

ORDINANCE #519

AN ORDINANCE REPEALING AND AMENDING SECTIONS OF CHAPTER XV, ARTICLE 1 AND ARTICLE 2 OF THE CODE OF THE CITY OF CHEROKEE, KANSAS DEALING WITH GENERAL PROVISIONS RELATED TO UTILITY SERVICES AND WATER SERVICE FOR THE WATER WORKS SYSTEM OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY CHEROKEE, KANSAS

Section 1.

That Chapter XV, Article 1, 15-101 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-101:

15.101 That Chapter XV, Article 1, 15-101 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-101:

A. **UTILITY SERVICES:** Utility services are defined for the purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 1999).

B. **LATE ACCOUNT(S):** Late account(s) are defined as any bill for water, sewer, solid waste (refuse) or any other utility service which is not paid in full on or before the 15th day of each month.

C. **DELINQUENT ACCOUNT(S):** Delinquent account(s) are defined as any bill for water, sewer, solid waste (refuse) or any other utility service which is not paid in full on or before the 25th day of each month.

Section 2.

That Chapter XV, Article 1, 15-102 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-102:

15-102 **DELINQUENT ACCOUNT(S).** Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with the ordinances set forth in this ordinance as set forth in this revised sub-section, specifically:

Section 3.

15-103 That Chapter XV, Article 1, 15-103 is hereby repealed.

Section 4.

15-104 That Chapter XV, Article 1, 15-104 is hereby repealed.

Section 5.

15-105 That Chapter XV, Article 1, 15-105 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-103:

15-103. **DISCONNECTION OF DELINQUENT UTILITY SERVICES ACCOUNT(S).** City utility departments are hereby authorized to discontinue and disconnect utility services to any customer which has not paid the bill for such monthly utility services on or before the 25th day of each month. Service to such customer shall be disconnected and shall not be reconnected until the past due bill is paid in full, together with a reconnection charge of \$50.00. All monthly billing statements shall state "bills not paid in full on or before the 25th day of each month, shall be disconnected." The city clerk is not required to mail or give additional notices of delinquencies other than the monthly statements. The city clerk shall notify the superintendent of all delinquencies on the 26th day of each month and the superintendent shall proceed after the 5th day of the each month following the non-payment to disconnect all unpaid services.

Section 6.

15-106 That Chapter XV, Article 1, 15-106 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-104:

15-104 **LIEN ON CUSTOMER'S PROPERTY.** In the event any person shall neglect, fail or refuse to pay within ten (10) days following the discontinuance of utility services such utility billings and any and all late and delinquency fees and charges due the city, shall be the basis for and constitute a lien upon the real property served by the connection to the utility service, and shall be certified by the city clerk to the county clerk of Crawford County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as are other taxes are by law collectible. (Ord. 444, Sec. 6).

Section 7.

15-107 That Chapter XV, Article 1, 15-107 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-105:

15-105 **UTILITY DEPOSITS AND SERVICE FEES.**

(a) At the time of making application for utility service, the property owner or customer shall pay a service fee for connection in the amount set by the Governing Body. Receipt thereof shall be issued to each customer.

(b) Upon discontinuance of service the service fee will not be refunded and will not be a credit towards the payment of a final bill rendered to the customer.

(c) Any and all remaining utility deposits presently held by the City shall be credited to the respective depositor's account who is the owner of the premises wherein such utility service is furnished and has not been delinquent in payment of any utility service charge during the past year, with the exception of the \$50.00 service fee associated with each respective property which shall be retained by the City

(d) Any security deposits not refunded within one (1) year after discontinuance of service and or abandonment of property whereby such deposits were received by the City prior to the passage of this ordinance shall be

deposited in the water fund of the City upon compliance with the provisions of K.S.A. 12-822 as amended.

Section 8.

That Chapter XV, Article 1, 15-108 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-106:

15-106 LANDLORD LIABILITY

(a) Owners of premises served by utility service under this article shall be liable for payment of the cost of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee and or tenant of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event a delinquency arises involving leased premises, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within ten (10) days after the billing to the lessee becomes delinquent. The City shall also provide a copy of any notification sent to the owner or owner's agent to the lessee as well. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent know to city personnel responsible for said mailing, after reasonable inquire. If the delinquent billing, interest and penalty are not paid within fifteen (15) days of the mailing, the affected utility service may be disconnected and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late and delinquent payment charges and a service fee charge, if applicable, are paid in full.

Section 9.

That Chapter XV, Article 1, 15-108a is hereby repealed and the following should be the new Chapter XV, Article 1, 15-107:

15-107 LIABILITY OF PROPERTY OWNER; LIEN

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

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

(c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to

such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.

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

Section 10.

That Chapter XV, Article 1, 15-109 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-108:

15-108 **LATE AND DELINQUENT PAYMENT CHARGES.** All bills which are considered to be late as set forth in 15-101, shall be subject to a fifteen dollar (\$15.00) penalty and to an additional fifteen dollars (\$15.00) penalty when the bill is identified as delinquent as defined in 15-101.

Section 11.

That Chapter XV, Article 1, 15-110 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-109:

15-109 **RECONNECTION.** Prior to reconnecting a utility service disconnected following a delinquency, the customer shall pay to the city the entire balance due and owing to the city at the time of reconnection and a reconnection fee of \$50.00 for the reconnection of water service. In addition to the water reconnection and any past due balance, should the services be disconnected for a period greater than six (6) months, then the customer shall also pay a reconnection charge of \$50.00 for reconnection of sanitary sewer service.

Section 12.

15-111 That Chapter XV, Article 1, 15-101 is hereby repealed.

Section 13.

15-112 That Chapter XV, Article 1, 15-112 is hereby repealed.

Section 14.

That Chapter XV, Article 1, 15-110 shall read as follows:

15-110 **UNAUTHORIZED SERVICE.** It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. Such act(s) shall be considered "Theft" as defined under all applicable city ordinances and municipal codes and punished as such.

Section 15.

That Chapter XV, Article 2, 15-207 is hereby repealed and the following should be the new Chapter XV, Article 2, 15-207:

15-207 CONNECTION FEES. The fees for connection to the city waterworks system shall be as follows:

- (a) For connecting water main for residential purposes the connection fee shall be \$300.00, plus tax;
- (b) For connecting water main for commercial purposes the connection fee shall be \$500.00, plus tax.

Section 16.

That Chapter XV, Article 2, 15-215 is hereby repealed and the following should be the new Chapter XV, Article 1, 15-215:

15-215 DISCONNECTION, RECONNECTION CHARGE. The governing body hereby establishes a water service reconnection charge of \$50.00. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, late and delinquent payment thereon, and the reconnection charge for water service and or sanitary sewer service as set forth in 15-109.

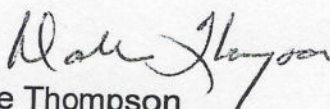
Section 17.

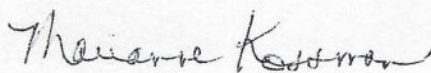
15-216 That Chapter XV, Article 2, 15-216 is hereby repealed.

Section 18.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY the Council of the City of Cherokee, Kansas and approved by the Mayor on this 14 day of May, 2015.


Dale Thompson
Mayor, City of Cherokee



ATTEST:
Marianne Kossman
City Clerk

Ordinance No. 519 Summary

On May 14, 2015, the City of Cherokee, Kansas, adopted Ordinance No. 519, amending Chapter XV Article 1 and Article 2 of the Code of the City of Cherokee, in order to modify existing regulations related to the water service provided by the City of Cherokee, including but not limited to delinquent accounts, late fees, late charges, disconnection of service, connection of new service, reconnection fees and charges and unauthorized service. A complete copy of this ordinance is available at City Hall, 210 S. Vine, P.O. Box 201, Cherokee, Kansas 66724. This summary certified by Angela Meyer, The Reynolds Law Firm, P.A., City Attorney.

Dale Thompson
Mayor, City of Cherokee

CHAPTER XV. UTILITIES

Article 1. General Provisions

Article 2. Water

Article 3. Sewers

Article 4. Solid Waste

Article 5. Water Conservation

ARTICLE 1. GENERAL PROVISIONS *Amended by Ordinance #519*

15-101. DEFINITION. For purposes of this article utility services shall include water, electrical, sewer, solid waste (refuse) and other utility services provided by the city. (Code 1999)

15-102. DELINQUENT ACCOUNTS. Unless otherwise provided, water, electric, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103:104. (Code 1999)

15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

(1) The amount due, plus delinquency charge;

(2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;

(3) Notice that the customer has the right to a hearing before the designated hearing officer;

(4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request.

(Ord. 444, Sec. 4; Code 1999)

15-104. SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known

address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 1999)

15-105. DISCONTINUANCE OF UTILITY SERVICE. City utility departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to the procedure set out in sections 15-103:104. Customers shall remain responsible for furnishing the city with the correct address for billing purposes. (Ord. 444, Sec. 5)

15-106. LIEN ON CUSTOMER'S PROPERTY. In the event any person shall neglect, fail or refuse to pay within 10 days following notice of discontinuance the utility billings and delinquency charges due the city, such billings and charges shall constitute a lien upon the real property served by the connection to the utility service, and shall be certified by the city clerk to the county clerk of Crawford County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as are other taxes are by law collectible. (Ord. 444, Sec. 6)

15-107. UTILITY DEPOSIT. (a) At the time of making application for utility service, the property owner or customer shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service. Receipt thereof shall be issued to each such depositor.

(b) Cash deposits for the indicated utility services shall be in the following amounts:

(1) Water Service - \$50;

(c) The deposit so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined by the state corporation commission yearly and credited to the customer's account January 1st of each calendar year.

(d) On the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor who is owner of the premises wherein such utility service is being furnished and has not been delinquent in payment of any utility service charge during the past year. Interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.

(f) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the utility fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended.

(Code 1999)

15-108. LANDLORD LIABILITY. (a) Owners of premises served by utility service under this article shall be liable for payment of the cost of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event a delinquency arises involving leased premises, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry. If the delinquent billing, interest and penalty are not paid within 15 days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.
(Code 1999)

15-108A. LIABILITY OF PROPERTY OWNER; LIEN. (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.

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

(c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.

(d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.
(Code 1999)

15-109. LATE PAYMENT CHARGES. All bills delinquent after the 15th day of the month of the billing shall be subject to a five percent penalty, and to an additional five percent penalty on the 20th day of the month of the billing should such account remain delinquent. (Ord. 444, Sec. 7)

15-110. RECONNECTION. Prior to reconnecting a utility service disconnected following a delinquency, the customer shall pay to the city the entire balance due and owing to the city at the time of reconnection. The customer shall also pay a

reconnection charge of \$25 for reconnection of sanitary sewer service, and \$25 for reconnection of water service. (Ord. 444, Sec. 7)

15-111. SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall state clearly the purpose for which issued. (Code 1999)

15-112. SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefor shall be payable to the petty cash fund and shall be deposited therein to restore said petty cash fund to its original amount. (Code 1999)

ARTICLE 2. WATER

15-201. SUPERINTENDENT OF WATER AND SEWAGE. The general management, care, control and supervision of the city water system shall be in the superintendent of water and sewage, who shall be appointed by the mayor with the consent of the governing body. (Code 1999)

15-202. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1999)

15-203. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1999)

15-204. SERVICE CONNECTIONS REQUIRED. (a) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located near public water mains, is hereby required at his or her own expense to make connection to such public water main.

(b) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection. (Ord. 315, Sec. 1; Ord. 455, Sec. 2; Code 1999)

15-205. APPLICATION FOR SERVICE. (a) Any person, firm or corporation desiring a connection with the municipal water system shall apply in writing to the city clerk, on a form furnished by the city for that purpose, for a permit to make the connection.

(b) The application shall:

CITY OF CHEROKEE, KANSAS

APPLICATION AND PERMIT FOR WATER SERVICE

Permit # _____

Owner or Occupant of the premises _____

Application is hereby made for authority to connect the premises at _____
Street, Ave. _____ Lot _____ Block _____
Addition with the City's Water Main on _____ Street, Ave.

For connecting with $\frac{3}{4}$ inch tap, $\frac{3}{4}$ inch service line & installing a $\frac{3}{4}$ inch meter--cost is \$300.00

For connecting water main with larger than $\frac{3}{4}$ inch tap, service line or meter --cost is \$500.00

Connection will be made _____ feet North, South, East, West of the valve located at the
Intersection of _____ and _____

Purpose for which the water is to be used _____ Residential _____ Commercial
_____ Other

All material and workmanship will be in strict compliance with City Ordinances relative to such
work and shall be approved by the Water Superintendent before and after backfilling.

City Clerk

Owner or Authorized Plumber

RECORD OF WATER TAPS

Permit # _____

Date _____

Premises at _____ Street, Ave. _____ Lot _____
_____ Block _____ Addition

Owner _____

Size of Pipe _____ Kind _____

Location of Tap _____ Feet _____

From _____ Line of _____ Street, Ave.

Depth of Water Main _____ Feet

Enters Lot at _____ Feet

From _____ Line of _____ Street, Ave.

Depth of Property Line _____ Feet

Plumber _____

Remarks _____

Inspector _____

- (1) Contain an exact description including street address of the property to be served;
- (2) State the size of tap required;
- (3) State the size and kind of service pipe to be used;
- (4) State the full name of the owner of the premises to be served;
- (5) State the purpose for which the water is to be used;
- (6) State any other pertinent information required by the city clerk;
- (7) Be signed by the owner or occupant of the premises to be served, or his or her authorized agent.

(c) Each application for a connection permit shall be accompanied by payment of fees and/or costs specified in section 15-207.
(Ord. 455, Sec. 2; Code 1999)

15-206. CITY TO MAKE CONNECTIONS. All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees only. (Code 1999)

15-207. CONNECTION FEES. The fees for connection to the city waterworks system shall be as follows:

(a) For connecting water main with three-fourths inch tap, three-fourths inch service line and installing three-fourths inch meter - \$300 plus tax;

(b) For connecting water main with larger than a three-fourths inch tap, service line or meter - \$500 plus tax.

(Ord. 455, Sec. 3; Code 1999)

15-208. CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1999)

15-209. UNAUTHORIZED SERVICE. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission from the mayor or the governing body. (Code 1999)

15-210. METERS. (a) All water furnished to customers shall be metered.

(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley. In the business district the meters may be installed in the basement at a location specified by the city.

(c) The city's responsibility stops at the property line.
(Ord. 372; Code 1999)

15-211. SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter

will be deemed correct and a charge of \$10 will be made to the customer. (Code 1999)

15-212. TAMPERING WITH METER. It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the water department to turn any curb cock on or off. (Code 1999)

15-213. METER FAILURE ESTIMATE. In case any meter fails to register without fault of customers, the amount charged for the period of such failures shall be based upon an estimate of the average usage metered during similar proceeding periods. (Ord. 447)

15-214. LEAKS PROHIBITED; PENALTY. No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has pass through the meter. However, every customer shall have the right to appeal to the city from water bill or meter reading which he or she may consider excessive. (Code 1999)

15-215. DISCONNECTION, RECONNECTION CHARGE. The governing body hereby establishes a water service reconnection charge of \$25. Any service disconnected for nonpayment of delinquent bill shall be reconnected only upon payment of the delinquent bill, interest penalty thereon, and the reconnection charge. (Ord. 444, Sec. 7; Code 1999)

15-216. UTILITY DEPOSIT. At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. (Code 1999)

15-217. INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 1999)

15-218. PROHIBITED ACTS. It shall be a violation of this article for any unauthorized person to:

(a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;

(b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;

(c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city. (Code 1999)

(Summary Published in The Morning Sun on Dec. 5, 6, 2019)

THE CITY OF CHEROKEE, KANSAS
ORDINANCE NO. 542

AN ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR WATER
SERVICE BY THE CITY OF CHEROKEE, AND REPEALING ORDINANCE NO. 513

WHEREAS, the City of Cherokee operates a municipal water supply system for the benefit of the residents of the City;

WHEREAS, the City has not raised water rates and service charges since May of 2013, yet the cost of maintaining and operating the municipal water supply system has increased during the intervening years, and the City Council deems it to be in the best interest of the City and its residents to increase such charges at the current time.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEROKEE, KANSAS AS FOLLOWS:

Section 1. Charges for Residents. The monthly water rates and charges to each service connection within the corporate limits of the City of Cherokee shall be as follows:

- a. A monthly service charge of \$14.65; and
- b. For all water delivered to the meter at the service location
 - i. For the first 4,000 gallons, \$7.40, for each 1,000 gallons or portion thereof; and
 - ii. For all amounts in excess of 4,000 gallons, \$7.71 for each 1,000 gallons or portion thereof.

Section 2. Charges for Non-Residents. The monthly water rates and charges to each service location located outside the corporate limits of the City of Cherokee shall be as follows:

- a. A monthly service charge of \$15.15; and
- b. For all water delivered to the meter at the service location.
 - i. For the first 4,000 gallons, \$8.03 for each 1,000 gallons or portion thereof; and
 - ii. For all amounts in excess of 4,000 gallons, \$8.35 for each 1,000 gallons or portion thereof.

Section 3. Charges for Bulk Water Purchases Under Contract. The monthly water rates and charges to bulk purchasers of water pursuant to written contracts with the City of Cherokee shall be as follows:

- a. Rural Water District No. 5, Cherokee County, Kansas, for all water delivered \$6.03 for each 1,000 gallons or portion thereof; and
- b. The City of McCune, Crawford County, Kansas, for all water delivered \$7.00 for each 1,000 gallons or portion thereof.

Section 4. Basis of Charges. Charges shall be computed on the volume of water delivered through the meter at the service connection in increments of one thousand (1,000) gallons.

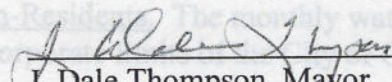
Section 5. Meter Failure Estimate. In case any meter fails to register without fault of the customer, the amount charged for the period of such failures shall be based on an estimate of the average metered water usage during similar preceding periods.

Section 6. Effective Date. The rates prescribed herein shall apply to all meter readings beginning on or after the 1st day of January, 2020.

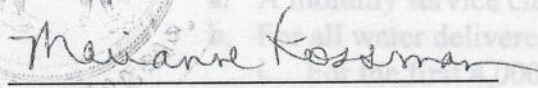
Section 7. Repeal of Prior Ordinance. Ordinance No. 513 and all prior Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 8. Force and Effect. This Ordinance shall be in full force and effect from and after its passage, approval and publication one time in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF CHEROKEE, KANSAS, THIS 14th DAY OF NOVEMBER, 2019.


J. Dale Thompson, Mayor

ATTEST:


Marianne Kossman, City Clerk

Cherokee, City of\Ordinances\2019-11-14 Ordinance 542 Water

Replaced by Ordinance
542

15-221

RATES

- a) The water rates and charges to all consumers within the corporate limits of the city shall be as follows:
 - 1. A monthly service charge to all customers of \$14.65.
 - 2. 1,000 to and including 4,000 gallons \$6.40/thousand gallon.
 - 3. 5,000 to and including 49,000 gallons \$6.71/thousand gallon.
- b) The water rates and charges to Rural Water District #5, Cherokee County, Kansas, shall be as follows:
 - 1. For all water delivered \$5.03/thousand gallon.
- c) The water rates and charges to the City of McCune, Crawford County, Kansas, shall be as follows:
 - 1. For all water delivered \$6.00/thousand gal.
- d) Additional Charges. The water rates and charges to all customers whose meters are located outside the city limits shall be as follows:
 - 1. A monthly service charge to all customers of \$15.15
 - 2. 1,000 to and including 4,000 gal. \$7.03/thousand gal.
 - 3. 5,000 and over \$7.35/thousand gal.
- e) Basis of Charges. Charges shall be computed on increments of 1,000 gallons.

Ord. 513, Secs. 1:6

- 15-219. **WASTING WATER.** Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1999)
- 15-220. **RIGHT OF ACCESS.** Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 1999)
- 15-221. **RATES.** (a) The water rates and charges to all consumers within the corporate limits of the city shall be as follows:
 (1) A monthly service charge to all customers of \$10.25.
 (2) 1,000 to and including 4,000 gallons — \$3.40/thousand gallon.
 (3) 5,000 to and including 49,000 gallons — \$3.65/thousand gallon.
 (4) 50,000 gallons and over — \$3/thousand gallon.
 (b) The water rates and charges to Rural Water District #5, Cherokee County, Kansas, shall be as follows:
 For all water delivered — \$2.35/thousand gallon.
 (c) The water rates and charges to the city shall be as follows:
 For all water delivered — \$3.10/thousand gallon.
 (d) Additional Charges. All customers whose meters are located outside the city limits shall be assessed an additional \$.50 per 1,000 gallons for each monthly billing cycle.
 (e) Basis of Charges. Charges shall be computed on increments of 1,000 gallons.
 (Ord. 458, Secs. 1:5)
- 15-222. **PAYMENT OF BILLS.** All water bills for the previous month's water service shall be paid on or before the 15th day of the month following the service. For any billing not paid when due a late charge of 10 percent will be added to the bill. (Ord. 444, Sec. 3; Code 1999)
- 15-223. **DELINQUENT ACCOUNTS; NOTICE; HEARING; FINDING; LIABILITY.** Water service shall be terminated for nonpayment of service fees or charges as provided in sections 15-102:104. (Code 1999)
- 15-224. **USE DURING FIRE.** No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1999)
- 15-225. **CROSS-CONNECTIONS PROHIBITED.** No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply and distributing system of the city unless specifically approved by the Kansas Department of Health and Environment and the governing body. (Ord. 452, Sec. 2; Code 1999)

- 15-226. SAME; PROTECTIVE BACKFLOW DEVICES REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent. (Ord. 452, Sec. 3; Code 1999)
- 15-227. SAME; INSPECTION. The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city. (Ord. 452, Sec. 4; Code 1999)
- 15-228. SAME; PROTECTION FROM CONTAMINANTS. Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply. (Ord. 452, Sec. 5; Code 1999)

ARTICLE 3. SEWERS

- 15-301. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:
- (a) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the innerface of the building wall.
 - (b) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
 - (c) B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.
 - (d) PH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
 - (e) Individual Domestic means any single family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city and on individual city or private water service meter, or connection to any such water service.

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

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

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

(i) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

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

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

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

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

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

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

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

(q) User means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

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

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

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

(Ord. 406, Art. I; Code 1999)

15-302.

SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in

accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line. (Ord. 406, Art. II, Sec. 4)

15-303. SAME; OUTSIDE CITY LIMITS. No sewer connection will be permitted for areas outside the city limits until the developer or owner obtains approval from the city council. Any sewer lines needed to connect with existing city sewer mains and laterals must conform to city and state specifications for same. In order to obtain sewer service the city reserves the privilege of furnishing, at their option, any or all utilities; namely gas, water, or electricity. As a further condition of permitting sewer service for areas outside the city limits, the owners of property served must agree to permit annexation of such properties when such action is deemed necessary by the city. (Ord. 406, Art. II, Sec. 5)

15-304. PERMIT; CONNECTION FEE. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(b) There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent 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 superintendent of utilities.

(Ord. 406, Art. IV, Sec. 2; Code 1999)

15-305. APPLICATION. Any person desiring to make a connection to the city sewer system shall apply in writing to the city clerk who shall forward the application to the utility superintendent. The application shall contain:

- (a) The legal description of the property to be connected;
- (b) The name and address of the owner or owners of the property;
- (c) The kind of property to be connected (residential, commercial or industrial);

(d) The point of proposed connection to the city sewer line.

(Code 1999)

15-306. REQUIREMENT FOR SPECIAL PERMISSION. Permission to tap into the line where there is no existing wye connection shall be granted only when:

(a) Sufficient evidence is shown that the person to perform the work is qualified by training and experience to do the work in a workmanlike manner as determined by the superintendent of utilities;

(b) A tap-in fee in the amount of \$20 has been paid to the city clerk;

(c) A cash bond of \$250 has been paid to the city clerk or an insurance bond in like amount made payable to the city has been deposited with the city clerk.

(Ord. 413, Sec. 3)

15-307. COSTS. The owner of the building sewer who requests connection to the city sewer service shall be responsible for paying the following costs and expenses incident to the installation and connection of the building sewer: \$50, the invoice cost of the saddle, the invoice cost of backfill material for the tap area only, the

CITY OF CHEROKEE, KANSAS

APPLICATION AND PERMIT FOR SEWER SERVICE

Permit # _____

Application is hereby made for authority to connect the premises at No. _____
Street, Ave. _____ Lot _____ Block _____
Addition with the City's Sewer Main on _____ Street, Ave.,
By a _____ Schedule 40 PVC Pipe, Connection will be made _____ feet
North, South, East, West of the manhole located at the intersection of _____ and

Purpose for the sewer _____ Residential _____ Commercial _____ other _____
Fees: Tap-in Fee is \$20.00 and a Cash Bond of \$250.00 must be paid to the City Clerk or an
Insurance Bond in like amount made payable to the City and given to the City clerk.
All material and workmanship will be in strict compliance with City Ordinances relative to such
work and shall be approved by the Sewer Superintendent before and after backfilling.

City Clerk

Owner or Authorized Plumber

RECORD OF SEWER TAPS

Permit # _____

Date _____

No. _____ Street, Ave. _____ Lot _____ Block _____

Addition _____

Owner _____

Size of Pipe _____ Kind _____

Location of Tap _____ Feet _____

From _____ Line of _____ Street, Ave. _____

Depth of Main Sewer _____ Feet, Enters Lot at _____ Feet

From _____ Line of _____ Street, Ave. _____

Depth of Property Line _____ Feet

Plumber _____

Remarks _____

Inspector _____

sewer tap machine fee, if any, plus five percent of the total of all of these times. The owner shall indemnify the city from any loss or damage that may result directly or indirectly from the installation of the building sewer. (Ord. 456, Sec. 1)

15-308. SEWER CONNECTION. The connection of the building sewer into the public sewer shall be made at the "Y" branch if such branch is available at a suitable location. Where no properly located "Y" branch is available, the connection shall be made in the manner approved by the utility superintendent and at a location designated by the superintendent. (Code 1999)

15-309. SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be feasibly constructed to the rear building. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 406, Art. IV, Sec. 4; Code 1999)

15-309(1) SAME; SPECIFICATIONS. The building sewer shall be constructed of cast iron pipe, ASTM specifications A74-42, or approved equal; vitrified clay sewer pipe, ASTM specifications C13-44T, or approved equal; or an approved plastic pipe. Any plastic pipe to be installed on any building sewer shall not be approved by the city until the owner has furnished descriptive literature and typical sample section of the plastic pipe proposed for installation, to the city for inspection and review. All joints on all pipe installed shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe or city water main shall be constructed of approved cast iron soil pipe with approved joints. No building sewer shall be installed within three feet of existing gas lines. If installed in filled or unstable ground, the building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city. (Code 1999)

15-309(2) SAME. The size and slope of the building sewer to be installed shall be subject to the approval of the city inspector, but in no event shall the diameter of the pipe be less than four inches. The slope at which a six inch pipe is to be laid shall be not less than 1/8 inch per foot and for four inch pipe, not less than 1/4 inch per foot. Any grades for the pipe, which are proposed for installation at grades less than these specified, shall be approved by the city inspector prior to placement. (Ord. 406, Art. II, Sec. 6; Code 1999)

15-309(3) SAME. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved curved pipe and fittings, including cleanout fittings. (Ord. 406, Art. IV, Sec. 7; Code 1999)

15-309(4) SAME. At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by

approved artificial means and discharged to the building sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed, is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. (Ord. 406, Art. IV, Sec. 7; Code 1999)

15-309(5) SAME. No building sewer shall be laid across a cesspool, septic tank or vault until the cesspool, septic tank or vault has been well cleaned and filled with an approved earth or sand fill, then thoroughly tamped and water settled. Cast iron pipe may be used across cesspools or septic tanks, if proper bedding and support for the sewer pipe is acquired. (Code 1999)

15-309(6) SAME. All excavation required for the installation of the building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-19, except that no backfill shall be placed until the work has been inspected and approved. (Code 1999)

15-309(7) SAME. All joints in the building sewers shall be made watertight. If recommended by the city inspector, a water pressure test shall be made on the completed sewer to insure a compliance with this requirement, requiring that the building sewer withstand an internal water pressure of 5 psi., without leakage.

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

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

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

Joints between any two different type of pipes shall be made with lead, asphaltic jointing materials or concrete, as approved by the city. All joints shall be watertight and constructed to insure minimum root penetration and to the satisfaction of the city. (Ord. 406, Art. IV, Sec. 9; Code 1999)

15-310. SEWER EXCAVATIONS: DAMAGES. All excavations for buildings sewers shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, curb and gutters, sidewalks, parkways and other public property removed or damaged during the installation of the building sewer, shall be repaired or replaced in a manner acceptable to the city and at the total expense of the owner. It is further agreed that any parties involved in any excavating or installation work for sewer installations as above set out, will hold the city harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation or any negligent act or from any operation made within the city. (Ord. 406, Art. IV, Sec. 11; Code 1999)

15-311. FAILURE TO CONNECT. (a) If any person as defined in section 1-102 shall fail to connect any dwelling or building with the sewer system after being noticed,

the city may cause such buildings to be connected with the sewer system as authorized by K.S.A. 12-631.

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

(Code 1999)

15-312. **PRIVY UNLAWFUL.** It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this article. (Ord. 406, Art. II, Sec. 3; Code 1999)

15-313. **PRIVATE SEWER SYSTEM.** Where a public sanitary sewer is not available under the provisions of section 15-302 the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 15-312 to 15-317. (Ord. 406, Art. III, Sec. 1; Code 1999)

15-314. **SAME; PERMIT.** Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utility superintendent. The application shall be accompanied by any plans, specifications or other information deemed necessary by the utility superintendent. (Ord. 406, Art. III, Sec. 2; Code 1999)

15-315. **SAME; INSPECTION.** The utility superintendent or his or her authorized representative shall be allowed to inspect the work at any stage of construction and the applicant shall notify the superintendent when the work is ready for final inspection or before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent. (Ord. 406, Art. III, Sec. 3; Code 1999)

15-316. **SAME; DISCHARGE.** (a) The type, capacities, location, and layout of the private sewage disposal system shall comply with all recommendations and requirements of the Water Pollution Control Section of the Kansas State Department of Health. 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 one acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-302, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable and acceptable materials. (Ord. 406, Art. III, Sec. 4; Code 1999)

15-317. **SAME; ADDITIONAL REQUIREMENTS.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or county health officer. (Code 1999)

- 15-318. **DISPOSAL OF SEWAGE.** It shall be unlawful for any person to deposit or discharge from any source whatsoever any sewage or human excrement upon any public or private grounds within the city, or to permit the contents of any privy, vault or septic tank to be deposited or discharged upon the surface of any grounds. Any unauthorized or unapproved privy vault, septic tank or other means or places for the disposal of sewage, excrement and polluted water may be abated as a public nuisance upon the order of the city or county board of health in accordance with the laws of Kansas. (K.S.A. 12-1617e; 12-1617g; Ord. 406, Art. I, Sec. 1; Code 1999)
- 15-319. **DAMAGE TO SEWERS.** It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any sewer, structure, appurtenance, or equipment which is part of the municipal sewer system. (Code 1999)
- 15-320. **NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. (Ord. 406, Art. I, Sec. 2; Code 1999)
- 15-321. **STANDARDS.** The size, slope, alignment, materials, excavation, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. (Code 1999)
- 15-322. **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 utility superintendent, to meet all requirements of this article. (Code 1999)
- 15-323. **MUD, GREASE TRAPS.** All garages, filling stations, milk plants or other commercial or industrial plants connected to the public sewer shall construct and maintain proper and sufficient interceptors or traps to prevent the discharge of any sand, mud, sediment, litter, waste or any substance harmful to the effective operation and maintenance of the city sewer system, into the building sewer. (Ord. 406, Art. V, Sec. 6; Code 1999)
- 15-324. **ROOF, FOUNDATION DRAINS.** (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air conditioning unit or cooling device having a capacity in excess of one ton per hour or one horsepower into any city sanitary sewer.
(b) All discharges prohibited in subsection (a) may be discharged into the public gutter or storm drains or open drainage ditches provided such discharge does not create a nuisance. No such liquids may be discharged into any unpaved street or alley.
(Ord. 406, Art. IV, Sec. 8; Code 1999)
- 15-325. **SAME; EXCEPTION.** Discharges from air conditioning units in excess of one ton per hour or one horsepower may be permitted into a building sewer upon

approval of the utility superintendent where there is a finding that such cooling water cannot be recirculated and that such waste water does not overload the capacity of the sewer or interfere with the effective operation of the sewage disposal works of the city. (Code 1999)

15-326.

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

(a) Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit (49 degrees Centigrade).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 120 degrees Fahrenheit (0 and 49 degrees Centigrade).

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

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

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

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

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

(h) 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 sewer treatment works,

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(i) 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.

(Ord. 406, Art. V, Sec. 4)

15-327. SAME. If any waters or wastes are discharged, or area proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-325, and which in the judgment of the superintendent of utilities, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent of utilities may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and

(d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges.

If the superintendent of utilities 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 superintendent of utilities, and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 406, Art. V, Sec. 5)

15-328. BILLS. (a) Bills shall be rendered monthly as provided in section 15-223:222 and shall be collected as a combined utility bill.

(b) Any person at the time of beginning or terminating service who receives service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more the charge shall be not less than full regular minimum monthly rate.

(Code 1999)

15-329. DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY. In the event of nonpayment of any service charge due to the city there shall be no disconnection of the user from the sewer system. That collection of the charges as are due the city shall be enforced against the real estate as outlined in 15-106 except that collection may be made from the user by use of any deposit on file with the city by the user or by the use of other legal means for collection purposes directly from the user. (Ord. 431, Sec. 7)

Amended by Ordinance # 520

15-330. SEWER SERVICE CHARGE. The following are hereby established as the monthly service charges for the use of services rendered by the sewage disposal

ORDINANCE #520

AN ORDINANCE REPEALING AND AMENDING SECTION 15-330 OF CHAPTER XV, ARTICLE 3 OF THE CODE OF THE CITY OF CHEROKEE, KANSAS DEALING WITH GENERAL PROVISIONS RELATED TO SEWER SERVICE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY CHEROKEE, KANSAS

Section 1.

That Chapter XV, Article 3, 15-330 is hereby repealed and the following should be the new Chapter XV, Article 3, 15-330:

15.330 That Chapter XV, Article 3, 15-330 is hereby repealed and the following should be the new Chapter XV, Article 3, 15-330:

15-330 SEWER SERVICE CHARGE. The following are hereby established as the monthly service charge for the use of services rendered by the sewage disposal system to be paid to the city by all persons, firms, corporations, the United States, the State of Kansas, and its political subdivisions and any organizations within and without the city, as hereinafter limited and defined whose premises are connected or may hereafter be connected to the sanitary sewer system of the city:

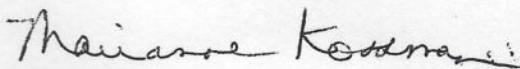
- (a) For each single or multi family residence, apartment, dormitory, hotel, rooming house, institution, business, commercial, industrial or governmental property, having a sewer connection directly or indirectly with the sewage disposal system of the city, a minimum monthly charge of Twenty Dollars (\$20.00) for sewage disposal system per connection to the sanitary sewer system of the city plus \$.15 per thousand gallons of water in excess of the first ten thousand (10,000) gallons consumed according to the water metered for the month.
- (b) The Charges herein outlined shall commence for billings due and payable as of July 1, 2015.

Section 2.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY the Council of the City of Cherokee, Kansas and approved by the Mayor on this 14 day of May, 2015.


Dale Thompson
Mayor, City of Cherokee



ATTEST:
Marianne Kossman
City Clerk



system to be paid to the city by all persons, firms, corporations, the United States, the State of Kansas and its political subdivisions and any organizations within and without the city, as hereinafter limited and defined whose premises are connected or may hereafter be connected to the sanitary sewer system of the city:

(a) Any person found to be violating any provision of this article 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.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (A) shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. If the conviction is for a violation committed after a first conviction of such person under this section, punishment shall be by a fine of not exceeding \$100 per day of violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation, including such fines, penalties and other costs which may be assessed to the city for violation of sewage treatment plant effluent requirements, where such violation is created by a user of the sewage works who, in turn, is in violation of city, state, or federal regulations.

(Ord. 406, Art. VIII, Secs. 1:3; Ord. 431, Sec. 3)

15-331.

SEWER UTILITY FUND. The revenue derived from the charges of the use of the sewage disposal system of the city shall be placed in the city treasury and be kept in a separate fund to be known as The Sewer Utility Fund, and shall not be paid out nor distributed except for the purpose of operating, maintaining and repairing the system and the payment of salaries of employees engaged in the operation of the system and at any time there shall be in the fund any surplus it shall be semi-annually placed in a fund for the purpose of retiring any bonded indebtedness upon the sewage disposal system; provided, that in the event the surplus fund shall be used to retire outstanding bonds, the same shall be in addition to the amount derived by taxation for the purpose of retirement of bonds as now provided by law; and provided further, that when any surplus fund is not needed for any of the above purposes the surplus may be merged into the general operating fund. It is the declared intent of the governing body that it shall not be merged into the general operating fund but shall always be kept set aside for the purpose of maintenance of the system or replacement of the system. (Ord. 431, Sec. 8)

ARTICLE 4. SOLID WASTE

15-401.

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

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

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

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

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

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

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

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

(h) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.

(i) Solid Waste. All non-liquid garbage, rubbish or trash.
(Code 1999)

15-402. **COLLECTION**. All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Code 1999)

15-403. **CONTRACTS**. The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 1999)

15-404. **DUTY OF OWNER, OCCUPANT**. The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Code 1999)

15-405. **CONTAINERS**. Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 1999)

15-406. **BULK CONTAINERS**. On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible

with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 1999)

15-407. **ENTER PRIVATE PREMISES.** Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article. (Code 1999)

15-408. **OWNERSHIP OF SOLID WASTE.** Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 1999)

15-409. **WRAPPING GARBAGE.** All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 1999)

15-410. **HEAVY, BULKY WASTE.** Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 1999)

15-411. **HAZARDOUS MATERIALS.** No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

- (a) Explosive materials;
 - (b) Rags or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Code 1999)

15-412. **PROHIBITED PRACTICES.** It shall be unlawful for any person to:

- (a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
- (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;

(c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;

(d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.

(Code 1999)

15-413. **OBJECTIONABLE WASTE.** Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 1999)

15-414. **UNAUTHORIZED DISPOSAL.** No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 1999)

15-415. **PRIVATE COLLECTORS; LICENSE REQUIRED.** (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city. (Code 1999)

15-416. **SAME; APPLICATION.** Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application. (Code 1999)

15-417. **SAME; FEE.** No license shall be issued unless the applicant shall pay to the city clerk the sum of \$_____ per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 1st of the calendar year in which said permit is issued. (Code 1999)

15-418. **SAME; NUMBER TO BE DISPLAYED.** The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued. (Code 1999)

15-419. **CLOSED VEHICLE.** Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 1999)

15-420. **RULES AND REGULATIONS.** The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer. (Code 1999)

15-421. **FAILURE TO SECURE LICENSE.** Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116. (Code 1999)

15-422. **CHARGES.** The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 1999)

15-423. **SAME; FEE SCHEDULE.** (Reserved)

15-424. **BILLING.** Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills. (Code 1999)

15-425. **SAME; DELINQUENT ACCOUNT.** In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65-3410; Code 1999)

ARTICLE 5. WATER CONSERVATION

15-501. **PURPOSE.** The purpose of this article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Ord. 446, Sec. 1; Code 1999)

- 15-502. **DEFINITIONS.** (a) Water shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
- (b) Customer shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) Waste of Water includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:
- Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
- Class 3: Domestic usage, other than that which would be included in either classes 1 or 2.
- Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.
(Ord. 446, Sec. 2; Code 1999)

- 15-503. **DECLARATION OF A WATER EMERGENCY.** Whenever the governing body of the city finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Ord. 449, Sec. 3; Code 1999)

- 15-504. **VOLUNTARY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-503, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:
- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (d) Waste of water.
(Ord. 449, Sec. 4; Code 1999)

- 15-505. **MANDATORY CONSERVATION MEASURES.** Upon the declaration of a water supply emergency as provided in section 15-503, the mayor is also

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

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

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

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

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

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

(f) Any combination of the foregoing measures.

(Ord. 449, Sec. 5; Code 1999)

15-506. **EMERGENCY WATER RATES.** Upon the declaration of a water supply emergency as provided in section 15-503, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

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

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

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

(Ord. 449, Sec. 6; Code 1999)

15-507. **REGULATIONS.** During the effective period of any water supply emergency as provided for in section 15-503, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 449, Sec. 7; Code 1999)

15-508. **VIOLATIONS, DISCONNECTIONS AND PENALTIES.** (a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-505 or 15-507, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(1) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a

hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.

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

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

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

(c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. (Ord. 449, Sec. 8; Code 1999)

15-509. **EMERGENCY TERMINATION.** Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public. (Ord. 449, Sec. 9; Code 1999)

ORDINANCE #517

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF CHEROKEE, KANSAS
AUTHORIZING THE LEVY OF A GENERAL ONE PERCENT (1%) CITYWIDE RETAILERS' SALES TAX**

WHEREAS, a majority of the electors voting thereon approved the levying of a retailers' sales tax in the city of Cherokee at an election on August 5, 2014; and

WHEREAS, the Governing Body adopted Resolution 2014-002 of the City on April 8, 2014, which resolution requested authorization to impose a one percent (1%) Citywide retailers' sales tax for the general operation expenses of the city.


WHEREAS, the proceeds of the tax were to be used by the City for general operation expenses for a period not to exceed ten (10) years from the date such sales tax is first collected.

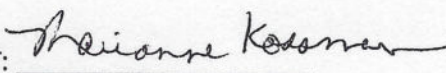
NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEROKEE, KANSAS:

Section 1. The levy of the Retailers' sales tax of the revenue received therefore to be used for general operation of the city of Cherokee, Kansas, is hereby authorized. In accordance with K.S.A. 12-191, collection of the Retailers' Sales Tax shall commence on January 1, 2015.

Section 2. The ordinance shall be effective upon passage by the governing body, execution by the Mayor and publication once in the official City newspaper.

PASSED by the governing body of the City of Cherokee, Kansas on the 23 day of October, 2014, and **SIGNED** by the Mayor.


Dale Thompson
Mayor, City of Cherokee

ATTEST: 
Marianne Kossman
City Clerk

ORDINANCE #522

AN ORDINANCE REGARDING THE CONSOLIDATING OF BANK ACCOUNTS INTO THE GENERAL FUND HELD BY AND FOR THE BENEFIT OF THE CITY OF CHEROKEE, SPECIFICALLY IDENTIFIED AS THE CHEROKEE CITY LIBRARY FUND AND THE CITY OF CHEROKEE POLICE DEPARTMENT SEIZURE FUND.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY CHEROKEE, KANSAS

Section 1.

That the City of Cherokee presently has two separate bank accounts held at Labette Bank identified as the City of Cherokee Police Department Seizure Fund and the Cherokee City Library Fund.

That such accounts have not been accessed or utilized since their inception and at such time no sitting council member and or city employee is shown on the account or has access to such funds to use for the benefit of the city should the City Council elect to do so.

That it would be beneficial to the city if such accounts were closed and the balance of any and all accounts were consolidated and incorporated into the general fund account of the City of Cherokee.

Section 2.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY the Council of the City of Cherokee, Kansas and approved by the Mayor on this 10 day of September, 2015.

Marianne Kossman

ATTEST:
Marianne Kossman
City Clerk

Dale Thompson
Dale Thompson
Mayor, City of Cherokee



ORDINANCE NO. 530

AN ORDINANCE ADOPTING A PROCUREMENT PROCEDURE FOR ALL PURCHASES AND OR ACQUISITIONS MADE BY THE CITY OF CHEROKEE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY CHEROKEE, KANSAS

Section 1.

The City of Cherokee hereby adopts the following procurement policy:

A. Small purchase procedures utilize a simple and informal method that is sound and appropriate for the procurement of services, supplies, or other property, costing in the aggregate not more than \$25,000. The City of Cherokee will utilize the services of city employees or currently contracted/utilized service providers whenever possible. Any procurement of services requires City Council approval. Any supplies needed above \$1,000 require City Council approval. The City Council gives preference to local businesses on all purchases of goods and services when available. Written and faxed quotes are solicited and accepted by the City Council. The City will decide on a case-by-case basis whether execution of a formal contract is necessary. The City Clerk does not have a petty cash account.

B. Competitive sealed bids are initiated at the discretion of the Cherokee City Council. All bids must meet or exceed specifications of the City Council. The invitation for bids, including specifications and pertinent attachments clearly define the items or services needed in order for the bidders to properly respond to the invitation. Bids are opened publicly at the time and place stated in the invitation for bid. The contract is awarded to the responsible bidder whose bid, conforming to all of the material terms and conditions of the invitation to bid, is lowest in price. The City Council will decide on a case-by-case basis whether execution of a formal contract is necessary.

C. Competitive negotiation, proposals requested from a number of sources and a Request for Proposals (RFP) or a Request for Qualifications (RFQ) is not utilized by the City of Cherokee.

D. Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined to be inadequate. Noncompetitive negotiation will be utilized when limited to the following:

1. The item is available from only one source;
2. After solicitation of a number of sources, competition is determined to be inadequate;


3. A public emergency will not permit or may cause a delay with competitive bids.

E. The City of Cherokee shall maintain records sufficient to detail the significant listing of procurement, including the rationale for the method of procurement, contract type, respondent selection or rejections, and the basis for the contract amount or price.

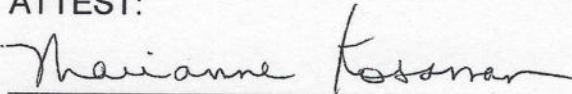
Section 2.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY the Council of the City of Cherokee, Kansas and approved by the Mayor on this 12 day of May, 2016.


Dale Thompson
Mayor, City of Cherokee

ATTEST:


Marianne Kossman
City Clerk

City Seal



(Published in The Morning Sun on April 26, 2016)

ORDINANCE NO. 524

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN CHEROKEE, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Federal Water Quality Act of 1987 (the "Federal Act") established revolving fund program for public wastewater treatment systems to assist in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Water Pollution Control Revolving Fund Act, K.S.A. 65-3321 through 65-3329, inclusive (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Water Pollution Control Revolving Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public wastewater treatment projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, Cherokee, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

The project is to rehabilitate the existing three cell discharging wastewater treatment facility (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-16-110 to 28-16-138 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed Two Hundred Eighty Thousand Nine Hundred Dollars [\$280,900] (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.

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

Section 1. Authorization of Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain Loan Agreement, with an effective date of March 2, 2016, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the City Attorney, the Mayor's execution of the Loan Agreement being conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues or levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce amounts which are sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement; provided, however, no lien or other security interest is granted by the Municipality to KDHE on the System Revenues under this Agreement. In

the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement.

In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED by the governing body of the City on April 19, 2016 and signed and **APPROVED** by the Mayor.

(SEAL)



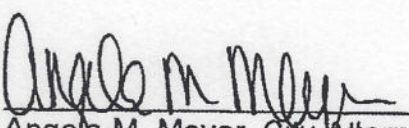
Mayor

ATTEST:



Clerk

[APPROVED AS TO FORM ONLY.]



Angela M. Meyer, City Attorney

Charter Ordinances

Date Passed

Charter Ordinance # 1 All City-wide Tax Levies	04/02/62
Charter Ordinance #1981-1 Aggregate Tax Levy Limitations	10/14/81
Charter Ordinance # 1991-1 Municipal Court Costs	01/09/91
Charter Ordinance # 2001-1 Election of Officers	09/12/01
Charter Ordinance # 2007-1 Primary Elections	01/29/07
Charter Ordinance # 2010-1 Municipal Court Costs	07/01/10
Charter Ordinance # 2014-1 Residency Requirements of Appointees to City Offices	09/04/14
Charter Ordinance # 2015-1 Appointment & Compensation of Officers	06/11/15
Charter Ordinance # 2015-2 Improvements, Borrowing Money, Bonds & Levy of Taxes	11/12/15

Charter Ordinances con't.**Date Passed**

Charter Ordinance # 2016-1
Elections of Officers

03/10/16

Charter Ordinance # 2016-2
Appointment, Compensation &
Date of Appointment of City Officers

03/10/16

Charter Ordinance # 2016-3
Qualifications of Appointed Officers

01/14/16

Charter Ordinance # 2016-4
Municipal Court Costs

08/11/2016

CHARTER ORDINANCE NO. 2015-2

A CHARTER ORDINANCE EXEMPTING THE CITY OF CHEROKEE, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-408 RELATING TO IMPROVEMENTS, BORROWING MONEY, BONDS AND THE LEVY OF TAXES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEROKEE:


Section 1. The City of Cherokee, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to and does exempt itself and make inapplicable to it K.S.A. 15-408, relating to the improvements, borrowing money, bonds, and the levy of taxes related to the city, which enactment applies to this city, but does not apply uniformly to all cities.

Section 2. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

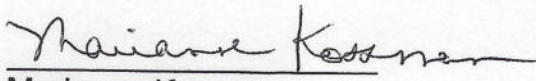
Section 3. This charter ordinance shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed and a referendum is held on the ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, the 12 day of November, 2015.

(SEAL)


Dale Thompson
Mayor, City of Cherokee

ATTEST:


Marianne Kossman
City Clerk

APPENDIX A - CHARTER ORDINANCES

NOTE: The charter ordinances included herein are for information only. Each of them contains the substance as adopted by the governing body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each charter ordinance as adopted are on file in the office of the city clerk and with the Kansas secretary of state. Date of passage by the governing body of each charter ordinance is shown in parentheses at the end of the text.

CHARTER ORDINANCE NO. 1

A CHARTER ORDINANCE EXEMPTING THE CITY OF CHEROKEE, KANSAS, FROM SECTION 79-1953 OF THE GENERAL STATUTES SUPPLEMENT OF 1961, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AUTHORIZING AND LIMITING TAX LEVIES IN ANY ONE YEAR ON EACH DOLLAR OF ASSESSED TANGIBLE VALUATION AND PRESCRIBING AN AGGREGATE FOR ALL CITY-WIDE TAX LEVIES.

Section 1. The City of Cherokee, Kansas, a City of the third class by the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, hereby elects to exempt and exempts itself from, and makes inapplicable to it, Section 79-1953 of the General Statutes Supplement of 1961 which is not applicable uniformly to all cities of the third class and the legislature not having established classes of cities for the purpose of imposing tax limitations and prohibitions, and provides substitute and additional provisions as hereinafter provided.

Section 2. The governing body of the City of Cherokee, Kansas, is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of the city in excess of the following rates:

General Operating Fund (which shall include the following activities): General government; police department; fire department; health and sanitation, including refuse collection and disposal; highways (all public traveled ways including bridges); sewer maintenance; sewer treatment and disposal; parks, cemeteries, street lighting; restroom; hydrant rental; forestry; military memorial maintenance; civil defense — 15 mills.

Provided, that any revenues derived from the motor vehicle and motor fuel taxes shall be budgeted to the credit of the highway department of said general operating fund and shall be used exclusively for the purposes for which received. Provided further, that the aggregate of all city-wide tax levies of such city, except levies for the payment of bonds and interest thereon, and levies for the control and eradication of noxious weeds, and levies authorized by other statutes to be outside the aggregate is hereby limited to 15 mills on each dollar of assessed tangible valuation of such city.

(4-2-62)

CHARTER ORDINANCE NO. 1981-1

A CHARTER ORDINANCE EXEMPTING THE CITY OF CHEROKEE, KANSAS, FROM K.S.A. 79-5001 et seq., AGGREGATE TAX LEVY LIMITATIONS.

Section 1. The City of Cherokee, Kansas, by the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, hereby elects to exempt itself and make inapplicable to it K.S.A. 79-5001 to 79-5018, inclusive, which is all of Article 50 of Chapter 79 of Kansas Statutes Annotated.

K.S.A. 79-5001, et seq., is a part of an enactment of the legislature establishing an aggregate tax levy limitation applicable to this city, but not applicable uniformly to all cities, and the legislature has not established classes of cities for the purpose of imposing aggregate limitations under said constitutional provisions.
(10-14-81)

CHARTER ORDINANCE NO. 1991-1

A CHARTER ORDINANCE EXEMPTING THE CITY OF CHEROKEE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE REGARDING THE ASSESSMENT OF COURT COSTS IN THE MUNICIPAL COURT OF THE CITY OF CHEROKEE, KANSAS.

Section 1. The City of Cherokee, Kansas, by the power vested in it by Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself and make inapplicable to it the provisions of K.S.A. 12-4112 and to make the following substitute provisions therefore.

Section 2. In each case filed in municipal court where there is a finding of guilty, a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion, a sum in the amount of \$20 shall be assessed as court costs and shall be paid over by the judge of the municipal court to the city clerk into the general fund of the City of Cherokee, Kansas. For the purpose of determining the amount of court costs to be assessed in accordance with this ordinance, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case for assessment purposes.

Section 3. Court costs as set forth shall not be assessed on parking tickets.

Section 4. If any defendant convicted of a violation of an ordinance of the City of Cherokee is sentenced to a term of confinement in the county jail and applies for work release, the municipal judge, as a condition of granting work release to the defendants, may assess as costs and require the defendant to pay over to the city clerk of the City of Cherokee, Kansas, any and all costs which may be assessed by the county sheriff against the City of Cherokee, Kansas, for the costs of confinement, medical care or any other incidental costs charged to the City of Cherokee, Kansas. The municipal judge may require that the payment and reimbursement of such costs to the city clerk of the City of Cherokee, Kansas, be

made by the defendant on a daily, weekly, or monthly basis and is further authorized to make an order requiring the defendants employer to make such payments directly to the city clerk as a condition of the work release order granted to the defendant.
(1-9-91)