

CHAPTER XV. UTILITIES

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ARTICLE 1. WATER DEPARTMENT AND REGULATIONS

- 15-101. **NAME OF DEPARTMENT.** Water utilities of the city shall be operated as a separate department to be known as the city water department.
 (Code 1971, Sec. 12-101)
- 15-102. **DEPARTMENT ORGANIZATION.** The water department shall consist of the governing body and the public works director and such officers and employees of the city who shall devote all or part of their time to the conduct of the department. The governing body shall control and operate the department by the passage of such ordinances as may be necessary for the safe, economical and efficient operation and management of the waterworks.
 (Code 1971, Sec. 12-103)
- 15-103. **PAYMENT OF CLAIMS.** All claims against the city arising from the operation of the department shall be filed with the city clerk and allowed by the governing body as in the case of other claims against the city. The governing body may by proper rule authorize the public works director to employ temporary help and to make purchases of supplies and equipment in accordance with the purchasing policy of the city during the interval between meetings of the governing body.
 (Code 1971, Sec. 12-103; Code 2003)
- 15-104. **APPLICATION FOR WATER SERVICE.** Before the city shall make any new installation to serve any premises with water, an application for any such connection shall be made in writing by the owner of the premises at the office of the city clerk. All such applications shall be made on a form provided by the city. The application shall give the location of the property to be served by its legal description or otherwise, the type of service desired and the use for which service will be required. If there is no water main to which a connection can be made as determined by the public works director, the requirements regarding extensions must be met before the application for the service connection will be accepted. The application and its

acceptance will constitute a contract between the applicant and the city water department upon the installation of the connection.

(Code 1971, Sec. 12-106; Code 2003)

- 15-105. APPLICATION FOR NEW WATER SERVICE FROM OUTSIDE THE CITY-AGREEMENT FOR ANNEXATION. Whenever anyone outside the city shall make an application for new water service, the applicant shall agree to petition in writing to annexation of the property for which the new water service is requested.

(Code 1984)

- 15-106. WATER SERVICE INSTALLATION. The rules and regulations regarding the water service installation shall be as follows:

(a) Only authorized city personnel shall be responsible for tapping the main, installing the service line to the meter and setting the meter inside the property line of the premises to be served. If, in the determination of the public works director, the service line request is more than fifty (50) feet from the main, the owner of the premises shall be charged the expense of extending the main.

(Code 1971, Sec. 12-107; Code 1984; Ord. 551; Code 2003)

- 15-107. TAP CHARGES & CODE COMPLIANCE. The connection charges and code compliance in regard to this article shall be as follows:

(a) Tap Fee. The city clerk is hereby authorized and directed to collect a fee as set out in Chapter 17 for each water meter connection. This fee is to be paid at the time application is made.

(b) Cost of Installation. The cost of any installation and connection of 3/4 inch or 5/8 inch to 1 inch will be as established by Chapter 17. The cost of any installation and connection (including meter cost) larger than one (1) inch shall be borne by the owner and shall be properly installed by such. The meter shall become the property of the city upon final inspection and approval.

(c) Installation and Code Compliance. The installation must be made by workers licensed to perform such work in the city, and the owner shall indemnify, defend, and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the waterworks and connection. All work performed shall comply with the regulations and codes of the city.

(d) Final Inspection. The waterworks connection shall not be covered or otherwise concealed by any material until a final inspection has been made by the public works director or his/her designee and written permission has been given to cover or otherwise conceal such connections to the waterworks system.

(e) Penalty. Any person found to be violating any provisions of this section 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.

Any person who shall continue any violation beyond the time limit provided for in this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding two hundred dollars (\$200) for each violation.

Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this article shall be liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.

(Ord. 659; Code 2003; Code 2007)

- 15-108. **EXTENSION OR ENLARGEMENT OF WATERWORKS SYSTEM.** Whenever the owner of real property desires a main to be extended to furnish water to such property for residential, commercial, or industrial use, he or she shall make application therefore to the water department and if such application is approved by the public works director, the owner shall deposit in cash, or cash equivalent, the estimated cost as determined by the public works director of extending such main as designated in section 15-107.

(Code 1971, Sec. 12-109; Code 1984)

- 15-109. **ASCERTAINMENT OF LENGTH OF EXTENSION.** The length of the requested extension shall be ascertained by actual field measurement from the terminus of the nearest water main of adequate capacity to the nearest point on the tract of land to be served, plus such additional footage as is deemed necessary by the governing body in order to avoid obstructions, such as culverts, trees, shrubs, other utility lines and such other obstructions as may be encountered.

(Ord. 551; Code 2003)

- 15-110. **DETERMINATION OF DIAMETER OF MAIN.** The diameter of the main to be installed shall be determined by the public works director, based upon a consideration of the following factors: provision of adequate service to prospective customers, possible and contemplated future extensions of the main to be installed and fire protection needs existing or anticipated in the area to be served. When the public works director determines that the main needs to be larger than eight (8) inches, the city will pay the cost difference for the larger main.

(Code 1971, Sec. 12-111; Code 1984)

- 15-111. **METHOD OF ESTIMATING COST OF PROPOSED EXTENSION.** The total estimated cost of the proposed main extension shall be arrived at by multiplying unit per foot costs by the total length of the proposed extension. The unit or per foot cost shall be determined by the public works director in accordance with experience records reflecting labor, material and other costs of main extension.

(Code 1971, Sec, 12-112)

- 15-112. **CASH DEPOSIT OF ESTIMATED COST.** For each bona fide standard service, excluding fire protection services to be attached to the proposed main extension to serve premises owned by the depositor, and for which the water department has a signed contract for water service prior to the installation of said main extension there shall be deducted from the total estimated costs an amount equal to four (4) times the annual minimum charge for that particular separate service as fixed and established

by ordinance. Such minimum charges shall govern for this purpose, regardless of whether the particular service is within or without the limits of the city. All such deductions shall be reviewed on the fifth anniversary of the date of the execution of the main extension contract and the depositor shall then be charged with an amount equal to that for which initial deductions were made, but for which service has not been maintained, and in effect for at least three (3) years of the five (5) year period. The water department shall recover such charges directly from any refunds to which the depositor would otherwise be entitled under the provisions of section 15-113(a): 113(b).

(Code 1971, Sec. 12-113)

15-113. **AMOUNT DEPOSITED OVER ACTUAL COST TO BE REFUNDED.** After the installation of such main extension has been completed, if the total actual cost thereof is less than the estimated cost, a refund of the difference shall be made to the applicant. If the actual cost be greater than the estimated cost, the applicant shall not be required to make any additional deposit. The water department shall make refunds of deposits for main extensions in the following manner:

(a) During only the period of ten (10) years following the date of the execution of the contract for particular main extension, there shall be refunded to the depositor for each separate service physically connected to that portion of the main for which deposit shall have been advanced, excepting fire protection services and those services for which deductions have been made pursuant to section 15-112, a sum equal to four (4) times the annual minimum charges for that particular separate service as fixed and established by ordinance as now adopted or hereafter amended. Such minimum charges shall govern for the purpose regardless of whether the particular service is within or without the limits of the city.

(b) In addition, the water department shall refund annually, on or before December 1, to the applicant, an amount equal to twenty-five percent (25%) of the gross annual revenue derived by the water department during the last preceding full calendar year from consumers connected to that portion of the main for which deposit shall have been advanced, excluding connections for public fire protection purposes; such refunds, however, shall terminate upon the expiration of ten (10) years from the date of the execution of the contract for the particular main extension, and any portion of the deposit then unrefunded shall remain the sole property of the water department. In no event shall the aggregate of refunds made exceed the amount of the original deposit.

(Code 1971, Sec. 12-114; Code 2003)

15-114. **APPLICATION AND DEPOSIT FOR EXTENSION OF MAIN.** Whenever a lessee of a project financed by the issuance of industrial revenue bonds of the city desires that a main be extended to furnish water to property encompassed by such projects for residential, commercial or industrial use, such lessee shall make application as provided by this article to the water departments and deposit, in cash or equivalent, the estimated cost of such extension. The provisions of sections 15-109:113 shall apply to properties encompassed by projects financed by industrial

revenue bonds in the same manner, and to the same extent, as if the applicant was an individual or other owner of real property applying for such extension.

(Code 1971, Sec. 12-115; Code 1984; Code 2003)

15-115. **EXISTING INSTALLATION: SERVICE.** Application for water service where a connection is in place shall be made at the office of the city clerk in such form as may be required by the rules of the department and in accordance with sections 15-108:114.

(Code 1971, Sec. 12-116; Code 2003)

15-116. **WATER SERVICE SET-UP.** There is hereby levied a transfer penalty as set out in Chapter 17 for any customer who transfers water service from one location to another within the corporate city limits. At the time of making application for water service, the customer shall pay a non-refundable setup fee as set out in Chapter 17.

(Ord. 551-B; Code 2003; Code 2007)

15-117. **CUSTOMER NON-PAYMENT PENALTY.** In order to continue water service, a non-payment penalty as set out in Chapter 17 together with all past due amounts due the city shall be paid by any customer who appears on the water shut-off list. The mayor or his or her designee shall be entitled to grant exceptions to this section for hardship cases only.

(Ord. 551-C, D; Code 2003; Code 2007)

15-118. **RIGHTS RESERVED.** The city reserves the right at any time to revise or amend this article, other ordinances or the rules and regulations pertaining to the supply of water thereunder. The city reserves the right to disconnect or refuse service to any customer or consumer who shall be found by the department to have violated any of the provisions of this article or rules and regulations of the department pertaining to the supply and use of water in the city. The city reserves the right for the officers and the employees of the department to inspect any premises at all reasonable hours in connection with the supply of water service to such premises. Members of the department shall have free access at such hours to read the meters, examine the location or conditions of the water lines and pipes or other fixtures and apparatus used in the supplying of water to such premises, and to apply to a court of competent jurisdiction for an order granting access should such access be denied.

(Code 1971, Sec. 12-120; Code 2003)

15-119. **CERTAIN SUPPLIES OF WATER TO OTHER PARTIES PROHIBITED.** It shall be unlawful for any consumer of water service to supply water in any way, by sale, gift or otherwise to any person, firm, company, corporation or other entity, nor shall any such consumer permit others to attach on to his or her service connection for any purpose except in accordance with the rules and regulations of the department.

(Code 1971, Sec. 12-121; Code 2003)

15-120. **TAKING WATER WITHOUT AUTHORITY.** It shall be unlawful for any

person, firm or corporation, partnership, association, or other entity by means of any deception, device, or in any manner except as now or may hereafter be authorized by the city, to receive, consume or in any manner divert or appropriate to his or her own use, or to the use of another, any water belonging to and made available by the city.

(Code 1971, Sec. 12-122; Code 2003)

15-121. TEMPORARY RESIDENTIAL WATER SERVICE. Contractors, builders, real estate agents and others requiring water where no permanent service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a rental, may receive a non-transferable permit in the name of a single individual permittee for such service on the making of an application and payment of a fee for the service in advance to the office of the City Clerk. Such temporary water service may be rendered on the payment in advance of the cost to the City for making the temporary connection which shall be as set out in ~~section 17-381~~ Chapter 17. Where practicable, such water service may be metered as a temporary measure. This service is not intended as an alternative to regular water service for a resident of the property, and shall not be continued upon residential occupation of the property. Violation of this section must be corrected by the permittee immediately upon notification of the violation, and in no case shall the public works director or his designee allow more than 24 hours from discovering the violation to correct the violation. Violation of this provision is grounds for prosecution pursuant to both 15-135 below, as well as immediate revocation of temporary water service by the City.

15-121.1 TEMPORARY COMMERCIAL WATER SERVICE. Contractors, builders, and others requiring water where no permanent service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a building, may receive a non-transferable permit in the name of a single individual permittee for such service following the making of an application and payment of a fee for the service in advance to the office of the City Clerk, and inspection of the premises and approval of the application by the code enforcement officer. No recipient of temporary water service may be open for business while using temporary water service. Regular water service must be operational before any business is issued an occupancy permit. Violation of this section must be corrected by the permittee immediately upon notification of the violation, and in no case shall the public works director or his designee allow more than 24 hours from discovering the violation to correct the violation. Violation of this provision is grounds for prosecution pursuant to both 15-135 below, as well as immediate revocation of temporary water service by the City. Violation of this section is grounds for immediate revocation of an occupancy permit by the City. Fines for violation of this section shall be not less than \$100.00 and not more then \$500.00 per offense. Each day shall constitute a separate offense.

Temporary Water Service is provided to the business on a weekly or biweekly basis, for up to 4 weeks. The business owner must reapply for temporary water at the end of each cycle. After 4 weeks, the inspector shall re-evaluate the business and advise the City if additional provision of temporary water service is warranted to permit time for project completion. If approved by the Public Works Director or his/her designee, the City Clerk will allow for temporary water in 2 week increments, with the inspector re-evaluating after each 2 week increment until the project is considered complete by the Public Works Director or his/her designee.

Such temporary water service may be rendered on payment in advance to the City for the costs associated with making the temporary connection. Such costs shall be as set out in Chapter 17. Where practicable such water service may be metered as a temporary measure and costs imposed in accordance with Chapter 17.

- 15-122. UNLAWFUL ACTS: TAMPERING. It shall be unlawful for any person or persons singularly or jointly by means of any deception or device or in any unlawful manner, to stop, hinder or prevent the water meters registering water supplied to any consumer. It shall be further unlawful for any person or persons to prevent such meters from registering correctly or to make them stop or run backwards or to tamper with or in any manner willfully damage or destroy such meters or registering device.
(Code 1971, Sec. 12-124)
- 15-123. CROSS CONNECTION CONTROL. The public works director or his/her designee shall be responsible for effectively conducting the cross connection control program of the city public potable water supply. If in the judgment of the public works director or his/her designee an approved backflow prevention device is required, the public works director or his/her designee will give notice in writing to the customer to install the proper device. The customer shall immediately install the proper device at the customer's expense. Failure to comply shall be grounds for discontinuing water service to said customer until the device is properly installed.
(Ord. 596; Code 2003)
- 15-124. DEFINITIONS. The following words or phrases shall mean:
- (1) Agency: Shall mean the public works department.
 - (2) Air Gap: Shall mean the unobstructed vertical distance at least twice the diameter of the supply line and no less than one (1) inch, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.
 - (3) Approved Device: Shall mean devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment and the public works director.
 - (4) Backflow: Shall mean the flow of water or other substances into the

distribution system of a potable water supply of water from any source other than its intended source. Backsiphonage is one type of backflow.

(5) Backflow Preventer: Shall mean a device or means to prevent backflow.

(6) Backsiphonage: Shall mean the flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply system due to negative pressure in said system.

(7) Contaminant: Shall mean any substance that upon entering the potable water supply would render it a danger to the health and life of the consumer.

(8) Cross Connection: Shall mean any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains water or any substance of unknown or questionable quality whereby there may be flow from one system to the other.

(9) Double Check Valve: Shall mean a device consisting of two (2) internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports.

(10) Dual Check Valve: Shall mean a device consisting of two (2) internally located soft seated check valves. The device does not contain test ports and is acceptable for use only at the meter of residential customers.

(11) Free Water Surface: Shall mean a water surface at atmospheric pressure.

(12) Flood Level Rim: Shall mean the edge of the receptacle from which water overflows.

(13) Frost Proof Closet: Shall mean a hopper with no water in the bowl and with the trap and water supply control valve located at the frost line.

(14) KDHE: Shall mean the Kansas Department of Health and Environment.

(15) Non-Potable Water: Shall mean water that is not safe for human consumption or that is of questionable potability.

(16) Plumbing: Shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances.

(17) Pollution: Shall mean the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.

(18) Potable Water: Shall mean water free from impurities in amount sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirement for public water supplies.

(19) Reduced Pressure Zone Backflow Preventer: Shall mean an assembly of two (2) independently acting soft seated approved check valves together with a hydraulically operating mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved these assemblies must be accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.

(20) Tester: Shall mean a trained technician certified in the testing and repair of

backflow preventers.

(21) Vacuum: Shall mean any absolute pressure less than that exerted by the atmosphere.

(22) Vacuum Breaker: Shall mean a device that permits entrance of air into the water supply distribution line to prevent backsiphonage.

(Ord. 596; Code 2003)

15-125. **REQUIREMENT; GENERAL.** A public potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable sources through cross connection or any piping connection to the system.

(Ord. 596; Code 2003)

15-126. **CROSS CONNECTION PROHIBITED.** Cross connections are prohibited except when and where as approved by the public works director suitable backflow preventers are properly installed, tested and maintained to insure proper operation on a continuing basis.

(Ord. 596; Code 2003)

15-127. **INTERCONNECTIONS.** Interconnection between two (2) or more public water supplies shall be permitted only with the approval of the KDHE.

(K.S.A. 65-163(a); Ord. 596; Code 2003)

15-128. **INDIVIDUAL WATER SUPPLIES.** Connections between a private water supply and the public potable water are prohibited.

(K.S.A. 65-163(a); Ord. 596; Code 2003)

15-129. **CONNECTIONS TO BOILERS.** Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are or can be introduced shall be made through an air gap or through a reduced pressure zone principle backflow preventer located in the potable water line before the point where such chemicals may be introduced.

(Ord. 596; Code 2003)

15-130. **PROHIBITED CONNECTIONS.** Connections to the public potable water supply system for the following is prohibited unless properly protected by the appropriate backflow prevention device.

(a) Bidets.

(b) Operating, dissecting, embalming and mortuary tables or similar equipment- in such installations the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments.

(c) Pumps for non-potable substances. Priming only through an air gap.

(d) Building drains, sewers or vent systems.

(e) Commercial buildings or industrial plants manufacturing or otherwise using polluting or contaminating substances.

(f) Any fixture of similar hazard.

(Ord. 596; Code 2003)

- 15-131. REFRIGERATION UNIT CONDENSERS AND COOLING JACKETS. Except when potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat exchangers used to heat water for potable use shall be of the double wall size.

(Ord. 596; Code 2003)

- 15-132. PROTECTIVE DEVICES REQUIRED. The type of protective device required under this article shall be determined by the degree of hazard which exists as follows:

(a) Premises having auxiliary water supply shall protect the public system by either an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(b) Premises having water or substances which would be non-hazardous to the health and well being of the consumers shall protect the public system with no less than an approved double check valve assembly.

(c) Premises where material dangerous to health is handled in a manner which creates an actual or potential hazard shall protect the public system by an approved air gap or an approved reduced pressure principal backflow prevention assembly.

(d) Premises where cross connections are controlled shall protect the public water supply by installing an approved air gap or an approved reduced pressure principle backflow prevention device at the service connection.

(e) Premises where because of security requirements or other prohibitions it is impossible to complete an in plant cross connection inspection the public system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

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

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

- (n) Packing or food processing plants.
 - (o) Paper and paper products plants.
 - (p) Power plants.
 - (q) Radioactive materials plants or handling facilities.
 - (r) Restricted or classified facilities.
 - (s) Rubber plants.
 - (t) Sand, gravel or asphalt plants.
 - (u) Schools and colleges.
 - (v) Sewage and storm drainage facilities and reclaimed water systems.
 - (w) Solar heating systems.
 - (x) Temporary service – fire hydrants, air valves, blowoffs and other outlets.
 - (y) Water front marinas.
- (Ord. 596; Code 2003)

15-133. **INSTALLATION.** Approved devices shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where a minimum air gap between the potable water outlet and the fixture or equipment flood-level rim cannot be maintained. Backflow and backsiphonage devices of all types shall be in an accessible location. Installation in pits or any other location not properly drained shall be prohibited, except that dual check valves may be installed in the meter box.

(a) Connections not subject to backpressure. Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind are given in the following table titled Cross Connections Where Protective Devices are Required.

Cross Connections Where Protective Devices are Required
and Critical Level (C-L) Settings for Vacuum Breakers

<u>Fixtures or Equipment</u>	<u>Method of Installation</u>
Aspirator and ejectors	C-L at least 6 inches above flood level of receptacle served.
Dental Units	On models without built in vacuum breakers C-L at least 6 inches above flood level rim of bowl.
Commercial Dishwashing Machine	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.

Garbage Can Cleaning Machines	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Hose Outlets	C-L at least 6 inches above highest point on hose line.
Commercial Laundry Machines	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Lawn Sprinklers	C-L at least 6 inches above highest sprinkler head of discharge outlet.
Steam Tables	C-L at least 6 inches above flood level rim.
Tanks and Vats	C-L at least 6 inches above flood level rim.
Through Urinals	C-L at least 30 inches above perforated flush pipe.
Flush Tanks	Equipment with approved ball cock, installed according to manufacturer's instruct.
Hose Bibs	C-L at least 6 inches above flood level of receptacle served.

(b) Connections Subject to Backpressure. Where a potable water connection is made to a line, fixture, tank, vat pump or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to backpressure, and an air gap cannot be installed, the public works director may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in the following table "Partial List of Cross Connections Subject to Backpressure".

Partial List of Cross Connections Subject to Back Pressure

Chemical Lines	Pumps
Dock Water Outlets	Steam Lines
Industrial Water Supplies	Swimming Pools

Industrial Process Water Lines
Tanks and Vats – Bottom Inlets

Pressure Tanks
Hose Bibs

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

(d) Dual Check Valve. Dual Check Valves may be installed at the meter. These valves shall be inspected and repaired not less than every third year. These valves shall be installed only in situations where the public works director is assured that the only contaminating substances are subject to backflow into the potable system.

(e) Vacuum Breakers. Atmospheric vacuum breakers shall be installed with the critical level at least six (6) inches above the flood rim of the fixture they serve on the discharge side of the control valve to the fixture. No shut off valve or faucet shall be installed beyond the atmospheric vacuum breaker. Pressure vacuum breakers shall be installed with the critical level at least twelve (12) inches above the flood rim but may have control valves downstream from the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be considered the discharge side of the pressure vacuum breaker.

(Ord. 596; Code 2003)

15-134. MAINTENANCE AND REPAIR. It shall be the responsibility of the building and premises owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have been installed for the purpose of bypassing backflow devices. Testing and repair of these devices should be made by qualified technicians. (Qualified technicians are those who have completed a KDHE approved training course and have passed a written examination such as the American Backflow Prevention Association device testers examination.) The public works director shall certify the device testers after ascertaining the technician meets the above qualifications. The public works director will also insure the proper installation of all backflow preventers and will set appropriate testing and overhaul schedules for such devices. Testing intervals shall not exceed one (1) year and overhaul intervals shall not exceed five (5) years.

(a) Certified Tester/Repair Technicians. All certified tester/repair technicians shall be recertified at no less than three (3) year intervals.

(Ord. 596; Code 2003)

15-135. PENALTIES AND FINES. The public works director shall notify the owner or authorized agent of the owner, of a building or premises in which there is found a violation of this article, of such violation. The public works director or his/her designee shall set a reasonable time for the owner to have the violation corrected. If the owner fails to correct the violation within the specified time the city shall cease delivery of water to the building or premises until the violation shall be satisfactorily

corrected. Violations of this article shall result in fines being imposed upon conviction thereof by the municipal court judge of the city.

(Ord. 596; Code 2003)

- 15-136. CARE OF WATER METERS. Customers shall be responsible for any accidental or willful damage to water meters, their connections, meter box and cover, whether by their own acts or those of others not in the employ of the city, and they shall protect the meter from freezing and hot water. In the event of accidental or willful damage from any of the causes herein mentioned, the customer shall promptly notify the department which shall make the necessary repairs and charge the same to the customer, which charge shall be billed and payable on the succeeding monthly bill. The city reserves the right to require check or relief valves to be installed upon all services as determined by the public works director or his/her designee.

(Code 1971, Sec. 12-125)

- 15-137. COVERING OF MANHOLES. It shall be unlawful to cover or conceal or cause to be covered or concealed any city entry access covers with any type of debris such as dirt, grass, grass clippings, rocks, tree limbs, wood, scrap iron, cars. The covering of an access cover shall be a misdemeanor or hold the property owner liable for all damages resulting to the access cover or caused by preventing or delaying access to such cover in emergency situations when the property owner fences in the easement with their property and creates such violation.

(Code 2003)

- 15-138. WATER FEES DUE; DELINQUENCY. Water bills for water service rendered by the city become due and payable at the office of the city clerk on the 1st of each month as specified on the billing date thereon at the office of the city clerk. Any bill which shall remain unpaid after the 20th of the month shall become delinquent and a late charge of five percent (5%) of the bill shall accrue. When any water customer shall for any unjustified reason fail to pay when due any account for water service rendered, it shall be the duty of the city clerk to mail a delinquency notice to the customer. The delinquent customer shall have at least five (5) days, excluding Saturdays, Sundays, and legal holidays, from the date the notice was mailed to pay the delinquent account in full. The notice shall indicate:

(a) The amount due, plus late charges;

(b) The type of service and the date on which such service will be terminated if the amount due is not paid (to be at least five (5) days from the date of notice);

(c) The customer's right to a hearing, if requested;

(d) That such hearing must be requested in writing, filed with the city clerk, at least three (3) working days (Saturdays, Sundays and holidays excluded) before the date for termination. Upon receipt of a request for such hearing the city clerk shall immediately advise the applicant customer of the date and the time of the hearing.

The applicant, customer, and the city, may present such evidence as is pertinent to the issue, may be represented by counsel, may examine and cross-examine witnesses, but formal rules of evidence shall not be followed.

If the officer before whom the hearing is held shall find service should not be terminated, he or she shall so order and advise the city clerk. If the officer finds service should be terminated, he or she shall so order, and the customer shall be notified in person, posting notice on the premises by attaching a red tag or by mail, unless such order is made at the hearing in the presence of the customer. Extension of the termination date, up to ten (10) working days from the order, may be granted by the hearing officer for good cause shown.

Hearing may be conducted by any of the following officers: The public works director, the city clerk, the director of governmental services or such hearing officer as may be appointed by the mayor. The decision of the hearing officer can be appealed to the governing body for review and the decision of the body shall be final when the matter shall have been heard by it.

(Ord. 551; Code 2003)

- 15-139. WATER BILL ADJUSTMENT POLICY. The director of public works or his/her designee shall hear and determine adjustments of water bills in connection with leaks and/or defects in customer service lines within the city limits. The director of public works or his/her designee have set forth a policy to adjust bills as heretofore mentioned. The director of public works or his/her designee is hereby authorized, upon approval of the governing body, to amend such policy from time to time as the best interest of the city and customers may appear or dictate.

(Ord. 725; Code 2003)

- 15-140. WATER METERS; TESTED. When a consumer requests that his or her water meter be tested for accuracy, the city shall replace said meter at no cost to the consumer if said meter, after testing, is found to be in faulty working condition and inaccurate. However, if the meter is found to be accurate and in good working condition, a service charge as set out in Chapter 17 shall be charged for each request within a one (1) year period, shall be made to the consumer by the public works director and be payable at the office of the city clerk and deposited in the appropriate funds of the city. The public works director shall maintain a permanent record of all water meters tested.

(Ord. 551; Code 2003; Code 2007)

- 15-141. PETTY CASH FUND. There is hereby established by the governing body a petty cash fund for the use of the water department. The fund shall be deposited in a depository bank of the city and paid out on checks drawn on such fund by the city clerk as provided by law.

(Code 1971, Sec. 12-129; Code 1984)

- 15-142. ADDITIONAL REGULATIONS. In cases that are not specifically provided for herein, the public works director is authorized to make special written rules or requirements which shall be binding upon the city and the water customers, the same as if incorporated herein, when the same shall have been approved by the governing body.

(Code 1971, Sec. 12-130)

- 15-143. **SUBDIVISION OWNERS; REQUEST ANNEXATION.** When the owners of any subdivision or area, platted and developed for residential sites or planned for such development, shall request the governing body to annex such subdivision or area to the territorial limits of the city, such owners shall, at their own cost, construct or cause to be constructed, complete water distribution facilities that shall comply with all city codes and specifications for the entire subdivision or area so to be annexed and to convey and transfer to the city the ownership of and title to such water distribution facilities upon the acceptance by the city of the development plat and annexation of the subdivision or area involved.

(Code 1971, Sec. 12-131; Code 1984)

- 15-144. **APPLICATION FOR CONNECTION TO WATER SYSTEM: ACCOMPANIED BY MAP.** All applicants for connection to the city’s water system shall furnish to the city a detailed map of the proposed system sufficient to permit the city to know generally the nature of the user’s system. This map will be submitted for a plan review and written approval by the public works director or his or her designee. At such time as the system is completed, the applicant shall provide a detailed engineering “as built” map at no cost to the city.

(Code 1984)

- 15-145. **SUBDIVISION OWNERS; AGREEMENT WITH CITY.** The city will not hereafter annex to the city any subdivision or area platted and developed for residential sites or planned for such development without requiring the owners of such subdivision or area to enter into an agreement of the kind referred to in section 15-143 of this article.

(Code 1971, Sec. 12-132)

- 15-146. **WATER USERS TO MAINTAIN CONNECTION WITH WATER AND SEWER SYSTEM.** Any residence, family unit, dwelling unit, apartment or commercial building which is or shall be connected to the water system of the city and is connected to or shall be connected to the sewer system and sewage disposal facilities of the city shall maintain both the connection with the city’s water system and the connection with the city’s sewer system as long as such service is available, and the owner or occupant thereof shall remain liable for the payment of minimum water and minimum sewer fees and charges as established by the governing body.

(Code 1971, Sec. 12-133)

- 15-147. **WATER WELLS.** Nothing in this article shall prevent a customer of the city’s municipal water system from using water from wells or other source for irrigation, the watering of lawns or gardens, or other use except household uses. The permit fee for water wells shall be as set out in Chapter 17.

(Code 1971, Sec. 12-134; Code 1984; Code 2007)

- 15-148. **COMMINGLING OF WATER; WATER SYSTEM, PRIVATE SOURCES; UNLAWFUL.** No residence or customer of the city's water system may create any system of water piping, water connections or cross connections within or outside a dwelling which will in any way permit the commingling of water from the city's water system with any water obtained from other sources.
(Code 1971, Sec. 12-135)
- 15-149. **WATER USE RESTRICTED OR STOPPED.** The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the public works director determines the public exigency so requires.
(Code 1971, Sec. 12-136; Code 1984)
- 15-150. **EMERGENCY WATER RATIONING: IMPOSING RESTRICTIONS.** Whenever the governing body, upon the recommendation of the public works director, determines that water use must be restricted or prohibited, they shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation.
(Code 1971, Sec. 12-137; Code 1984)
- 15-151. **WATER RATIONING: WATER RESTRICTIONS.** In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:
(a) Watering lawns, gardens, trees, shrubs, plants, and watering outside dwellings for such purposes as car, boat or trailer washing or washing exterior of dwellings;
(b) Industrial uses of water, including but not limited to car wash operations and packing plant operations;
(c) Business uses other than industrial;
(d) Home uses other than those set forth in subsection (a).
(Code 1971, Sec. 12-138; Code 1984)
- 15-152. **FIRE HYDRANT LOCATION.** Fire hydrants shall be located no further than seven (7) feet from the curb line of the street and the height of the lowest discharge cap shall be no lower than fifteen (15) inches from the finished grade of the ground.
(Code 1984)
- 15-153. **PENALTY.** Any person, firm or corporation who shall violate any of the provisions of this article, shall upon conviction thereof be fined in accordance with the provisions in this code in section 1-121.
(Code 1971, Sec. 12-139; Code 1984; Code 2003)

ARTICLE 2. WATER RATES

- 15-201. **RATES FOR WATER SERVICE.** Charges for water used from the municipal waterworks and distribution system shall be as set out in Chapter 17.
(Ord. 348-B; Ord. 349-A; Ord. 538; Ord. 556-A; Code 2003; Code 2007)
- 15-202. **BUSINESSES CLOSE TOGETHER; ONE METER.** When businesses which are closely related to each other are carried on at one location or adjoining locations by a corporation, copartnership, individual, or managed by one manager and are supplied with water by one meter, each business shall be considered as one business and there shall be one minimum charge made for each unit.
(Code 1971, Sec. 12-202)
- 15-203. **FAMILY UNITS; APARTMENTS.** For the purpose of this article, family unit or dwelling unit, or apartment shall be charged a minimum fee for water service only when there is plumbing or sewer connections to the premises so used as a family unit or dwelling unit, business unit or apartment.
(Code 1971, Sec. 12-203)
- 15-204. **TRAILER CAMPS; TOURIST.** When water is supplied through one master meter for a licensed commercial tourist or transit service such as house trailer camps, temporary house trailer parks, and such similar locations the proprietor or manager of such house trailer camp or park may establish an average consumption by written agreement with the city clerk and the minimum charge provided for in section 15-201 and as set out in Chapter 17.
(Code 1971, Sec. 12-204; Code 2003; Code 2007)
- 15-205. **WATER METERS; NUMBER NEEDED.** The duty for determining the number of separate family or dwelling units, business units, or apartments supplied by one meter shall be upon the public works director who shall at such time as he or she sees fit, upon presenting the statements for the monthly meter readings to the city clerk for billing, therefore shall furnish the city clerk with a statement upon such consumers as he or she feels should be charged more than one minimum as provided for in section 15-201 and as set out in Chapter 17.
(Code 1971, Sec. 12-205; Code 2003)
- 15-206. **SEPARATE METER INSTALLATION FOR BUSINESS UNITS OR DWELLINGS.** Any consumer of water may have a separate meter installed for any such separate family or dwelling unit, business unit or apartment that he or she may so desire. When separate meter installation is made it shall be governed by the provisions of the installation of meters as provided for by other laws of the city.
(Code 1971, Sec. 12-206)
- 15-207. **WATER BILL.** The foregoing charges shall be payable upon bills rendered each month by the city clerk in accordance with the rules and regulations therefore as

provided in this article.
(Code 1971, Sec. 12-207)

15-208. RIGHTS RESERVED. The city reserves the right to change the foregoing rates.
(Code 1971, Sec. 12-208; Code 1984)

15-209. SPECIAL WATER RATES. The foregoing rates are fixed subject to the authority of the governing body to enter into special contracts for the supply of water to industrial and other large users of water. The governing body may authorize the public works director to contract for the sale of water without metering the same at a rate to be fixed by the gallon, barrel or tank wagon loads. The city clerk shall collect all sums due for the sale of unmetered water and shall account monthly for such sums.
(Code 1971, Sec. 12-209)

ARTICLE 3. SEWER REGULATIONS

15-301. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(1) Sewage Works: Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(2) Director: Shall mean the public works director of the city or his/her authorized deputy, designee or representative.

(3) Sewage: Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

(4) Sewer: Shall mean a pipe or conduit for carrying sewage.

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

(6) Combined Sewers: Meaning sewers receiving both surface runoff and sewage, are not permitted.

(7) Sanitary Sewer: Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

(9) Sewage Treatment Plant: Shall mean any arrangement of devices and structures used for treating sewage.

(10) Industrial Wastes: Shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

(11) Garbage: Shall mean solid wastes from preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(12) Properly Shredded Garbage: Shall mean the wastes from the preparation,

cooking and dispensing of food that have been shredded to such 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 in any dimension.

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

(14) Building Sewer: Shall mean the extension from the building drain to the public sewer or other place of disposal.

(15) 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 (5) days at twenty (20) degrees centigrade, expressed parts per million by weight.

(16) PH.: Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(17) Unit: Shall mean that portion or portions of a property which is used or designed for use as a single family dwelling place, business, commercial, fraternal, religious or other facility.

(18) Suspended Solids or "SS": Shall mean solids that either float on the surface of, or are removable by laboratory filtering.

(19) Natural Outlet: Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(20) Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(21) Person: Shall mean any individual, firm, company, association, society, corporation or group.

(22) Shall is mandatory; May is permissive.

(23) Normal Domestic Wastewater: Shall mean wastewater that has a BOD concentration of not more than 300mg/l and a suspended solids concentration of not more than 350mg/l.

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

(25) 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.

(26) Treatment Works: Shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquefied industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby

treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary water and sanitary sewer systems.

(27) Useful Life: Shall mean the estimated period during which a treatment works will be operated.

(28) Water Meter: Shall mean a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by others approved by the city.

(29) Slug: Shall mean any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average of twenty-four (24) hour concentration or flows during normal operation.

(30) Contributor: Shall mean each housing unit, business, building, parcel of real estate or other unit which contributes waste water to the city sewer system and which is assessed a monthly base sewer fee and a monthly user charge.

(31) Subsidized High Density Residential Contributor: Shall mean any contributor to the city's treatment works, who resides in a building in which exceeds four (4) floors above street grade and where said building is used for the purpose of providing low income living quarters for those persons qualifying for the same.

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

(33) User: Shall mean a contributor of wastewater to the city's treatment works by way of connection to the city's sewage system.

(Code 1971; Code 1984; Ord. 750; Code 2003)

15-302. UNLAWFUL DEPOSITS UPON PROPERTY. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
(Code 1971, Sec. 9-102)

15-303. UNLAWFUL DISCHARGE; NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city, or in any areas under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
(Code 1971, Sec. 9-103)

15-304. CONSTRUCTION OF PRIVY UNLAWFUL. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank,

cesspool, or other facility intended or used for the disposal of sewage.
(Code 1971, Sec. 9-104; Code 1984)

15-305. CLEAN OUT. When a building drain (sewer) is installed or replaced in the city an approved clean out shall also be installed within two (2) feet of the exterior structure. When the flow line of a sewer is greater than four (4) feet below grade, the clean out shall be installed with a combination fitting, wye and 1/8th bend, or other approved fittings which assure directional entry into the sewer. When such sewers installed in areas within the city, which have clay sewer mains, new sewer taps shall be made with the use of a core drill bit and shall provide a coupon of the pipe. Such coupon shall be made available at the time of inspection.

(Code 2004)

15-306. CONNECTION TO SANITARY SEWER REQUIRED. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so if the public sewer is within one-hundred (100) feet of the property line.

(Code 1971, Sec. 9-105; Code 2003)

15-307. SEWER SYSTEM TAP FEE. The city clerk is hereby authorized and directed to collect a fee as set out in Chapter 17 for any connection by any person, persons, business or organization into the sewer system of Haysville. This fee is to be paid at the time application is made.

(Ord. 406; Sec. 1; Ord. 406-A; Code 2003; Code 2007)

15-308. CONSTRUCTION OF ARTICLE: HEALTH OFFICER. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Code 1971, Sec. 9-113)

15-309. PERMIT: ALTER PUBLIC SEWER. 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 public works director.

(Code 1971, Sec. 9-113)

15-310. CLASSES OF PLUMBING PERMITS FOR CONSTRUCTING BUILDING SEWERS: FEE. There shall be three classes of plumbing permits for constructing a

building sewer:

- (a) Residential;
- (b) Commercial service; and
- (c) Service to establishments producing industrial wastes.

The applicant shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works director. A permit and inspection fee as set out in Chapter 17 for residential, for an industrial plumbing permit for constructing a building sewer shall be paid to the city clerk at the time the application is filed.

(Code 1971, Sec. 9-114; Code 2003)

- 15-311. **INSTALLATION, CONNECTION TO BUILDING SEWERS; EXPENSE BY OWNER.** All costs and expense of the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify, hold harmless and defend the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1971, Sec. 9-115; Code 2003)

- 15-312. **SEPARATE SEWERS.** In accordance with the plumbing chapter of this code 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 and except for duplexes which shall have one building sewer for each dwelling unit.

(Code 1971, Sec. 9-116; Code 1984)

- 15-313. **USE OF 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 city engineer, to meet all requirements of this article.

(Code 1971, Sec. 9-117)

- 15-314. **BUILDING SEWER MATERIAL.** All materials used in building sewers shall be in accordance with the current plumbing code of the city of Haysville.

(Code 1984)

- 15-315. **CONNECTION INTO PUBLIC SEWER.** The connection of the building sewer into the public sewer shall be made in the “Y” branch, if such branch is available at a suitable location. Where the public sewer is twelve (12) inches in diameter or less, and no properly located “Y” branch is available as verified by the public works director, the owner shall at his or her expense have installed a “Y” branch or a tap through the use of a saddle, approved by the public works director in the public sewer at the location specified by the public works director. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located “Y” branch is

verified as being available by the public works director, a neat hole may be made 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 ell may be used to make such connection, 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 connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the public works director or his/her designee.

(Code 1971, Sec. 9-124; Code 2003)

- 15-316. **INSPECTION OF BUILDING SEWER.** The applicant for the plumbing permit to construct a building sewer shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director or his or her designee.

(Code 1971, Sec. 9-125; Code 2003)

- 15-317. **EXCAVATIONS; BARRICADES, LIGHTS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Code 1971, Sec. 9-126)

- 15-318. **STORM WATER NOT DISCHARGEABLE INTO SANITARY SEWER.** No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Code 1971, Sec. 9-127; Code 2003)

- 15-319. **COVERING OF MANHOLES.** It shall be unlawful to cover or cause to be covered or concealed any city entry access covers with any type of debris such as dirt, grass, grass clippings, rocks, tree limbs, wood, scrap iron, cars. The covering of an access cover shall be a misdemeanor or hold the property owner liable for all damages resulting to the access cover or caused by preventing or delaying access to such cover in emergency situations when the property owner fences in the easement with their property and creates such violation.

(Code 2003)

- 15-320. **STORM WATER INTO STORM SEWERS.** Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the public works director, to a storm sewer, or natural outlet. In no case does this authorize any city sanction of illegal procedures or practices which may be in violation of State Water Pollution Statutes or Kansas State

Board of Health regulations.
(Code 1971, Sec. 9-128)

- 15-321. UNLAWFUL DISCHARGE; STORM SEWER; PENALTY. No person, persons, business or other entity shall discharge or place or cause to be discharged or placed into any public storm sewer, any substance or obstruction other than storm water and surface runoff water. Any person, persons or business found in violation of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$1,000 for each violation; each day in which such violation shall continue shall be deemed a separate offense. Any person in violation of this section shall become liable to the city for any expense, loss or damage occasioned to the city by reason of such violation.
(Ord. 398; Ord. 648)
- 15-322. UNLAWFUL DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or waste 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 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 water or wastes having a PH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
(Ord. 470, Art. V, Sec. 3)
- 15-323. SAME. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the public works director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse affect 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 public works director 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, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than 150EF (65EC).

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

(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 public works director.

(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 public works director for such materials.

(f) Any waters or wastes containing phenols of other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the public works director 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 public works director 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 low or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Any waters or wastes having (1) a 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 (2%) of the average sewage flow of the city, shall be subject to the review of the public works director. Where necessary in the opinion of the public works director the owner shall provide, at his or her expense, such preliminary treatment as may be

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

(Ord. 470, Art. V, Sec. 4)

- 15-324. **MINIMUM DIAMETER.** No building sewer, drain or private sewer shall be less than four (4) inches in diameter. Larger sizes shall be used when the calculated volume of sewage will require larger sizes. The current plumbing code shall be used to calculate any required volumes, but in no case shall the diameter of the building sewer be less than that of the soil pipe which is stubbed out from the building.

(Code 2003)

ARTICLE 4. PRIVATE DISPOSAL SYSTEM

- 15-401. **PROHIBITED SUBSTANCES.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess characteristics which in the judgment of the public works director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the public works director 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;

(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 15-416.

If the public works director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the public works director, and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. 470, Ord. 648; Art. V, Sec. 5, Code 2004)

- 15-402. **INTERCEPTORS.** Grease, oil and sand interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for

private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the public works director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 470, Art. V, Sec. 6)

15-403. TAP TO SANITARY SEWERS. Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer may be connected to a private sewage disposal system complying with the provisions of this article and with written approval of the public works director.

(Code 1971, Sec. 9-106; Code 1984)

15-404. SEWER SYSTEM; COST OF INSTALLATION, CODE COMPLIANCE. The cost and expense of the installation and connection must be borne by the owner. Such installation and connection must comply with all the provisions of this code and all other applicable regulations and laws. The tap fee shall be as set out in Chapter 17.

(Ord. 406, Sec. 2; Code 2003; Code 2007)

15-405. SEWER SYSTEM INSTALLATION. Any installation as provided for by this article shall be made by persons licensed to perform such work in the city and the owner shall indemnify, defend and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer tap and connection.

(Ord. 406, Sec. 3; Code 2003)

15-406. SEWER SYSTEM, FINAL INSPECTION. The sewer connection shall not be covered by any material until a final inspection has been made by the public works director or his or her authorized designee and written permission has been given to cover such connections to the sewer system.

(Ord. 406, Sec. 4)

15-407. PERMIT REQUIRED. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the public works director. 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 are deemed necessary by the public works director. A permit and inspection fee as set out in Chapter 17 shall be paid to the city at the time the application is filed.

(Ord. 470, Art. III, Sec. 2; Code 2003)

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 public works director. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by

the public works director provided that the twenty-four (24) hour notice will allow the inspection to occur during normal working hours.

(Ord. 470, Art, III, Sec. 3)

- 15-409. **SYSTEM; COMPLIANCE WITH COUNTY HEALTH DEPARTMENT.** The type, capacities, location, layout and lot area for construction of private sewage disposal systems shall comply with all recommendations and requirements of the Sedgwick County Community Health Department and the State Department of Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.
(Code 1971, Sec. 9-109, Ord. 470, Art. III, Sec. 4; Code 2003)

- 15-410. **CONNECTION TO PUBLIC SEWER REQUIRED WHEN AVAILABLE.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with gravel or dirt, Provided that the waste produced can be processed by the wastewater treatment facility as determined by the public works director.
(Code 1971, Sec. 9-110; Ord. 470, Art. III, Sec. 5)

- 15-411. **CONSTRUCTION STANDARDS FOR SEPTIC SYSTEM ABSORPTION.** There is hereby adopted by reference by the city of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the construction standards for septic system absorption fields as promulgated by Sedgwick County, Kansas, that became effective within the unincorporated portions of Sedgwick County, Kansas, on January 1, 2004, to be applied where such systems are permitted within the city of Haysville, Kansas. Three copies of construction standards for septic system absorption fields as promulgated by Sedgwick County, Kansas, that became effective within the unincorporated portions of Sedgwick County, Kansas, on January 1, 2004, have been and are now filed in the office of the city clerk and the said construction standards for septic system absorption fields as promulgated by Sedgwick County, Kansas, is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.
(Ord. 882)

- 15-412. **OPERATE PRIVATE SEWAGE FACILITIES AT OWN EXPENSE.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
(Code 1971, Sec. 9-111; Ord. 470, Art. III, Sec. 6)

- 15-413. **PRE-TREATMENT.** 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. 470, Art. V, Sec. 7)

15-414. **MANHOLE REQUIRED.** When required by the public works director, 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 shall be installed by the owner at his or her expense, and shall be maintained by him or her. It is unlawful to cover or conceal manholes.

(Ord. 470, Art. V, Sec. 8; Code 2003)

15-415. **TESTS; ANALYSIS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the 18th edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customary 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 grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas PH are determined from periodic grab samples.

(Ord. 470, Art. V, Sec 9; Code 2003)

15-416. **SPECIAL AGREEMENTS.** 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 normally requiring pretreatment before acceptance may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

(Ord. 470, Art. V, Sec. 10)

15-417. **PROTECTION FROM DAMAGE.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person or entity violating this section shall be subject to criminal prosecution therefore and liable for payment of any damages caused by such violations.

(Ord. 470, Art. V, Sec. 10; Code 2003)

15-418. **RIGHT OF ENTRY; INSPECTIONS.** The public works director 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, and such persons shall be authorized to make application to a court of competent jurisdiction ordering that such access be provided should such access be denied. The public works director or his or her representatives shall have no authority to inquire into any process 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. 470, Art. VII, Sec. 1; Code 2003)

- 15-419. SAME. While performing the necessary work on private properties referred to in section 15-418, the public works director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by section 15-413.

(Ord. 470, Art. VII, Sec. 2)

- 15-420. SAME. The public works director 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 an 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, and such persons shall be authorized to make application to a court of competent jurisdiction ordering that such access be provided should such access be denied. 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. 470, Art. VII, Sec. 3; Code 2003)

- 15-421. VIOLATIONS AND PENALTIES. (a) Any person who shall violate the provisions of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 for each violation or thirty (30) day confinement in the county jail for each violation or by both such fine and imprisonment. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(b) Penalty Clause Not Exclusive. The imposition of the penalties herein prescribed shall not preclude the city from instituting an appropriate action to restrain, correct, or abate a violation of this article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by the State law, this article or this code.

(Code 1971, Sec. 9-139; Code 1984, Ord. 882)

- 15-422. ENFORCEMENT. Enforcement of this code within the boundaries of the city shall be by the code enforcement official(s) designated by the City, and jurisdiction for prosecution of any violations of this code shall be in the Haysville Municipal Court.
(Ord. 882)
- 15-423. LIABILITY. Requirements of this code and article in force shall not be construed as imposing on the city, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Ord. 882)

ARTICLE 5. WASTEWATER RATES

- 15-501. CHARGES ESTABLISHED. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.
(Ord. 450, Art. I)
- 15-502. SAME. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the city may by ordinance designate to be paid by the user charge system.
(Ord. 450, Art. III, Sec. 1)
- 15-503. SAME. The city is authorized under the laws of the state of Kansas to issue and sell revenue bonds for the purpose of paying all or part of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the system, provided the principal and interest on such revenue bonds shall be payable solely from the net revenues derived by the city from the operation of the system.
(Ord. 450, Art. II, Sec. 2; Code 2003, Ord. 711, Code 2004)
- 15-504. YEAR-END BALANCES. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent 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 operation, maintenance and replacement

fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective account within the fiscal year following the fiscal year in which the moneys were borrowed.

(Ord. 450, Art. II, Sec. 3)

15-505. USER 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 water meters acceptable to the city.

For residential contributors, monthly user charges will be based on average monthly water usage during the months of January, February and March. If a residential contributor has not established a January, February and March average, his or her monthly user charge shall be the average charge of all other residential contributors.

For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meters installed and maintained at the contributor's expense, and in a manner acceptable to the city.

(Ord. 450, Art. IV, Secs. 1:3; Code 2003)

15-506. USER CHARGES. Each contributor, residential, commercial or industrial, shall pay a user charge rate for operation and maintenance, including replacement, a sum as set out in Chapter 17. In addition, each contributor shall pay a base rate sewer fee as set out in Chapter 17.

(Ord. 556-D; Ord. 751; Ord. 832; Code 2003, Code 2004; Code 2007; *Ord. 942*)

15-507. CHARGES FOR SERVICE BEYOND THE CITY LIMITS. Any contributors, whose property being serviced by the sewer system is outside the corporate city limits, shall pay, in addition to the above charges, an amount as set out in the approved schedule of fees.

(Ord. 450, Art. IV, Sec. 4; Code 2003)

15-508. ADDITIONAL CHARGES. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent of the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the city council.

(Ord. 450, Art. IV, Sec. 5)

15-509. USER CHARGES. The user charge rates established in this article apply to all users of the city's treatment works regardless of their location.

(Ord. 450, Art. IV, Sec. 5)

- 15-510. SAME. The city will review the user charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

(Ord. 450, Art. VI, Sec. 1)

- 15-511. SAME. The city will notify each user, in conjunction with a regular bill, of any change of rate to be charged for operation, maintenance including replacement of the treatment works.

(Ord. 450, Art. VI, Sec. 2)

- 15-512. SAME. The city is hereby authorized to establish and enforce sewer user charges on all existing or future users of the system, whether located inside the city limits or outside the city limits, pursuant to K.S.A. 12-631, et. seq., and other applicable laws and amendments thereto.

(Ord. 450, Art. VI, Sec. 3; Code 2003)

- 15-513. BILLING. The city water department shall render bills for sewer service charge to the person or legal entity designated to receive the water bill for water and water service furnished to the premises. If there is no city water connection on such premises then such bill for sewage service charge shall be rendered to the person or legal entity owning premises. If there is no city water connection on such premises then such bill for sewerage service charge shall be rendered to the person or legal entity owning premises. All bills for sewerage system charges shall be payable on or before the date shown on the statement.

(Ord. 345, Sec. 5)

- 15-514. SEWER FEES DUE; DELINQUENCY. Sewer bills for sewer service rendered by the city become due and payable on the 1st of each month as specified on the billing date thereon at the office of the city clerk, provided that any bill which shall remain unpaid after the 20th of the month as indicated thereon shall become delinquent and a late charge of five-percent (5%) of the bill shall accrue; provided further that when any sewer customer shall for unjustified reason fail to pay when due any account for sewer service rendered, it shall be the duty of the city clerk to mail a delinquency notice to the customer. The delinquent customer shall have at least five (5) days, excluding Saturdays, Sundays, and legal holidays, from the date the notice was mailed to pay the delinquent account in full.

The notice shall indicate:

(a) The amount due plus late charge;

(b) The customer's right to a hearing, if requested;

(c) That such hearing must be requested in writing, filed with the city clerk, at least three (3) working days (Saturdays, Sundays and holidays excluded) before the

bill is due. Upon receipt of a request for such hearing the city clerk shall immediately advise the applicant customer of the date and the time of the hearing.

The applicant customer, and the city, may present such evidence as is pertinent to the issue, may be represented by counsel, may examine and cross-examine witnesses, but formal rules of evidence shall not be followed.

Hearing may be conducted by any of the following officers: The director of governmental services, public works director, mayor, the city clerk, or such hearing officer as may be appointed by the director of governmental services. The decision of the hearing officer can be appealed to the governing body for review and the decision of the body shall be final when the matter shall have been heard by it.

(Code 1984; Code 2003, Code 2004)

- 15-515. **FAILURE OR REFUSAL TO PAY.** In the event any person, firm, corporation, political unit (except the United States and the state of Kansas) or organization owning, living or operating on premises connected to the city sewerage system, shall neglect, fail or refuse to pay the service charge levied herein, such charge shall constitute a delinquency which shall be collected by a collection agency or by assessing a lien upon the real estate serviced by the connection to the sewer system, and shall be certified by the city clerk to the county clerk of Sedgwick County, to be placed on the tax rolls for collection, subject to the same penalties and collection in like manner as other taxes as by law are collectible.

(Ord. 345, Sec. 6; Code 1984)

- 15-516. **IF CUSTOMER IS NOT OCCUPANT.** If the customer of record is not the occupant where water service is provided, then the water department of the city shall provide similar notice to the occupant. The request for a hearing must be no later than three (3) working days before the date the bill is due, such hearing will be conducted by the governing body of the city or such person or persons as the governing body shall designate. Customers are responsible for furnishing the department with their correct address and the correct names and addresses of the owners of the property for billing purposes. The owners of the property shall ultimately be responsible for payment of sewer charges which can be assessed as a lien on the real estate serviced by the connection to the sewer system if not paid.

(Ord. 345, Sec. 6; Code 1984)

- 15-517. **CHARGES PAID INTO SEWER REVENUE.** Revenues generated from the collection of sewerage service charges shall be paid into the sewer revenue fund by the city clerk.

(Code 1984)

- 15-518. **STATEMENTS FOR SERVICE CHARGES.** The officers or employees of the city, who may be designated from time to time, shall cause all statements for sewer service charges of the city to be rendered monthly at the same time as statements for water and water service provided by the city are rendered.

(Code 1971, Sec. 9-203)

15-519. PLANS REVIEW: APPLICATION FOR CONNECTION TO SANITARY SEWER SYSTEM ACCOMPANIED BY MAP. All applicants shall furnish to the city a detailed map, detailed plans and specifications of the proposed system sufficient to permit the city to know generally the nature of the user's system. This map shall be submitted for a plan review and written approval by the public works director or his or her designee. At such time as the system is completed, the applicant will provide a detailed engineering "as built" map. Both maps are to be furnished to the city without cost to the city.

(Code 1971, Sec. 9-205; Code 1984)

15-520. PENALTY. It shall be a violation of this code for any person or persons to tamper with any sewer line constituting any part of the city's sewage disposal system, or to make any connection therewith without written permission from the city or to reconnect sewer service when such service shall have been disconnected until such time as a reconnection shall be authorized by the city. Each day the violation is committed shall constitute a separate offense. Any person so convicted shall be subject to a fine to be assessed according to the general penalty provisions of this code in section 1-121.

(Code 1971, Sec. 9-206; Code 2003)

ARTICLE 6. CONSOLIDATING

15-601. COMBINING OF EXISTING WATERWORKS AND WASTEWATER UTILITY SYSTEMS. It is hereby deemed and declared to be necessary to combine the Water System and the Sewer System into a combined Water and Wastewater Utility System (the "System"). The System revenues will secure future financing for System improvements; however, the city shall maintain separate financial records for water operations and sewer operations. (Ord. 707; Code 2003)

ARTICLE 7. STORMWATER MANAGEMENT SYSTEM AND UTILITY

15-701. Definitions.

In addition to the words, terms and phrases defined elsewhere within this code, the following words, terms and phrases, as used herein, shall have the following meanings:

"Bonds" means obligations of the City, for which the principal of and the interest on is paid in whole or in part from special assessments, user fees, sales tax, general ad valorem taxes, or any available City or Stormwater Utility revenues heretofore or hereafter issued to finance the Costs of Capital Improvements.

"City" means the City of Haysville, Kansas.

"Costs of Capital Improvements" means costs incurred by the Stormwater Utility in providing capital improvements as part of the Stormwater Management Program, including, without limitation, alteration, enlargement, extension, improvement, construction, reconstruction, and development of the Public Storm Sewers, professional services and studies connected therewith; principal and interest on Bonds heretofore or hereafter issued, including payment of any delinquencies; studies related to the operation of the system; costs related to water quality enhancements, costs related to complying with federal, state or local regulations; acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise; and for the costs associated with purchasing equipment, computers, furniture and all other items necessary or convenient for the operations of the Stormwater Utility.

"Debt Service" means an amount equal to the sum of all interest payable on Bonds during any fiscal year or years, and any principal installments payable on the Bonds during such fiscal year or years.

"Director" means the Director of the City's Public Works Department or the Director's designee.

"Director of Governmental Services" means the Director of Governmental Services of the City or the Director of Governmental Services' designee.

"Dwelling Unit" means an enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one Family, as defined in Chapter 16, Article 4, of the Haysville Municipal Code.

"Equivalent Residential Unit" or "ERU" means a unit of measure that is equal to the average Impervious Area per Dwelling Unit located on Residential Property within the City limits.

"Equivalent Residential Unit Rate" or "ERU Rate" means the amount charged for each ERU in calculating the Stormwater Utility User Fee.

"Exempt Property" means public right-of-way, public trails, public streets, public alleys, public sidewalks, and public lands and/or easements in or upon which the Public Storm Sewers are constructed and/or located.

"Fiscal Year" means a twelve-month period commencing on the first day of January of any year.

"Governing Body" means the Governing Body of the City.

"Impervious Area" means the total number of square feet of hard surface area on a given property that either prevents or retards the entry of water into the soil matrix, or causes water to run off the surface in greater quantities or at an increased rate of flow, than it would enter under conditions similar to those on undeveloped land. "Impervious Area" includes but is not limited to, roofs, roof extensions, driveways, pavement and athletic courts.

"Nonresidential Property" means all property other than Single Family Property.

"Operating Budget" means the annual budget established for the Stormwater Utility for the succeeding Fiscal Year.

"Operations and Maintenance" means, without limitation, the current expenses, paid or secured, by the Stormwater Utility, for operation, maintenance and repair and minor replacement of the Public Storm Sewers or for implementing the Stormwater Management Program, as calculated in accordance with generally accepted accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including professional services, equipment costs, labor costs, and the cost of materials and supplies used for current operations.

"Public Storm Sewers" means all storm sewers within the City, and all appurtenances and ancillary structures thereto, which have been dedicated to and accepted by the City for ownership and maintenance or otherwise owned by the City.

"Residential Property" means property used primarily for Single Family Dwelling Units.

"Stormwater Management Program" means all aspects of work necessary to perform and provide storm and surface water services in the City, including but not limited to administration, planning, engineering, operations, maintenance, best management practices, control measures, public education, citizen participation, regulation and enforcement, protection, and capital improvement of Stormwater Management Systems, plus such expenses as reserves and bond debt service coverage as are associated with provision of the Stormwater Management Program and/or System.

"Stormwater Management System," means surface water and storm sewers and all appurtenances necessary in the maintenance, operation, regulation, and improvement of the same, including, but not limited to, pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; detention and retention facilities; and other flood control facilities and works for the collection, conveyance, pumping, infiltration, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.

"Stormwater Utility" means the utility created by this ordinance for the purpose of implementing and funding the Stormwater Management Program.

"Stormwater Utility User Fee" means a fee authorized by Charter Ordinance No. 18 and this ordinance, charged to owners of property served and benefited by the Stormwater Utility, which may be updated or modified by Resolution approved by the Governing Body.

"Undeveloped Land" means land that has not been built upon or altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil matrix is prevented or retarded.

15-702. Findings and Statements of Policy.

A. The City of Haysville, Kansas, desires to create a Stormwater Management Program pursuant to Charter Ordinance No. 18.

B. A Stormwater Management Program will provide both general and specific benefits to all property within the City and will include the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvement in general health and welfare through reduction of undesirable stormwater conditions; improvement of water quality in the Stormwater Management System and its receiving waters; the provision of a planned and orderly system for managing and mitigating the effects of new development on stormwater and appropriate balancing between development and preservation of the natural environment.

C. The Stormwater Management Program will also initiate innovative and proactive approaches to stormwater management within the City to address problems in areas of the City that currently are prone to flooding, protect against replication of these types of problems and the creation of similar problems in newly developing areas of the City, protect property in the City from stream bank erosion and the attendant loss of natural resources and the reduction of property values, conserve natural stream assets within the City, enhance water quality, and assist in meeting the mandates of the National Pollutant Discharge Elimination System as created under the Federal Clean Water Act and associated state and federal laws and their supporting regulations.

D. Both standard and innovative stormwater management is necessary in the interest of the public health, safety and general welfare of the residents, businesses and visitors of the City.

E. Implementation of the Stormwater Management Program will require the expenditure of significant amounts of public money.

F. All property in the City will benefit from the Stormwater Management Program.

G. The City desires to fairly distribute costs of the Stormwater Management Program implementation among all developed property which generates the need therefor.

H. The City has determined that the establishment of a Stormwater Utility is an appropriate method of funding certain portions of the costs of implementing the Stormwater Management Program.

I. The City has adopted Charter Ordinance No. 18, which grants to the City the authority to adopt, by ordinance or resolution, rules and regulations providing for the management and operation of a Stormwater Utility, fixing Stormwater Utility User Fees, requiring security for the payment thereof, providing methods and rules relating to the calculation and collection of the fees and for credits against the fees, and providing for the disposition of the revenues derived therefrom.

L. The Stormwater Utility User Fee imposed by this Ordinance, is calculated by a formula that reasonably relates classes of property within the City to their anticipated use of or benefit from the Stormwater Management System, and such fee is neither a tax nor a special assessment, but a charge (in the nature of tolls, fees or rents) for services rendered or available.

M. The City has researched collection options and hereby determines that in order to promote efficiency, eliminate duplication of services, and utilize the most economically feasible method of fee collection, the Stormwater Utility User Fee shall be billed and collected monthly with the monthly water and sewer utility bill for those properties utilizing other city utilities and shall be billed and collected separately at intervals as set by the Governing Body for those properties not utilizing other city utilities.

15-703. Creation of a Stormwater Management Program; Establishment of a Stormwater Utility.

Pursuant to City Charter Ordinance No. 18, the City's general home rule authority, its nuisance abatement authority, its police powers and all other authority, the Haysville Governing Body does hereby create a Stormwater Management Program and does hereby establish a Stormwater Utility and declares its intention to operate the same.

15-704. Administration.

The Director shall have the power to undertake the following activities to implement the Stormwater Management Program:

A. Advise the Governing Body on matters relating to the Stormwater Management Program and to make recommendations to the Governing Body concerning the adoption of ordinances, resolutions, policies, guidelines and regulations in furtherance of the objectives of the Stormwater Management Program.

B. To undertake studies, acquire data, prepare master plans, analyze policies or undertake such other planning and analyses as may be needed to address concerns related to stormwater within the City and to further the objectives of the Stormwater Management Program, and to undertake activities designed to communicate, educate and involve the public and citizens in addressing

these issues or in understanding and abiding by the elements of the Stormwater Management Program.

C. Acquire, design, construct, operate, maintain, expand, or replace any element or elements of the Public Storm Sewers, including funding the acquisition of easements by eminent domain, and obtaining title or easements other than by eminent domain, over any real or personal property that is part of, will become part of or will protect the Public Storm Sewers, or is necessary or convenient for the implementation of the Stormwater Management Program.

D. Regulate, establish standards, review, and inspect the design, construction or operation and maintenance of any Stormwater Management System that is under the control of private owners, whether or not such systems are required or intended for dedication to the Public Storm Sewer system, when such systems have the potential to impact, enhance, damage, obstruct or affect the operation and maintenance of the Public Storm Sewers or the implementation of the Stormwater Management Program.

E. Regulate, establish standards, review and inspect land use or property owner activities when such activities have the potential to affect the quantity, timing, velocity, erosive forces, quality, environmental value or other characteristics of stormwater which would flow into the Stormwater Management System or in any way affect the implementation of the Stormwater Management Program.

F. Undertake any activities related to stormwater management when such activities are recommended by applicable federal, state or local agencies or when such activities are required by any permit, regulation, ordinance, or statute governing stormwater or water quality concerns.

G. Analyze the cost of services and benefits provided by the Stormwater Utility and the structure of fees, service charges, credits, and other revenues on an annual basis and make recommendations to the Governing Body regarding the same.

H. Undertake expenditures as required by the Governing Body to implement these activities, including all Costs of Capital Improvements, Operations and Maintenance, Debt Service, and other costs as required.

15-705. Budget.

The operating budget shall conform with State law, City policy and generally accepted accounting practices. The City, as part of its annual budget process, may adopt capital and operating budgets for the Stormwater Utility, and may utilize enterprise funds, special revenue funds or reserve funds as deemed reasonable and appropriate by the Governing Body of the City. The operating budget will commence in January of each year.

15-706. Stormwater Utility User Fee.

A. Fee Established. There is hereby imposed on each and every residential developed property and nonresidential developed property, other than property that is not serviced by the stormwater management system or exempt property, a stormwater utility user fee. Such stormwater utility user fee shall be determined and set in accordance with the ERU and ERU rate both of which shall be established by resolution of the Governing Body and may be amended from time to time by the Governing Body.

B. Stormwater utility user fee for Residential Developed Property. The stormwater utility user fee for residential developed property shall be the ERU rate as set forth by Resolution of the Governing Body. In the event of a newly constructed dwelling unit, the charge for the stormwater utility user fee attributable to that dwelling unit shall commence upon the issuance of the certificate of occupancy for that dwelling unit, or if construction is at least fifty percent complete and is halted for a period of three months, then that dwelling unit shall be deemed complete for purposes of this Code and the stormwater utility user fee shall commence at the end of the three-month period.

C. Stormwater utility user fee for Nonresidential Developed Property. (1) The stormwater utility user fee for nonresidential developed property shall be the divided into ten tiers as determined by property size. A standard multiplier shall be associated with each tier, so that the tier shall be charged a fee of the ERU rate times such multiplier.

<u>CLASS</u>	<u>PROPERTY SIZE</u>	<u>STANDARD MULTIPLIER</u>
I	0 to 2500 square feet	ERU x 1.26
II	2501 to 5000 sq. feet	ERU x 2.53
III	5001 to 7500 sq. feet	ERU x 3.79
IV	7501 to 10,000 sq. feet	ERU x 5.05
V	10,001 to 20,000 sq. feet	ERU x 10.10
VI	20,001 to 30,000 sq. feet	ERU x 15.15
VII	30,001 to 40,000 sq. feet	ERU x 20.20
VIII	40,001 to 50,000 sq. feet	ERU x 25.25
IX	50,001 to 75,000 sq. feet	ERU x 37.88
X	75,001+ sq. feet	ERU x 50.51

D. Dwelling Unit and Impervious Surface Calculation. The Director or Director's designee shall initially, and from time to time, determine the number of dwelling units located on residential developed property within the City in order to provide the information to the Governing Body necessary to establish the stormwater utility user fee provided by subsection B of this section. Nonresidential real property in the city shall have its square footage of impervious area calculated in order to establish the stormwater utility user fee provided by subsection C of this section. The Director or the Director's designee shall make the initial calculation and may from time to time change this calculation from such information and data deemed pertinent by the Director or the Director's designee at the direction of the Governing Body;

E. Stormwater utility user fee Credit. The Governing Body may by resolution adopt guidelines that establish credits and/or incentives that reduce the stormwater utility user fee that would otherwise be assessed against properties that utilize privately owned and maintained retention or detention facilities, if it is determined that the existence of such retention or detention facilities results in a reduction in the operating budget of the utility.

15-707. Appeal Procedure.

A. Any persons disagreeing with the calculation of the Stormwater utility user fee, disagreeing with whether their property is served by the Stormwater Utility or who believe they are entitled to a credit pursuant to guidelines adopted by the City Council, may appeal such calculation or finding to the Director. Appeals must be in writing. The Director or his/her designee shall thereafter hold an informal hearing. The Director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing Dwelling Units, total property area, and Impervious Area as appropriate, if such information is deemed to be material by the Director or designee. Based on information provided, the Director or designee shall make a determination as to whether the Stormwater utility user fee should be adjusted or eliminated for such property. The Director shall notify parties in writing of the Director's or his/her designee's decision.

B. (1) A person shall have the right to appeal the decision of the Director to the Stormwater Appeals Board. Such appeal shall be made within twenty days of the date the Director notifies the person of the Director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The Stormwater Appeals Board shall consist of the following members: Director of Governmental Services and the City Comptroller.

(3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. Although the standards of a court of law are not necessary for this administrative appeals hearing, generally, the appellant shall present evidence concerning the stormwater utility user fee for the property in question and the Director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The Stormwater Appeals Board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing.

If the decision of the Stormwater Appeals Board is not resolved to the satisfaction of the appellant, the appellant may make a written appeal of the decision of the Stormwater Appeals Board to the Mayor within five days of the receipt of the decision of the Stormwater Appeals Board. Such appeal shall be filed through the City Clerk. Based on the written testimony, reports, file documents, etc., the Mayor shall make a decision within five working days of the receipt of the appeal and provide a written response to the appellant. This response shall serve as the final administrative decision of the City.

The decision of the Mayor shall be final and any further appeal of such decision shall be to the Eighteenth Judicial District Court of the state of Kansas by way of the provisions of K.S.A. 60-2101(d).

15-708. Stormwater Utility User Fee Collection.

A. The operation and maintenance of the stormwater utility shall be combined with the existing water/wastewater utility. The stormwater utility user fee shall be billed and collected monthly with the monthly water and sewer utility bill for those properties utilizing other city utilities and shall be billed and collected separately at intervals as set by the director for those properties not utilizing other city utilities. The stormwater utility user fee for those properties utilizing other city utilities shall be part of a consolidated statement for utility customers which shall be paid by a single monthly payment. In the event that a partial payment is received, the payment shall be applied to the water and sewer portion of the account first and then to the stormwater utility user fee portion of the account. Unless otherwise provided for herein, all bills for stormwater utility user fees shall become due and payable in accordance with sections of the code of the city and with rules and regulations that pertain to the Haysville water and sewer utility that relates to the collection of utility charges. Stormwater utility user fee bills for any given property shall initially be the responsibility of the person who is paying for water and/or sewer service for the property. If the property is not using water and/or sewer services, then stormwater utility user fees shall be the responsibility of the person in possession of the property, unless other arrangements are made. If no person is in possession of the property, then the stormwater utility user fees shall be the responsibility of the property owner. The property owner is responsible for the stormwater utility user fees not paid by the occupant.

B. Stormwater utility user fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this chapter or any other ordinance of the city, failure of any user of the stormwater management system to pay such charges promptly when due shall subject such user to discontinuance of water services and the Director of Governmental Services, or his/her designee, is empowered and directed to enforce this provision as to any and all delinquent users in accordance with provision(s) applicable to Water and Sewer Utility Services.

C. Stormwater utility user fees authorized to be charged in this chapter when delinquent may be certified by the clerk of the city to the county clerk of Sedgwick County to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, there after, constitute a lien upon the real estate served by the stormwater utility and against which such charges were made, regardless of whether the stormwater utility user fees were incurred when a property owner was in possession of the property or a nonowner was in possession of the property.

15-709. Stormwater Utility Fund.

Stormwater utility user fees collected by the city shall be paid into an enterprise, special revenue fund, and/or reserve fund which will be known as the "stormwater utility fund." Such fund shall be used for the purpose of paying the extension and replacement, operations and maintenance

and debt service of the stormwater management system and to carry out all other purposes of the utility.

15-710. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**ARTICLE 8.
STORMWATER MANAGEMENT REGULATIONS**

15-801. General provisions.

A. Purposes. The purpose and objective of this chapter are as follows:

1. To maintain and improve the quality of surface water and groundwater within the city;
2. To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the city;
3. To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the city;
4. To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;
5. To facilitate compliance with state and federal standards and permits by owners of industrial and construction sites within the city;
6. To enable the city to comply with all federal and state laws and regulations applicable to its NPDES permit for stormwater discharges.

B. Administration. Except as otherwise provided in this chapter, the Director, or his appointed representative, shall administer, implement, and enforce the provisions of this chapter.

C. Abbreviations. The following abbreviations when used in this chapter shall have the designated meanings:

BMP	Best Management Practices
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CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
HHW	Hazardous Household Waste
mg/l	Milligrams per liter
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum Storage Tank
SWP3	Stormwater Pollution Prevention Plan
USC	United States Code

D. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

1. “Best management practices (BMPs)” mean schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States or the city’s MS4. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas. The BMPs required in this chapter will be sufficient to prevent or reduce the likelihood of pollutants entering storm sewers, ditches or ponds.
2. “City” means the city of Haysville, Kansas.
3. “Commencement of construction” means the disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
4. “Commercial” means pertaining to any business, trade, industry, or other activity engaged in for profit.
5. “Construction general permit.” See “Kansas general permit for stormwater discharges from construction sites.”
6. “Contractor” means any person or firm performing construction work at a construction site, including any general contractor and subcontractors. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical, landscaping contractors, and material suppliers delivering materials to the site.
7. “Director” means the Director of Public Works, or his or her duly authorized representative.
8. “Discharge” means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.
9. “Discharger” means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.

10. "Domestic sewage" means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.
11. "Earthwork" means the disturbance of soils on a site associated with clearing, grading or excavation activities.
12. "Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.
13. "Extremely hazardous substance" means any substance listed in the appendices to 40 CFR Part 355, emergency planning and notification.
14. "Facility" means any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.
15. "Fertilizer" means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.
16. "Final stabilization" means the status when all soil-disturbing activities at a site have been completed. This would establish a uniform perennial vegetative cover with a density of seventy percent coverage for unpaved areas and those not covered by permanent structures or equivalent permanent stabilization measures (by employing riprap, gabions or geotextiles).
17. "Fire protection water" means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.
18. "Garbage" means putrescible animal and vegetable waste materials from the handling, preparation, cooking or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.
19. "Harmful quantity" means the amount of any substance that will cause a violation of a State Water Quality Standard or any adverse impact to the city's drainage system.
20. "Hazardous household waste (HHW)" means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(h)(1), would be classified as a hazardous waste under 40 CFR Part 261.
21. "Hazardous substance" means any substance listed in Table 302.4 of 40 CFR Part 302.
22. "Hazardous waste" means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.
23. "Hazardous waste treatment, disposal, and recovery facility" means all contiguous land, and structures, other appurtenances and improvements on the land used for the treatment, disposal, or recovery of hazardous waste.
24. "Individual building sites" mean and include sites of building construction or earthwork activities that are not a part of a new subdivision development and any individual lot within a newly developing subdivision.
25. "Industrial General Permit." See "Kansas general permit for stormwater discharges associated with industrial activity."

26. “Industrial waste” means any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade or business.
27. “Industry” means and includes: (a) municipal landfills; (b) hazardous waste treatment, disposal, and recovery facilities; (c) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (d) industrial facilities that the Director determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity.
28. “Kansas general permit for stormwater discharges associated with industrial activity” and “Industrial general permit” mean the industrial general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
29. “Kansas general permit for stormwater discharges from construction sites” and “construction general permit” mean the construction general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
30. “Landfill” means an area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, or an injection well.
31. “Municipal separate storm sewer system (MS4)” means the system of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, drainage easements or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.
32. “Municipal solid waste” means solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.
33. “NPDES permit” means for the purpose of this chapter, this is a permit issued by EPA or the state of Kansas that authorizes the discharge of stormwater pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
34. “Nonpoint source” means the source of any discharge of a pollutant that is not a point source.
35. “Notice of intent (NOI)” means the notice of intent that is required by either the industrial general permit or the construction general permit.
36. “Notice of termination (NOT)” means the notice of termination that is required by either the industrial general permit or the construction general permit.
37. “Notice of violation” means a written notice provided to the owner or contractor detailing any violations of this chapter and any clean-up action expected of the violators.
38. “Oil” means any kind of oil in any form, including but not limited to: petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.
39. “Owner” means the person who owns a facility, part of a facility or land.
40. “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns, including all federal, state and local governmental entities.

41. "Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant or desiccant.
42. "Petroleum product" means a petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle, or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.
43. "Petroleum storage tank (PST)" means any one or combination of aboveground or underground storage tanks that contain petroleum product and any connecting underground pipes.
44. "Point source" means any discernable, confined, and discrete conveyance including, but not limited to: any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
45. "Pollutant" means dredged spoil, spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, yard waste, hazardous household wastes, used motor oil, anti-freeze, litter, and industrial, municipal, and agricultural waste discharged into water.
46. "Pollution" means the alteration of the physical, thermal, chemical or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation or property, or public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
47. "Qualified personnel" means persons who possess the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity.
48. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.
49. "Reportable quantity (RQ)" means, for any hazardous substance, the quantity established and listed in Table 302.4 of 40 CFR Part 302; for any extremely hazardous substance, the quantity established in 40 CFR Part 355.
50. "Rubbish" means nonputrescible solid waste, excluding ashes, that consist of: (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (one thousand six hundred to one thousand eight hundred degrees Fahrenheit).
51. "Sanitary sewer" means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

52. "Septic tank waste" means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
53. "Service station" means any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from pumps.
54. "Sewage" means the domestic sewage mid and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.
55. "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
56. "Solid waste" means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including: solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, agricultural operations, and community and institutional activities.
57. "State" means the state of Kansas.
58. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
59. "Stormwater discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is listed as one of the categories of facilities in 40 CFR Section 122.26(b)(14), and which is not excluded from EPA's definition of the same term.
60. "Stormwater pollution prevention plan (SWP3)" means a plan required by a NPDES stormwater permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.
61. "Subdivision development" means and includes activities associated with the platting of any parcel of land into two or more lots and includes all construction taking place thereon.
62. "Used oil (or used motor oil)" means any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage or handling; has become unsuitable for its original purpose because of impurities or the loss of original properties.
63. "Water of the state" and "water" mean any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.
64. "Water quality standard" means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses.
65. "Waters of the United States" mean all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this

definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of “waters of the United States” at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

66. “Wetland” means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
67. “Yard waste” means leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

15-802. General prohibition.

A. No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of stormwater, except as allowed in subsection B of this section.

B. The following non-stormwater discharges are deemed acceptable and not a violation of this section:

1. A discharge authorized by, and in full compliance with, a NPDES permit (other than the NPDES permit for discharges from the MS4);
2. A discharge or flow resulting from emergency firefighting;
3. A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
4. A discharge from water line flushing;
5. A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
6. A discharge or flow from a diverted stream flow or natural spring;
7. A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
8. Uncontaminated groundwater infiltration;
9. Uncontaminated discharges or flow from a foundation drain, crawl space pump, footing drain or sump pump;
10. A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
11. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
12. A discharge or flow from individual residential car washing;
13. A discharge or flow from a riparian habitat or wetland or natural spring;
14. A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
15. Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
16. Swimming pool water that has been dechlorinated so that it contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;

17. Heat pump discharge waters (residential only).

C. Notwithstanding the provisions of subsection B of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the Director to be a source of pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten days beyond such notice.

15-803. Specific prohibitions and requirements.

A. The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in Section 13.24.020 of this chapter.

B. No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a KDHE water quality standard, the city's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.

C. No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced the following substances into the MS4:

1. Any used motor oil, antifreeze or any other petroleum product or waste;
2. A harmful quantity of industrial waste;
3. Any hazardous waste, including household hazardous waste;
4. Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
5. Any garbage, rubbish or yard waste;
6. Wastewater that contains a harmful quantity of soap, detergent, degreaser, solvent, or surfactant based cleaner from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus or heavy equipment, by a business or public entity that operates more than five such vehicles;
7. Wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
8. Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any surfactant based cleaner;
9. Any wastewater from commercial floor, rug, or carpet cleaning;
10. Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
11. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler;

12. Any ready-mixed concrete, mortar, ceramic, asphalt base material or hydromulch material, or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
13. Any runoff, washdown water or waste from any animal pen, kennel, fowl or livestock containment area;
14. Any swimming pool water containing a harmful level of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
15. Any discharge from water line disinfection by super chlorination if it contains a harmful level of chlorine at the point of entry into the MS4 or waters of the United States;
16. Any water from a water curtain in a spray room used for painting vehicles or equipment;
17. Any contaminated runoff from a vehicle wrecking yard;
18. Any substance or material that will damage, block, or clog the MS4; or
19. Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge has received a NPDES permit from the state.

D. No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.

E. No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.

F. Regulation of Pesticides and Fertilizers.

1. No person shall use or cause to be used any pesticide or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the MS4 or waters of the United States.
2. No person shall dispose of, discard, store, or transport a pesticide or fertilizer, or its container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the MS4 or waters of the United States.

G. Used Oil. No person shall discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater or water course.

H. Vegetative Waste and Structures.

1. No person shall construct, maintain, or allow any natural or non-natural structures or vegetative barriers including but not limited to trees, shrubbery, berms, fences (including

chain link), and walls upon any MS4 which, the Director finds impedes, detains, retains, or otherwise interferes with the drainage of stormwater regardless of the source of stormwater.

2. No person shall deposit leaves, grass, trash or other such materials upon any MS4 if such deposit shall be determined by the Director to interfere with the ability of the city to properly maintain or clean the area to allow for the safe and efficient drainage of stormwater, or such accumulation directly interferes with the safe and efficient drainage of stormwater through the MS4.
3. No owner or occupant of property which abuts upon any MS4 shall permit or allow the accumulation of leaves, grass, trash or other such materials upon such MS4 if such accumulation is determined by the Director to interfere with the ability of the city to properly maintain or clean the area to allow for the safe and efficient drainage of stormwater, or such accumulation directly interferes with the safe and efficient drainage of stormwater through the MS4.

I. Cleanup.

1. Should it be determined by the Director that any person or business has allowed any pollutant into the MS4 or waters of the United States, immediate measures will be taken by the responsible party to remove the pollutants. If the pollutants are not removed within the time period specified by the Director, the city may remove the pollutants and assess the cost thereof to the responsible party. The city may use any legal means to collect such costs, should the responsible party fail to pay such cost within forty-five days.
2. The responsible party may also be issued a citation for such violation of this Code in the manner set forth and described in this Stormwater Code.

15-804. Release reporting and cleanup.

A. Any person responsible for any release of any hazardous material that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

B. As soon as possible following such release, a written report shall be obtained by the Director from all City, County, and State agencies with authority over reporting, cleanup, containment, and any other appropriate remedial action associated with such release.

15-805. Stormwater discharges from construction activities.

A. General Requirements (All Sites).

1. The owners of construction sites shall ensure that best management practices are used to control and reduce the discharge of pollutants into the MS4 and waters of the United States to the maximum extent possible under the circumstances.
2. Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed

to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within twenty-four hours of the end of a storm that is one-half inch or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, the best management practices shall be revised as appropriate as soon as practicable. These inspections, along with a description of revisions, will be documented in writing and available for inspection by the Director upon request.

3. Should it be found that soil or pollutants have already or may be carried into the MS4 or waters of the United States, immediate measures will be taken by the owner to remedy the violation and/or remove the pollutants. If the owner fails to remove pollutants within the time period prescribed in the notice of violation from the city, the city may remove the pollutants and assess the cost thereof to the responsible owner. Failure of the owner to pay such costs will be grounds for the denial of further approvals or the withholding of occupancy certificates.
4. When determined to be necessary for the effective implementation of this section, the Director may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (A)(1) of this section that will be implemented at the construction site. Should the proper BMP's not be installed or if the BMP's are ineffective, upon reasonable notice to the owner, the city may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy.
5. The owner of a site of construction activity is responsible for compliance with the requirements in this subsection. In the case of new subdivisions, builders on individual lots can operate under the developer's NPDES permit if the developer's SWP3 deals with individual lots and the contractor's certification has been signed.
6. Any contractor on a construction site will also be required to use best management practices so as to minimize pollutants that enter into the MS4.
7. All persons shall avoid damaging BMP devices once in place. Any person damaging a BMP device shall be responsible for the repair of the damaged BMP device. Malicious destruction of a BMP device or failure of such responsible person to repair BMP device will be deemed a violation of this chapter.

B. Sites Requiring Federal and/or State NPDES Stormwater Discharge Permits. All owners of and contractors on sites of construction activity, that require a federal or state NPDES stormwater discharge permit, or that are part of a common plan of development or sale requiring such permit(s), shall comply with the following requirements (in addition to those in subsection A of this section):

1. Any owner who intends to obtain coverage for stormwater discharges from a construction site under the Kansas general permit for stormwater discharges from construction sites ("the construction general permit") shall submit a signed copy of its notice of intent (NOI) and Stormwater Runoff Management Plan to the Director when a building permit application is

made. If the construction activity is already underway upon the effective date of this chapter, the NOI shall be submitted within thirty days. When ownership of the construction site changes, a revised NOI shall be submitted within fifteen days of the change in ownership.

2. A stormwater pollution prevention plan (SWP3) shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this chapter and any other city chapter.
3. The SWP3 shall be prepared by a qualified personnel and shall comply with State NPDES requirements. The signature of the preparer shall constitute his or her attestation that the SWP3 fully complies with the requirements of the permit issued.
4. The SWP3 shall be completed prior to the submittal of the NOI to the Director and for new construction, prior to the commencement of construction activities. The SWP3 shall be updated and modified as appropriate and as required by the NPDES permit.
5. The Director may require any owner who is required by subsection (B)(2) of this section to prepare a SWP3, to submit the SWP3, and any modifications thereto, to the Director for review at any time.
6. Upon the Director's review of the SWP3 and any site inspection that he or she may conduct, if the SWP3 is not being fully implemented, the Director or his or her representative may upon reasonable notice to the owner, deny approval of any building permit, grading permit, site development plan, final occupancy certificate, or any other city approval necessary to commence or continue construction. A stop work order may also be issued.
7. All contractors working on a site subject to a NPDES permit shall sign a copy of the following certification statement before beginning work on the site: "I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the stormwater discharges associated with construction activity from the construction site identified as part of this certification and with the stormwater pollution prevention ordinance of the city, and I agree to implement and follow the provisions of the Stormwater Pollution Prevention Plan (SWP3) for the construction site." The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. All contractors will be responsible for their own activities to ensure that they comply with the owners' SWP3. Failure to comply with the SWP3 or malicious destruction of BMP devices is deemed to be a violation of this chapter.
8. The SWP3 and the certifications of contractors required by subsection (B)(7) of this section, and with any modifications attached, shall be retained at the construction site from the date of construction commencement through the date of final stabilization.
9. The Director may notify the owner at any time that the SWP3 does not meet the requirements of the NPDES permit issued or any additional requirement imposed by or under this chapter. Such notification shall identify those provisions of the permit or this chapter which are not being met by the SWP3, and identify which provisions of the SWP3 require modification in order to meet such requirements. Within thirty days of such notification from the Director, the owner shall make the required changes to the SWP3 and shall submit to the Director a written certification from the owner that the requested changes have been made.

10. The owner shall amend the SWP3 whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWP3, or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.
11. Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within twenty-four hours of the end of the storm that is one-half inch or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
12. Based on the results of the inspections required by subsection (B)(11) of this section, the pollution prevention measures identified in the SWP3 shall be revised as appropriate. Such modifications shall provide for timely implementation of any changes to the SWP3 within ten calendar days following the inspection.
13. A report summarizing the scope of any inspection required by subsection (B)(11) of this section, and the names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWP3, and actions taken in accordance with subsection (B)(12) of this section shall be made and retained on site as part of the SWP3. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWP3, the facility's NPDES permit, and this chapter. The report shall be certified and signed by the person responsible for making it.
14. The owner shall retain copies of any SWP3 and all reports required by this chapter or by the NPDES permit for the site, and records of all data used to complete the NOI for a period of at least three years from the date that the site is finally stabilized.
15. Upon final stabilization of the construction site, the owner shall submit written certification to the Director that the site has been finally stabilized. The city may withhold the final occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the Director has determined, following any appropriate inspection, that final stabilization has occurred and that any required permanent structural controls have been completed.

15-806. Stormwater discharges associated with industrial activity.

All operators of: (1) municipal landfills; (2) hazardous waste treatment, disposal, and recovery facilities; (3) industrial facilities that are subject to Section 313 of Title III of the Superfund

Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (4) industrial facilities that the Director determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity, shall comply with the following requirements:

A. Any owner who intends, after the effective date of this chapter, to obtain coverage for a stormwater discharge associated with industrial activity under the Kansas general permit for stormwater discharges associated with industrial activity (“the industrial general permit”) shall submit a signed copy of its notice of intent (NOI) to the Director.

B. When required by their NPDES permit, all industries listed in this section shall prepare a stormwater pollution prevention plan (SWP3) and implement such plan in accordance with the requirements of their state or federal NPDES permit.

C. The SWP3, when required, shall be prepared and signed by a qualified individual and will comply with all state NPDES requirements. The signature of the preparer shall constitute his or her attestation that the SWP3 fully complies with the requirements of the NPDES permit.

D. The SWP3, when required, shall be updated and modified as appropriate and as required by the NPDES permit and this chapter.

E. A copy of any NOI that is required by subsection (A)(1) of this section shall be submitted to the city in conjunction with any application for a permit or any other city approval necessary to commence or continue operation of the industrial facility.

F. The Director may require any operator who is required by subsection (A)(2) of this section to prepare a SWP3, to submit the SWP3, and any modifications thereto, to the Director for review.

G. Upon the Director’s review of the SWP3 and any site inspection that he or she may conduct, the Director may upon reasonable notice to the owner, deny approval necessary to commence or continue operation of the facility, on the grounds that the SWP3 does not comply with the requirements of the NPDES permit, or any additional requirement imposed by or under this chapter. Also, if at any time the Director determines that the SWP3 is not being fully implemented, upon reasonable notice to the owner, he or she may deny approval of any application for a permit or other city approval necessary to commence or continue operation of the facility.

H. The SWP3, if required, with any modifications attached, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with industrial activity at the facility are eliminated and the required notice of termination (NOT) has been submitted.

I. The Director may notify the owner at any time that the SWP3 does not meet the requirements of the NPDES permit, or any additional requirement imposed by or under this chapter. Such

notification shall identify those provisions of the permit or chapter, which are not being met by the SWP3, and identify which provisions require modification in order to meet such requirements. Upon thirty days of such notification from the Director, the owner shall submit to the Director a written certification that the requested changes have been made.

J. The owner shall amend the SWP3, if required, whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.

K. As may be required by the facilities NPDES permit, qualified personnel (provided by the owner) shall inspect equipment and areas of the facility specified in the SWP3 at appropriate intervals or as may be specified in their NPDES permit. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.

L. Industrial facilities will implement a sampling and testing program as required by their individual NPDES permits. The Director may require written reports of any such monitoring and testing to be submitted to him or her.

M. The owner shall retain the SWP3 and all sampling and testing reports until at least one year after stormwater discharges associated with industrial activity at the facility are eliminated, or the operator is no longer operating the facility, and a notice of termination (NOT) has been submitted.

N. For discharges subject to the semi-annual or annual monitoring requirements of the industrial general permit, in addition to the records-retention requirements of this chapter, owners are required to retain for a six year period from the date of sample collection, records of all sampling and testing information collected. Owners must submit such monitoring results, and/or a summary thereof, to the Director upon his or her request.

O. After the effective date of this chapter, no stormwater discharge shall contain any hazardous metals in a concentration that would result in the violation of any Kansas Surface Water Quality Standard.

15-807. Ditches and ponds.

A. Duty to Maintain. The owner of any private drainage ditch or pond that empties into the city's MS4 or the waters of the United States has a duty to use BMPs on the ditches or pond to minimize the pollutant levels downstream. Such BMPs include, but are not limited to, removing excessive build-up of silt, repairing bank erosion, maintaining vegetative cover, the cleaning of inlet and outlet works, and the like.

B. Inspection and Notice by City. The city will periodically inspect these privately owned ditches and ponds. Should conditions be found that cause the pollution of downstream receiving waters, the Director shall so notify the owners, and state what actions are expected by the owners to remedy the problem.

C. Failure to Repair. Should the owners fail to make the necessary repair within one hundred twenty days after notice, the city is authorized to do the repairs at the expense of the owner. Should the owner fail to reimburse the city for the cost of the repairs upon demand, the city may assess the cost thereof to the owner and initiate any collection proceedings authorized by law.

15-808. Compliance monitoring.

A. Right of Entry. The Director or his or her authorized representatives, shall have the right to enter the premises of any person discharging stormwater to the municipal separate storm sewer system (MS4) or to waters of the United States at any reasonable time to determine if the discharger is complying with all requirements of this chapter, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the inspectors ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. The director or his designee is hereby authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her by this Code and may apply to a court of competent jurisdiction for an order granting such entry in the event it is denied.

B. Records. Subject to the requirements of subsection A of this section, dischargers shall make available, upon request, any SWP3s, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.

C. Sampling. The Director shall have the right to set up on the discharger's property such devices that are necessary to conduct sampling of stormwater discharges.

15-809. Subdivision development.

A. The developer of any subdivision requiring a federal or state NPDES stormwater discharge permit will be responsible for obtaining the required permit and developing and implementing an overall SWP3 for the subdivision. Such SWP3 shall include BMPs to be used on individual lot building sites.

B. City contractors installing public streets; water, sanitary sewer, storm sewer lines; and/or sidewalks will be required to comply with the developers' SWP3s and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the city shall be responsible for obtaining the required permit and preparing and implementing the required SWP3s.

C. Any utility company installing utilities within a new subdivision will also be required to comply with the developers' SWP3's and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the utility company shall be responsible for obtaining the required permit and preparing and implementing the required SWP3s.

D. The purchasers or individual lots within the subdivision for construction purposes shall comply with the developers' SWP3 and shall sign a certification statement agreeing to do so.

15-810. Enforcement actions.

A. The discharge of, or potential discharge of, any pollutant to the MS4 or waters of the United States; failure to properly apply for a federal or state stormwater discharge permit; the failure to prepare or implement a SWP3 when required by a federal or state permit; the failure to use effective BMP devices; the malicious destruction of BMP devices; failure to repair BMP devices; the failure to comply with any directive, citation, or order issued under this chapter; are violations of this chapter for which enforcement action may be taken.

B. The enforcement actions to be taken under this chapter are as follows:

1. **Criminal Penalty.** Any person violating any provision of this chapter shall be prosecuted in the City's municipal court as set forth below. First and second offenses shall be prosecuted as code violations punishable by a fine of not more than one thousand dollars. Third and subsequent convictions of violations of the City's stormwater regulations shall be misdemeanors, punished by a fine of not more than one thousand dollars and/or by imprisonment for not more than six months, or by both such fine and imprisonment. Each and every day during which any violation of any provision of this chapter is committed, continued, or permitted is a separate violation.
2. **Stop Work Order.** Notwithstanding other penalties provided by this chapter, whenever the Director, or their designees, finds that any owner or contractor on a construction site has violated, or continues to violate, any provision of this chapter or any order issued thereunder, the Director may after reasonable notice to the owner or contractor issue a stop work order to the owner and contractors by posting such order at the construction site. Such order should also be distributed to all city departments and divisions whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the city associated with the building permit, grading permit, site development plan approval, or any other approval necessary to commence or to continue construction or to assume occupancy at the site. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the violator. Failure to comply with the requirements of any stop work order is a violation of this chapter and grounds for refusal to issue the Contractor any construction permits for future projects.
3. **Administrative Penalty Process.**

- a. When the Director finds that any stormwater discharger has violated or continues to violate the provisions set forth in this chapter, or the discharger's NPDES permit or any order issued thereunder, the Director may issue an order for compliance to the discharger. Such orders may contain any requirements as might be reasonably necessary and appropriate to address noncompliance including, but not limited to, the installation of best management practices, additional self-monitoring, and/or disconnection from the MS4.
- b. The Director, with the approval of the Governing Body, is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial discharger responsible for noncompliance. Such orders shall include specific action to be taken by the discharger to correct the noncompliance within a time period specified by the order.
- c. Notwithstanding any other remedies or procedures available to the city, any discharger who is found to have violated any provision of this chapter, or any NPDES permit or any order issued under this chapter, may be assessed an administrative penalty as follows:
 - i. Failure to properly apply for a required NPDES permit: first offense: five hundred dollars; second and subsequent offenses: two thousand five hundred dollars per violation;
 - ii. Failure to prepare stormwater pollution prevention plan: first offense: five hundred dollars; second and subsequent offenses: two thousand five hundred dollars per violation;
 - iii. Failure to install best management practices: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation;
 - iv. Failure to maintain best management practices: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation;
 - v. Failure to perform required sampling and testing or provide testing reports: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation.

Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Upon assessment of any administrative penalty, the city will bill the violator for such charge and the Director shall have such collection remedies as are available at law. No further construction permits shall be issued to a violator until all such administrative penalties are paid.

15-811. Applicability of enforcement actions.

- A. Illegal dumping will be subject to criminal penalties process.
- B. Illegal connections will be subject to either the criminal or administrative penalty processes.
- C. Industrial violations will be subject to the administrative penalty process.

D. Individual building sites not requiring a federal or state NPDES permit will be subject to the criminal penalty and the stop work order processes; however, any owner or contractor of such sites deemed guilty in a court of law of a violation of this chapter will also be subject to the administrative penalty process for subsequent violations of this chapter.

E. Individual building sites requiring a federal or state NPDES permit will be subject to the administrative penalty process.

F. Subdivision developers in subdivisions not requiring a federal or state NPDES permit will be subject to the criminal penalty and stop work order processes; however, any owner or contractor of such sites deemed guilty in a court of law of a violation of this chapter will also be subject to the administrative penalty process for subsequent violations of this chapter.

G. Subdivision developers of subdivisions requiring a federal or state NPDES permit will be subject to the administrative penalty process.

H. City contractors and utility companies working on projects not requiring a federal or state NPDES permit will be subject to the criminal penalty process.

I. City contractors and utility companies working on projects requiring federal or state NPDES permit will be subject to the administrative penalty process.

15-812. Hearing and appeal.

Any violator that is subjected to the administrative penalty or stop work order processes may request an administrative hearing and appeal as follows:

A. Any party affected by a penalty, order, directive or determination issued or made, pursuant to this chapter may, within seven days of the issuance of such penalty, order, directive, or determination request a hearing before the Director to show cause why such should be modified or made to not apply to such person. Such request shall be in writing and addressed to the Haysville City Clerk, 200 W. Grand, Haysville, Kansas, 67060. The Director or his designee shall hold the requested hearing as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the Director shall issue a written response to the person requesting the hearing affirming, modifying, or rescinding the penalty, order, directive, or determination issued or made.

B. Any party aggrieved by the decision of the Director may appeal such decision to the Governing Body within seven days of receipt of the decision by filing notice of appeal with the City Clerk. The Governing Body may affirm, modify, or reverse the decision of the Director. Any appeal of the Governing Body's decision shall be as provided by state law.

C. Any hearing or appeal as described in this section to either the Director or Governing Body shall not be required to conform to the rules of a judicial hearing, shall be deemed an

administrative hearing or appeal, and shall allow the aggrieved party an opportunity to explain his/her position. A reasonable time limit may be set upon such hearing.

15-813. Enforcement personnel authorized.

The following personnel employed by the city shall have the power to issue notices of violations, criminal citations and implement other enforcement actions under this chapter:

- A. The Director and his/her designees;
- B. All authorized code enforcement officers.

15-814. Other remedies.

Notwithstanding any other remedies or procedures available to the city, if any person discharges into the MS4 in a manner that is contrary to the provisions of this chapter, or any NPDES permit or order issued hereunder, the city attorney may commence an action for appropriate legal and equitable relief including damages and costs in the district court of Sedgwick County. The city attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

15-815. Falsifying information.

Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or any NPDES permit, or who falsifies, or tampers with any monitoring device or method required under this chapter shall, upon conviction in the City's municipal court, be found guilty of a Class A misdemeanor, punished by a fine of not more than two thousand five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

15-816. Supplemental enforcement actions.

A. Performance Bonds. Where necessary for the reasonable implementation of this chapter, the Director may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity affected by this chapter to file a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance with this chapter. The city may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence or continue construction or industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.

B. Liability Insurance. Where necessary for the reasonable implementation of this chapter, the Director may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity affected by this chapter to submit proof that it has obtained liability insurance, or other financial assurance, in an amount not to exceed a value reasonably determined by the Director, that is sufficient to remediate, restore, and abate any

damage to the MS4, the waters of the United States, or any other aspect of the environment that is caused by the discharge.

15-817. Severability.

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect.

15-818 Through 15-825 Are Reserved.

SECTION 2. PROCEDURE FOR THE SUBMISSION, REVIEW, AND APPROVAL OF STORMWATER RUNOFF MANAGEMENT PLANS

15-826. General. No development shall increase the quantity and rates of stormwater emanating from said land areas except in accordance with an approved stormwater management plan as provided in these regulations. The stormwater management plan shall be prepared by a licensed professional engineer in the state. No building permits shall be issued prior to the approval of the stormwater management plan by the Director. The definitions utilized under 15-801 et seq. shall be utilized within this portion of the Haysville Municipal Code.

15-827. Preliminary Stormwater Management Plan.

A. A preliminary stormwater management plan shall accompany all preliminary applications for land development. This preliminary plan shall contain but not be limited to the following information and data:

1. A site plan of suitable scale and contour interval showing topographical information of the land to be developed and adjoining land whose topography may affect the proposed layout or drainage patterns for the development. A general plan of final contours of the site development shall also be shown as shall all existing streams, waterways, channels and the extent of the established floodplains;
2. The location and calculated flow rates of all adjacent storm drainage facilities;
3. A general discussion of the type and characteristics of soils contained in the development area;
4. A discussion of the concepts to be considered in the development to handle anticipated stormwater runoff including the methods to be utilized to detain or control increased stormwater runoff generated by the proposed development;
5. A preliminary plan of proposed storm drainage facilities including preliminary calculations of runoff to be handled by such facilities;
6. A discussion of the possible effects that the proposed development could have on areas adjoining the development.

B. Following the receipt of the preliminary stormwater management plan, a general review meeting shall be conducted and shall include the Director and representatives of the developer and the developer's engineer. The City Engineer and City Planner may be included at the

discretion of the Director. The purpose of this review shall be to jointly agree on the conceptual methods proposed to be utilized and the possible effects of the proposed development on existing or future adjacent developments.

15-828. Final Stormwater Management Plan.

A. Following the review of the preliminary stormwater management plan and after the general approval of the preliminary plan by the Director, a final stormwater management plan shall be prepared for each phase of the proposed project as each phase is developed. The submittal of the final plan shall coincide with the application for final approval of the development and shall constitute a refinement of the concepts approved in the preliminary plan. It is important to note that if a project is to be phased, the total area of the conceptual project is to be considered in all calculations and that facilities should be designed for each phase which would be compatible with those of the total development plan. The final stormwater management plan for any development shall include but not be limited to the following additional information unless specifically allowed to be excluded by the Director:

1. A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high-water elevations, the shoreline of lakes, ponds, swamps, and detention basins including their inflow and outflow structures, if any;
2. The location and flowline elevation of all existing sanitary and storm sewers, and the location of any existing sewage treatment facilities, which fall within the project limits and within a distance of five hundred feet beyond the exterior boundaries of the project;
3. Detailed determination of runoff anticipated for the entire project site following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and review of the criteria which has been used by the design engineer;
4. A layout of the proposed stormwater management system including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high-water elevation;
5. The slope, type, size, and flow calculations for all existing and proposed storm sewers and other waterways;
6. For all detention basins, if any, plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;
7. For all detention basins, if utilized, design hydrographs of inflow and outflow for the differential runoff from the site under proposed development conditions;
8. A grading and sediment and erosion control plan for the project site;
9. A profile and one or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high-water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.

B. The final stormwater management plan shall be reviewed by the Director. If it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the Director shall approve the plan or conditionally approve the plan, setting forth the conditions thereof. If approved, a drainage permit for the development shall be granted. If it is determined that the proposed development will not control stormwater runoff in accordance with these regulations the Director shall disapprove the stormwater management plan. If disapproved, the application and data shall be returned to the applicant for corrective action and resubmittal.

15-829. Design Criteria. Unless otherwise approved, the following rules shall govern the design of improvements with respect to managing stormwater runoff:

A. **Methods Of Determining Stormwater Runoff.** In determining the amount of stormwater runoff from a development, it is important for the designer to relate the methodology to be used in his calculations to the proportionate size of the tributary watershed area. In developments where the area contributing runoff is twenty-five acres or less, the rational method of calculating the quantity of runoff shall be used. Developments where the area contributing runoff is greater than twenty-five acres and up to two hundred acres shall be designed using the unit hydrograph method. The preferred method of hydrograph development shall be as described in the Soil Conservation Service publication "Urban Hydrology For Small Watersheds" (Technical Release No. 55 - January, 1975). Use of methods other than those described shall be only upon approval of the Director.

B. **Development Design.** Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams and floodplains within parks and other public grounds.

C. **Enclosed Systems And Open Channels.** The Design Criteria for Storm Drainage Facilities, latest edition, of the city, which by reference is made a part hereof as though repeated verbatim in this ordinance, shall govern the design of enclosed systems and open channels within the city.

D. **Methods Of Controlling Downstream Flooding.** The Director shall determine whether the proposed plan will cause or increase downstream local flooding conditions. This determination shall be made on the basis of existing downstream development and drainage system capabilities and an analysis of stormwater runoff prior to and after the proposed development. If the Director determines that the proposed development will cause or increase downstream local flooding conditions during the design storm, provisions to minimize such flooding conditions shall be included in the design of storm drainage improvements and/or the temporary controlled detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.

E. **Downstream Improvements.** Improvements to minimize downstream flooding conditions may include, but not be limited to, the construction of dams, dikes, levees, and floodwalls; culvert enlargements; and channel clearance and modification projects.

F **Detention Basins.** Temporary detention of stormwater runoff may be used in developments in order to minimize downstream flooding conditions. Generally, stormwater detention basins shall be designed and constructed for the attenuation of the peak rate of runoff to an amount not

greater than that occurring prior to development. Temporary storage facilities will not be required in situations where the installation of such a facility would adversely affect the environment or where the site discharges directly into a major stream or system component. The design of temporary detention facilities shall be in accordance with the following design criteria:

1. Storage volume requirements: Sufficient storage volume shall be provided to prevent local flooding damage. Such volume shall be adequate to contain the differential volume of runoff which would result from the design storm occurring on a fully developed site over the maximum allowable release rate. Inflow rates into the storage basin shall be determined utilizing either the rational method or the unit hydrograph method dependent on the development size limitations and methodologies described in subsection (1) of this section. The minimum rainfall event to be utilized in determining the detention storage volume shall be based upon the planned land usage and intensity within the tributary area and shall be as follows:
 - (a) Residential development, ten-year rainfall event.
 - (b) Commercial and industrial, twenty-five-year rainfall event.
2. Minimum rainfall events shall be based upon the twenty-four-hour point rainfall as indicated in Technical Paper No. 40 published by the Department of Commerce, Weather Bureau.
3. In the event of special circumstances the Director may require the use of storms of greater magnitude. When utilizing the rational method for runoff computations the rainfall intensity (i) and runoff coefficient (c) shall be based upon the area being fully developed in accordance with the planned land usage.
4. Associated with the analysis will be the routing of the storm hydrograph through the basin to determine the effect of the temporary storage on the rate of inflow.
5. As a result of the flood routing procedure, a determination of the required combination to temporary storage volume and outlet control required to reduce post development peak outflows to no more than the maximum allowable release rate may be made.

G. Maximum allowable release rate: The basic design factor used in the determination of the maximum release rate of a detention facility shall be the capability of the downstream system to handle the flow adequately. In general, the maximum release rate shall be defined as the rate of runoff occurring prior to the proposed development taking place and shall be determined mathematically as the runoff resulting from a ten-year return-frequency rainfall calculated using the rational formula. Deviations from the use of this rainfall frequency in design calculations shall be only where approved by the Director. Actual rainfall intensity (i) shall be determined for the time of concentration of the tributary area in its undeveloped and natural state. The runoff coefficient (c) shall likewise be determined for the land in its undeveloped state. In no case shall the release rate exceed the existing "safe" storm drainage capacity of the downstream system or watercourse.

H. Freeboard: The minimum elevation of the top of the detention storage basin embankment shall be at least one foot above the water surface with the emergency spillway flowing at design, or a minimum of two feet above the crest of the emergency spillway.

I. Sediment storage: A sediment storage volume of at least five percent of the total required temporary storage volume for runoff detention shall be provided.

J. Outlet control works: Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation. Size and hydraulic characteristics shall be such that all water in detention storage is released to the downstream storm sewer system within twenty-four hours after the end of the design rainfall.

K. Emergency overflow: A method of emergency overflow shall be designed and provided to permit the safe passage of runoff generated from a one-hundred-year storm.

L. Other design considerations: All stormwater detention basins shall be designed with the capability of passing a one-hundred-year hydrograph from a fully developed watershed basin through the outlet works without causing failure of the embankment. It is not the intent of this requirement to entail any additional reduction of the peak runoff rate, but to assure the integrity and safety of the structure.

M. Design data submittal: In addition to complete plans, the following design data shall be submitted to the Director for all projects including temporary detention facilities:

1. Rainfall hydrograph plotted in units of inches per hour as ordinates, and time from beginning of the storm as abscissas;
2. Runoff hydrograph plotted in units of cubic feet per second runoff rate of the tributary area as ordinates, and time from the start of runoff as abscissas;
3. Area: capacity curve for proposed detention facility plotted in units of datum elevation as ordinates, and cumulative volume of storage as abscissas;
4. Discharge characteristics curve or outlet works plotted in units of detention facility water surface elevation as ordinates, and discharge rate for cubic feet per second (cfs) as abscissas; as ordinates, and time from the start of runoff as abscissas. Curves shall be so arranged that the vertical distance between the accumulated storage and accumulated discharge will indicate the net volume in storage at any point in time. Curves shall be extended to the time required for complete discharge of all runoff stored in the detention facility.

N. Other detention methods: In addition to the above criteria, the following detention methods may be utilized to provide temporary detention storage:

1. Wet-bottom basins: The minimum normal depth of water before the introduction of excess stormwater shall be four feet. If fish are to be used to keep the basin clean, at least one quarter of the area of the permanent pool must have a minimum depth of ten feet. For emptying purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage. All surface area within the fluctuating limits of the basin storage or that which is susceptible to or designed as overflow areas from storms with a higher return frequency than those utilized in the design of the facility shall be seeded and mulched, sodded or paved.
2. Dry-bottom basins: Where possible these shall be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by occasional or intermittent flooding. To facilitate interior drainage, concrete paved swales shall be required from the inflow to the outlet structures.
3. Rooftop storage: Detention storage may be met in total or in part by detention on roofs. Details of such designs, which shall be included in the drainage permit applications, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations

of overflow scuppers, design loadings for the roof structure and emergency overflow provisions.

4. Paved parking lots: May be designed to provide temporary storage of stormwater on all or a portion of their surfaces to a maximum depth of nine inches. Outlets will be designed so as to empty the stored waters in such a time to create the least amount of inconvenience to the public. Minimum slopes of one percent and maximum slopes of four percent are to be utilized. The minimum freeboard from the maximum water ponding elevation to lowest sill elevation of adjacent buildings or structures shall be one foot.

15-830. Performance Standards.

A. Stormwater Channel Location. Generally acceptable locations of stormwater runoff channels in the design of a subdivision may include but not be limited to the following:

1. In a depressed median of a double roadway, street, or parkway provided the median is wide enough to permit maximum three-to-one side slopes;
2. Centered on back lot lines or entirely within the rear yards of a single row of lots or parcels;
3. In each of the foregoing cases, a drainage easement to facilitate maintenance and design flow shall be provided and shown on the plat. No structures will be allowed to be constructed within or across stormwater channels.

B. Storm Sewer Outfall. The storm sewer outfall shall be designed so as to provide adequate protection against downstream erosion and scouring.

C. Lot Lines. Whenever the plans call for the passage and/or storage of floodwater, surface runoff, or stormwater along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters. No structure may be erected in these areas which will obstruct the flow of stormwater. Additionally, installation of fences and the planting of shrubbery or trees within the areas will not be permitted. Changes in the grade and contours of the floodwater or stormwater runoff channels will not be permitted unless approved in writing by the Director.

D. Manholes. All sanitary sewer manholes constructed in a floodplain or in an area designed for the storage or passage of flood-water or stormwater shall be provided with either a watertight manhole cover or be constructed with a rim elevation of one (1) foot above the high water elevation of the design storm, whichever is applicable to the specific area.

E. Easements. Permanent easements for the detention and conveyance of stormwater, including easements of access to structures and facilities, shall be dedicated to the city.

F. Drainage Permits. A drainage permit for projects including detention facilities can be granted by the Director only after the final stormwater management plan has been approved and all easements have been dedicated, accepted, and recorded, and all required maintenance assurances and required bonds have been executed.

15-831. General Information Concerning Plans For Grading And Sedimentation And Erosion Control.

A. Prior to the approval and recording of the final subdivision or land development plan, a plan depicting proposed site grading within the development shall be submitted to the Director for review and approval.

B. Stripping of vegetation or earthmoving shall not be permitted nor will building permits be issued prior to approval of this plan by the Director.

C. For major subdivision developments consisting of more than ten lots, the grading plan shall be accompanied by a detailed sedimentation and erosion control plan.

15-832. Grading Plan--Subdivision. The grading plan shall be prepared by a licensed professional engineer in the state. The contents of the plan shall include but not be limited to the following information:

A. Contours of existing grades at intervals not more than five feet. Intervals less than five feet may be required dependent on the character of the topography;

B. Property lines identified as to existing or proposed lot and block number;

C. Elevation and location of nearest bench mark (U.S.G.S. datum);

D. Final grading contours drawn at sufficient intervals of not more than five feet to depict major subdivision drainage patterns. In addition, final grading spot elevations shall be shown for all corners of each lot. Such corner elevations shall be general in nature and upon approval of the Director may be revised at the time of plot plan submittal;

D. One-hundred-year floodplain line with elevation;

E. Easement and right-of-way information including drainage easements required for off-site drainage ways;

F. Existing or proposed utility information.

15-833. Grading Plan--Individual Lots. Applications for individual building permits shall be accompanied by a specific grading plan for that lot. Such grading plan shall be incorporated into the plot plan and shall contain as a minimum, the following information:

A. Property lines identified as to existing or proposed lot and block number, and/or proposed or assigned street address with distances to property Lines, building setback lines, easements;

B. Proposed location of structure;

C. Proposed type of structure (i.e. bi-level, split-level, etc.);

D. Elevations of the top of foundation, proposed grade at principal structure corners and at lot corners, flowline of adjacent gutters, elevations of culverts, inlets, if applicable, and lowest opening "minimum pad elevation", if applicable;

E. Approximate location of drainage swales indicated by directional arrows depicting flow patterns. Spot elevations may be utilized in lieu of arrows. Additional information may be required by the Director to assure protection of adjacent property.

15-834. Minimum Grading Standards.

A. The following minimum criteria for site grading shall apply to all applications for site grading:

1. Protective slopes around structures:

a. Downward slope from structure foundations to drainage swales,

b. Minimum gradients:

i. Impervious surfaces shall be one-eighth inch per foot (one percent),

ii. Pervious surfaces shall be one-fourth inch per foot (two percent),

c. Maximum gradient shall be four horizontal to one vertical for a minimum four feet from foundation walls;

2. Lawn areas:

- a. Minimum gradient shall be one-eighth inch per foot (one percent),
- b. Maximum gradient shall not be greater than three horizontal to one vertical;

3. Driveways sloping toward buildings shall be graded in such a manner as to provide an intercepting swale draining away from the structure prior to its connection with the building.

B. In specific cases the use of gradients less than or greater than those specified may be required. Variance from these requirements may be allowed where justified and approved by the Director.

15-835. Sediment And Erosion Control. In major developments, or as specifically required by the Director, a detailed sediment and erosion control plan shall accompany all grading plan applications. The implementation of the approved plan shall be concurrent with site grading activities for the proposed development and shall remain in effect until the completion of the subdivision or development. The plan submitted shall address the type and characteristics of the soils within the development and an indication shall be made of the potential erodibility of the site during construction operations. Methods to prevent sedimentation and erosion of the site shall include, but not be limited to, chemical treatment of the soil, siltation basins, mulches and netting. Protective measures proposed to be utilized should be dependent upon the degree of erodibility of the site.

15-839. Appeals. Any person aggrieved by a decision of this chapter shall have the right to appeal in the manner set forth in Haysville Municipal Code 15-812.

15-840. Penalty for Violations--Actions. The violation of any provision of this Code is a misdemeanor, enforceable under any of the provisions of Haysville Municipal Code 15-810, and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00); and the city shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day any violation of this Code shall continue shall constitute a separate offense.

15-841. Severability. If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect.