

**CITY OF TONGANOXIE**  
**WATER AND SEWER REGULATIONS**  
Per Section 15-201 of the Municipal Code

**ARTICLE 1. WATER SERVICE AND INSIDE SEWER CONNECTIONS:**

Section 1. **DEFINITIONS:** As used in this chapter, the following words shall have the meanings respectively set out opposite them:

- (a) Consumer. The word "consumer" shall mean a person having a contract with the City for water supply.
- (b) Customer, Patron. The word "customer" or patron shall mean a customer or patron of the City water or sewage disposal service supplied by the City.
- (c) Services. The word "services" shall mean water or sewage disposal service supplied by the City.
- (d) Premise. Each living unit.

Section 2. **WATER AND SEWAGE DEPARTMENT: CREATED: ADMINISTRATION:** There is hereby created for the operation of the City a water and sewage department.

The water and sewage department shall be administered by the City Council who shall appoint such officers and employees thereto as may be necessary for the proper operation of the water and sewage system of the City. The water and sewage department shall be operated in accordance with all of the provisions of Chapter 72 of the Session Laws of Kansas, 1953, K.S.A. 12-856 et seq. And in accordance with the Kansas Statutes Annotated, and all amendments thereto, and all other applicable statutes.

Section 3. **WATERWORKS AND SEWAGE DISPOSAL SYSTEMS COMBINED:** The waterworks system and the sewage disposal system of the City as defined in Chapter 72 of the Session Laws of Kansas, 1953, and K.S. A. 12-856 et seq., including all future improvements and extensions thereto, whether to the waterworks system or to the sewage disposal system, shall be and the same are combined and shall be known as the water and sewage system of the City. Such water and sewage system shall be operated and financed as provided in Chapter 72.

Section 4. **SERVICE CONTRACT:** The rules and regulations provided in this chapter shall constitute and be considered a part of the contract with every person who is supplied with water or sewer service by the City. Every such person shall be held to have consented to be bound thereby.

Section 5. **GRATUITOUS SERVICE PROHIBITED:** No water, fire protection or sewage disposal system service shall be furnished or rendered free of charge.

Section 6. WATER SERVICE APPLICATIONS: Applications for water service shall be made at the City Hall. A connection fee of thirty (\$30.00) is required prior to connection, for each new service.

Section 7. TAMPERING WITH MAINS: It shall be a Class 'A' misdemeanor for any person or persons to tamper with or make any connection to any water main, fire main, fire hydrant, water meter or sewer line of the City without written permission from the City or to reconnect service when it has been discontinued for non-payment of a bill for service until such bill has been paid in full, including the cutoff and reconnection fee.

Section 8. DISCONTINUANCE OF SERVICE FOR REPAIRS: The City hereby reserves the right to discontinue service to any consumer without notice and without liability for damages to any person or property when it deems such discontinuance necessary during the repair of its system.

Section 9. CITY EMPLOYEES TO MAKE WATER TAPS: All water taps shall be made by City Employees. Street excavations, corporation cocks inserted, pipes installed from main to meter box, curb valve shall be installed by customer or his contractor. Meter and yoke will be set by city employees. The customer shall furnish to City specifications, or purchase from the City, at its cost, a meter pit, ring and lid.

Section 10. WATER SERVICE PIPES: OWNERSHIP, MAINTENANCE: All water service pipes hereafter laid shall be owned by the City from the street main to the property line and including the meter box or such box or cutoff box placed in parking and shall be maintained by the City at all times. All other expenses in connection with water service including cost of replacing paving, shall be borne by the property owners at the city's actual cost. The City shall be responsible for maintaining the service from the city main to the property line or cut off box. The City shall also be responsible for maintenance of the meter except in cases of vandalism. The property owner is responsible for the water service from the property line to and including the residence. Also including the meter pit, ring and lid.

Section 11. PAYMENT BY IN TOWN CONSUMERS FOR WATER SERVICE CONNECTIONS: The cost of service connections for consumers within the city limits shall be paid at the time of application. The cost payable under this section shall be as follows: (Ordinance 1258).

(A) 3/4" service - \$2,750.00

(B) The property owner or his contractor is responsible for all costs for meters larger than 3/4". All connections must meet City specifications. The property owner or his contractor must arrange with the City Superintendent for the inspection of the tap before it can be covered.

Section 12. PAYMENT BY OUT-OF-TOWN CONSUMERS FOR WATER SERVICE CONNECTIONS: The cost of such service connections for water consumers outside the city limits shall be paid at the time of application. Only residential services that are outside the city limits will be allowed to hook up to the City's water. The cost payable under this section shall be as follows:

- (A) 3/4" service - \$8,000.00
- (B) The property owner or his contractor is responsible for all costs for meters larger than 3/4" in addition to the \$8,000.00. All connections must meet City specifications. The property owner or his contractor must arrange with the City Superintendent for the inspection of the tap before it can be covered.
- (C) A meter reading fee in an amount equal to 25% of the water charge, with a \$5.00 minimum, will be added to the bills of out-of-town customers who are connected to the City water services.

Section 13. FURNISHING WATER LINES: REGULATIONS: In making service connections, the water and sewer department of the City shall furnish the yoke, appropriate meter and tap. The contractor will do all excavating, furnish approved meter well, lid and pipe to be put in to City specifications. The customer or his contractor to furnish minimum 200# pressure tested plastic pipe or K copper pipe with compression fittings at tap and meter.

Water service lines shall not be installed in the same trench with the building sewer or drainage piping. A minimum distance of three (3) feet of undisturbed and compacted earth shall separate parallel water and sewer lines.

Application for service shall be made at least three (3) days prior to installations.

Section 14. SEPARATE INSTALLATIONS: Each premise (living unit) shall be separately metered (i.e., duplexes - 2 meters, 4 plexes - 4 meters, etc.).

Section 15. RATES, BILLINGS AND METERS: The schedules of monthly rates which shall be charged for water, sewage, trash, tax, debt service amounts, and fire department assessment, such as the City Council may from time to time determine, shall at all times be on file in the Office of the City Clerk and available for examination by the public. Such schedule shall include formulae for determining charges for service not subject to or directly governed by meter registration, and shall include flat charges and extra-burden charges. Likewise, there shall also be on file a schedule of monthly rates which shall be charged for fire protection, based on un-metered connections for standpipes, yard hydrants for fire protections, automatic sprinkler systems and including the water consumed in the proper use of such facilities.

Any consumer who wishes to purchase bulk amounts of water from the City shall, if possible, use the dispenser. If this is not possible, the consumer may, with permission, get water from a City fire hydrant. In order to do this the customer must contact the City Superintendent who will arrange to have a meter installed on a fire hydrant. The

customer will then be billed from a rate schedule set up for this purpose. Failure to notify the City Superintendent before taking water from a City main shall be a Class 'A' misdemeanor.

Section 16. TURNING WATER OFF AND ON: A regular employee of the water and sewage department shall turn water on or off. Such an employee may do so only when authorized by a duly approved application.

In case of emergency caused by leaks or breaks of fixtures, a plumber may turn off a curb valve, make the necessary repairs and turn the same on again.

Section 17. TAKING WATER FROM PREMISES OF OTHERS: No person shall take any water from any premises not owned by such person or without the permission of the owner of such premises.

Section 18. PROHIBITED EXTENSIONS OF SERVICE: In no case shall a consumer extend his service to an adjacent property or residence in order to furnish service to such adjacent property or residence even though such property is owned by the same person.

Section 19. TEMPORARILY EXTENDING WATER PIPES TO OTHER PROPERTY: The City Superintendent may, at his discretion, temporarily extend service from one property to another property if the conditions are such that the property cannot be served in a normal manner due to weather, construction, etc.

Section 20. MAIN WATER LINE: PROPERTY OWNER'S DUTY: Each property owner receiving water service shall at his own expense, keep all pipes and fixtures extending from the service cut off box into his property in good repair and free from leaks.

Section 21. CLAIMS AGAINST CITY: ALLOWANCES: Adjustments for water leaks resulting in water wasted will only be made upon proof that the leak was in an outside pipe. If such proof is provided, a one time adjustment on the largest bill will be made. The adjustment will consist of lowering the sewer charge to the average amount used. No adjustment can be made on the water charge. No adjustments will be made for any inside leaks, toilet malfunction, etc. No claims for damages may be made against the City on account of breaking or leaking of any water valves, service pipes, etc.

Section 22. TERMINATING WATER SERVICE: All consumers shall give the City water and sewage department proper notice two (2) days before discontinuing their service. Upon failure to give such notice they shall be liable for the water registered by the meter or the minimum bill, until such time as such notice is given.

Section 23. WATER SERVICE PIPES: REGULATIONS: There shall be a curb valve placed in the service pipe of each piece of property supplied with water. It shall be the duty of the property owner to keep the curb valve referred to in this section, or

meter cover in view above the ground and not covered with dirt or other accumulation and the meter pit in proper condition and free from debris and water. The City Superintendent shall designate the location of all meters, including the location of pit.

Section 24. ABANDONED WATER SERVICE CONNECTIONS: When a water service connection to any premises (residential or commercial) has not been used over a period of not less than two (2) years, the service connection shall be considered abandoned. In order to re-establish service at any abandoned premises, an inspection will be required of the public side of the service for the following:

- a) That all items meet current building code and regulations
- b) That all materials be either copper or 200 psi polypropylene
- c) That the meter setter have back-flow prevention
- d) That the pit, ring, and lid be free from damage

The inspection fee is \$100.00.

If any or all of the items above should fail inspection, the owner of the property shall also be responsible to pay the associated cost of the item to be replaced, including the labor cost of City personnel, if applicable, and be subject to one complimentary re-inspection prior to commencement of service.

Additional re-inspections will be charged \$100.00 per occurrence.

Section 24A. TEMPORARY DISCONNECTIONS; RECONNECTION FEE: Any person requesting disconnection, or any residence temporarily disconnected from water service for a period of more than thirty (30) days, but less than two (2) years, shall be charged an amount equivalent to a reconnection fee for the reconnection of the service.

Section 25. WATER & SEWER MAIN EXTENSIONS: The City Council may authorize the water and sewage department or a private contractor to extend the city's water or sewer mains, either for the purpose of upgrading the mains or to provide service to new areas. If the extension is due to a newly approved plat, the developer is charged with meeting all requirements as set forth in the City's Subdivision Regulations and the Kansas Department of Health and Environment's recommendations.

The City Council may initiate extensions of water or sewer lines if, in their judgement, the extensions will produce revenue sufficient to offset the cost of construction and the operation and maintenance of the line and the product to be furnished. The City water and sewage department or any contractor shall also follow the regulations set out in the Subdivision Regulations as to the size of pipe, placement, etc. and also the recommendations of the Kansas Department Health & Environment which are on file in the office of the City Clerk.

Section 26. CATCH BASINS FOR VEHICLES WASH WASTE: No person shall permit any overflow of wastewater from any room or floor upon which

automobiles or other vehicles are washed to enter any sewer unless such overflow or wastewater shall first flow through a catch basin, properly constructed, approved by the building inspector, and in conformity with plans and specifications theretofore filed in the office of the City Clerk.

Section 27. **MULTIPLE PREMISE WATER/SEWER CONNECTION:** Each premise (living unit) must have individual water meters and individual sewer lines, connected to the main sewer line. For exception see Article 3, Section 14. Premises having 13 living units or more may have a single water meter and single connection to main sewer line upon approval of the City Council.

Section 28. **ATTACHMENTS TO WATER MAINS:** The original developer of a new 8" main extension shall, except in a newly platted subdivision, shall be reimbursed for all attachments to the new main by any other person or entity occurring within five (5) years from the date of acceptance by the City of Tonganoxie of such main extension. The amount of such reimbursement shall be determined on the basis of the pro rata front footage of the property belonging to the applicant for such attachments, and shall be computed as a percentage of the original cost of installation by the records of actual costs on file with the City of Tonganoxie. Such applicant shall make payment of said sum to the office of Waterworks Department, City of Tonganoxie, prior to making a tap for such attachment, and as a condition thereof, which sum shall then be paid by the water Department, City of Tonganoxie, to the original developer as shown by the original application on file with the City of Tonganoxie.

## ARTICLE 2. SEWER CONNECTIONS

Section 1. City Ordinance No. 674 regulates most items in regard to connection to a city sewer. Please refer to this ordinance for all rules, except for the following.

Section 2. **SERVICE CHARGE: NONPAYMENT: LATE PAYMENT PENALTIES:** In the event of the failure to pay sewer connection service charges when due, the city water and sewage department shall have the right to disconnect the water service connection until all back charges and penalties are paid. The penalties for late payment of a sewer connection service charge shall be the same as the penalty for failure to pay for water when due.

Section 3. **SERVICE CHARGE: WHEN CONNECTION DISCONTINUED: APPLICABILITY:** In the event water service is discontinued for sixty (60) days for failure to pay sewer connection service charge, or in the event the user of such sewer connection is not a water patron and is in default of payment for such service for sixty (60) days, the City may dig up and plug such sewer connection. Service in such case shall be restored only upon payment of the cost of disconnecting such sewer plus twenty five (25%) percent of such cost for penalty.

The sewer connection service charge shall apply to all outside sewer connections not in use, as well as those hereafter made.

Section 4. SEWER SERVICES: PROPERTY OWNERS DUTY: Each property owner receiving sewer service shall at his own expense, keep all pipes and fixtures extending from the city main into his property in good repair and free from leaks.

Section 5. BACKWATER FLOW CHECK VALVE: Backwater flow check valves shall be installed at the owner's expense for all connections to sewer below ground level grade. The City assumes no responsibility for damage incurred for backup of sewers. All valves so installed must be kept in proper working condition at the owner's expense.

Section 6. TAPS AT THE MAIN SEWER LINE: Saddles must be installed at the main sewer tap connection.

### ARTICLE 3. RATES, BILLING AND METERS

Section 1. WATER SERVICE TO BE METERED: NUMBER OF METERS REQUIRED: PLACEMENT: Except as provided in Article 3, Section 5 of this Ordinance, all water service shall be furnished upon a metered basis. A separate meter shall be installed by the City for each dwelling, apartment, business establishment or other property served with water, such meters shall be located at the property line and be placed in a standard meter pit which has been approved by the City.

Section 2. MONTHLY BILLING: TERM OF PAYMENT: All water meters shall be read and bills for water and sewage disposal system service, or either, are rendered monthly. All bills will be mailed on the 1<sup>st</sup> day of the month and will be due and payable no later than business hours on the 15<sup>th</sup> of the month or the next business day if the 15<sup>th</sup> falls on a weekend or holiday. A 10% penalty will be assessed and collected on all bills that are not paid by the due date.

Section 3. DISCONNECTION OF WATER FOR NON-PAYMENT OF BILL: RECONNECTION: CHARGES: If any bill for water, sewage or sanitation service shall remain unpaid by the 15<sup>th</sup> day of the month following the rendition of the bill, a late notice will be mailed. No disconnection of service for nonpayment will be made without prior written notice mailed to the customer and the right to a hearing, if requested. All written notices of disconnection of water for nonpayment of bill shall contain the following phrases: "If you wish to be heard on this matter, contact the Clerk at Tonganoxie City Hall at (913) 845-2620 within the 3 day time period set forth in this notice." If no payment is made by the date given on the late notice the customer's service shall be disconnected and shall not be reconnected until all past-due bills for water and sewage disposal system service, or either, are paid in full, together with a reconnect charge of thirty (\$30) dollars. It shall be the duty of the representative of the City at the time in charge of the collection of water and sewage disposal system rates to notify the superintendent of the City's water and sewage system of all delinquencies under this section and such superintendent shall proceed immediately to disconnect the water service of any customer so in arrears.

Section 4. ESTIMATING WATER CHARGES: In case any meter shall stop or for any reason fail to register properly or upon failure to read the meter, the water and sewage department may estimate the monthly bill for water to be based on the average quantity consumed during the proceeding three months.

Section 5. METERS: The meter device shall be supplied by the City and shall remain the property of the City.

Section 6. WATER METERS REPAIRED: INSPECTION: The City shall keep all water meters in repair and in proper working condition. All meters shall be inspected and tested without cost to the customer as often as the City shall deem it necessary to secure accurate registration of water consumed.

Section 7. METERS: TESTING: Upon request and the deposit of thirty (\$30) dollars the City will test any metering device for accuracy. If, upon test, the meter is shown to be recording three percent (3%) or more in the excess of actual usage, the thirty (\$30) dollar deposit shall be refunded. If, on the test, the meter is found to be recording less than three (3%) percent in excess of the actual usage, said deposit shall be retained by the City and not refunded.

Section 8. RESPONSIBILITY OF PROPERTY OWNER FOR DAMAGE TO METER: Each property owner shall be held responsible for any damage done to any water meter installed on his premises.

Section 9. TAMPERING WITH METERS: No person shall alter, repair or remove any water meter to break any seal or tamper or interfere with the proper registration of water consumed.

Section 10. WATER AND SEWER SERVICES WITHIN AND WITHOUT CITY: Premises having twelve (12) living units or less shall have a water meter for each living unit, unless the installation of a single meter for all of said units is applied for by the owner and approved by the City Council.

Premises having thirteen (13) living units or more may have a single meter. The rates in all cases shall be based upon ordinance in effect.

On approval of the City Council, the owner of a complex having several buildings served by a single domestic hot water distribution system, or a central hot water heating or cooling system, may install a single meter. The rates for such complexes shall be governed by ordinance. The minimum water service charge per unit shall not be decreased under any circumstances by virtue of vacancies.

Section 11. MINIMUM CHARGES: When an apartment uses one meter for more than one family, the following shall govern the billing: The number of apartments in the building shall constitute the "family units". The total water usage for the period shall be divided by the number of "family units" and this provides the average usage per multiple meter. Once the average usage is determined, the rates as set forth by the City Council will be used to compute the average cost per family unit. The average cost per

family unit is multiplied by the number of family units to determine the total water bill for the apartment building. The total bill, when a common meter is used, will be billed to the property owner of the property.

#### ARTICLE 4. INSTALLATION, OPERATION AND SUPERVISION OF AIR CONDITIONING SYSTEMS.

Section 1. PERMITS FOR INSTALLATION REQUIRED: RESIDENTIAL DISTRICTS: No air conditioning system using City supplied water as its cooling medium shall be installed on any premises in the City, without having a permit from the City for the installation or operation of such a system. The City may issue permits in residential districts for air-conditioning systems where water passing to and from such system is discharged upon lawns and gardens of private property.

Section 2. APPLICATION FOR PERMIT: FEE: The permit required in Article 4, Section 1 of this article shall be issued without a fee upon a proper application or a showing of compliance with this article. The building inspector may waive the making of an application where there is no evidence or showing that any system not installed and operated does not conform in all respect to Section 3 of this article.

Section 3. CONDITIONS OF ISSUANCE OF PERMITS: Before the City shall issue any permit for an air-conditioning system to be installed or operated by the use of City water is shall be determined:

- (a) Whether or not such system is water cooled or air-cooled, and, in the event it is a water-cooled system, whether or not it has a water conservation device of such efficiency that it can operate with not over ten (10) gallons of City water per hour per ton of refrigeration. All systems shall have a water conservation device installed whether in operation at a passage of this ordinance or installed in the future.
- (b) Whether the make-up water connections to the conservation device are to arrange that the supply has a physical break between the City water lines and such device, whereby it is impossible for water to siphon back into the water lines in case of low pressure.
- (c) Whether the discharge of waste into the City sewage system will or does over-burden the City system of sewage disposal or its discharge otherwise causes a nuisance or violates the rules and regulations of the water and sewage department pertaining thereto.
- (d) Whether the system as installed and used will result in the violation of any regulations of the City respecting safety of persons or property.
- (e) Whether the system can be operated without adversely affecting the flow of water to other water users in the area or City.

Section 4. INSPECTION: REVOCATION OF PERMIT: The City shall cause all such systems as are mentioned in Section 1 of this article to be inspected from time to time for compliance with the preceding section.

ARTICLE 5. PENALTIES.

Every person convicted of a violation of any of the provisions of this ordinance shall be cited through the Tonganoxie Municipal Court for a Class 'A' misdemeanor and shall be subject to the appropriate fines.

(Ord. 877, Ord. 1100, Ord. 1166, Ord. 1180, Ord. 1214,  
Ord. 1215, Ord. 1258, Ord. 1379)