

## Chapter 715

### SEWERS

#### ARTICLE I General Provisions

**Section 715.010. Definitions.** [R.O. 2008 §715.010; Ord. No. 2539 §1, 4-10-1990]

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from sanitary waste drainage pipes inside the walls of the building and conveys it to the building sewer.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**CAPITAL CHARGE** — That portion of the total wastewater service charge which is levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance, and replacement costs.

**CITY** — The City of Paola, Kansas.

**CITY MANAGER** — The administrative head of the City of Paola or authorized deputy, agent, or representative.

**COMBINED SEWER** — A sewer receiving both surface runoff and sewage.

**COMPATIBLE WASTES** — Wastes containing pollutants for which the water pollution control plant was designed to treat and which are identified in the National Pollutant Discharge Elimination System (NPDES) permit issued by the United States Environmental Protection Agency to the water pollution control plant of the City of Paola, Kansas.

**DIRECTOR OF PUBLIC WORKS** — The administrative head of the City of Paola's Department of Public Works or authorized deputy, agent, or representative.

**EPA** — The United States Environmental Protection Agency.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**INCOMPATIBLE WASTES** — Waste containing pollutants not included in the definition of

compatible wastes.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**MILLIGRAMS PER LITER** — A weight to volume ratio; the milligrams per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

**NORMAL DOMESTIC SEWAGE** — Waste normally emanating from residential living units and resulting from the day to day activities usually considered to be carried on in a domicile.

**OPERATION AND MAINTENANCE** — All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

**PERSON** — Any individual, firm, company, association, society, corporation, or group.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( $\frac{1}{2}$ ) inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**REPLACEMENT** — 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.

**REVENUES** — All revenues, income, and rents accrued by the City from the ownership and operation of the Sewer System and the proceeds of any insurance covering business interruption loss relating to the Sewer System.

**SANITARY SEWER** — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SEWAGE** — A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present.

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** — All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SEWER SERVICE CHARGE — The total charge to be levied against users of the sewage disposal system and shall consist of user charge and capital charge, the combination of which shall be the rate set forth in this Chapter.

SHALL — Is mandatory; MAY is permissive.

SLUG — Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifty (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM DRAIN (SOMETIMES TERMED "STORM SEWER") — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

USEFUL LIFE — The estimated period during which a treatment works will be operated.

USER — A person or legal entity producing or causing to be produced wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater collection and treatment system. — User classes are defined as follows:

RESIDENTIAL — All single-family residences and premises with five (5) or less dwelling units.

NON-RESIDENTIAL — All retail and wholesale sales operations, office buildings, warehouses, bakeries, restaurants, premises with six (6) or more dwelling units, and all other service operations.

USER CHARGE — 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 and Collection System. Also, Treatment Charge or Service Charge.

WATER METER — A water volume measuring and recording device approved by the Director of Public Works.

WASTEWATER — Is synonymous with sewage and the two (2) terms may be interchanged without altering the meaning of either.

WASTEWATER COLLECTION AND TREATMENT SYSTEM — A system including sanitary sewers, sewer mains, pump stations, processing and treatment facilities, holding ponds, etc., all used for the gathering, transporting, and treating of wastewater prior to its re-entry into rivers, streams, or other bodies of water.

WATERCOURSE — A channel in which a flow of water occurs, whether continuously or intermittently.

**Section 715.020. Unlawful Deposits.** [R.O. 2008 §715.020; Ord. No. 2539 §1(12-302), 4-10-1990]

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Paola, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste which is deemed to be a hazard to the health of the general public by the City of Paola.

**Section 715.030. Unlawful Discharges.** [R.O. 2008 §715.030; Ord. No. 2539 §1 (12-303), 4-10-1990]

It shall be unlawful to discharge any sewage to any natural outlet within the City of Paola or in any area under the jurisdiction of said City, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

**Section 715.040. Unlawful Disposal Alternatives.** [R.O. 2008 §715.040; Ord. No. 2539 §1(12-304), 4-10-1990]

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 without the expressed consent of the City of Paola.

ARTICLE II  
**Connections — Regulations**

**Section 715.050. Required Connections.** [R.O. 2008 §715.050; Ord. No. 2539 §1(12-305), 4-10-1990]

The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley or right-of-way, in which there is now located or may in the future be located a public sanitary sewer of the City shall be required to make such connections with said sewer system of the City as may be necessary in the judgment of the City of Paola for the protection of the health of the public, for the purpose of disposing of all substances from any such building affecting the public health which may be lawfully and properly disposed of by means of such sewer, and shall install at his/her expense adequate indoor toilet facilities with adequate piping and fixtures for said facilities and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, and any person or persons who fail, neglect, or refuse to install such or to so connect any building or buildings with the sewer system of the City herein provided for, for more than ninety (90) days after being notified in writing by the City of Paola to do so, the City may cause such premises and buildings to be connected with said sewer system and are hereby authorized to advertise for bids for the construction and making of such sewer connection and to contract therefore with the lowest responsible bidder or bidders and cause such premises to be connected with said sewer system and to assess the costs and expense thereof against the property and premises so connected, such assessment to be made in the same manner as other special assessments are made.

**Section 715.060. Sewer Connection Outside The City.** [R.O. 2008 §715.060; Ord. No. 2539 §1(12-306), 4-10-1990]

- A. The owner or owners of any premises situated outside the City limits may be granted permission, at the discretion of the Governing Body, to connect such premises to the City's sewage disposal system and discharge usual and ordinary sewage from such premises as hereinafter provided. Wastewater charges for outside City users shall be proportional to the

user charge for City residents. This does not preclude the City from charging additional fees designed to recover capital costs or other non-treatment charges.

1. *Application.* Any applicant desiring to make such sewer connection shall apply, in writing, to the City Clerk for a permit to do so. Such application shall state:
  - a. The legal description of the premises;
  - b. The name of the owner or owners;
  - c. The number and kind of sewer intake openings to be connected;
  - d. The exact point of proposed connection.
2. *Review of application.* If the City Clerk, upon receiving such application, finds the application to be in proper form, and that the sewer to which applicant desires to connect is not overloaded and that sewage from such premises can be disposed of without an expense to the City in excess of the service charges reasonably anticipated to be received from such premises that such sewer connection will be made without expense to the City, may, after review and approval of the Governing Body issue the applicant a permit to make such connections to the sewage disposal system as are shown in the application or as the Governing Body may direct.

**Section 715.070. Private Sewage Disposal Systems.** [R.O. 2008 §715.070; Ord. No. 2539 §1(12-306), 4-10-1990]

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 715.050, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- B. *Permit.* Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the City. 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 City. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the City at the time the application is filed.
- C. *Inspection.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the City.
- D. *Standards.* The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Environment of the State of Kansas. 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 three (3) acres, for areas not in the Lake Miola Watershed. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. *Public Sewer Availability.* Within ninety (90) days of 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 cleaned of sludge and filled with gravel or dirt.
- F. *Costs.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- G. *Additional Requirements.* No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the City of Paola.

**Section 715.080. Connection Requirements, Standards and Prohibitions.** [R.O. 2008 §715.080; Ord. No. 2539 §1(12-307), 4-10-1990; Ord. No. 2762 §§1 — 2, 1-9-2001; Ord. No. 2767 §§1 — 2, 2-27-2001]

- A. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- B. *Permits.* The owner or owner's agent shall make application on a 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 Director of Public Works. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the City at the time the application is filed.
- C. *Costs.* All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
- D. *Separate Lines.* A separate and independent building sewer shall be provided for every building which maintains internal water service.
- E. *Old Lines.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this Article.
- F. *Standards.* The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City.
- G. *Sewer Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. *Prohibited Connections.* No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

- I. *Connection Standards.* The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.
- J. *Notification for Inspection.* The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the designated City representative.
- K. *Safety Requirements.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public street 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.

**Section 715.081. Classification of Connections.** [R.O. 2008 §715.081; Ord. No. 2767 §3, 2-27-2001]

- A. All connections to the wastewater collection system of the City are hereby classified in the following manner:
  - 1. *Single-family residential.* All residences and premises with one (1) dwelling unit.
  - 2. *Multi-family residential.* All residences and premises with more than one (1) dwelling unit.
  - 3. *Institutional residential.* Facilities such as elderly care, sheltered living facilities, dormitories, rehabilitation facilities and convents.
  - 4. *Commercial/non-residential.* All connections to the system not classified as residential.

**Section 715.082. Connection and System Fees.** [R.O. 2008 §715.082; Ord. No. 2767 §4, 2-27-2001; Ord. No. 2831 §1, 8-12-2003; Ord. No. 2908 §1, 3-14-2006]

- A. For each single-family connection to the sanitary sewer system of the City, the follow connection and system fee shall be paid prior to any connection being permitted:

<b>Years</b>	<b>Connection Fee</b>
4/1/2006 to 3/31/2010	\$3,000.00
4/1/2010 to 3/31/2015	\$3,300.00
4/1/2015 to 3/31/2020	\$3,500.00
4/1/2020 to 3/31/2025	\$3,750.00

- B. Each multi-family residential property shall pay two-thirds (2/3) the cost of the applicable single-family connection rate (see Subsection (A) above) multiplied by the number of dwelling units; except as may be further provided in Subsection (E) below.

- C. For each institutional residential facility, the Public Works Director shall determine the connection fee to be paid based on anticipated sewage volume, however, in no event shall the connection and system fee total less than one-fourth ( $\frac{1}{4}$ ) of the cost of the applicable single-family connection rate (see Subsection (A) above) multiplied by the number of dwelling units; except as may be further provided in Subsection (E) below.
- D. *Commercial/Non-Residential Connection Fee.* For each commercial connection up to six (6) inches in diameter, the connection fee shall be the applicable single-family connection rate (see Subsection (A) above) multiplied by each acre or fraction thereof of the commercial/non-residential development; except as may be further provided in Subsection (E) below. For each eight (8) inch diameter connection, the connection fee shall be twice the rate of a six (6) inch connection. For connections larger than eight (8) inches, the City Council shall determine the connection fee.
- E. Special connection rates are established for properties that connect to facilities installed in the 1995 hospital sanitary sewer improvements. For properties located west of U.S. 169 Highway that discharge into the hospital sanitary sewer system, the connection fee shall be the greater of the applicable amount calculated in Subsections (A) through (D) above or two thousand dollars (\$2,000.00) per acre. For properties located east of U.S. 169 Highway that discharge into the hospital sanitary sewer system, the connection fee shall be the greater or the applicable amount calculated in Subsections (A) through (D) above or four thousand five hundred dollars (\$4,500.00) per acre.

**Section 715.083. System Development Account.** [R.O. 2008 §715.083; Ord. No. 2767 §5, 2-27-2001; Ord. No. 2831 §5, 8-12-2003]

The connection and system fees collected shall be deposited in a separate, non-lapsing account titled wastewater treatment facility. These funds may be expended for improvements to the treatment systems, modification or expansion.

### ARTICLE III Discharge Requirements and Prohibitions

**Section 715.090. Storm Water, Surface Water, Roof Runoff, Etc. — Prohibited Discharge Into Sanitary Sewer.** [R.O. 2008 §715.090; Ord. No. 2539 §1(12-308), 4-10-1990]

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage (including interior and exterior foundation drains), uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**Section 715.100. Storm Water.** [R.O. 2008 §715.100; Ord. No. 2539 §1(12-308-A), 4-10-1990]

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director of Public Works. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director of Public Works to a storm sewer, combined sewer, or a natural outlet.

**Section 715.110. Prohibited Wastes.** [R.O. 2008 §715.110; Ord. No. 2539 §1(12-308-B), 4-10-1990]



- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
1. Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas.
  2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  3. Any waters or wastes having 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.
  4. Solid 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, woods, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  5. Any waters or wastes having:
    - a. A 5-day BOD greater than three hundred (300) parts per million by weight, or
    - b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
    - c. Having an average daily flow greater than five percent (5%) of the average sewage flow of the City, shall be subject to the review of the Director of Public Works. Where necessary, in the opinion of the Director of Public Works, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:
      - (1) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
      - (2) Reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
      - (3) Control the quantities and rates of discharge of such water or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director of Public Works and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**Section 715.120. Prohibited Substances.** [R.O. 2008 §715.120; Ord. No. 2539 §1(12-308-C), 4-10-1990]

- A. 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 Director of Public Works that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Director of Public Works will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees Fahrenheit (150°F) (0 and 65°C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ( $\frac{3}{4}$ ) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director of Public Works.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. 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 Director of Public Works for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director of Public Works 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.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
  - a. 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).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable

tanning solutions).

- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume flow or concentration of wastes constituting "*slugs*" as defined herein.
10. 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 discharges to the receiving waters.
  11. Any noxious or malodorous gas or substance capable of creating a public nuisance.

**Section 715.130. Control of Prohibited Discharges.** [R.O. 2008 §715.130; Ord. No. 2539 §1(12-308-D), 4-10-1990]

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 715.120 above, and which in the judgment of the Director of Public Works, 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 Director of Public Works may:
  1. Reject the wastes;
  2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  3. Require control over the quantities and rates of discharge, and/or
  4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- B. If the Director of Public Works permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director of Public Works and subject to the requirements of all applicable codes, ordinances, and laws.

**Section 715.140. Interceptors.** [R.O. 2008 §715.140; Ord. No. 2539 §1(12-308-E), 4-10-1990]

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, 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 a type and capacity approved by the Director of Public Works and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

**Section 715.150. Preliminary Treatment.** [R.O. 2008 §715.150; Ord. No. 2539 §1(12-308-F), 4-10-1990]

When preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by owner at his/her expense.

**Section 715.160. Control Manhole.** [R.O. 2008 §715.160; Ord. No. 2539 §1(12-308-G), 4-10-1990]

When required by the Director of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director of Public Works. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

**Section 715.170. Right To Inspect.** [R.O. 2008 §715.170; Ord. No. 2539 §1(12-308-H), 4-10-1990]

The duly authorized officers or employees of the City during all business hours of each secular day and upon reasonable request shall be entitled to enter upon the premises of any property having a connection or connections with the sewage disposal system of said City for the purpose of inspecting and testing and reading any water meter or meters and for the purpose of inspecting said property to the end of securing any information relating to the service charge being made, or to be made, against such premises for the use of such system; and it shall be the duty of each owner, agent, or occupant of such property to permit such entry and inspection and to offer such assistance as shall be reasonable to enable such inspector to make such inspection.

**Section 715.180. Analysis Standards.** [R.O. 2008 §715.180; Ord. No. 2539 §1(12-308-I), 4-10-1990]

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "*Standard Methods for the Examination of Water and Wastewater*", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

**Section 715.190. Specific Agreements.** [R.O. 2008 §715.190; Ord. No. 2539 §1(12-308-J), 4-10-1990]

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual

strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

**Section 715.200. When No Service Charge.** [R.O. 2008 §715.200; Ord. No. 2539 §1(12-308-K), 4-10-1990]

There shall be no service charge for the use of the sewage disposal system for any premises connected with such system for any billing period in which, during the entire billing period, no water or sewage of any kind has been discharged into the sewage disposal system from said premises and on which premises the water from the City's water system has been disconnected for the entire billing, and there shall be no service charge for any premises having a water connection and having no sewer connection; provided, that the lack of said sewer connection is due to the fact said premises are not located within a lateral sewer district within the City.

ARTICLE IV  
**Rates and Charges For Wastewater Treatment Users**

**Section 715.210. Authority of Levy Charges.** [R.O. 2008 §715.210; Ord. No. 2539 §1 (12-310), 4-10-1990]

There is hereby levied on all persons, firms, corporations, organizations, political units and political subdivisions and all other entities using the wastewater collection and treatment system of the City of Paola a schedule of charges as hereinafter provided.

**Section 715.220. Classification of Users.** [R.O. 2008 §715.220; Ord. No. 2539 §1, 4-10-1990]

- A. All users of the wastewater collection and treatment system of the City are hereby classified in the following manner:
1. *Residential.* Residential shall mean all single-family residences and premises with five (5) or less dwelling units.
  2. *Non-residential.* All users of the system not classified as Residential.

**Section 715.230. Service Charge Established.** [R.O. 2008 §715.230; Ord. No. 2539 §1, 4-10-1990]

Monthly service charges consisting of a charge per meter and a volume charge based on the quantity of water used in or on the premises as the same is measured by a water meter or meters are hereby established subject to the exceptions provided.

**Section 715.240. Schedule of Charges.** [R.O. 2008 §715.240; Ord. No. 2650 §1, 2-13-1996; Ord. No. 2792 §1, 1-8-2002; Ord. No. 2821 §1, 1-14-2003; Ord. No. 2830 §1, 8-12-2003; Ord. No. 2865 §1, 2-22-2005; Ord. No. 2908 §2, 3-14-2006; Ord. No. 2911 §3, 3-28-2006; Ord. No. 2997 §1, 8-25-2009; Ord. No. 3030 §1, 3-8-2011; Ord. No. 3054 §1, 3-26-2013; Ord. No. 3067 §1, 2-11-2014; Ord. No. 3082 §1, 3-17-2015; Ord. No. 3110, 3-14-2017; Ord. No. 3126, 8-14-2018]

- A. The following Schedule of Charges, which includes a portion designated as user charges, will be implemented. The user charge portion is to be for the payment of the cost of operation and maintenance (including replacement) of the wastewater collection and treatment system. Wastewater Treatment Plant Improvement charges are established for

construction and maintenance of a new plant.

- B. A monthly charge for all metered users beginning with the utility bill dated August 31, 2018 is established as follows:

	<b>User Charges Portion</b>	<b>WWTP Imp. Charges</b>	<b>Total Charges</b>
<b>General Service</b>			
Monthly service charge	\$7.00	\$18.00	\$25.00
Volume charge per 100 gallons of billed volume	\$0.40		\$0.40

The Director of Public Works must approve all sewer connections in accordance with standards adopted by the Governing Body.

- C. Refer to Section 720.090 for the schedule of charges for qualified low income senior citizens.

**Section 715.250. Schedule of Charges Outside City.** [R.O. 2008 §715.250; Ord. No. 2650 §2, 2-13-1996]

The wastewater service and volume charges for users outside the City limits shall be one and one-half (1½) times the rates for City residents.

**Section 715.260. Schedule of Charges — Separate Agreements.** [R.O. 2008 §715.260; Ord. No. 2650 §3, 2-13-1996]

The Paola City Council may, by separate agreement, modify the above and foregoing Schedule of Charges for both users inside and outside of the City limits to recover additional costs such as line construction, pumping stations and other appurtenant facilities.

**Section 715.270. Billed Volume.** [R.O. 2008 §715.270; Ord. No. 2539 §1(12-316), 4-10-1990; Ord. No. 2763 §1, 1-9-2001]

- A. *Billed Volume.* For residential users the billed volume shall be the average monthly water usage of the preceding January and February for the user at that premises. If this data is not available, the City Manager or his/her designee shall establish an alternative period for determining average monthly water usage for billed volume. The alternative period shall include a minimum of two (2) months water usage from November through March.
- B. *Non-Residential Users.* The billed volume for the non-residential user shall be the non-residential user's monthly water usage for the billing period unless the non-residential user can demonstrate to the Director of Public Works by use of additional water meters or suitable calculations that a portion of the non-residential user's water usage is not discharged to the sewage works. If such demonstration can be made to the satisfaction of the Director of Public Works, then the non-residential user's billed volume shall be the

user's monthly water usage less an adjustment for water not discharged to the sewage works.

**Section 715.280. Increased Costs.** [R.O. 2008 §715.280; Ord. No. 2539 §1(12-317), 4-10-1990]

Any user which discharges toxic pollutants which cause an increase in operation, maintenance and replacement cost shall pay for such increased costs as determined by the Director of Public Works.

**Section 715.290. User Notification.** [R.O. 2008 §715.290; Ord. No. 2539 §1(12-318), 4-10-1990]

The City shall notify each user annually in conjunction with a regular bill of the rate and that part of the user charge attributable to wastewater treatment services.

**Section 715.300. Extra Strength Charge.** [R.O. 2008 §715.300; Ord. No. 2539 §1(12-319), 4-10-1990]

An extra strength charge is hereby established for those non-residential users who produce sewage in excess of normal domestic strength. "*Normal domestic strength*" shall be as defined by the City of Paola, Kansas.

**Section 715.310. Schedule of Charges — Discharge in Excess of Normal Strengths.** [R.O. 2008 §715.310; Ord. No. 2539 §1(12-320), 4-10-1990]

The following Schedule of Charges applicable to wastewater discharge in excess of normal strength will be implemented. The user charge portion of the rate is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system.

**Excessive Strength Surcharge**

S	=	$V_s \times 8.34 [\$0.13 \text{ (BOD-300)} + \$0.091 \text{ (SS-350)}]$
S	=	Surcharge in dollars
$V_s$	=	Sewage volume in 1,000,000 gallons
8.34	=	Conversion factor to compute pounds per unit of volume
\$0.13	=	Unit charge for BOD in dollars per pound, of which \$0.073 represents user charge and \$0.057 represents net capital charge
BOD	=	BOD strength index in parts per million by weight
300	=	Allowed BOD strength in parts per million by weight
\$0.091	=	Unit charge for suspended solids in dollars per pound, of which \$0.049 represents user charge and \$0.042 represents net capital charge
SS	=	Suspended solids strength index in parts per million by weight
350	=	Allowed SS strength in parts per million by weight

**Section 715.320. Water From Other Sources — Meters — Records.** [R.O. 2008 §715.320; Ord. No. 2539 §1(12-321), 4-10-1990]

If on any premises which is connected to the wastewater and treatment system of the City, water is obtained from a source other than the City's water system, then the charge to be made against such premises shall be based on the aggregate quantity of water received on the premises from the City's water supply and all other sources as established by separate approved meter installed by such user at the user's expense or by other City approved records kept and maintained by such user and open to inspection by a City representative.

**Section 715.330. Adequate Revenues.** [R.O. 2008 §715.330; Ord. No. 2539 §1(12-323), 4-10-1990]

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. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Article.

**Section 715.340. Funds and Accounts.** [R.O. 2008 §715.340; Ord. No. 2650 §§4 — 5, 2-13-1996]

- A. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Sections 715.240 to 715.260, inclusive, shall be deposited in a separate non-lapsing fund as designated by the City and will be generally accounted for as follows:
1. An account will be established to record the costs designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
  2. An account will be established to record the costs designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the Replacement Account shall be made annually from the operations, maintenance and replacement revenue in an amount sufficient to meet annual replacement requirements. Annual deposits of seven thousand dollars (\$7,000.00) shall be placed in an interest bearing account with all interest earnings remaining in that account.

**Section 715.350. Year-End Balances.** [R.O. 2008 §715.350; Ord. No. 2539 §1(12-325), 4-10-1990]

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. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed and to reflect the funds carried over from year to year.



**Section 715.360. User Charge Rate Review.** [R.O. 2008 §715.360; Ord. No. 2539 §1(12-326), 4-10-1990]

- A. The user charge portion of the rate structure will be reviewed at least biennially to accomplish the following:
1. Ensure that the existing user charge rate is adequate to cover operation, maintenance, and replacement costs;
  2. Ensure that operation, maintenance, and replacement costs are being distributed proportionally among users and user classes.

**Section 715.370. Excess Revenue.** [R.O. 2008 §715.370; Ord. No. 2539 §1(12-327), 4-10-1990]

Any excess revenue collected from a class of users shall be applied to the costs of operation, maintenance, and replacement needs attributable to that class for the next year. The next year's rate shall be adjusted accordingly.

**Section 715.380. Books and Records — Annual Audit.** [R.O. 2008 §715.380; Ord. No. 2539 §1(12-328), 4-10-1990]

The City will install and maintain proper books, records and accounts in which complete and correct entries will be made of all dealings and transactions of or in relations to the properties, business, and affairs of the Sewer System. Such accounts shall show the amount of Revenues received from said System, the application of such Revenues, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of sewerage utilities. The City will operate the Sewer System on the basis of a fiscal year beginning on January first (1st) and ending on December thirty-first (31st).

## ARTICLE V Violation and Penalties

**Section 715.390. Violations — Penalties.** [R.O. 2008 §715.390; Ord. No. 2539 §1(12-329), 4-10-1990]

Any person found to be violating any provisions of this Chapter shall be served by the City with a 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 and any person who shall continue any violation beyond the time limit provided for in this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars (\$100.00), or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment. Each day that a violation exists shall be a separate offense.

**Section 715.400. Liability.** [R.O. 2008 §715.400; Ord. No. 2539 §1(12-330), 4-10-1990]

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

**Section 715.410. Failure To Keep Connecting Private Sewer in Proper Operating Condition After**

**Notification — Repair, Improvement or Maintenance By City or Bidder — Assessment Against Property.** [R.O. 2008 §715.410; Ord. No. 2339 §1, 11-8-1983]

If any person or persons fail, neglect, or refuse to so repair, make improvements, or maintain any connecting private sewer in a proper operating condition for more than ten (10) days after being notified in writing by the Governing Body to do so, the Governing Body may cause such connecting private sewer to be repaired, improved, or maintained, or may advertise for bids for such work, and contract therefor, with the lowest responsible bidder, and may assess the costs and expense thereof against the property and premises in the manner provided by law.