5)
- 15-415. SEWER; SPECIFICATIONS. The building sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal: Vitrified clay pipe, ASTM specification (C13-44T) or plastic pipe PVC SDR 33.5 of ASTM designation D-1784. Joints for PVC pipe shall be either O-ring rubber gasket joints or solvent cemented joints, or equal. All joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed or cast iron sewer pipe. (Ord. 1536, Art. IV, Sec. 6)
- 15-416. SAME. The size and slope of the building sewer shall be subject to approval of the superintendent, but in no event shall the diameter be less than four or six inches. The slope of such six inch pipe shall not be less than 1/8 inch per foot.



If four inch pipe is allowed, 1/4 inch per foot slope shall be minimum for that size connection. (Ord. 1536, Art. IV, Sec. 7)

- 15-417. 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 therefore be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid on uniform grade and in straight alignment insofar as possible. Changes in direction shall be made with properly curved pipe and fittings. (Ord. 1536, Art. IV, Sec. 8)
- 15-418. SAME. In all buildings in which any building drain is too low to permit gravity flow to public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer. The use of any pumping equipment, for which cross connections of a public water supply system are needed, is prohibited. (Ord. 1536, Art. IV, Sec. 9)
- 15-419. SAME. All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. 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. (Ord. 1536, Art. IV, Sec. 10)
- 15-420. SAME. The connection of a building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his or her expense install a "Y" branch in the public sewer location specified by the superintendent.
- A net hole may be cut in the public sewer to receive the building sewer with entry in the downstream direction at an angle of about 45 degrees. A 45 degree elbow may be used to make such connections with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of the connection shall be at the same or a higher elevation as the invert of the public sewer. The smooth, neat joints shall be made, and the connection be made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent. (Ord. 1536, Art. IV, Sec. 11)
- 15-421. SAME. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his or her representative. (Ord. 1536, Art. IV, Sec. 12)
- 15-422. SAME. All excavations for public sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazards. Streets,

sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city. (Ord. 1536, Art. IV, Sec. 13)

- 15-423. SAME. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer. (Ord. 1536, Art. IV, Sec. 14)
- 15-424. PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 1536, Art. V, Sec. 1)
- 15-425. SAME. Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged by approval of the superintendent to a storm sewer, or nature outlet. (Ord. 1536, Art. V, Sec. 2)
- 15-426. SAME. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.
  - (c) Any waters or wastes having a pH lower than 5.5, of 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc, either whole or ground by garbage grinders.
  - (e) Any waters or wastes having (1) a five-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be



necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.  
(Ord. 1536, Art. V, Sec. 3)

15-427.

SAME. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Centigrade).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or re 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.  
(Ord. 1536, Art. V, Sec. 4)

- 15-428. SAME. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-427 of this article, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may;
- (a) Reject the wastes;
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-433 of this article.

Plans, specifications, and any other pertinent information related to the proposed preliminary treatment facility shall be submitted for approval of the superintendent and Kansas State Department of Health and Environment. NO construction of such facilities shall be commenced until such set of approvals are obtained in writing. (Ord. 1536, Art. V, Sec. 5)

- 15-429. SAME. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be coated as to be readily and easily accessible for cleaning and inspection. (Ord. 1536, Art. V, Sec. 6)



- 15-430. SAME. 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 or her expense. (Ord 1536, Art. V, Sec. 7)
- 15-431. SAME. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 1536, Art. V, Sec. 8)
- 15-432. SAME. 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 providing, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls where pH's are determined from periodic grab samples.) (Ord. 1536, Art. V, Sec. 9)
- 15-433. SAME. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 1536, Art. V, Sec. 10)
- 15-434. DAMAGE TO SEWERS. No unauthorized person shall maliciously, willfully, or negligently break damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1536, Art. VI, Sec. 1)
- 15-435. SUPERINTENDENT; AUTHORIZATION. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall

be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 1536, Art. VII, Sec. 1)

- 15-436. SAME. While performing the necessary work on private properties referred to in section 15-435 above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premiss established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 15-431. (Ord. 1536, Art. VII, Sec. 2)
- 15-437. SAME. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1536, Art. VII, Sec. 3)
- 15-438. VIOLATIONS. Any person found to be violating any provision of this article except section 15-434 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. (Ord. 1536, Art. VIII, Sec. 1)
- 15-439. SAME. Any person who shall continue any violation beyond the time limit provided for in section 15-438 shall be guilty of a code violation and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. Each 24 hour period in which any such violation shall continue shall be deemed a separate offense. (Ord. 1536, Art. VIII, Sec. 2)
- 15-440. SAME. 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. (Ord. 1536, Art. VIII, Sec. 3)



- 15-441. USE CHARGE SYSTEM. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and 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. (Ord. 1662, Art. III, Sec. 1)
- 15-442. SAME. That portion of the total user charge collected which is designated for operation and maintenance including replacement and bond debt retirement purposes as established in section 15-443, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance, Debt Retirement, and Replacement Fund and will be kept in three primary accounts as follows:
- (a) An account designated for the specific purpose of defraying operation and maintenance costs (excluding debt retirement and replacement) of the collection system and treatment works (sewer utility fund).
  - (b) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (sewer reserve fund). Deposits in the replacement account shall be made monthly from the operation, maintenance, debt retirement, and replacement revenue in the amount of \$1,112 annually.
  - (c) An account designated for the specific purpose of ensuring costs associated with debt retirement of bonded capital associated with financing the treatment works (sewer principal and interest fund). Deposits in the debt retirement account shall be made monthly from the operation, maintenance, debt retirement and replacement revenue in the amount established by the bond and coupon amortization schedule.  
(Ord. 1662, Art. III, Sec. 2)
- 15-443. SAME. Fiscal year-end balances in the sewer utility fund, sewer principal and interest fund and sewer reserve fund shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the sewer utility fund, sewer principal and interest fund and sewer reserve fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, debt retirement and replacement. The user charge rate(s) shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed. (Ord. 1662, Art. III, Sec. 3)
- 15-444. SEWER SERVICE CHARGES. Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by a flat rate structure. The following classes of users and charges to those users are hereby established:

Class I:

Residential Users: Single Family Contributions.

Light Commercial/Institutional Users: Non-residential users which contribute between 100 gpd and 200 gpd of less than or equal to normal domestic strength wastewater.

\$5.25/month for operation and maintenance, including replacement.

\$4.75/month for debt service.

Class II:

Heavy Commercial Users: Non-residential users which contribute more than 200 gpd of less than or equal to normal domestic strength wastewater.

\$ \_\_\_\_\_/month for operation and maintenance, including replacement.

\$ \_\_\_\_\_/month for debt service.

\*Rates for this class will be determined based upon annual water usage.

Class III:

Heavy Institutional Users: Schools\*

\$0.20/month for operation and maintenance, including replacement.

\$2.05/month for debt service.

\*Payment by this class is based upon per student, per month for nine months.

Class IV:

City of Gas, Allen County, Kansas:

The city of Gas's user rate will be as per contract dated November 15, 1979 with amendments dated February 25, 1982.

(Ord. 1662, Art. IV, Sec. 1)

- 15-445. SAME. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increases costs. The charge to each such user will be as determined by the responsible plant operating personnel and approved by the city council. (Ord. 1662, Art. IV, Sec. 2)
- 15-446. SAME. The user charge rates established in this article apply to all users, regardless of their location of the city's treatment works. (Ord. 1662, Art. IV, Sec. 3)
- 15-447. PAYMENTS. All users shall be billed monthly. Billings for sewer service charges herein established shall be paid on or before the 10th day of the month following the month or portion thereof in which the service was utilized by the customer. Any payment not received within 20 days after the billing is made shall be in default; rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid, following due notice and opportunity for hearing. (Ord. 1662, Art. V, Sec. 1)



15-448. LATE PAYMENT CHARGES. A late payment penalty of 10 percent of the user charge bill will be added to each billing not paid by the 10th day of the month following the month or portion thereof in which the service was utilized. In the event any person shall neglect, fail, or refuse to pay the user charges fixed hereby, such charges shall constitute a lien upon the real estate served by the connection to the sewer and shall be certified by the city clerk to the county clerk of Allen County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible. (Ord. 1662, Art. V, Sec. 2)

15-449. RATES. The city shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including debt retirement and replacement and that the system continues to provide for the proportional distribution of operation and maintenance, including debt retirement and replacement costs among users and user classes. Should any excess revenues be collected from a class of users, the excess shall be credited to that class for the next year and its rates will be adjusted accordingly. (Ord. 1662, Art. VI, Sec. 1)

15-450. SAME. The city will notice each user at least annually, in conjunction with a regular bill, of the rate being charged for operating and maintenance, including debt retirement and replacement of the treatment works. (Ord. 1662, Art. VI, Sec. 2)

## ARTICLE 5. SOLID WASTE

15-501. DEFINITIONS. The following terms used in this article shall have the meanings ascribed to them in this section:

(a) Commercial Waste. All solid waste emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.

(b) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters.

(c) Garbage. Putrescible waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.

(d) Multi-Family Unit. Any structure containing more than four individual dwelling units.

(e) Refuse. All garbage and/or rubbish or trash.

(f) Residential. Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes.

(g) Rubbish or Trash. All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, limbs, tree trunks and stumps, boxes and barrels, wood and excelsior, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations.

(h) Solid Waste. All non-liquid garbage, rubbish or trash.  
(Ord. 1462, Sec. 1)

15-502. DUTY OF OWNER, OCCUPANT. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article; provided however, that where special commercial containers are provided by the city or a person under contract with the city for the collection of solid waste within the city, they may be leased at a monthly fee fixed by the city or contractor. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials or solid waste within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Ord. 1462, Sec. 2)

15-503. RESIDENTIAL CONTAINERS. Residential containers shall not have a capacity of more than 32 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting; provided however, that plastic bags of not less than 1.5 mills in thickness may be substituted for containers as set forth above; and provided further, that plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in containers. (Ord. 1462, Sec. 3)

15-504. COMMERCIAL CONTAINERS. Containers for commercial waste shall be of such size and construction as shall be determined by the city or the contractor. (Ord. 1462, Sec. 4)

15-505. MISCELLANEOUS WASTE. (a) Trees, less than four inches in diameter, branches and shrubbery trimmings shall be securely tied in bundles which shall not exceed 128 inches in diameter nor 48 inches in length and shall not, regardless of size, exceed 60 pounds in weight.

(b) Books, magazines and newspapers may be securely tied in bundles or placed in disposable containers in lieu of placing in an approved container. such bundle or container and contents shall not exceed a weight of 60 pounds.

(c) Empty cardboard boxes shall be flattened. No trash other than books, papers, magazines or lawn clippings, shall be placed in cardboard containers.  
(Ord. 1462, Sec. 5)



- 15-506.       DISTRIBUTING CONTAINERS. Refuse materials, when placed in containers by the occupants or owners of the premises upon which the same are located, shall be subject to the exclusive control of the city, its agent or contractors and no person shall meddle with refuse containers or in any way pilfer or scatter the contents thereof. (Ord. 1462, Sec. 6)
- 15-507.       IMPROPER CONTAINERS. Refuse placed in an improper container shall not be collected. Rocks, dirt, sod, concrete or building materials are not considered normal household wastes and will not be removed. (Ord. 1462, Sec. 7)
- 15-508.       LOCATION OF CONTAINERS. All solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the city to use public property for such purpose. (Ord. 1462, Sec. 8)
- 15-509.       COLLECTION OF SOLID WASTE. The city may provide for the collection of all solid waste in the city; however, the city may provide the collection service by contracting with a person, firm, corporation, county, another city, or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city. (Ord. 1642, Sec. 9)   x x
- 15-510.       ENTER PRIVATE PREMISE. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Ord. 1462, Sec. 10)
- 15-511.       FREQUENCY OF COLLECTION. Solid waste in residential areas shall be collected not less than once weekly. All commercial solid waste shall be collected at intervals as may be fixed by the city or contractor, but not less than once weekly. (Ord. 1462, Sec. 11)
- 15-512.       COLLECTION EQUIPMENT. All vehicles used for the collection and transportation of solid waste shall be constructed with watertight bodies and shall be fully enclosed or capable of being securely covered. All such vehicles shall be maintained in a safe, clean, sanitary condition and shall be operated in such a manner as to prevent spillage therefrom. (Ord. 1462, Sec. 12)   x
- 15-513.       DISPOSITION OF WASTE. All solid waste shall be disposed of at the Allen County Waste Disposal Site near the city. Such disposal site shall be operated in a manner consistent with regulations adopted by the County of Allen, Kansas, and standards fixed by the state and federal government. (Ord. 1462, Sec. 13)
- 15-514.       ROCKS; DIRT. Rocks, dirt, sod, concrete and building material shall be disposed of only in sites and in a manner approved by the city or contractor and the local and state board of health. (Ord. 1462, Sec. 14)

- 15-515. PERIODIC CLEANUP. Any person who from time to time may desire to dispose of unwanted objects, furniture, appliance, trash, litter or other solid waste shall dispose of such refuse by delivering it, or having it delivered, to the Allen County waste disposal site to be disposed of in the same manner as provided for ordinary residential or commercial waste. (Ord. 1462, Sec. 15)
- 15-516. SERVICE FEES. A refuse service charge of \$1 for November, 1974, and \$2 per calendar month thereafter shall be levied against each residential dwelling unit for the collection and disposing of solid waste as required by this article. This service charge may be increased or decreased hereafter as cost of living changes by ordinance referring to this section and will not be effective until the month following that of publication.
- Multi-family dwelling refuse service charge shall be determined by the city or contractor where the refuse is collected from one central location. If refuse is collected from each unit individually, the refuse service fee shall be the same as for residential units.
- Commercial refuse service charges shall be determined by the city or contractor. In no case, however, shall such commercial rates be less than that charged a dwelling unit. In determining commercial rates or multi-family dwelling rates, the city or contractor shall consider such factors as the quality of refuse collected, the number of collections each month and accessibility to the place of collection.
- In addition to the refuse service charge per month, there shall be a county waste disposal site and administration charge of \$0.75 per calendar month levied against each residential dwelling unit, multi-family dwelling and commercial establishments having utility connections with this city which shall be increased or decreased concurrently with any change in waste disposal site charge made by Allen County. (Ord. 1462, Sec. 16)
- 15-517. REQUEST FOR SERVICE. A request for public utility service shall automatically constitute a request for refuse service. A termination of public utilities service shall automatically terminate refuse service; provided however, that the absence of public utility service shall not relieve any owner or occupant of any residence, multi-family dwelling or commercial enterprise from the responsibility of complying with the provisions of this article. (Ord. 1462, Sec. 17)
- 15-518. BILLING. Bills for refuse service shall be rendered monthly at the same time as bills for utility service are rendered. Such bills shall be collected as a combined bill for refuse and utility service. (Ord. 1462, Sec. 18)
- 15-519. PARTIAL SERVICE. Any person at the time of beginning or terminating service who receives service for a period of less than 198 consecutive days shall be billed at one-half of the regular monthly rate. For service of 18 consecutive days or more the charge shall be at the full monthly rate. (Ord. 1462, Sec. 19)



- 15-520. SERVICE FEES; EXCEPTIONS. Where collections are made from each individual unit of a multi-family dwelling, an individual unit may be exempted from the monthly service fee upon written application of the owner that such dwelling unit has been vacant more than 18 days. Should the owner fail to advise the city at the time the unit again becomes occupied, he or she shall immediately become liable for all fees waived. (Ord. 1462, Sec. 20)
- 15-521. FAILURE TO PAY BILL. Failure to pay refuse service charges in full together with other utility bills as they become due subjects the user to the same interest charges, penalties and reconnection charges as existed for utility users prior to this article and as amended from time to time hereafter. (Ord. 1462, Sec. 21)
- 15-522. PROHIBITED PRACTICES. It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that owned or leased by him or her or under his or her control without written consent of such owner and/or with the intent of avoiding payment of the refuse service charge.
  - (b) Interfere in any manner with employees of the city or its contractor in the collection of solid wastes.
  - (c) Dispose of solid waste in an unapproved site including the old city dump near the east corporate limits of the city.
  - (d) To transport on or over the streets of the city solid waste except in compliance with this article; provided however, that the owner or occupant of a dwelling unit or commercial enterprise may transport, or have transported, over the streets of the city such miscellaneous waste that exceeds the size and weight restrictions set forth in section 15-505 of this article.  
(Ord. 1462, Sec. 22)
- 15-523. ADOPT REGULATIONS. The city clerk is hereby authorized to formulate reasonable rules and regulations, subject to approval by the governing body, necessary to carry out the provisions of this article. (Ord. 1462, Sec. 23)

## ARTICLE 6. WATER CONSERVATION

- 15-601. PURPOSE. The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Code 1992)
- 15-602. DEFINITIONS. (a) Water shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular

charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) Waste of Water includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) The following classes of uses of water are established:

Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.

Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(Code 1992)

15-603.           DECLARATION OF A WATER EMERGENCY. Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Code 1992)

15-604.           VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

(a) Sprinkling of water on lawns, shrubs or trees (including golf courses).

(b) Washing of automobiles.

(c) Use of water in swimming pools, fountains and evaporative air conditioning systems.

(d) Waste of water.

(Code 1992)

5-605.           MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-603, the mayor is also authorized to



implement certain mandatory water conservation measures, including, but not limited to, the following:

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

(b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;

(c) Restrictions on the sales of water at coin-operated facilities or sites;

(d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.

(Code 1992)

15-606. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in section 15-603, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

(a) Higher charges for increasing usage per unit of the use (increasing block rates);

(b) Uniform charges for water usage per unit of use (uniform unit rate); or

(c) Extra charges in excess of a specified level of water use (excess demand surcharge).

(Code 1992)

15-607. REGULATIONS. During the effective period of any water supply emergency as provided for in section 15-603, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Code 1992)

15-608. VIOLATIONS, DISCONNECTIONS AND PENALTIES. (a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances.

If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(1) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing official shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for any additional violations.

(c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.

(Code 1992)

15-609.

**EMERGENCY TERMINATION.** Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public.  
(Code 1992)



(First Published in The Iola Register, July 15, 2013)

**ORDINANCE NO. 1744**

AN ORDINANCE AMENDING IN PART ARTICLE XV, SECTION 15-101 et seq OF THE CODE OF THE CITY OF LaHARPE, KANSAS RELATING TO UTILITY SERVICE CONTRACTS

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

SECTION 1: AMENDMENT. The City does hereby amend Section 15-101 et seq of Article

XV of the Code of the City of LaHarpe, to read as follows:

15-101. DEFINITIONS. As used in this chapter the following definitions shall apply:

- (a) Customer shall mean the utility service account holder of record.
- (b) Persons shall mean persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.
- (c) Utility Service shall mean electrical service, sanitary sewer service and water service.

(Ord. 1683, Sec. 1)

15-102 CONNECTION FEES; SECURITY DEPOSITS.

(a) At the time of application for service, the applicant shall pay to the city clerk an initial service charge of \$50.00 for each electric meter and \$25.00 of each water meter, which is not a deposit and is not refundable.

(b) The City Clerk shall have the option of demanding a cash deposit of \$200.00 for each non-deed holder. The cash deposit may be waived if the customer is the owner of the property.

(Ord. 1697)

15-103. DISCONTINUANCE OF UTILITY SERVICES. (a) The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:

(1) When customer so requests or the property owner of a rental property requests and shows a court order that the owner is entitled to possession.

(2) When it is determined by an employee of the city utility department, fire department or police department that the continuance of a particular 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 a particular utility service to any customer, following compliance with the notice and hearing requirements of section 15-104 of this article, for any of the following reasons:

(1) Nonpayment of utility bills and charges as provided in section 15-104 of

this article.

(2) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purposes of obtaining utility services from the city.

(c) The city may discontinue or refuse a particular utility service to any customer, following notice to the customer, for any of the reasons set out in this subsection.

(1) When the customer refuses to grant employees of the city's utility department access to equipment installed upon the premises of customer for the purpose of inspection, meter reading, maintenance or replacement.

(2) When the actions of a customer may violate any rule, regulation or ordinance of the city pertaining to utility services, which violation could adversely affect the safety of the customer or other persons, or the integrity of the city's utility services delivery system. Such actions would include but are not limited to the following: the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services delivery system situated on or about the customer's premises.

(Ord. 1683, Sec. 3)

15-104. UTILITY BILLING DATE; DELINQUENCY DATE. Utility billings shall be mailed on approximately the last day of each month for the month serviced. All billings for utility services shall be due and payable at the office of the city clerk on the first day of the month and must be paid in full by the 10th day of the month. Failure to make payment by 8:00 am the following business day shall result in the addition of a delinquency charge in the amount of ten per cent (10%) of the net bill.

(Ord. 1683, Sec. 4)

15-105. NONPAYMENT OF UTILITY BILLS.

(a) An account delinquency and service discontinuance notice shall be issued in writing on the next business day following the 10th of the month with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the property owner and a copy also sent by U.S. mail, first class, to the occupant of the premises services, if the property owner is not the customer at the last known address of the customer as shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city utility department or by any city law enforcement officer or by the city employee posting the written notice upon a door of a building upon the property serviced.

(b) A notice of account delinquency and service discontinuance shall provide the following information:

- (1) Name of customer and address where service is being provided.
- (2) Account number.
- (3) Amount past due plus delinquency charges.
- (4) Notice that utility service shall be terminated upon failure to pay the delinquent billing plus delinquency charges within 10 days of the date of the mailing of the notice.

(5) Notice that the customer has the right to appear and be heard at a hearing on the hearing date set by the city.

(c) That notice of account delinquency and service discontinuance shall be



substantially in the

15-106. DISCONTINUANCE OF UTILITY SERVICES. City utility departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to the procedures set out in this article. Customers shall remain responsible for furnishing the city with the correct address for billing purposes. (Ord. 1683, Sec. 6)

15-107. LIEN UPON CUSTOMER'S PROPERTY. In the event that any persons shall neglect, fail or refuse to pay within 10 days following notice of discontinuance, the utility billings and delinquency charges due the city, such billings and charges shall constitute a lien upon the real property served by the connection to the utility service, shall be certified by the city clerk to the county clerk of Allen County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible. (Ord. 1683, Sec. 7)

15-108. LATE PAYMENT CHARGES AND RECONNECTION FEES.

(a) Late Payment Charges. All bills delinquent after the 10th day of the month of the billing shall be subject to a 10 percent penalty.

(b) Reconnection Charges. Prior to reconnecting a utility service disconnected following delinquency, customer shall pay to the city the entire balance due and owing to the city at the time of reconnection. Customer shall also pay a reconnection charge of \$12.50 for reconnection of electric service, and \$12.50 for reconnection of water service.

(Ord. 1683, Sec. 8)

15-109 UTILITY SERVICE CONTRACT. The undersigned (hereafter "Customer") hereby makes application to the City of LaHarpe (hereinafter "City") for utility service upon the following conditions:

(a) Connection Charges and Deposit. A non-refundable connection charge of \$75.00 (\$25.00 for water and \$50.00 for electricity) will be collected upon the signing of this contract. In addition, the City clerk shall have the option of requiring, and Customer agrees to pay, a cash deposit when in the clerk's opinion the Customer's credit record or delinquency record justifies same, in an amount to be determined by the City clerk, but in no event shall the deposit exceed an amount equal to estimated billing for two month's service. Any deposit required under this section shall bear interest, and be refunded in the event all terms of this agreement are complied with.

(b) Payment. Utility billings shall be mailed on approximately the last day of the month. All bills are due and payable by the 1<sup>st</sup> day of each month.

(c) Delinquent Bills and Service Discontinuation. Bills are delinquent after the 10<sup>th</sup> day of each month. Failure to make payment before the 11<sup>th</sup> day of the month shall result in the mailing of an account delinquency and service discontinuation notice, advising the Customer that if the utility bills then owed are not paid within ten (10) days of the date of such notice that

such utility service will be discontinued.

(d) Reconnection Fees. A reconnection charge of \$12.50 per meter shall be paid by the Customer for utilities disconnected due to delinquency prior to reconnection of utility service.

(e) Meters. Meters are the property of the City and may not be tampered with, turned off or on, or otherwise abused by the Customer subject to termination of service. The City will have the right of access to Customer's premises for the purpose of installing, reading, inspecting or repairing any meters and other equipment, and for any purpose incidental to the utility service supplied by the City to Customer or to others. Meters which cannot be read are subject to estimated billing.

(f) Continuity of Service. The City will use reasonable diligence to supply continuous utility service, but does not guarantee the supply of utility service against irregularities or interruptions. In no event shall the City be liable for damages from irregularities or interruptions of service caused by, but not limited to, an act of God, governmental authority, action of the elements, public enemy, accident, labor disturbances, strikes or their equivalent, sabotage, vandalism, required maintenance work, legal process, inability to secure rights-of-way or other permits needed, or for other cause or causes beyond the control of the City.

(g) Delivery of Service. Utility service under this agreement is to be for the Customer's premises located at \_\_\_\_\_

(h) Credit Information. Customer warrants that the following information is correct and may be relied upon by City in furnishing utility service under this agreement:

Name: \_\_\_\_\_ Telephone: No.: \_\_\_\_\_

Address: \_\_\_\_\_

Are the premises where you reside owned or rented? \_\_\_\_\_

If rented: Landlord's name: \_\_\_\_\_

Landlord's address: \_\_\_\_\_

Place of employment: \_\_\_\_\_

Drivers License Number : \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Type of service requested:                      Electric      Water      Sewer  
(Circle appropriate service)

I, the undersigned, do hereby agree to pay the City of LaHarpe, Kansas for utilities services as specified above, beginning on the date of connection of service to the premises.



I further state that I am not, nor is anyone residing herein, as of this date, in arrears to the City of LaHarpe for any previous utility bills. Furthermore, I agree not to rent or lease said premises to anyone in arrears to the City of LaHarpe for any previous utility bills.

APPLICATION MADE this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature (& title, if any)

APPLICATION ACCEPTED this \_\_\_\_\_ day of \_\_\_\_\_.

CITY OF LAHARPE

By: \_\_\_\_\_

Title: \_\_\_\_\_

**15-109. BUILDING INCENTIVES.**

15.109 UTILITY SERVICE CONTRACT. The undersigned (hereafter "Customer") hereby makes application to the City of LaHarpe (hereinafter "City") for utility service upon the following conditions:

(a) Connection Charges and Deposit. A non-refundable connection charge of \$75.00 (\$25.00 for water and \$50.00 for electricity) will be collected upon the signing of this contract. In addition, the City clerk shall have the option of requiring, and Customer agrees to pay, a cash deposit when in the clerk's opinion the Customer's credit record or delinquency record justifies same, in an amount to be determined by the City clerk, but in no event shall the deposit exceed an amount equal to estimated billing for two month's service. Any deposit required under this section shall bear interest, and be refunded in the event all terms of this agreement are complied with.

(b) Payment. Utility billings shall be mailed on approximately the last day of the month. All bills are due and payable by the 1<sup>st</sup> day of each month.

(c) Delinquent Bills and Service Discontinuation. Bills are delinquent after the 10<sup>th</sup> day of each month. Failure to make payment before the 11<sup>th</sup> day of the month shall result in the mailing of an account delinquency and service discontinuation notice, advising the Customer that if the utility bills then owed are not paid within five days of the date of such notice that such utility service will be discontinued.

(d) Reconnection Fees. A reconnection charge of \$12.50 per meter shall be paid by the Customer for utilities disconnected due to delinquency prior to reconnection of utility service.

(e) Meters. Meters are the property of the City and may not be tampered with, turned off or on, or otherwise abused by the Customer subject to termination of service. The City will have the right of access to Customer's premises for the purpose of installing, reading, inspecting or repairing any





By: \_\_\_\_\_  
Title: \_\_\_\_\_

**15-110. SAME; WHEN.**

The city will, at the request of owners of property within the city limits, construct, erect, or lay lines and install the meter for city-owned utility service or services to any eligible structure, at no cost to the landowner, provided that the sewer lines are within 150 feet from the eligible structure, that electric and water lines are within 300 feet from the eligible structure, and that the city has existing service lines adjacent to the lot where the proposed eligible structure is to be built. Property owners may elect whether the electric lines are to be aerial or buried.

**15-111. DEFINITIONS.** Eligible Structure shall be defined as:

- (a) A residential structure which:
  - (1) Is new construction
  - (2) Has at least 1,000 square feet of living space;
  - (3) Has a pre-construction appraised value of at least \$50,000.00 or more; and
  - (4) Is set on a solid foundation of rock, brick, cement or other like materials, under the exterior walls; and
  - (5) Is anticipated to be completed within a 23 month period.
- (b) A commercial structure which:
  - (1) Is new construction
  - (2) Satisfied at least two of the following:
    - a) A pre-construction appraised value of at least \$50,000.00
    - b) Is the site of a business which employs 3 or more people; or
    - c) Has at least 2,500 square feet.
  - (3) Is set on a solid foundation of rock, brick, cement or other like materials, under the exterior walls.
  - (4) Is anticipated to be completed within a 23 month period.

**15-112. INSTALLATION OF UTILITIES.**

Utilities will be installed at owners request when the structure is "in the dry". This does not apply to the providing of temporary electrical service for use in construction. (Ord. 1763)

**15-113. APPLICATION FOR INCENTIVE.**

Property owners may initiate requests under this article by indicating upon the application for a building permit that a building incentive is requested and by providing information with the application for building permit from which the city can determine whether the proposed structure is an eligible structure. If the permit is granted, and the building incentive is offered to the property owner, the city and the property owner shall execute an agreement in writing, outlining the rights and duties of the parties, in a form to be supplied by the city.

**15-114. COSTS.**

If, upon completing and inspection by the city, the structure does not meet the definition of an eligible structure, the city retains the right to bill the owner for the cost of the construction and installation of the utility lines and associated equipment, or \$6,000.00 whichever is less. After the expiration of the initial application period the \$6,000.00 cap will increase 2% every 12 months. (Ord. 1763)

**15-115. LANDLORD LIABILITY.**

- (a) Owners of premises served by utility service under this article 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, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail immediately 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. If the delinquent billing, interest and penalty are not paid within ten (10) days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full. (Code 1992)

**15-116. LIABILITY OF PROPERTY OWNER; LIEN.**

- (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.
- (b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail immediately after a billing becomes delinquent.



(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. (Code 1992)

SECTION 2: REPEAL. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect from and after its passage, approval and publication in *The Iola Register* as provided by law.

**PASSED** and **APPROVED** by the Counsel and **SIGNED** by the Mayor this 10 day of July 2013.

CITY OF LAHARPE, KANSAS

By: Cynthia Carr  
Cynthia Carr, Mayor

Attest:

Michelle Altis  
Michelle Altis, City Clerk

SEWER ORDINANCE NO. 1787:

AN ORDINANCE AMENDING SEWER ORDINANCE NO. 1786 WHICH ESTABLISHED A USER CHARGE SYSTEM IN THE CITY OF LaHARPE, COUNTY OF ALLEN, STATE OF KANSAS TO PROVIDE FUNDS NEEDED TO PAY FOR EXPENSES ASSOCIATED WITH THE CITY'S WASTEWATER TREATMENT SYSTEM

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

SECTION 1. AMENDMENT: Sewer Ordinance No. 1786 of the City of LaHarpe, Kansas is hereby amended by adding the following:

SECTION 1. Each user shall pay for the services provided by the City based on his use of the treatment works as determined by a flat rate structure.

The following classes of users and charges to those users are hereby established:

CLASS I: Residential Users: Single Family Contributors, Light Commercial/Institutional Users: Nonresidential users which contribute between 100 gpd and 200 gpd or less than or equal to normal domestic strength wastewater: \$18.06/month for operation and maintenance, including replacement; \$5.94/month for debt services. The increase will take effect on October 1, 2010 with an additional \$2.00 increase in 2011; 2012 and 2013.

CLASS II: Heavy Commercial Users: Non-residential users which contribute more than 200 gpd or less than or equal to normal domestic strength wastewater: \$18.06 per month for operation and maintenance, including replacement; \$5.94 per month for debt services. Rates for this class will be determined based upon annual water usage. The increase will take effect on October 1, 2010 with an additional \$2.00 increase in 2011; 2012; 2013.

CLASS III: Heavy Institutional Users: Schools: \$38.00/month flat rate.

CLASS IV: City of Gas, Allen County, Kansas: The City of Gas' user rate will be as per contract dated November 15, 1979 with amendments dated February 25, 1983.

Furthermore, in addition to those charges set forth herein above each user shall pay an additional \$2.00 for such service effective January 1, 2013.



SECTION 2. REPEAL: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

SECTION 3. EFFECTIVE DATE: This Ordinance shall take effect from and after its passage, approval and publication in The Iola Register as provided by law.

PASSED and APPROVED by the Counsel and SIGNED by the Mayor this 18 day of December 2012.

CITY OF LaHARPE, KANSAS

By: Cynthia Carr  
Cynthia Carr, Mayor

Attest:

Michelle Altis  
Michelle Altis, City Clerk

(First Published in *The Iola Register* April 15, 2017)

**ORDINANCE NO. 1792**

AN ORDINANCE AMENDING SECTION 15-221 OF ARTICLE 2 OF CHAPTER XV OF THE CODE OF THE CITY OF LaHARPE, KANSAS RELATING TO WATER RATES

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

SECTION 1: AMENDMENT. The City does hereby amend Section 15-221 of Article 2 of Chapter XV of the Code of the City of LaHarpe, to read as follows:

15-221. RATES

The water meter charge for all users and purchasers of water within the City limits of the City of LaHarpe, Kansas shall be \$19.50.

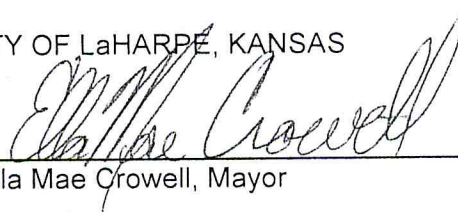
SECTION 2: Those other portions of 15-221 not specifically amended hereby shall remain in full force and effect.

SECTION 3: REPEAL. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.


SECTION 4: EFFECTIVE DATE. May 1, 2017.

**PASSED** and **APPROVED** by the Counsel and **SIGNED** by the Mayor this 12 day of April 2017.

CITY OF LaHARPE, KANSAS

By:   
Ella Mae Crowell, Mayor

Attest:

  
Michelle Altis, City Clerk



(First Published in *The Iola Register*, 12-17, 2015)

**ORDINANCE NO. 1791**

AN ORDINANCE AMENDING SECTION 15-221 OF ARTICLE 2 OF CHAPTER XV OF THE CODE OF THE CITY OF LaHARPE, KANSAS RELATING TO WATER RATES

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

SECTION 1: AMENDMENT. The City does hereby amend Section 15-221 of Article 2 of Chapter XV of the Code of the City of LaHarpe, to read as follows:

15-221. RATES

...  
For all users and purchasers of water from the City of LaHarpe, Kansas, an added charge for the first 1,000 gallons or less shall be \$.50.


...  
SECTION 2: Those other portions of 15-221 not specifically amended hereby shall remain in full force and effect.

SECTION 3: REPEAL. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

SECTION 4: EFFECTIVE DATE. February 1, 2016

**PASSED** and **APPROVED** by the Council and **SIGNED** by the Mayor this 9 day of December 2015.

CITY OF LaHARPE, KANSAS

By:   
Ella Mae Crowell, Mayor

Attest:

  
Michelle Altis, City Clerk

**ORDINANCE NO.1800:**

AN ORDINANCE AMENDING ORDINANCE NO. 1698 WHICH ESTABLISHED CERTAIN RULES AND REGULATIONS AS THEY RELATE TO THE PUBLIC WATER SUPPLY SYSTEM FOR IN THE CITY OF LaHARPE, COUNTY OF ALLEN, STATE OF KANSAS.

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

SECTION 1. AMENDMENT: Ordinance No. 1698 of the City of LaHarpe, Kansas is hereby amended as the follows:

SECTION 3. **PROTECTIVE BACKFLOW PREVENTERS.** Only approved devices to protect against backflow or backsiphonage are to be installed at any locations where backflow or backsiphonage may occur as either directed by the city or as directed otherwise to be in compliance with the regulations of the State of Kansas as those regulations relate to backflow or backsiphonage.

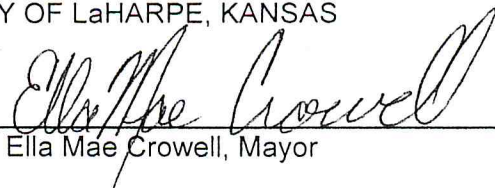
... SECTION 2. All other portions of said ordinance not specifically amended or modified by this ordinance shall remain in full force and effect.

SECTION 3. REPEAL: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.


SECTION 4. EFFECTIVE DATE: This Ordinance shall take effect from and after its passage, approval and publication in The Iola Register as provided by law.

**PASSED** and **APPROVED** by the Counsel and **SIGNED** by the Mayor this 13 day of January 2016.

CITY OF LaHARPE, KANSAS

By:   
Ella Mae Crowell, Mayor

Attest:

  
Michelle Altis, City Clerk



(First Published in The Iola Register, 7-20-11)

ORDINANCE NO. 1790

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2008-3 AND AMENDING SECTION 15-221 ARTICLE 2 OF CHAPTER XV OF THE CODE OF THE CITY OF LAHARPE, KANSAS RELATING TO WATER RATES.

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

SECTION 1: REPEAL. The City does hereby repeal Ordinance No. 2008-3 relating to water rates.

SECTION 2: AMENDMENT. The City does hereby amend Section 15-221 of Article 2 of Chapter XV of the Code of the City of LaHarpe, to read as follows:

15-221. RATES. Rates to be charged for water service provided and water sold by the City of LaHarpe, Kansas shall be as follows:

For users and purchasers of water within the City Limits of the City of LaHarpe, Kansas, a minimum charge for the first 1,000 gallons or less will be \$15.00 effective August 1, 2011, \$16.00 effective January 1, 2012, \$17.00 effective January 1, 2013, \$18.00 effective January 1, 2014.

For all usage over 1,000 gallons a rate of \$1.50 over the cost the city pays.

For users and purchasers of water outside the City Limits of the City of LaHarpe, Kansas a minimum charge for the first 1,000 gallons or less will be \$20.00 effective August 1, 2011, \$21.00 effective January 1, 2012, \$22.00 effective January 1, 2013, \$23.00 effective January 1, 2014.

For all usage over 1,000 gallons a rate of \$1.50 over the cost the city pays.

Water contracts shall be terminated on expiration dates, with the exception of Rural Water District Number 5. For RWD#5 the minimum charge for the first 1,000 gallons shall be \$20.00 effective August 1, 2011, \$21.00 effective January 1, 2012, \$22.00 effective January 1, 2013, \$23.00 effective January 1, 2014. For all usage over 1,000 gallons the rate shall be the cost of the water to the City plus \$.50 per 1,000 gallons.

For trailer courts as contemplated by General Ordinance No. 1218, as amended, the rates shall be as above except the monthly minimum for users within the City shall be \$15.00 effective August 1, 2011, \$16.00 effective January 1, 2012, \$17.00 effective January 1, 2013, \$18.00 effective January 1, 2014 and

for users outside the City shall be \$20.00 effective August 1, 2011, \$21.00 effective January 1, 2012, \$22.00 effective January 1, 2013, \$23.00 effective January 1, 2014.

For water delivered to tanks, trucks or other containers the charge shall be \$.50 per 100 gallons.

General Ordinance 2008-3 of the City of LaHarpe, Kansas is hereby repealed.

SECTION 3: REPEAL. All ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.


SECTION 4: EFFECTIVE DATE. August 1, 2011

PASSED and APPROVED by the City Council and SIGNED by the Mayor this 13<sup>th</sup> day of July, 2011.

City of LaHarpe, Kansas

By: \_\_\_\_\_  
Cynthia Carr, Mayor

Attest:

  
\_\_\_\_\_  
Kim Bradford, City Clerk



(First Published in *The Iola Register*, November 12, 2016)

**ORDINANCE NO. 1786**

AN ORDINANCE AMENDING ARTICLE III SECTION 15-301 OF THE CODE OF THE CITY OF LAHARPE, KANSAS RELATING TO ELECTRIC RATES

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

**SECTION 1: AMENDMENT.** The City does hereby amend Section 15-301 of Article III of the Code of the City of LaHarpe, to read as follows:

**Sec. 15-301. Electric charges.**

Residential electric charges for single phase, 3 wire meter, within the city limits.

Monthly customer charge with no kwh.....	\$ 27.00
First 220 kwh.....	\$ .105258
Over 220 kwh.....	\$ .078758

Commercial/outside city limits

Monthly customer charge with no kwh.....	\$ 30.00
First 200 kwh.....	\$ .1166
Over 200 kwh.....	\$ .088616

Three phase power rate. Available for power purposes only, to customers adjacent to the city's lines using 60 cycle, 115-230 volt, three phase service where available.

Monthly customer charge with no kwh.....	\$ 45.00
First 110 kwh.....	\$ .144522
Next 80 kwh.....	\$ .11236
Over 190 kwh.....	\$ .088616

The city reserves the right to refund or assess fuel adjustment charges as necessary to preserve and maintain service.

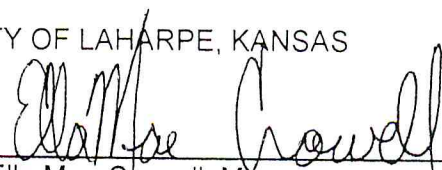
**SECTION 2: REPEAL.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

**SECTION 3: EFFECTIVE DATE.** This Ordinance shall take effect on the 1st day of November, 2016, and shall be published in *The Iola Register* as provided by law.

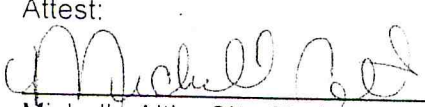
**PASSED** and **APPROVED** by the Commission and **SIGNED** by the Mayor this 9th day of November 2016.

CITY OF LAHARPE, KANSAS

By:

  
Ella Mae Crowell, Mayor

Attest:

  
Michelle Altis, City Clerk

(First Published in The Iola Register, July 14, 2015)

**ORDINANCE NO. 1745**

AN ORDINANCE AMENDING IN PART ARTICLE XV, SECTION 15-109(c) OF THE CODE OF THE CITY OF LaHARPE, KANSAS RELATING TO UTILITY SERVICE CONTRACTS

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

**SECTION 1: AMENDMENT**. The City does hereby amend Section 15-109(c) Article XV of the Code of the City of LaHarpe, to read as follows:

**15-109 UTILITY SERVICE CONTRACT.** The undersigned (hereafter "Customer") hereby makes application to the City of LaHarpe (hereinafter "City") for utility service upon the following conditions:

(c) Delinquent Bills and Service Discontinuation. Bills are delinquent after the 10<sup>th</sup> day of each month. Failure to make payment before the 11<sup>th</sup> day of the month shall result in the mailing of an account delinquency and service discontinuation notice, advising the Customer that if the utility bills then owed are not paid accordingly such utility service will be discontinued and disconnected on the 25<sup>th</sup> of the month or the next business day thereafter.

**SECTION 2: REPEAL**. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

**SECTION 3: EFFECTIVE DATE**. This Ordinance shall take effect from and after its passage, approval and publication in *The Iola Register* as provided by law.

**PASSED** and **APPROVED** by the Counsel and **SIGNED** by the Mayor this 8 day of July 2015.

CITY OF LaHARPE, KANSAS

By: 

Ella Mae Crowell, Mayor

Attest:



Michelle Altis, City Clerk



RESOLUTION OF GOVERNING BODY OF APPLICANT

(Suggested Form for Recipient Use)

RESOLUTION NO. 1997-11

Resolution authorizing filing of application with the Kansas Department of Health and Environment for a Loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329).

WHEREAS under the terms of the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329), the State of Kansas has authorized the making of loans to authorized applicants to aid in the construction of specific public projects,

NOW, THEREFORE, be it resolved by The City Council of LaHarpe, Kansas  
(Governing Body of Applicant)

1. That Lloyd Wayne Turner, Mayor be and he/she is hereby authorized  
(Designate Official)

to execute and file an application on behalf of City of LaHarpe  
(Legal Name of Applicant)

with the Kansas Department of Health & Environment for a loan to aid in the construction of pump station, force main, pump station improvements, sewer collection system TV/cleaning and discharging waste stabilization lagoon  
(Brief Project Description)

2. That Lloyd Wayne Turner, Mayor  
(Name of Authorized Representative) (Title)

be and he/she is hereby authorized and directed to furnish such information as may be reasonably requested in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances as may be required by law or regulation, and to receive payment on behalf of the applicant.

CERTIFICATE OF RECORDING OFFICER

The undersigned, duly qualified and acting City Clerk of the  
(Title of Officer)  
City of LaHarpe, does hereby certify:  
(Legal Name of Applicant)

That the attached resolution is a true and correct copy of the resolution adopted at a legally convened meeting of the City Council of LaHarpe  
(Name of Governing)  
held on the 12th day of November  
(Body of Applicant)

19 97; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of November, 19 97.

Veronica Anderson  
(Signature of Recording Officer)

City Clerk  
(Title of Recording Officer)

(Seal)

If applicant has an official