

Official Copy

**SEWER RULES AND  
REGULATIONS OF THE  
CITY OF SPRING HILL  
  
FIRST EDITION, 2013**

Ordinance No. 2013-03  
February 28, 2013

**SEWER REGULATIONS**  
**First Edition, 2013**

- Article 1. Definitions Applicable To Articles 2, 3, 4 and 6.
  - Article 2. Public Sewers.
  - Article 3. Sewer User Charge System.
  - Article 4. Powers, Authority of Director of Public Works.
  - Article 5. Johnson County Environmental Sanitary Code – Private Sewage Disposal Systems, Swimming Pools, Spa Pools and Public Bathing Places.
  - Article 6. Infiltration and Inflow Sources Into Sanitary Sewer System
  - Article 7. Severability Clause.
- 

**ARTICLE 1. DEFINITIONS APPLICABLE TO ARTICLES 2, 3, 4 and 6.**

**13-101. DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in Articles 2, 3, 4 and 6 shall be as follows:

- a) "BOD" (denoting "Biochemical Oxygen Demand") shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.
- b) "Building Drain" shall mean that part of the lowest horizontal piping of 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 (5') outside the inner face of the building wall.
- c) "Building Sewer" shall mean that portion of the sanitary drainage system which carries the domestic sewage or industrial waste from the building to the public or private sewerage system. The building sewer shall be deemed to begin at a point five (5) feet outside the building or foundation wall and to terminate with a connection to the public sewer or the private sewage disposal system.
- d) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- e) Date - A referenced specific date, such as "the 15th", shall mean a period beginning at 8:00 A.M. on the specified date and ending at 5:00 P.M. of that same business day.
- f) "Director" shall mean the Director of Public Works in charge of the Sewer System and Sewage Treatment facilities for the City of Spring Hill or his authorized deputy, agent, or representative.
- g) "Domestic Sewage" shall mean the waterborne wastes derived from ordinary living processes and of such character as to permit its discharge into a public sewer without treatment or into a private sewerage system.
- h) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- i) "Health Officer" shall mean the Director of the Johnson County Health Department or his authorized representative.

- j) "Industrial Wastes" shall mean any and all liquid or waterborne wastes from industrial or commercial processes other than domestic sewage.
- k) "Inspector" shall mean any person duly authorized by the governing body of the city to inspect and approve installation of building sewers and their connection to the public sewer system.
- l) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- m) "Operation and Maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.
- n) "Permit" shall mean a written permit issued by the City Clerk approving and authorizing the construction of a private, sewerage system as required by the Article.
- o) "Person" shall mean any institution, public or private corporation, partnership, association, or individual permitted under Kansas law to own or use real property.
- p) "PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- q) "Private Sewerage System" shall mean any sewerage system, designed and/or constructed for disposal of domestic garbage or industrial wastes in which there will not be any discharge of raw or treated wastes onto any adjacent properties other than that of the property served, or into any fresh water aquifer or into any watercourse.
- r) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree normally prevailing in public sewers, with no particle greater than one-fourth (1/4") in any dimension.
- s) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- t) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- u) "Residential Contributor" shall mean any contributor to the treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.
- v) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- w) "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.

- x) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- y) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- z) "Sewer" shall mean a pipe or conduit for carrying sewage.
- aa) "Shall" is mandatory; "May" is permissive.
- bb) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- cc) "Storm Sewer or Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- dd) "SS" (denoting "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.
- ee) "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, youthful sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as stand by treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste.
- ff) "Useful Life" shall mean the estimated period during which a treatment works will be operated.
- gg) "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.
- hh) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- ii) "Water Meter" shall mean a water measuring and recording device, furnished and/or installed by the City of Spring Hill or furnished and/or installed by a user and approved by City.

## ARTICLE 2. PUBLIC SEWERS

**13-201. USE OF PUBLIC SEWERS REQUIRED.** Rules and regulations relating to the use of public sewers shall be as follows:

- a) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of Spring Hill or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste;
- b) 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 waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provision of this article;
- c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage;
- d) The owner of all houses, building or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting any street, alley or right-of-way in which there is now located a public sanitary sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within ninety (90) days after date of official notice to do so: Provided, that the public sewer is within two hundred feet (200') of the property line.

**13-202. PERMIT REQUIRED: BUILDING SEWERS, CONNECTIONS.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City of Spring Hill.

**13-203. CLASSES OF BUILDING SEWER PERMITS.** There shall be two (2) classes of building sewer permits:

- a) For residential and commercial service;
- b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application which shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city clerk.

**13-204. COSTS, EXPENSE BORNE BY OWNER.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**13-205. SEPARATE, INDEPENDENT BUILDING SEWER.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

**13-206. BUILDING SEWERS: NEW BUILDINGS ONLY.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the inspector to meet all requirements of this article.

**13-207. MATERIAL, BUILDING SEWER.** The size, slope, alignment, materials of construction of a building sewer, and methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the "City of Spring Hill Sanitary Sewer Specifications and Standards, Material and Construction Specifications", and the requirements of the building and plumbing or the applicable rules and regulations of the City of Spring Hill, Kansas.

**13-208. DEPTH OF BUILDING SEWER.** 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 (3') of any bearing wall, which might thereby be weakened. The depth shall be laid at uniform grade and in straight alignment insofar as possible. Change in direction shall be made only with properly curbed pipe and fittings.

**13-209. EXCAVATIONS.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector.

**13-210. JOINTS, CONNECTIONS.** All joints and connections shall be made gastight and watertight and conform to the "Spring Hill Material and Construction Specifications" and also conform to the adopted building and plumbing codes of the City of Spring Hill.

**13-211. CONNECTION, BUILDING SEWER.** 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. If the public sewer is twelve inches (12") in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the inspector. Where the public sewer is greater than twelve inches (12") in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees (45). A forty-five degree (45) ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the inspector.

### **13-213. INSPECTIONS AND SEWER SYSTEMS DEVELOPMENT CHARGES**

a) **Inspections.** The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection in connection with the public sewer. The tap connection to the sanitary sewer main shall be inspected and approved prior to backfilling of the excavation site.

b) **Sewer System Development Charge.**

1. The sewer systems development charge shall be established by resolution adopted by the governing body.
2. **PURPOSE.** A systems development charge is imposed for the purpose of creating a source of funds to assist in paying for the installation and construction of increased capacity in public facilities. This charge shall be collected at the time of development of properties that contribute to the need for extra capacity facilities.
3. **SYSTEM DEVELOPMENT CHARGES TO BE ESTABLISHED BY RESOLUTION.**  
System Development Charges shall be established by resolution and are based on the size of water meter installed for both residential and non-residential uses.

**13-214. EXCAVATIONS; BARRICADES AND LIGHTS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

**13-215. OWNER MAINTENANCE OF BUILDING SEWER LINES.** Maintenance of building sewer lines shall be the responsibility of the property owner, from the point of connection; "the tap", with the public sewer to the building. All costs and expense incident to the maintenance shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the maintenance of the building sewer. Any damage that occurs to the City's Sanitary Sewer Main during maintenance of the building sewer and/or that tap connection will be incurred by the property owner who will also be responsible for the costs of the sewer main repairs.

**13-216. UNLAWFUL DISCHARGES; SANITARY SEWERS.** No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

**13-217. UNLAWFUL DISCHARGES; SANITARY SEWERS.** No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Director of Public Works that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse affect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of the waters, the Director of Public Works shall 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 one hundred fifty degrees (150) Fahrenheit, (54 C).
- B. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) parts per million, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees (150) F (0 and 65 c)
- C. Any gasoline, benzene, naphtha, cleaning solvent, fuel oil or other flammable explosive liquid, solid or gas.
- D. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.75 hp metric) or greater shall be subject to the review and approval of the Director of Public Works or his designated representative.
- E. Any concentrated or high strength industrial wastes such as whole blood, whole milk, whey, eggs or any milk processing waste or any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- F. Solid or viscous substances or of such size capable of causing obstruction to the flow in sewers or other interferences with the proper operation of the sewage waste such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers such as paper dishes, cups, mild containers, etc.

- G. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property, capable or causing damage or hazard to structures, equipment and personnel of the sewage works.
- H. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to, cyanides in excess of two (2) parts per million in the wastes as discharged to the public sewer.
- I. 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 City Engineer for such materials.
- J. Any water or wastes containing phenols or other waste or odor producing substances, in such concentrations exceeding limits which may be established by the City Engineer as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- K. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Engineer in compliance with applicable State or Federal regulations.
- L. Materials which exert or cause:
  - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- M. 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.
- N. Any waters or wastes having;
  - 1. a five (5) days BOD greater than 300 parts per million by weight, or
  - 2. containing more than 350 parts per million by weight of suspended solids, or
  - 3. having an average daily flow greater than 2 percent of the average sewage flow of the City of Spring Hill, shall be subject to the review of the City Engineer. Where necessary in the opinion of the City Engineer, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to;
  - 4. reduce the BOD demand to 300 parts per million by weight, or

5. reduce the suspended solids to 350 parts per million by weight, or
6. control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Engineer and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**13-218. REMEDIES, UNLAWFUL DISCHARGE.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contained the substances or possess the characteristics enumerated in Section 13-216, and which in the judgment of the City Engineer and/or the Director of Public Works, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Director of Public Works 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/or
- d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the City Engineer 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 Kansas Department of Health & Environment (K.D.H.E.) and subject to the requirements of all applicable codes, ordinances and laws.

**13-219. GREASE, OIL, SAND INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

**13-220. PRELIMINARY TREATMENT.** Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**13-221. CONTROL MANHOLE.** When required by the inspector, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be easily and safely located, and shall be constructed in accordance with the plans approved by the inspector. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**13-222. PRELIMINARY TREATMENT FACILITIES.** Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

**13-223. PROTECTION FROM DAMAGE.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest

under charge of disorderly conduct.

**13-224. STORM WATER, UNPOLLUTED DRAINAGE.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the inspector. Industrial cooling water or unpolluted process water may be discharged, upon approval of the City Engineer to a storm sewer, or natural outlet.

**13-225. TESTS AND ANALYSES.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

**13-226. SPECIAL AGREEMENTS.** No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the Governing Body of the City of Spring Hill and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

**13-227. SEWER LATERAL ABANDONMENT.** During the course of building structure demolition and/or dealing with the issue of abandoning a sewer service lateral, there are certain provisions that should be addressed in order to abandon a sewer service lateral. When a sewer service lateral has been physically disconnected from a building structure, and will no longer serve as a sewer lateral connection to the sanitary sewer main, specific construction standards and inspections must be followed to properly "cap" and seal the sewer service connection with the main sewer line.

- 1) Properly "capping" the existing sewer service must be accomplished in order to seal the sanitary sewer collection system from ground water inflow and infiltration as well as rodent/pest intrusion.
- 2) Disconnection and/or cutting of the sewer service lateral must be made at or near the property line, unless circumstances or obstructions warrant disconnection at the sanitary sewer main or other locations approved by the city inspector and/or authorized agent.
- 3) The "cap" and/or fittings used to seal the sewer service lateral, at the point of service line abandonment, must create a tight seal around the entire circumference of the service pipe to keep outside groundwater, soil, and wildlife from entering the abandoned sewer service lateral.
- 4) Inspections at the point of disconnection and/or abandonment must be made and approved by a City Inspector and/or authorized agent.

Any variance and/or changes to the above regulations must be approved by the Director of Public Works or his/her department's representative.

**13-228. MANHOLE ACCESS.** The City of Spring Hill operates and maintains Sanitary Sewer Collection Mains. During the process of design and construction, many of the sewer assets, appurtenances and other components, namely manholes, cleanouts, etc., occupy space along street road right of ways, alleys, and easements. Many manholes are located adjacent to and near private property and are behind fenced areas in backyards, side yards and front yards. As a result, some manholes become covered with landscaping materials, fences, etc. which makes them difficult to locate to conduct routine and emergency collection system maintenance. As noted below, the following requirements must be met by the customer and/or property owner to prevent manholes from being covered:

- 1) Access to Manholes: Manholes and other related appurtenances that are located near/adjacent/within private property must remain accessible to city personnel at all times.
- 2) Construction Activities near Manholes: When building fences or other structures/fixtures around and/or near manholes care must be taken to avoid compromising/limiting access to manholes and other related appurtenances.
  - A. Fences, walls, landscaping, etc. built near or above manholes, may need to be removed in order to access manholes.
  - B. The City is not responsible for replacing as well as for costs to repair fixtures built on or near manholes if access to the manhole is necessary.
- 3) Right to Access Private Property: In order to conduct routine and emergency related maintenance to manhole structures and other related appurtenances, city employees must have access to these structures at all times.

### **ARTICLE 3. SEWER USER CHARGE SYSTEM**

**13-301. PURPOSE.** It is declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and replacement costs for such public wastewater treatment works.

**13-302. SEWER FUND AND SYSTEMS DEVELOPMENT CHARGE RESERVE FUND.**

- 1) The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement costs associated with the treatment works. The user charge shall be established by resolution.
- 2) That portion of the total user charge collected which is designated for operation and maintenance shall be deposited in a separate non-lapsing fund known as the Sewer Fund.

A sewer account within an Impact Fee Reserve Fund shall be established, into which Sewer Impact Fees (Sec. 13-213(B)) shall be deposited. Such fees shall be used for the exclusive purpose of funding improvements to the sewer system necessary due to the expansion of the system to new developments.

- 3) Fiscal year-end balances in the Sewer Fund and the Systems Development Charge Reserve Fund Sewer Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

**13-303. MONTHLY USER CHARGE - DETERMINATION.**

- 1) Each user shall pay for the services provided by the City based on use of the treatment works as determined by water meter(s) acceptable to the City of Spring Hill.
- 2) For residential contributors, monthly user charges will be based on average monthly water usage during the re-averaging period designated as the months of January, February and March of each year.

- 3) For residential contributors, monthly user charges will be based on average month water usage during the months of January, February and March. However, appeals regarding the sewer user charges based upon alternative months may be granted by the City Administrator, or his designee. To administer the appeals, the City Administrator is authorized to adopt policies, standards and practices, regarding the appeals and the granting of any adjustments to the monthly sewer use charges based upon alternative three consecutive month's water usage.
- 4) For residential contributors, either not on the Spring Hill water system or who do not have sufficient water history in the re-averaging period, will be assigned an average monthly sewer charge based on the Spring Hill sewer system average. This assigned average will be in place until the next re-averaging period or until sufficient water history is available.
- 5) For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City of Spring Hill.
- 6) Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Governing Body.
- 7) The user charge rates established in this article apply to all users, regardless of their location, of the City's treatment works.
- 8) For residential contributors who move from one meter location within the Spring Hill Sewer District to another meter location within the Spring Hill Sewer District, monthly user charges shall be transferred from the existing meter's account to the new meter's account for the remainder of the contributor's billing cycle.

#### **13-304. BILLING PROCEDURES.**

1. Monthly Rate Schedules: The minimum monthly user charge and monthly services charges shall be established by Resolution passed by the Governing Body.  
  
Billing Frequency: All accounts of the Spring Hill sewer system shall be billed monthly. Bills shall be due and payable when rendered to the customer.
2. Late Payment Charges: Payment of charges for sewer service is due on or before the 15th day of each month, and is in default thereafter. If payment for the charge for current sewer service, or any portion thereof, is not received in the city office on or before the date indicated on the bill, a Delayed Payment charge of five percent (5%) of the unpaid sewer charges amount will be added thereto.
3. Returned Checks:
  - a. If a customer's check, received by the city for payment of a current or delinquent account balance, is returned unpaid to the city, the amount of such returned check will be charged back to the customer's account and the account will remain unpaid.
  - b. When a returned check has been charged back to a customer's account that account will be subject to normal city collection charges and collection procedures.

- c. Notice of the returned check and account payment reversal will be mailed to the customer stating that the account is subject to normal city collection procedures.
  - d. If an analysis of the customer's account discloses a history of returned checks, the city may require payment for any returned check be made in the form of cash or money order.
  - e. When a returned check is charged back to a customer's account, an insufficient funds fee, in addition to any applicable collection charges, will be added to such account to reimburse to city for costs incurred in processing and handling the returned check. The returned check charge shall be established by resolution.
  - f. When a customer delivers two checks that are returned unpaid to the city within the twelve (12) month period immediately preceding the date of receipt of the second returned check on the customer's account, the city shall demand that payments on the account be made in the form of cash or a money order.
4. Collections: For accounts where water service is not provided by the City of Spring Hill, the City shall institute uniform collection procedures for unpaid sewer accounts receiving three or more billing statements of past due status.

#### **13-305. TWO YEAR REVIEW OF SEWER USER CHARGE RATES.**

- 1) The City will review the user charge system at least every two (2) years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of debt, operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

### **ARTICLE 4. POWERS, AUTHORITY OF DIRECTOR OF PUBLIC WORKS**

**13-401. POWERS, AUTHORITY OF DIRECTOR OF PUBLIC WORKS.** The Director of Public Works and other duly authorized employees of the City of Spring Hill shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

**13-402. POWERS, LIMITED.** The Director of Public Works or his/her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

**13-403. SAFETY RULES.** While performing the necessary work on private property referred to in Section 13-301 above, the Director of Public Works or duly authorized employee of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employee and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13-220.

**13-404. PENALTY.** It is unlawful for any person to violate any of the provisions of this ordinance. Every person convicted of a violation of any of the provisions of this ordinance shall be punished in accord with this

section: a) Fine. Not less than one dollar, nor more than four hundred ninety-nine dollars; or b) imprisonment in the city jail for not more than one hundred seventy-nine days; or c) Both, Fine and imprisonment not to exceed the above. Each day any violation of this code continues it shall constitute a separate offense. Any person convicted of violation of any of the duties set forth in this provision shall be deemed guilty of a misdemeanor and punished in accordance with the above fine, imprisonment or both.

## **ARTICLE 5. JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE - PRIVATE SEWAGE DISPOSAL SYSTEMS, SWIMMING POOLS, SPA POOLS, PUBLIC BATHING PLACES.**

### **13-501. INCORPORATING JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE.**

A. Attached hereto and marked Exhibit A and incorporated herein by reference for the purpose of regulating private sewage disposal systems and swimming pools within the corporate limits of the City of Spring Hill, Kansas, that certain Code known as the "Johnson County Environmental Sanitary Code" Adopted January 29, 2004, by Resolution 008-04, prepared and published in book form by the Board of County Commissioners of Johnson County, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. (Ord. 2006-04)

#### **B. CHAPTER I:**

##### **1. Article 1, Section 10 of said Sanitary Code is hereby changed to read as follows:**

**Section 10. Amendments and Additions.** This Code may be supplemented or its provisions may be amended by Resolution adopted by the Board of County Commissioners, after notice and hearing, as required by law, and any such amendments or additions shall be incorporated within and codified as a part of this Code. Any changes, modifications or additional provisions adopted and imposed by State or Federal law, rule or regulation which are applicable to and administered through the jurisdiction of Johnson County, Kansas, shall be incorporated within and made a part of this Code, with or without notice and hearing, as authorized or required by State or Federal law. The City may, by ordinance, supplement or amend this Code. Prior to making any such modification, the City will notify the county of any such proposed change and provide opportunity for comment. The Board of County Commissioners must approve any proposed modification of the Code prior to its enforcement by the County.

##### **2. Article 2, Section 4 of said Sanitary Code is hereby changed to read as follows:**

**Section 4. Definitions.** The following words, terms and phrases appear in more than one Chapter of this Code and, thus, have general application and usage. Words, terms, and phrases appropriate or applicable to specific Chapters within this Code are defined, where necessary, within those Chapters. Unless the context requires or specifies otherwise, the following words, terms or phrases, as used in this Code, shall be given the meaning defined in this Section.

- A. Access: Entry into or upon any real estate, structure or vehicle including any part thereof.
- B. Administering Agency: The agency or official designated in any of the Chapters contained in this Code to administer the provisions of that Chapter or any Section therein.
- C. Administrative Rules: Any regulation adopted by an administering agency, which the agency determines to be necessary and appropriate to enable it to fulfill its duties and responsibilities under this Code.
- D. Agricultural Purpose: A land use related to the production of livestock or crops, including growing

crops or pasture and functions immediately and necessarily related thereto, and the feeding of livestock by the resident on the land, but does not include any structure used as a dwelling or the sewage disposal system servicing such dwelling.

- E. Applicant: Any person who submits an application or requests permission to do some act regulated by this Code.
- F. Application: The application form provided by an administering agency, including the filing fee and any other supporting documents required by the agency.
- G. Authorized Representative: A person who is designated by an administering agency to administer the provisions of this Code or any Chapter therein.
- H. Board of Health: The Board of County Commissioners acting as the Board of Health.
- I. Board of County Commissioners: The Board of County Commissioners of Johnson County, Kansas.
- J. City: The City of Spring Hill, Kansas.
- K. Class V. Well: Those wells defined in the Federal Underground Injection Control (UIC) program as Class V [40 C.F.R. 146.5(e)] and regulated by the Kansas Department of Health and Environment.
- L. Director of Public Works: The individual at the City of Spring Hill employed in this position or his duly authorized representative.
- M. Domestic Sewage: Sewage which is normally characterized as and is similar to residential wastewater, not commercial or industrial activity, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks of a residential dwelling.
- N. Effluent: The liquid waste discharged from a sewage disposal system.
- O. Establishment: Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.
- P. Flood Plain: Land that may be submerged by flood waters, but is not normally submerged.
- Q. Ground Water Table: The upper surface of ground water in the zone of saturation of a geologic formation.
- R. Health Officer: The legally appointed Health Officer of Johnson County, appointed in accordance with K.S.A. 65-201 or his duly authorized representative.
- S. Hearing Officer: Any person designated in this Code, or by an administering agency, to hear appeals from decisions made by an agency representative relating to the enforcement and administration of this Code.
- T. Industrial and Commercial Wastes: Any wastes produced as a by-product of any industrial or commercial process or operation, other than domestic sewage.
- U. Industrial and Commercial On-Site Wastewater System: Class A: Used for or designated as

having the potential for the use or discharge of industrial or commercial waste, or a Class V well used exclusively for domestic waste which serves twenty (20) or more fulltime equivalents per day. A fulltime equivalent is a person who occupies a building during a 24-hour day. Class B: Used solely for domestic waste located at a commercial or industrial site, and determined not to have potential for the discharge of industrial or commercial waste.

- V. Law: Includes Federal, State, and local statutes, ordinances, regulations and resolutions.
- W. Permit: The written permission to perform some act regulated by this Code, including, for example, permission to construct or permission to operate.
- X. Person: An individual, corporation, partnership, association, state, or political subdivision thereof, federal agency, state agency, municipality, commission, or interstate body or other legal entity.
- Y. Point Source: Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- Z. Pollution: Any induced alteration of the physical, chemical, biological, and radiological integrity of water, air, soil (both surface and subsurface), or contamination of food or foodstuffs.
- AA. Premises: Any lot or tract of land and all buildings, structures or facilities located thereon.
- BB. Privy: A biological composting facility used for the disposal of human excreta.
- CC. Sanitary Sewage System: Any system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment and disposal of sewage.
- DD. Schedule of Compliance: A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any regulation or limitation.
- EE. Sewage: A combination of liquid wastes which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, which is discharged from a dwelling, building, or other establishment.
- FF. Sewer District: Any quasi-municipal corporation duly formed, authorized and empowered to plan, construct and operate a public sewer system.
- GG. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. "Subdivision" includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, map, plat or other recorded instrument.
- HH. Wastewater: Liquid or water carrying pollutants or water contaminants from industrial, municipal, agricultural or other sources.

**3. Article 5, Section 4 of said Sanitary Code is hereby changed to read as follows:**

**Section 4. Abatement of Nuisances.** The administering agency may maintain a civil action in injunction, in the name of the Board of County Commissioners of Johnson County, or any municipality

in which this Code is applicable, to abate and enjoin a nuisance. The City may maintain a civil action, including obtaining injunctive relief, to abate and enjoin a nuisance.

**4. Article 6, Section 1 of said Sanitary Code is hereby changed to read as follows:**

**Section 1. Appeal for Hearing.** Except as otherwise provided in Article 5 of this Chapter, any person aggrieved by any notice, final order, or denial of a permit or license by an administering agency may request a hearing on the matter before the Hearing Officer appointed by the administering agency if such person files with the agency within ten (10) days after the date of issuance of the notice, order, or denial a written request for a hearing setting forth the grounds on which the request is made. The filing of the request for hearing shall operate as a stay of any notice or other except an emergency order. The notice of appeal shall also be filed with the Director of Public Works.

**5. Article 6, Section 4 of said Sanitary Code is hereby changed to read as follows:**

**Section 4. Decision.** Within ten (10) days after the conclusion of the appeal hearing, the hearing officer shall issue a written decision to the petitioning party. That decision may sustain, modify or deny the decision of the agency. A copy of the decision shall also be provided to the Director of Public Works.

**C. CHAPTER II:**

**1. Article 1, Section 4(d). of said Sanitary Code is hereby changed to read as follows:**

**Article 1, Section 4(D). Existing Tracts and Lots of Record:** The owner of any land, which is a tract or lot of record on the effective date of this Code but which does not contain sufficient size or acreage to satisfy the minimum lot size requirements for any permit specified under this Code, may apply for and receive a permit under the applicable provisions of this Chapter if:

- 1) The tract or lot size is at least one (1) acre; and
- 2) The installation and use of the system shall be exclusively for domestic wastes and will comply with all other requirements of this Code; and
- 3) The lot is located in a plat which has received final plat approval on or before the effective date of this Code or the lot or tract is not platted but is duly recorded as a lot or tract of record prior to the effective date of this Code; and
- 4) The lot or tract is not located within the boundaries of any sewer subdistrict operated by the Johnson County Unified Wastewater Districts or other municipalities; and
- 5) The application for a permit under this exception is filed with the Environmental Department on or before December 31, 2000.

From and after December 31, 2000 all applications for a permit for a system treating domestic wastes, including those for existing lots and tracts of record, shall comply with the minimum lot size requirement of two (2) acres.

**2. Article 1, Section 5, of said Sanitary Code is hereby changed to read as follows:**

**Section 5. Variances.** After December 31, 2000, any person who owns a lot or tract of land which has been recorded or platted as a lot or tract of record prior to the effective date of this Code may

apply for and receive a variance from the minimum lot size requirements established by this Code for the installation, use or operation of any type of private sewage disposal system if, after inspection and evaluation, the code official of the Johnson County Environmental Department determines, in coordination with the Johnson County Planning Office and the Director of Public Works, that the system can and will comply with all other applicable requirements of this Code and the applicable zoning and subdivision regulations of the City. The Environmental Department shall adopt standards to apply in granting such variances.

**3. Article 1, Section 6 of said Sanitary Code is hereby changed to read as follows:**

**Section 6. Rule Exceptions.** The owner of any land or the user of any on-site sewage disposal system regulated by this Chapter may apply for an exception to any standard, specification, rule or regulation prescribed in this Chapter, which is not otherwise discretionary, under the authorities granted to the Director of the Environmental Department or other administering agency.

- A. Application: Application for any rule exception under this Section shall be filed with the Director of the Environmental Department on approved and authorized forms and shall contain the following information:
1. The name of the applicant;
  2. The name of the property owner if different than the applicant;
  3. The address and legal description of the property;
  4. The zoning and land use, existing and proposed, for the property;
  5. The express rule, regulation or requirement for which exception is sought;
  6. A detailed description of the plan, action, or other specification which is proposed in alternative to the rule or requirement.
- B. Application Fee: There shall be and hereby is imposed a fee of fifty dollars (\$50.00) for and upon each application for a rule exception filed under this Section. The fee shall be charged and paid for each separate tract, lot or sub-part of a tract or lot subject to the application and for each rule, regulation or requirement for which exception is sought.
- C. Report and Recommendation: Upon receipt of any application for a rule exception under this Section, the Director of the Environmental Department or his designee shall evaluate the application and may conduct such site inspections or other investigations as he deems appropriate, and may require, the applicant to submit additional facts, information or tests as may be reasonably necessary to render a decision on the application. The Director or his designee shall prepare a report and recommendation on the application within seven (7) days after receipt of the application and of all required additional information. A copy of the report and recommendation shall be sent to the applicant, to any appropriate planning or governmental body, including the Director of Public Works, to the Johnson County Unified Wastewater Districts, and to any other interested person or party.
- D. Final Decision: The report and final recommendation of the Director, or his designee, shall be and become the final decision on the application unless, within fourteen (14) days after the date of the report and final recommendation, the applicant or other interested party or governmental body requests in writing a formal review of the application or final recommendation. Any final decision of the Director, or his designee, shall be issued in the form of a written administrative order, and the order shall be certified and recorded with the County Register of Deeds and a

copy sent to the Director of Public Works.

- E. Review Proceeding: Whenever a timely request for a review of any application or final recommendation is filed with the Director, a review proceeding shall be conducted in accordance with this subsection.
1. Review of Design, Specifications or Standards: If the application requests an exception to any design criteria or technical specification or standard required under this Article, then the review shall be conducted by the Board of Code Review for Johnson County. The Board of Code Review shall hold its meeting to consider the application or recommendation within fourteen (14) days after a request for review is filed with the Director. Notice of the meeting shall be provided in writing to the applicant, the party seeking review, the Director, and any other interested person or governmental body, including the Director of Public Works.
  2. Review of Land Use Considerations: If the application requests an exception to any land use consideration, including but not limited to minimum lot sizing, then the review shall be conducted by the Board of County Commissioners. A notice stating the exception requested and the date, time and place of the review proceeding shall be published by the applicant in a newspaper of general circulation in the area where the site is located at least seven (7) days, but not more than fourteen (14) days, prior to the proceeding date. A copy of the notice shall be mailed by the applicant to the owner of any property located within 1000 feet of the site location and to any appropriate planning or governing body, including the Director of Public Works, at least seven (7) days prior to the date set for the review proceeding.
- F. Standards for Review: The report and recommendation of the Director, or his designee, shall be given substantial difference upon any review, but the person applying for any rule exception shall have the responsibility, in all instances, to demonstrate that the exception is justified and necessary. No rule exception shall be granted, either by final decision of the Director, or his designee, or upon any order of a review proceeding unless it is found and determined that:
1. The rule or requirement for which an exception is sought cannot practically be met as applied to the property without extreme and undue hardship; and
  2. The rule exception will not adversely affect the proper and efficient operation of the private sewage disposal system nor require extraordinary monitoring, care or maintenance; and
  3. The system as proposed will comply with all other applicable rules, regulations or requirements and will not cause nor result in any identifiable risk to the environment or public health.
- G. Decision on Review: The decision in any review proceeding authorized in this Section shall be issued, in writing, within seven (7) days after completion of all review proceedings. A copy of the final decision shall be certified and recorded with the County Register of Deeds and a copy sent to the Director of Public Works. Any final decision on any application for a rule exception under this Article shall be solely within the discretion of the Director or the reviewing board and shall not be subject to review by nor overturned in any court or other jurisdictional body in the absence of demonstrated fraud or deliberate, capricious action.

## ARTICLE 6. INFILTRATION AND INFLOW SOURCES INTO SANITARY SYSTEM.

**13-601. PURPOSE.** The purposes of these regulations are:

- a) To promote the health, safety and welfare of the public; and
- b) To prescribe rules, regulations, standards and enforcement procedures for the minimization, control or elimination of potential and actual sources or causes of storm water infiltration and inflow into the sanitary sewer system operated by the City of Spring Hill.

**13-602. APPLICABILITY.** These regulations shall be applicable to any sewer system within the City of Spring Hill, Kansas.

**13-603. DEFINITIONS.** For purposes of Article 5, Chapter XIII the following definitions shall apply:

- a) **Access:** Entry into or upon any real estate or structure including any part thereof.
- b) **Administration:** The City of Spring Hill is hereby designated as the agency responsible for administering the provisions of this Article.
- c) **Infiltration:** The water entering a sewer system, including sewer service connection, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- d) **Infiltration/Inflow:** A combination of infiltration and inflow waste water volumes in sewer lines, with no way to distinguish either of the basic sources, and with the same effect of usurping the capacities of sewer systems and other sewer system facilities.
- e) **Inflow:** The water discharged into a sewer system, including service connections, from such sources as, but not limited to, roof leaders; cellar, yard, and area drains; foundation drains, cooling water discharges; drains from springs and swampy areas, manhole covers; cross connection from storm sewers, combined sewers, catch basins; storm waters; surface runoff; street washwaters; or drainage. Inflow does not include, and is distinguished from, infiltration.
- f) **Sanitary Sewage System:** A system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment or disposal of sewage.
- g) **Schedule of Compliance:** Means a schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any control regulation or effluent limitation.
- h) **Sewage:** Means a combination of liquid wastes which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and which is discharged from a dwelling, building, or other establishment.
- i) **Sewage Treatment Works:** Means a system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive more than two

thousand gallons of sewage per day. The term "sewage treatment works" includes appurtenances such as interceptors, collection lines, youthful and outlet sewers, pumping stations, and related equipment.

**13-604. POLICY.** No person shall henceforth make or allow connection of roof downspouts, interior or exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which is connected to a public sanitary sewer or directly to a public sanitary sewer, even though such connection may have been allowable when made under then existing standard, rule or regulation.

**13-605. INFRACTIONS AND PENALTIES.**

- a) **Obstruction of an Administering Agency:** Obstruction of an administering agency is the willful obstruction of or interference with a representative of the agency designated as responsible for administering this Article when such representative is discharging his or her official duties under this Article. Obstructing an administering agency is a misdemeanor.
- b) **Failure to Comply with an Administrative Order:** Failure to comply with an order is failing or refusing to comply with a written order issued by the administering agency within such reasonable time as the agency may specify in the order. Failure to comply with an agency order is a misdemeanor.
- c) **PENALTIES.** Notwithstanding any other provisions of this Article, a violation of any provision of this Article shall be deemed to be an unclassified misdemeanor and punishable by a fine not to exceed two hundred (\$200.00) dollars for each offense, and each day's violation shall constitute a separate offense.
- d) **PROSECUTION.** The Spring Hill Municipal Court shall prosecute any violation of the provision of this Article.
- e) **NOTICE OF VIOLATION.** Proceedings for violation of this Article shall be in accordance with the provisions of the K.S.A. 12-4201, et seq.

**13-606. CIVIL REMEDIES.**

- a) **Disconnection Order.** The City Administrator may issue an order directing the owner of a premises to disconnect a private infiltration or inflow source from the sanitary sewer system. The order shall be effective not less than 90 days from its date of issuance. The order may state a deadline for compliance, but such deadline shall not be more than one (1) year after issuance of the order.

Within 60 days after receipt of the order the owner may request a review hearing before the City Administrator by filing a written request therefore with the City Clerk. The filing of such request shall act as a stay of the order. After such hearing the City Administrator may affirm, set aside or modify such order.

- b) **Termination of Service.** The City of Spring Hill may terminate sanitary sewage service to any premises the owner of which refuses to comply with an order to disconnect a storm water inflow source from the sanitary sewer system. The termination shall be effective 30 days after service upon the owner. Service of the order shall be in person or by restricted delivery mail.

After receipt of the order, the owner may request a hearing by filing a written request therefore with the City Administrator prior to the terminate date. The filing of such request shall act as a stay of the termination order. After hearing, the City Administrator may affirm, set aside or modify the terms of such order.

- c) **Abatement of Nuisances.** The administering agency may maintain a civil action by injunction, in the name of the City of Spring Hill, to abate and temporarily or permanently enjoin the continuing connection of a private infiltration or inflow source as a nuisance, in any court of competent jurisdiction.
- d) Any decision of the City Administrator entered after a review hearing may be appealed de novo to the City Council, and the Council may affirm, set aside or modify the order as issued or as modified.

### **13-607. ACCESS AND ENTRY.**

- a) **Access:** Representatives of the administering agency shall have the right to make an inspection of such establishments, premises, places and localities for the purpose of determining compliance with this Article. Inspections shall be done at a reasonable time.
- b) **Notice:** If the building, premises or establishment to be inspected is occupied, the representative shall first present proper credentials and request entry, and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.
- c) **Search Warrants:** If, after proper request, entry or access is refused, the administering agency may compel such access by application to a court of competent jurisdiction, provided, however, that the agency complies with the provisions of Section 15 of the Kansas bill of Rights and the fourth amendment to the United States Constitution relating to unreasonable searches and seizures.

**13-608. FINANCIAL ASSISTANCE.** Financial assistance in the form of partial or full reimbursement for the cost of disconnecting prohibited infiltration and inflow sources shall be provided to persons who receive and comply with a Disconnect Order as described in Section 13-506. Such reimbursement shall be in the amount and subject to the terms set out in this Article.

**13-609. PROCEDURE.** Upon verification by the administering agency that a prohibited private sector infiltration or inflow connection exists the agency shall issue a Disconnect Order to the landowner subject to the conditions set out in Section 13-506.

The owner shall comply with the order by having the work done by a plumbing or other competent contractor, through self-help, or other means at his or her discretion.

All work shall be done in a workmanlike manner and shall comply with the minimum standards of design for such device, structure, appurtenance or connection. Uniform minimum standards of design shall be established or adopted by the Public Works Director as established in Section 13-510.

After the landowner completes the disconnection the agency shall reinspect the premises to verify compliance with the Disconnect Order and verify that there are no other illegal connections.

If compliance with this Article is verified the agency shall pay to the owner as reimbursement for his or her expense of disconnection an amount equal to the actual cost of labor and materials, but not to exceed a

maximum amount per source established by a Resolution adopted by the Governing Body.

Acceptance of reimbursement shall constitute a consent by the person accepting such payment to a reinspection of the premises by the agency within one year following payment for the sole purpose of verifying continued compliance with this Article. Such reinspection shall be done at a convenient time.

**13-610. SOURCE OF FUNDS.** Payment of reimbursement described in Section 13-509 of this Article shall be made from funding from the Johnson County Community Block Grant Program or other sources of funds authorized by the Governing Body.

**13-611. COORDINATOR.** The Director of Public Works is hereby designated the "Private Infiltration and Inflow Coordinator". The Coordinator shall be responsible for the implementation and administration of this Article. The Coordinator is authorized to establish procedures and to adopt uniform minimum standards of design to effectuate and implement its intent.

**13-612. DISCLAIMER OF LIABILITY.** This Article shall not be construed or interpreted as imposing upon the City or its officials or employees (1) any liability or responsibility for damages to any property; or (2) any warranty that any system, installation or portion thereof, that is constructed or repaired under permits and inspections required by this resolution will function properly. In addition, the administrative authority or any employee charged with the enforcement of this Article acting in good faith and without malice for the authority in the discharge of his or her duties, shall not thereby render himself personally liable and is hereby relieved from personal liability for damage that may occur to any person or property as a result of any act required by this Article in the discharge of his duties.

#### **ARTICLE 7. SEVERABILITY CLAUSE**

**13-701. SEVERABILITY.** If any clause, sentence, paragraph, section or subsection of Articles 1 through 5 shall be adjudged invalid for any reason whatsoever, by a court of competent jurisdiction such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof so found invalid.