

Chapter 16 MUNICIPAL WATER SERVICE

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Section 16.1.1 Establishing Rates by Resolution

City Water Utility Rates will be established by Resolution of the Governing Body. Such Resolution may be either specific to the setting of water rates or part of the City's Fee Schedule Resolution. Any fees so established are incorporated herein and made a part of this Chapter as though set forth herein.

Section 16.1.2 Rate Classification

A. Residential. A residential customer is defined as a single-family or multi-family structure utilized as a residence and not primarily for commercial or industrial activity. Typically, those properties located within residential zoning classes shall be designated residential water customers. Home based business, special uses, conditional uses, and nonconforming uses are some but not all of the justifications for assigning commercial status to a property located within a residential zoning area. Such classifications are made following administrative review, and are based upon the percentage of water being utilized by the account above that utilized for residential purposes.

Section 16.1.7 Billing Cycle; Full Payment

Utility bills, including water charges, are generated by the City on the 15th of each month and mailed on the next business day. If the 15th of the month falls on a weekend or holiday, bills are generated on the next business day. Overdue account notices are generated on the first business day after the 10th of the month, and mailed on the subsequent business day.

Payment for water consumed is due upon receipt of the monthly bill by the water customer. Full payment of all outstanding water charges is required each month, which includes the fee assessed for all water used during the billing cycle, any late payment assessed, and any disconnect/reconnect fee. (Ord. 370)

Section 16.1.8 Delinquent Payments

Late payment fees shall be applied to all utility bills not paid by the 10th of each month by 5:00 p.m. If the 10th of the month falls on a weekend or City holiday, water customers may deposit their payment in the City drop-off box no later than 8:00 am of the first City business day following the 10th of the month to avoid assessment of a late fee. The City is not responsible for payments delayed in the mail or not received by the deadlines noted above. A late fee is equal to 10% of the overdue amount compounded monthly, and will be included upon the next utility bill generated by the City. (Ord. 370)

Section 16.1.9 Service Disconnection for Nonpayment; Reconnection

Prior to disconnecting water service for non-payment, the City will attempt to additionally notify the account holder of the overdue status of the water account via a “Notice to Stop Service”. Such notice will include a reminder that the account holder must remit full payment or make arrangements for a payment plan to avoid disconnection of service.

Account holders may request notices be sent by text, e-mail, or regular mail as such systems become available. If account holder does not opt-in to text or e-mail notification systems as such become available, all notices will be sent by regular mail. Mailed notice will be deemed complete upon mailing by the City. Failure of account holder to receive mail at the address provided by account holder to the City will not negate notice.

Payment plans must be agreed to in writing by both parties before becoming effective. Any request for extension of time to make payment is a payment plan which must be set forth in writing and signed by both parties. Failure to follow the terms of the approved payment plan will cause the account to go back into overdue status and subject to additional late fees and disconnection of service.

All water accounts that are in overdue status, except those on an approved payment plan, will be placed upon the water service disconnection list. All accounts on the water service disconnection list at 10:00 a.m. on the last Tuesday of each month will be disconnected from water service by

the City. Additionally, accounts on the water service disconnection list at 10:00 a.m. will be assessed the water service disconnection/reconnection fee irrespective of whether the utility workers have physically arrived at any or all of the properties upon the water service disconnection list to disconnect such service.

To reconnect water service the account holder shall contact the City Clerk, or designee, to request reconnection of service. Upon payment of all overdue water account charges, late fees, and disconnect/reconnect fees, water service will be reconnected. Water service cannot be reconnected in a vacant structure unless the City can confirm that a valve outside of the structure controls water supply to the structure. If payment for overdue water account charges is not honored, including check, Paypal, credit card, or other form of payment, water service to the account will be immediately disconnected with no additional notice to account holder. Standard disconnect/reconnect charges shall be applied, and overdraft fees. (Ord. 370)

Section 16.1.10 Abandonment of Service; Nonpayment

If a water service customer moves out of a structure without full payment, the City may place a lien on the property, submit the balance to the Kansas Set-off Program, submit the balance to a collection agency, or take any other action as authorized by law, including prosecution for theft of services. (Ord. 370)

Section 16.1.11 Disconnect (Shut-off) and Reconnection Fee

Service Disconnect/Reconnect Fee. The City shall assess a fee as set forth within the City's fee schedule for shutting off water service for non-payment of the utility bill. Such fee shall be assessed to all accounts who remain upon the City's disconnect list at 10:00 a.m. on the last Tuesday of the month, or the following business day, if such final Tuesday is a holiday. Such fee shall be assessed to all accounts notwithstanding that utility workers may or may not have actually completed the property visit necessary to disconnect such water service. (Ord. 370)

Section 16.1.12 Payment Plan Arrangements

The City Manager, or designee, may approve a payment plan as set forth in writing to allow a water service customer to pay for one month's water service over an identified period of time. The intent of this authority is to address a one-time emergency situation. The 10% late fee shall not be assessed to outstanding charges included within an approved payment plan, during such time as the water customer is making agreed payments toward the payment plan. Charges incurred subsequent to the payment plan may accrue late fees. (Ord. 370)

Section 16.1.13 Absentee Water customer

A water customer who has been absent from the property associated with the water service for more than two (2) consecutive months may request in writing to the City Clerk that the City place

the water account on “vacation” status. Base water service costs will be assessed each month upon any water account while in “vacation” status. (Ord. 370)

Section 16.1.14 Payments Returned for Insufficient Funds

An insufficient funds fee as set within the City’s Fee Schedule shall be assessed for each returned check, or any other form of payment which is not honored by the account, including, but not limited to, PayPal accounts, credit cards, and debit cards. (Ord. 370)

Article 2 WATER SERVICE AND WATER SYSTEM CONNECTION

- Section 16.2.1 Municipal Water Service; Mandatory Connection**
- Section 16.2.2 Voluntary Termination of Service**
- Section 16.2.3 Application for Connection to Municipal Water System**
- Section 16.2.4 Temporary Commercial Water Service**
- Section 16.2.5 Water Service Outside City/Agreement for Annexation**
- Section 16.2.6 Extension or Enlargement of Waterworks System**
- Section 16.2.7 Water System Tap-On/Connection Fees**
- Section 16.2.8 Duty to Maintain Connection With Water System**

Section 16.2.1 Municipal Water Service

All properties within the City of Bel shall be connected to municipal water service, unless there is no water main to which a connection can be made, as determined by the City Engineer, or such property is exempted from this section by specific action of the Governing Body. Properties within the City utilizing alternative sources for water service, including private wells for uses other than landscaping, shall connect to municipal water service when such service becomes available to the property.

Section 16.2.2 Voluntary Termination of Service

Voluntary termination of service will be effective only upon written notice from the account holder to the City made at the office of the City Clerk on a form provided by the City Clerk. No other voluntary termination of water services notices will be effective. No one other than the account holder(s) may discontinue water service, except a legal agent of such water customer may terminate water service upon presentation of proper written legal authority, including a power of attorney.

Appointments for voluntary termination of service shall be made by the account holder to discontinue water service no less than 24 hours before such service is expected.

The water customer will be responsible for payment for all services rendered to the effective date of discontinuance of services. (Ord. 97; Ord. 370)

Section 16.2.3 Application for Connection to Municipal Water System

Before the City shall serve any premises with water, an application for a connection to the municipal water system shall be made in writing by the owner of the premises to be served (“property owner”) at the office of the City Clerk. The application shall be in such form as shall be prescribed by the City Clerk in conformance with this Chapter.

Section 16.2.4 Temporary Commercial Water Service

A. Non-transferable Permit. Commercial users, including contractors, builders, and others requiring water where no permanent service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a building, may apply to receive a non-transferable permit in the name of a single individual permit holder for such service. Upon the issuance of such commercial temporary permit the responsible individual shall be identified as the permit holder. The permit holder shall be responsible for maintaining compliance with the terms of this section and the permit.

B. Application and Inspection. The application for temporary permit shall be in such form as adopted by the City Clerk. Such application shall be completed and signed by the individual to be identified as the permit holder. Prior to approval of such application the individual shall submit the fee established for the service to the City Clerk. Upon receipt of such application the Code Enforcement Officer will inspect the site to review for all safety and policy concerns. Upon approval by the Code Enforcement Officer and payment of the associated fee the site may receive temporary water service. Requests for extension of term of Temporary Permit shall be written and submitted in person to the City Clerk, in such form as adopted by the City Clerk, prior to the end of the existing permit term.

C. Time Limitations. Temporary Water Service is provided to the permit holder on a weekly or biweekly basis, for up to 4 weeks, all in accordance with the terms of the permit. The permit holder must reapply for temporary water at the end of each approved permit cycle. After 4 weeks, the inspector shall re-evaluate the permit and advise the City if additional provision of temporary water service is warranted to permit time for project completion. If approved by the Code Enforcement Officer, the City Clerk will allow for temporary water in 2 week increments, with the Code Enforcement Officer re-evaluating after each 2 week increment, until the project is considered complete by the City Engineer or his/her designee. The City will disconnect temporary water service upon the end of the term of the permit, if no subsequent permit has been approved. Due to the nature of Temporary Commercial Water Service, the City will not provide notice for disconnection of such water service.

D. Costs. Such temporary water service is rendered on payment in advance to the City for the costs associated with making the temporary connection. Such costs shall be as set out in the City’s fee schedule, or adopted by other Resolution of the Governing Body. Where practicable such water service shall be metered as a temporary measure and costs imposed in accordance with such use. Unmetered temporary service shall be avoided, but when metering is not possible, estimated water costs shall be prepaid. Temporary water service will be immediately discontinued upon failure of permit holder to pay all water costs accrued during the billing cycle associated with such temporary water service. No notice, other than that provided in the

agreement for temporary service, shall be provided prior to discontinuing temporary water service.

E. Limitations. No recipient of temporary water service may be open for business while using temporary water service. Regular water service must be operational before any business is issued an occupancy permit. Violation of this section shall result in immediate discontinuance of temporary water service. Violation of this provision is grounds for prosecution of the permit holder for theft of service. Additionally, violation of this section is grounds for immediate revocation of an occupancy permit by the City. Each day of offense shall constitute a separate offense.

Section 16.2.5 Water Service Outside City/Agreement for Annexation

A property owner making application for water service to be provided outside the City, shall agree in writing to the City's immediate or future annexation of the property for which the water service is provided. Only a property owner may request water service for property located outside the City boundaries. Such request will require approval by the Governing Body.

Section 16.2.6 Extension or Enlargement of Waterworks System.

Whenever the owner of real property desires a main to be extended to an identified site to furnish water to such property for residential, commercial, or industrial use, such owner shall make application to the City Manager. For extension to single properties, upon approval by the Governing Body, the owner shall make a deposit in cash, or cash equivalent, of the estimated cost of providing such service as determined by the City Engineer. For services to be provided to multiple properties, including housing developments and subdivisions, extension of waterworks shall be in conformance with City infrastructure development policy and bond procedures.

Section 16.2.7 System Tap-On and Connection Fees; Equity Fee; Impact Fee

A. Connection Costs. The costs of connecting a property to the City's Water Utility shall be borne by the property owner requesting such connection, including Rural Water District buy-out costs. Water Connection and System Tap-on Fees may be established and revised by action of the Governing Body. All such fees must be paid before water service will be provided. Such fees shall be established in the City's Fee Schedule Resolution.

B. Utility Equity Fee. All new build residential and commercial property will be assessed a Utility Equity fee. The fee is determined as part of the permitting process and is based on size as well as use of the structure. Fees shall be established by the City Council in a separate Fee Resolution.

C. Impact Fee. Certain areas may be assessed an impact fee for the use of water and sewer mains. Such fees shall be assessed as part of an identified benefit district.

Section 16.2.8 Duty To Maintain Connection With Water System

Any residence, family unit, dwelling unit, apartment or commercial building which is or shall be connected to the water system of the City and is connected to or shall be connected to the sewer system and sewage disposal facilities of the City shall maintain both the connection with the City's water system and the connection with the City's sewer system as long as such service is available, and the owner or occupant thereof shall remain liable for the payment of minimum water and minimum sewer fees and charges as established by the Governing Body.

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Section 16.3.1 Water Meters Owned by City

Water meters are owned by the City and shall not be tampered with or the seal broken except by a duly authorized employee of the City Water Department. (Ord. 97)

Section 16.3.2 Water Meter Installation

The City shall install, maintain and replace the meter, including the installation of a pigtail on the water customer side of the meter to accommodate the connection of the water customer water service line to the water customer's structure when necessary. The water customer's plumber shall attach the service line to the meter and/or pigtail, which shall be tested by the plumber, inspected and approved by the City. (Ord. 370)

Section 16.3.3 Water Meter; Division of Responsibility

The water meter shall represent the division of ownership and responsibility between the City and the water customer. All water that passes through the meter shall be the responsibility of the water

customer. In addition, all water used or leaked and all water piping on the water customer side of the meter shall be the responsibility of the water customer. The City shall be responsible only for the water and maintenance of piping from the meter to the water main. (Ord. 370)

Section 16.3.4 Water Shut-Off Valve

The City requires each property with water service to have an operational shut-off valve installed and maintained at the head of the water system between the meter and the first water outlet. Such shut-off valve shall serve as an emergency shut-off in times when the property's occupant needs to respond to a water concern associated with the property. The City shall not be liable for any damages associated with failure to install a valve, incorrect installation, or incorrect use by any individual associated with the property. (Ord. 370)

Section 16.3.5 Water Leak Liability

All water that passes through a property's water meter shall be billed to the water customer. After passing through the meter all water that is used as intended, and all water that leaks within the water customer's system, or otherwise escapes appropriate and intended use by the water customer is the responsibility of the water customer.

A water customer who disputes responsibility for water that passed through such customer's meter may submit written documentation to the City Clerk regarding why the water customer believes the situation associated with such disputed usage or billing is significantly unique from that encountered by other properties or water customers so as to justify the City's water utility accepting responsibility for the cost of such water. Upon review of the information and within fifteen (15) days, the City Manager shall provide a written determination to the water customer. The City Manager may agree in writing that the situation is significantly unique to justify adjustment of a single billing associated with such water customer, or may deny such claim. Such administrative review is not subject to further review or appeal. All determinations of the City Manager associated with water account adjustments shall be retained by the City Clerk for five years. (Ord. 370)

Section 16.3.6 Meter Rereads and Leak Detection

City personnel are available upon twenty-four (24) hours' notice to provide a water customer a water meter reread to confirm the accuracy of the meter reading, or to inspect the water customer area for possible leaks. Arrangement for reread and/or leak inspection shall be made by contacting the Utilities Clerk.

The cost of checking the accuracy of a meter at the water customer's request, if the meter is pulled, tested and found to be in error and need of repair, will be borne by the City. Additionally, the City will pay the costs associated with one (1) reread service per year which confirms the accuracy of

the initial meter reading. Upon second and subsequent requests for a reread resulting in a determination of the accuracy of the meter, a fee of \$25 will be assessed to the account.

The City will cooperate with the water customer and/or such customer's plumber or contractor to assist in detecting a leak in the water customer's system. The City does not provide repair or maintenance service to the water customer side of the meter. The City will pay the costs associated with one (1) water system inspection per year on the water customer side of the meter to determine possible leaks. Any additional inspections shall be assessed to the account at the rate of \$40.00 per inspection. (Ord. 97; Ord. 370)

Section 16.3.7 Public Safety

The City has the right to disconnect water service without notice if a leak has been discovered and the water is flowing beyond the private property line that creates a hazard to public safety. A notice of repair shall be issued to the property owner/account holder according to the requirements of this Chapter. Water service shall not be reconnected until the leak is repaired. No disconnect/reconnect fee will be charged for the emergency disconnection. (Ord. 209)

Section 16.3.8 Shutting Off for Repairs

The City reserves the right at any time to shut off the water mains for the purpose of making repairs or extensions or for other purposes. The City shall not be liable for any damage associated with the breakage or repair of any pipes, or associated with the stoppage of the flow of water in City mains, nor shall the City be responsible for any damage caused to any homes, businesses, or personal property due to routine repair or maintenance of the City water system. (Ord. 97)

Section 16.3.9 Water Meter Maintenance; Cost of Installation

After meter installation, the City or its subcontractor shall perform meter maintenance and replacement of the water meter as the City deems necessary. The City shall replace defective residential meters at no cost to the water customer. If a residential water customer requests replacement of a functioning water meter during the normal life span of the meter all costs associated with the replacement shall be charged to the water customer. (Ord. 370)

Section 16.3.10 Water Meter Accessibility

Water bills are read monthly. Access to the meter to allow the water meter to be read is the responsibility of the water customer. City employees unable to access the meter shall estimate the water use as that amount of water consumed during the previous billing cycle, and shall add a 10% increase over the previous reading. No water customer shall be permitted to have two consecutive estimated meter readings. The City shall disconnect water service pending water customer's arrangement for a verified read of the water meter. All fees and costs associated with obtaining access to a meter shall be charged to the water customer. All standard disconnect and reconnect fees shall be assessed. (Ord. 370)

Section 16.3.11 Private Water Leaks

Water leaks in private water service lines are hereby declared to be a nuisance. It is unlawful for any water customer and/or occupant of private property to fail to repair a service line leak. Failure of the property owner to repair such leak shall result in the abatement of such leak by the City in accordance with the City’s nuisance abatement procedures. All costs to be assessed against the property in accordance with nuisance abatement procedures. (Ord. 209)

Section 16.1.12 Private Water Leaks Notice

Upon discovery of a leak existing within that portion of a property’s water system for which the property owner is responsible, the City may immediately disconnect service pursuant to 16.3.5, or may serve a notice to repair the leak to the account holder by registered mail, personal notice, or by posting notice upon the property. If notice to repair is issued, such leak shall be repaired within seven (7) days of the date on the notice. Failure to repair the leak within seven (7) days as directed will result in the disconnection of water service. Service shall not be reconnected until the leak is repaired and a disconnect/reconnect fee has been paid. (Ord. 209)

Section 16.3.13 Private Water Leaks Hearing Process

Any person wishing to contest a notice of repair has the right to submit a written request for administrative review, no later than three working days prior to conclusion of the seven day deadline for repair. Such administrative review shall be informal, and may include both written documentation, photographic evidence, and any verbal testimony necessary to supplement such written documentation.

Upon review of the information and within twenty-four (24) hours, the City Manager shall provide a written determination to the water customer. All determinations of the City Manager associated with such administrative reviews shall be retained by the City Clerk for five years. The decision of the City Manager shall be final. (Ord. 209)

Section 16.3.14 Specific Water Pressure

The City does not guarantee to maintain any specific water pressure and no complaint concerning the pressure shall give any right of claim against the City. (Ord. 188)

Section 16.3.15 Commercial Meters/Special Meters

All commercial meters, both new and replacement, shall be installed at the cost of the commercial water customer. The entire expense associated with obtaining and installing special water meters

will be paid by the property owner or water customer. All such expenses shall be remitted to the City prior to connection of water service. (Ord. 97; Ord. 370)

Section 16.3.16 Mutilation of Water Property

It shall be unlawful for any person to remove, obstruct, alter, or injure any fire hydrant, valve, valve box, or cover, or in any manner injure any building, machinery, or other implements belonging to the water works system of the City. (Ord. 97)

Section 16.3.17 Taking Water from Fire Hydrants

It shall be unlawful for any person or persons unauthorized by the City to take water away from any watering places or plugs, draw cock, or hose pipes except for fire purposes, and for use of fire department in case of fire, or in any way use or take away any water for private use without first paying and receiving receipt.

Water use from a hydrant requires the purchase of a permit which will be valid for no more than 90 days from date of issuance. The water user shall install or have installed a meter provided by the City that will measure the use of all water. The water user shall pay a fee per 1000 gallons, or parts thereof, as set forth within the City’s fee schedule. A permit fee of \$100.00 is required at the time of permit issuance. Such non-refundable fee covers the City’s equipment costs, including the City’s meter. The water user shall pay for the balance of the water used upon return of the meter and the calculation of the water use, or such amount may be assessed upon a water user’s subsequent billing statement.

Government, not-for profit: and similar agencies in need of hydrant water, including the fire department shall make arrangements to use a designated hydrant for non-emergency purposes and such hydrant shall be metered to determine usage. (Ord. 97; Ord. 370)

Section 16.3.18 Swimming Pools

The City will not at any time fill private swimming pools from hydrants. (Ord. 97)

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Article 4	BACKFLOW AND CROSS CONNECTIONS CONTROL
	Section 16.4.1 Definitions
	Section 16.4.2 Responsibilities of the City Engineer
	Section 16.4.3 Inspection
	Section 16.4.4 General Requirements
	Section 16.4.5 Maintenance Requirements
	Section 16.4.6 Inspection Requirements
	Section 16.4.7 Disconnection of Water Service/Prosecution

Section 16.4.1 Definitions

The following words and phrases when used in this Article, for the purpose of this Article, have the meanings respectively ascribed to them in this section except when the context otherwise requires:

1. “Agency” means the department of the municipal government invested with the authority and responsibility for the enactment and enforcement of this Article.
2. “Airgap” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.
3. “Approved” means accepted by the agency as meeting an applicable specification stated or cited in this Article, or as suitable for the proposed use.
4. “Auxiliary Supply” means any water source or system other than the potable water supply that may be available in the building or premises.
5. “Backflow” means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of backflow.
6. “Backflow preventer” means a device or means to prevent backflow.
7. “Backsiphonage” means backflow resulting from negative pressures in the distributing pipes of a potable water supply.
8. “Barometric loop” means a loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.
9. “Check valve” a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.
10. “City Engineer” shall include both the individual retained by the City to serve in the capacity of City Engineer or such Engineer’s designee.
11. “Contamination” See Pollution.
12. “Cross-connection” any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in waste water and/or any other source of contamination. See Backflow and Backsiphonage.
13. “Drain” means any pipe that carries waste water or waterborne wastes in a building drainage system.
14. “Fixture, Plumbing” means installed receptacles, devices, or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

15. "Flood-level rim" means the edge of the receptacle from which water overflows.
16. "Hazard, Health" means any conditions, devices, or practices in the water supply system, and its operation, which create, or, in the judgment of the City Engineer, may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.
17. "Hazard, Plumbing" means any arrangement of plumbing including piping and fixtures whereby a cross-connection is created.
18. "Hydro-pneumatic tank" means a pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.
19. "Inlet" means the open end of the water supply pipe through which the water is discharged into the plumbing fixture.
20. "Plumbing system" includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste, and vent pipes; building drains and building sewers including their respective connections, devices, and appurtenances within the property lines of the premises; and water-treating or water-using equipment.
21. "Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
22. "Reduced pressure principle backflow preventer" means an assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere designed to prevent backflow.
23. "Surge tank" means the receiving, non-pressure vessel forming part of the airgap separation between a potable and an auxiliary supply.
24. "Vacuum" means any pressure less than that exerted by the atmosphere.
25. "Vacuum breaker, non-pressure type" means a vacuum breaker designed so as not to be subjected to static line pressure.
26. "Vacuum breaker, pressure type" means a vacuum breaker designed to operate under conditions of static line pressure.
27. "Water, potable" means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the public Building Inspector.
28. "Water, non-potable" means water that is not safe for human consumption or that is of questionable potability. (Ord. 29)

Section 16.4.2 Responsibilities of the City Engineer

The City Engineer, in their capacity as the Director of the Department of Public Works, or such Engineer's designee, shall inspect the plumbing in every building or premises in this City as frequently as may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the City.

The City Engineer shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the City Engineer, any plumbing installed or existing contrary to or in violation of the Code of this City, and which in the Engineer's judgment, may, therefore, permit the pollution of the City water supply, or otherwise adversely affect the public health. (Ord. 29)

Section 16.4.3 Inspection

The City Engineer, or the Engineer's designated agent, shall have the right of entry into any building, during any business hours or other reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises provided that with respect to the inspection of any single family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof. (Ord. 29)

Section 16.4.4 General Requirements

1. A potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from non-potable liquids, solids, or gases introduced into the potable water supply through cross-connections or any other piping connections to the system.
2. Cross-connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the Building Inspector, suitable protective devices such as the reduced pressure zone backflow preventer, or an alternative approved back flow prevention device, are installed, tested, and maintained to insure proper operation on a continuing basis.
3. Interconnection between two or more public water supplies shall be permitted only with the approval of the Building Inspector.
4. Cross-Connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the Building Inspector.
5. Potable water connections to boilers shall be made through an airgap or provided with an approved backflow preventer.
6. Connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with the Plumbing Code of this City, or as set out herein.
 - (a) Bidets.
 - (b) Operating, dissection, embalming, and mortuary tables or similar equipment; in such installation the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments.
 - (c) Pumps for non-potable water, chemicals, or other substances; priming connections may be made only through an airgap.
 - (d) Building drainage, sewer, or vent systems.

(e) Any other fixture of similar hazard.

7. Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at 5 psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

8. A potable water system shall be protected against backflow and backsiphonage by providing and maintaining at each outlet an airgap, as specified hereafter, between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source or contamination, or backflow preventer.

9. The minimum required airgap shall be measured vertically from the lowest end of the fixture or receptacle into a potable water outlet to the flood rim or line which it discharges. The minimum required airgap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required airgap shall be three times the effective opening of the outlet. In no case shall the minimum required airgap be less than provided by the Plumbing Code.

10. Before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the City Engineer. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

11. . Vacuum breakers shall be installed with the critical level at least six (6) inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be treated as the flood level rim but a check valve shall be installed on the discharge side of the vacuum breaker.

12. A reduced pressure principle type backflow preventer may be installed subject to full static pressure.

13. Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of a diameter not less than provided by the Plumbing Code, the overflow pipe shall be provided with an airgap as close to the tank as possible.

14. The potable water outlet to the tank or vat shall terminate a distance not less than one and one half times the height to which water can rise in the tank above the top of the ever flow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the airgap overflow outlet closed.

15. . Approved devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where a minimum airgap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

16. Where a water connection is not subject to backpressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. Conditions requiring protective devices of this kind and method of installation are as provided by the Plumbing Code.

17. Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an airgap cannot be installed, the City Engineer may require the use of an approved reduced pressure principle backflow preventer.

18. Water connections, where an actual or potential backsiphonage hazard exists, in lieu of devices specified by the Plumbing Code, may be provided with a barometric loop. Barometric loops shall precede the point of connection.

19. . The City Engineer may authorize installation of approved, double check-double gate valve assemblies with test cocks as protective devices against backflow in connection between a potable water system and ether fluid systems which present no significant health hazard in the judgment of the City Engineer.

20. When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to ether outlets. (Ord. 29)

Section 16.4.5 Maintenance Requirements

It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing or removing backflow devices. (Ord. 222)

Section 16.4.6 Inspection Requirements

It shall be the responsibility of building and premise owners to have each backflow preventer device tested and inspected immediately after initial installation to assure the device has been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. Thereafter, it shall be the responsibility of building and premise owners to have each backflow preventer device tested and inspected annually, any necessary overhaul or repairs made, and a backflow device test report filed with the City of Bel Aire, Kansas. Lawn sprinkler systems shall be equipped with an approved backflow prevention device and tested at least every other year, before the first day of June on even years, beginning in 2020. The inspection and testing shall be by a plumber or tester/repair technician certified (by the Wichita-Sedgwick County Health Department and or Bel Aire), and licensed in Bel Aire. Testing procedures shall be in accordance with the manufacturer's instructions when approved by the City Engineer. Backflow prevention devices shall be rebuilt or replaced upon testing failure or the City Inspector's determination that the system poses a significant/imminent risk to public health.

Backflow systems not in use. The annual inspection requirement may be waived if and only if the subject water connection point is no longer being utilized, completely disconnected from the water system and capped off. These systems, no longer in use, are required to be reported to the City for inspection by the City Engineer or the Engineer’s designee, and shall be recorded. Upon return to use, Building and premise owners shall be responsible for installing a backflow prevention device and resuming testing/inspection in accordance with this code.

There shall be a filing fee to file a backflow device test report with the City of Bel Aire, Kansas set forth in the City fee schedule.

Section 16.4.7 Disconnection of Water Service/Prosecution

Upon failure of the owner or agent to have the defect corrected by the end of the specified time, the City Engineer may, if in the Engineer’s judgment an imminent health hazard exists, cause the water service to the building or premises to be disconnected. Additionally, or in lieu thereof, the Engineer may cause a citation to be issued to such owner or agent for violation of the City’s Nuisance Code. All prosecutions for violation of this Article shall be to the City’s Municipal Court. (Ord. 29)

Article 5 WATER DROUGHT/EMERGENCY

- Section 16.5.1 Purpose**
- Section 16.5.2 Definitions**
- Section 16.5.3 Declaration of Water Watch**
- Section 16.5.4 Declaration of Water Warning**
- Section 16.5.5 Declaration of Water Emergency**
- Section 16.5.6 Voluntary Conservation Measures**
- Section 16.5.7 Mandatory Conservation Measures**
- Section 16.5.8 Emergency Water Rates**
- Section 16.5.9 Emergency Regulations**
- Section 16.5.10 Notice of Disconnection for Violation of Regulations**
- Section 16.5.11 Disconnection**
- Section 16.5.12 Reconnection**
- Section 16.5.13 Emergency Termination**

Section 16.5.1 Purpose

The City of Bel Aire is governed by water restriction regulations imposed by the City’s water supply sources, and associated with the City of Wichita and Chisholm Creek Utility Authority’s ability to supply water to Bel Aire during all levels of water supply conditions.

Accordingly, the City of Bel Aire will address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each stage is more stringent in water use than the previous stage as water supply conditions deteriorate. The City Manager is authorized by the City’s Municipal Code to implement

the appropriate conservation measures. (Ord. 387)

Section 16.5.2 Definitions

- A. "Water", as the term is used in this Article, shall mean water available to the City of Bel Aire 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", as the term is used in this Article, shall mean the account holder(s) 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", as the term is used in this Article, 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. "Emergency Water Supply Plan," as the term is used in this ordinance, pursuant to the requirements of K.A.R. 28-15-18.
- E. The following classes of uses of water are established:
1. 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 areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
 2. 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.
 3. Class 3:
Domestic usage, other than that which would be included in either Class 1 or 2.
 4. Class 4:
Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation. (Ord. 387)

Section 16.5.3 Declaration of Water Watch

- A. Whenever the City Manager deems that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, he/she shall be empowered to declare, that a water watch exists and that steps shall be taken to inform the public and ask for voluntary reductions in water use through use of local media and or radio stations. Such a watch shall be deemed to continue until it is declared by the City Manager to have ended. A water watch would be issued under the conditions of Stage 1 triggers of the Municipal Water Conservation Plan.

- B. The Water Watch Stage is triggered by any one of the following conditions:
1. The City storage has fallen below 70% capacity and has a slower than normal recovery rate
 2. Demand for one day is in excess of 1.6 million gallons per day (mgd)
 3. Provider of purchased water has issued a Stage 1 Water Watch. (Ord. 387)

Section 16.5.4 Declaration of Water Warning

A. Whenever the City Manager finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare that a water warning exists and will recommend restrictions on nonessential uses during the period of warning by notifying the general public through local media and/or radio stations. Such a warning shall be deemed to continue until it is declared by the City Manager to have ended. A water warning would be issued under the conditions of Stage 2 triggers of the Municipal Water Conservation Plan.

- B. The Water Warning Stage is triggered by any one of the following conditions:
1. The City storage cannot be maintained above 60% capacity or has a slower than normal recovery rate
 2. Demand for one day is in excess of 1.8 million gallons per day (mgd)
 3. Provider of purchased water has issued a Stage 2 Water Warning (Ord. 387)

Section 16.5.5 Declaration of Water Emergency

A. Whenever the City Manager finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency by notifying the general public through local media and/or radio stations. Such an emergency shall be deemed to continue until it is declared by the City Manager to have ended. A water emergency watch would be issued under the Stage 3 triggers of the Municipal Water Conservation Plan.

- B. The Water Emergency Stage is triggered by any one of the following conditions:
1. The City storage cannot be maintained above 50% capacity and will not recover
 2. Demand for one day is in excess of 2.0 million gallons per day (mgd)
 3. Provider of purchased water has issued a Stage 3 Water Emergency
 4. Emergency conditions related to repairs or water quality control (Ord. 387)

Section 16.5.6 Voluntary Conservation Measures

A. Upon the declaration of a water watch as provided in Section 16.5.3 the Mayor (or the City Manager) is authorized to request all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

1. Curtailing of some outdoor water use
2. Efficient use of indoor water, i.e. wash full loads, take short showers, don't let faucets run, etc.

B. Upon the declaration of a water warning as provided in Section 16.5.4, the Mayor (or the City Manager) is authorized to request all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, and to mandate appropriate limitations including, but not limited to, the following:

1. An odd/even lawn watering system would be imposed on City
2. Any mandatory restrictions adopted by either of the City's water suppliers.(Ord. 387)

Section 16.5.7 Mandatory Conservation Measures

A. Upon the declaration of a water supply emergency as provided in Section 16.5.5 the Mayor (or the City Manager) is authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

1. 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,
2. Restrictions on the uses of water in one or more classes of water use, wholly or in part;
3. Restrictions on the sales of water at coin-operated facilities or sites;
4. 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;
5. Complete or partial bans on the waste of water; and
6. Any combination of the foregoing measures.

B. Violation of any mandatory water conservation measures shall be enforced through the City's municipal court as violations of this Code in conformance with the City's general penalty clause. (Ord. 387)

Section 16.5.8 Emergency Water Rates

A. Upon the declaration of a water supply emergency as provided in Section 16.5.5, the Governing Body of the City shall have the power to adopt emergency water rates by Resolution. Such temporary emergency water rates should be designed to encourage conservation of water supplies.

B. Such emergency rates may provide for, but are not limited to:

1. higher charges for increasing usage per unit of use (increasing block rates);
2. uniform charges for water usage per unit of use (uniform unit rate); or

3. extra charges in excess of a specified level of water use (excess demand surcharge). (Ord. 387)

Section 16.5.9 Emergency Regulations

During the effective period of any water supply emergency as provided for in Section 16.5.5, the Mayor or City Manager 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. 387)

Section 16.5.10 Notice of Disconnection for Violation of Regulations

If the Mayor, City Manager, or other city official or officials charged with implementation and enforcement of this Article or a water supply emergency Resolution learn of any violation of any water use restrictions imposed pursuant to Section 16.5.7 or Section 16.5.9 of this Article, a written notice of the violation shall be affixed to the property where the violation occurred and the account holder, 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. Said 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. Such notice shall also advise that failure to bring such process into compliance within five days of the delivery of such notice water service may be disconnected with no further notice.

Proceeding in accordance with this Section shall not bar issuance of citations for violation in conformance with Section 16.5.7 of this Article. (Ord. 387)

Section 16.5.11 Disconnection (Shut-off)

A. Upon verification that an account holder who was issued a Notice pursuant to Section 16.5.10 has failed to correct, cure or abate the identified violations of emergency water regulations, the City may shut-off water service to the address upon which the violation(s) occurred until the City's code enforcement official verifies that the property has cured the defect resulting in the disconnection.

B. Water service may be disconnected for failure to follow emergency water regulations in accordance with the following procedures:

1. All standard shut-off fees shall be applicable.
2. Water service shall not be reconnected until such violation has been abated, as verified by the City's code enforcement official.
3. If an administrative review hearing of the shut-off is requested by the account holder charged with the violation, he or she shall be given a full opportunity to be heard within two (2) business days following the date upon which shut-off is ordered. The City Manager shall make written findings of fact, and shall make such order of reconnection or continued disconnection pending abatement of violations. Such order shall be a final

administrative decision of the City which may be appealed through the District Court of the State of Kansas. (Ord. 387)

Section 16.5.12 Reconnection

A reconnection fee shall be paid for the first reconnection of any water service shut-off pursuant to this Article as set within the City’s Fee Schedule. The reconnection fee shall be \$200 for a second event, and \$300 for any subsequent reconnection following shut-off for violations of the City’s emergency water conservation regulations. (Ord. 387)

Section 16.5.13 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 customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 387)

Article 6 ENFORCEMENT; PENALTIES; SEVERABILITY

- Section 16.6.1 Enforcement**
- Section 16.6.2 Right of Entry**
- Section 16.6.3 Unlawful Interference**
- Section 16.6.4 Enforcement; Enforcement Actions not Exclusive**
- Section 16.6.4 Notice of Violations**
- Section 16.6.6 Administrative Hearing/Review**
- Section 16.6.7 Uniform Complaint and Notice to Appear.**
- Section 16.6.8 Violations, Penalties.**
- Section 16.6.9 Abatement; Assessment of Costs.**
- Section 16.6.10 Authorization to Contract For Services.**
- Section 16.6.11 Liability**
- Section 16.6.12 Severability**

Section 16.6.1 Enforcement Officers; Jurisdiction

Enforcement of this Chapter within the boundaries of the City shall be by the Director, Building Inspector, or other designated code enforcement official(s) of the City (enforcing officer), and jurisdiction for prosecution of any violations of this code shall be in the Bel Aire Municipal Court.

Section 16.6.2 Right of Entry

The enforcing officer, and/or service agent contracted by the City, are hereby authorized to enter upon private property at all reasonable hours for the purpose of enforcing the provisions of this Chapter.

Section 16.6.3 Unlawful Interference

It shall be unlawful for any person to interfere or attempt to interfere with, or to prevent or attempt to prevent, the enforcing officer, and/or the service agent, from entering upon any property in association with carrying out the duties of enforcing this Chapter, or from accomplishing any other lawful purpose of this Chapter. Any person violating this section shall be guilty of a violation of this Section.

Section 16.6.4 Enforcement; Enforcement Actions not Exclusive

A. Violation of any provision of this Chapter may result in discontinuance of water service in conformance with the provisions set forth within this Chapter. Upon failure of the owner or agent to have the defect corrected by the end of the time provided within the notice, the enforcing officer may, if in the enforcing officer’s judgment an imminent health hazard exists, cause the water service to the building or premises to be disconnected. All regulation disconnect/reconnect fees and provisions shall apply.

B. Violation of any provision of this Chapter is grounds for prosecution of the property owner, resident, account holder, permit holder, or any other responsible party.

C. The prosecution and/or imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Chapter as a civil or administrative action, and specific authority for such is hereby granted to take any action or impose any penalty allowed by the State law, this Chapter or any provision of this Code.

D. Violation of those sections of this Chapter associated with the installation, permitting, connection, or tap-on to the water system, is grounds for immediate revocation of an occupancy permit by the City.

Section 16.6.5 Notice of Violations

A. Notice of violation means a written notice provided to the owner, occupant or contractor associated with the property detailing any violations of this Chapter and any corrective action required. Such notices shall:

- (1) Be in writing;
- (2) Particularize the violations alleged to exist or to have been committed;
- (3) Provide a reasonable time for the correction of the violations particularized;
- (4) Be served upon the owner, and the occupant or contractor as applicable, of the premises by one or more of the following methods of service: personal service upon a resident of the property of lawful age, posting upon the property, door hanger, regular and/or registered mail, or publication. Non-resident owners shall be notified by registered mail, return receipt requested, and by separate letter sent by regular mail.

B. Notwithstanding any other provision of this Chapter or of law, any and all notices required by this Chapter which may be served upon tenants shall also be served upon the record owner of title to the property. Should there occur a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the City may not recover any costs of abatement or levy an assessment for costs of abatement unless the new record owner of title to such property has been provided notice as required by this Chapter, which may include notice of assessment filed with the appropriate agencies of Sedgwick County. Additionally, notices under this Chapter may be sent to prospective purchasers associated with any property in violation of this Chapter which is under a pending contract.

Section 16.6.6 Administrative Hearing/Review

Any person wishing to contest the notice to correct a violation has the right to an administrative review by the City Manager. Such review must be requested in writing and the request must be received at the office of the City Clerk, no later than three (3) working days prior to the deadline for correction. The form of the administrative review shall typically be a review of all written documentation submitted by the party requesting such review, and all documentation maintained by the Code Enforcement Officer. When appropriate, the City Manager may request that the parties meet informally to provide oral testimony to supplement such written information. Such meeting need not conform to any rules of judicial hearings.

The decision of the City Manager shall be final and any further appeal of such decision shall be to the Eighteenth Judicial District Court of the state of Kansas by way of the provisions of K.S.A. 60-2101(d).(Ord. 292)

Section 16.6.7 Uniform Complaint and Notice to Appear.

In addition to the notice provided for in section 16.5.5, the enforcing officer may commence prosecution of such violation by issuing to the owner, occupant or agent in charge of the property a uniform complaint and notice to appear charging a violation of any section of this Chapter.

Section 16.6.8 Violations, Penalties.

Penalties associated with conviction of violation of any provision of this Chapter shall be in accordance with the general penalty provisions of this Code, unless a specific penalty provision shall have been made applicable to any specific section of this Chapter. Each day of violation shall constitute a separate offense.

Section 16.6.9 Abatement; Assessment of Costs.

A. If within five (5) days after receipt of the notice required by Section 16.6.5, or any other provision of this Chapter, the owner, occupant or agent in charge of the premises neglects or fails

to comply with the directives contained in the notice, and such owner, occupant, or agent in charge fails to timely file a request for administrative review as provided in section 16.6.6, the enforcing officer may abate any violation, when such code enforcement officer deems the immediate abatement necessary to protect the health, safety, and welfare of any individual, property, or the community. The City and/or any authorized contractor shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property. If the property owner is a nonresident, abatement shall take place either five days following the date of receipt provided on the return receipt of mailing, or ten days following the date of publication in the City's newspaper, whichever date is first.

B. The costs incurred by the City for any action undertaken by the enforcing officer pursuant to or incidental to this section of this Chapter shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices and publication of notices, required by this Chapter. The city clerk shall immediately cause the reporting and accounting required by this section to be entered in the appropriate city record and shall report the same to the governing body.

C. The City Clerk shall, within ten (10) days of receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner, occupant or agent in charge of the property of the costs required to be reported by subsection B of this section and such notice shall include a statement requiring payment of the costs to the City within thirty (30) days following receipt of such notice. Should the owner, occupant or agent in charge of the property refuse to take delivery of the notice and return is made to the City indicating such refusal, the city clerk shall send to the owner, occupant or agent in charge of the property, by first class mail, the notice previously sent and receipt by the owner, occupant or agent in charge of the property shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

D. Should the costs remain unpaid after thirty (30) days of receipt of the notice provided for in this Chapter, the city clerk shall, at the time required by law for certification of other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property upon which the weeds were located.

E. In addition to levying a special assessment against the property upon which the violation(s) was/were located as provided for in this section, the City may also elect to collect the unpaid portion of the costs provided for in herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, and may pursue such remedy without limiting its ability to levy special assessment, but only until such time as the full costs and any applicable interest has been paid in full.

Section 16.6.10 Authorization to Contract For Services.

In the event the owner, occupant or owner's agent fails to comply as set forth in this article and it becomes necessary for the enforcing officer to remove and abate the violation(s), such officer is hereby authorized to contract with a service agent for and obtain such services and equipment, public or private, as the enforcing officer deems necessary and appropriate to complete the tasks

enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning the procurement of services.

Section 16.6.11 **Liability**

Requirements of this Chapter shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

Section 16.6.12 **Severability**

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