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~~ORDINANCE NO.~~

84

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEM, THE LICENSING OF PLUMBING; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF ANDOVER, COUNTY OF BUTLER, STATE OF KANSAS.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF ANDOVER, STATE OF KANSAS, AS FOLLOWS:

ARTICLE I

Definitions

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

Section 101. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 102. "Superintendent" shall mean the Superintendent of Sewage Works of the City of Andover, or his authorized deputy, agent, or representative.

Section 103. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground and surface waters as may be present.

Section 104. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 105. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 106. "Combined Sewers" meaning sewers receiving both surface run-off and sewage, are not permitted.

Section 107. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters, are not intentionally admitted.

Section 108. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage; but excludes sewage and polluted industrial wastes.

Section 109. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 110. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

Section 111. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Section 112. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch in any dimension.

Section 113. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

Section 114. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 115. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C., expressed in parts per million by weight.

Section 116. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 117. "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.

Section 118. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Section 119. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 120. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 121. "Shall" is mandatory, "May" is permissive.

ARTICLE II

Use of Public Sewers Required

Section 201. It shall be unlawful for any person to place, deposit, or permit to be deposited in an insanitary manner upon public or private property within the City of Andover, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

Section 202. It shall be unlawful to discharge to any natural outlet within the City of Andover, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 203. 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. However, an exception should be made that a properly constructed concrete vault privy will be permitted under unusual circumstances unless such should not be used because of sanitation or other reasons.

Section 204. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required at his 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 ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. (See Sec. 203).

ARTICLE III

Private Sewage Disposal

Section 301. Where a public sanitary sewer is not available under the provisions of Section 204, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (See Sec. 203).

Section 302. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City; which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of five (\$5.00) dollars shall be paid to the City Treasurer at the time the application is filed.

Section 303. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent. (See Sec. 203).

Section 304. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Division of Sanitation, Kansas State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre (43,560) square feet, unless if a public water supply is used, no less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. (See Sec 203).

Section 305. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 301, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (See Sec. 203).

Section 306. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

Section 307. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

ARTICLE IV

Section 401. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent.

Section 402. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of five (\$5.00) dollars for a residential or commercial building sewer permit and fifteen (\$15.00) dollars for an industrial building sewer permit shall be paid to the City Treasurer at the time the application is filed.

Section 403. 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 of damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 404. 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.

Section 405. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

Section 406. The building sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal; vitrified clay sewer pipe, ASTM specification (C123-HHT); or plastic pipe PVC 1120, SDR 4:1 of ASTM Designation D-1764. Joints for PVC pipe shall be either O-ring rubber gasket joints or solvent cemented joints, or equal. All joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.

Section 407. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) or six (6) inches. The slope of such 6-inch pipe shall be not less than one-eighth (1/8) inch per foot. If 4-inch pipe is allowed, 1/4 inch per foot slope should be the minimum for that size connection.

Section 408. 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 (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, including cleanout fittings.

Section 409. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain

shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment, for which cross-connections with a public water supply system are needed, is prohibited.

Section 410. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.

Section 411. All joints and connections shall be made gastight and watertight.

Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications (QQ-L-156), not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured or cold formed asphaltic jointing material as specified below. Clay pipe may have factory applied joint meeting ASTM specification (C-125).

Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160°F.) degrees Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.

See sewer system specifications for jointing compounds and other pertinent information if either hot poured or cold asphaltic materials were specified. Other jointing materials and methods may be used only if approved by the Division of Sanitation, Kansas State Board of Health.

Section 412. 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, (12) inches 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 Superintendent. Where the public sewer is greater than twelve (12) inches 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 (45°) degrees. A forty-five (45°) degree 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 Superintendent.

Section 413. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Section 414. 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.

Section 415. Connection with the mains or laterals of the sewer system, direct or indirect, may be provided to property owners outside the boundaries of any county or city sewer district. Charge for such connection shall be as follows:

Single family dwelling	\$ 450.00
Duplex	\$ 650.00
Others	\$ 650.00, plus \$ 200.00 for each living unit in excess of two

For the purposes of this section a mobile home is to be considered a single family dwelling.

Section 416. A sewer service charge of \$2.00 per month per mobile home shall be collected from the occupants of each mobile home, provided, no such sewer service charge shall be collected when said mobile home is located on property owned by the occupants and there is no other sewer service to a permanent dwelling located on the same property. Such charge is in addition to all other charges herein provided and shall be paid to the City Clerk on or before the 10th day of each month for that month's service. Upon the failure of any such occupant to pay such charge on or before the 15th day of the month, the City Clerk shall notify such occupant that the charge is unpaid. If the charge remains unpaid for a period of five days after such notice, service to such mobile home shall be terminated.

ARTICLE V

Use of the Public Sewers

Section 501. 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 sewers.

Section 502. Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent, to a storm sewer, or natural outlet.

Section 503. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150° F.
- (b) Any water or waste which may contain more than (100) parts per million by weight of fat, oil, or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (d) Any garbage that has not been properly shredded.
- (e) Any 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 or other interference with the proper operation of the sewage works.
- (f) Any waters or wastes having a pH lower than (5.5) or higher than (9.10), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (g) Any waters 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.
- (h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or that may degrade the quality of the treated sewage.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Section 504. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Section 505. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 506. The admission into the public sewers of any waters or wastes having (a) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in Section 503, or (d) having an average daily flow greater than 2 per cent of the average daily sewage flow of the City, shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 503, or (c) 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 Superintendent and of the Division of Sanitation, Kansas State Board of Health, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 507. 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.

Section 508. When required by the Superintendent, 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. 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.

Section 509. All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in Sections 503 and 506 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for in Section 508, 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.

Section 510. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

ARTICLE VI

Protection from Damage

Section 601. 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.

ARTICLE VII

Powers and Authority of Inspectors

Section 701. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

ARTICLE VIII

Plumbing License

Section 801. Anyone engaging in or desiring to engage in the business of plumbing in the City of Andover shall before obtaining a permit, procure a license from the City Clerk of the City of Andover, which license shall expire on the first day of January, after the year in which issued. No license shall be transferable from one person to another.

Section 802. Before a plumbing license is issued, the applicant shall file with the City Clerk a Surety Bond in the amount of two thousand dollars (\$2,000) which shall require the approval of the City Council. The condition of said Bond to be that the principal therein will comply with all ordinances of the City relating to and regulating plumbing.

Section 803. The Bond shall also hold and save the City of Andover harmless from any and all damages to persons or property resulting from or growing out of any opening or excavation of any sort made, or from any operation made within the City of Andover, Kansas.

Section 804. The fee for plumbing license shall be Five dollars (\$5.00).

ARTICLE IX

Penalties

Section 901. Any person found to be violating any provision of this ordinance except Section 601 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 902. Any person who shall continue any violation beyond the time limit provided for in Section 901 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding two hundred dollars (\$200.00) or be imprisoned not to exceed three (3) months, or be both so fined and imprisoned for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 903. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

ARTICLE X

Validity

Section 901. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 902. Ordinances numbered 10 and 11, as amended, are repealed.

Section 903. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

ARTICLE XI

Ordinance in Force

Section 1001. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Passed and adopted this 11th day of
May, 1968.

Approved this 11th day of May, 1968.

Hal Baker
MAYOR

ATTEST:

Glenda E. Clay
CITY CLERK
(SEAL)