

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
August 12, 2021  
7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Lewis \_\_\_\_ Brown \_\_\_\_ Beem
2. **Welcome**
3. **Pledge of Allegiance**

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes from July 22, 2021 Regular City Council Meeting
5. Approve Final Acceptance of 1<sup>st</sup> & Meriwood Stormwater Repairs and Final Payment to J. Richardson Construction Co.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**Regular Agenda**

6. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

**Business Requiring Action**

7. **CONSIDER THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-02 FOR THE REZONING OF APPROXIMATELY 106.131 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION AT W 199TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOUHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

**APPLICANT HAS WITHDRAWN APPLICATION ZA2020-02. NO FURTHER ACTION WILL OCCUR RELATED TO THIS APPLICATION.**

8. **CONSIDER ORDINANCE NO. 2087 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-03) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W. 200TH STREET, EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

9. **CONSIDER RESOLUTION 08-12-21A PROVIDING A DEADLINE OF OCTOBER 14, 2021 TO RESOLVE A DANGEROUS AND UNFIT STRUCTURE EXISTING AT 707 W. NELSON STREET, #112, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

10. **CONSIDER ORDINANCE 2088 RESTATING CHAPTER XV OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO REMOVE ACTUAL DOLLAR VALUES RELATED TO APPLICABLE FEES CHARGED AND INSTEAD REFERENCING THE CURRENT FEE RESOLUTION AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

11. **CONSIDER ORDINANCE 2089 AMENDING CHAPTER I OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE ARTICLE 8, SECTION 1-801 REGARDING THE COSTS OF COLLECTION AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

12. **CONSIDER ORDINANCE 2090 AMENDING CHAPTER IV OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 4-414 REGARDING UNFIT DWELLINGS AND CONNECTION TO THE CITY WATER AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

13. **CONSIDER ORDINANCE 2091 AMENDING CHAPTER XV OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-145 REGARDING UNFIT DWELLINGS AND CONNECTION TO THE CITY WATER AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

14. **CONSIDER RESOLUTION NO. 08-12-21B ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**15. Report by the City Administrator**

- Marketing and Communications Update
- Solid Waste Contract Expiration & Bid

**16. Report by the Mayor**

**17. Future Meeting Reminders:**

- August 26<sup>th</sup>: City Council Meeting – 7:00PM
- September 9<sup>th</sup>: City Council Meeting – 7:00PM
- September 14<sup>th</sup>: Planning Commission Meeting – 7:00PM
- September 23<sup>rd</sup>: City Council Meeting – 7:00PM

18. **Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

## EVENTS

August – Early September: JCPRD Walk & Read at Big Bull Creek Park

August 13<sup>th</sup>: Yappy Hour Dog Event at Martin Creek Park

August 25<sup>th</sup>: Wake and Walk

August 28<sup>th</sup>: Nocturnal Nature at Big Bull Creek

September 6<sup>th</sup>: City Hall Closed for Labor Day

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**July 22, 2021**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on July 22, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	absent
Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow
- Accountant Justin Vermillion
- Public Works Director Dan Merkh
- CIP Manager Brian Stanley
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

Mayor Roberts read a letter from Ron Conus delivered to City Hall on July 21, 2021. In the letter Councilmember Conus resigned from the Council effective immediately. Councilmember Longanecker moved to accept the resignation of Councilmember Conus, Councilmember Brown seconded the motion. Councilmember Conus' resignation was accepted, 3-0.

**Consent Agenda**

4. Approve Minutes from July 8, 2021 Regular City Council Meeting
5. Final Acceptance of Homestead Lane Intersection Improvements
6. Accept Concurrence to Bid the Community Development Block Grant (CDBG) 7<sup>th</sup> and Nelson Sanitary Sewer Project

Councilmember Beem moved to approve the Consent Agenda, the motion was seconded by Councilmember Longanecker. The Consent Agenda was approved, 3-0.

**Regular Agenda**



7. **Declaration.** No Councilmember had anything to declare at this time.

**Business Requiring Action**

8. **CONSIDER ORDINANCE NO. 2086 AUTHORIZING OPERATION OF ALL-TERRAIN VEHICLES, GOLF CARTS, LOW SPEED VEHICLES, WORK-SITE UTILITY VEHICLES AND MICRO UTILITY TRUCKS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF EDGERTON, KANSAS SUBJECT TO SPECIFIC RESTRICTION AND REQUIREMENTS; PROVIDING FOR THE REPEAL OF PORTION OF ARTICLE 14, SECTION 114 OF THE STANDARD TRAFFIC ORDINANCE, AS AMENDED, REGULATING THE ABOVE-NAMED VEHICLES AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH**

Mayor Roberts stated he will allow public comment after City Staff presentation. Councilmember Lewis joined the meeting at 7:03 PM.

Ms. Beth Linn, City Administrator, addressed the Council. She stated in September of 2020, the Council held a work session to discuss possible regulations to allow various types of vehicles on City streets. Additionally, in January of 2021, City Staff brought forward several topics for additional direction from the Council in working with the City Attorney to draft the regulations and Sheriff's Office for consideration in enforcement of draft regulations. Those draft regulations were provided in the packet for this meeting.

Ms. Linn explained Sections 1 through 5 of the regulations define the types of vehicles included in this section of Code as defined by the Standard Traffic Ordinance (STO). These sections included definitions from the STO as it is written today. She added Section 9 references that should the definition of any of those be updated in a future version of the STO, then the City's definition would be updated and amended as well. Ms. Linn listed the vehicles as All-Terrain Vehicle (ATV), Golf Carts, Low-Speed Vehicle, Work-Site Utility Vehicle, and Micro Utility Truck. She added that based on the recommendations from the City Attorney and Sheriff's Office, the draft regulations prohibit straddled ATVs. If the Council would prefer to remove that prohibition, then Section 1(b) would need to be stricken from the ordinance.

Ms. Linn said Section 6 defines the regulations for operation of the vehicles. A valid driver's license without any restrictions is needed and the vehicles may be operated from sunrise to sunset. She stated all Kansas motor vehicle seat belt and child safety seat or booster seat regulations apply, regardless of whether they have been factory installed or not. All of the vehicles are required to have headlights, taillights, and at least one rear view mirror, regardless of whether they have been factory installed or not.

Ms. Linn outlined Section 7 which sets limitations on roads and streets and insurance requirements. The vehicles can only be operated on City roads and streets with a speed limit of thirty-five (35) miles per hour (MPH) or less. Users are required to have an annual City permit and will need to verify proof of liability insurance. The permit will need to be displayed prominently on the rear of the permitted vehicle and needs to be visible when the vehicle is driven. Proof of liability insurance is to be carried while the vehicle is in operation and produced upon request from law enforcement. Ms. Linn explained any violation of the ordinance may be cause for revocation of the City issued permit by the City Administrator

with notice provided to the owner, operator, or dealer. A permit that has been revoked may be appealed to the Governing Body by filing a written appeal to the City Clerk within five (5) business days of written notice of revocation. The Governing Body may choose to hear or refuse to hear the appeal. Any owner or operator may apply for a City permit and must complete an application, attach a copy of the proof of insurance, agree to obey all sections of the ordinance, and pay the associated fee. Permits will be renewable annually with the application and fee paid on or before January 15<sup>th</sup>.

Ms. Linn stated Section 8 of the ordinance provides the regulation for how the vehicles should be driven or operated on roadways laned for traffic. Section 10 deems any violation of any provision of the ordinance as a traffic infraction. She said the draft ordinance was prepared by the City Attorney and if passed, City Staff will bring forward a revision to the Annual Fee Resolution at the August 12, 2021 Council meeting to add the Unconventional Vehicle Permit Fee based on the fee amount recommended by the Council.

Mr. Chad Courtois, 526 Heather Knoll Drive, stated he has concerns regarding Section 1. He stated with the definition provided of an ATV, by not allowing straddled vehicles, the City would allow go-carts or other homemade vehicles. He believes removing Section 1 would make the ordinance more inclusive. Mr. Courtois stated he also concerns regarding the hours of operation. He stated the highlight of this ordinance would being able to drive to and from City events. He also hopes the Council decides on a one-time fee with a lower renewal fee.

Councilmember Longanecker stated the sun sets later in the day during the summer and earlier in the winter and that can be tricky to enforce. Councilmember Lewis inquired what the time is listed on the noise ordinance. Ms. Linn explained the noise ordinance addresses amplified noise like music. She read Chapter XI, Article 6, Section 11-602 noting that there is not a time outlined in the section. Section 11-603, which covers prima facie violations, notes a violation between the hours of 10:00 p.m. and 8:00 a.m.

Councilmember Brown inquired why lights are required when the vehicles can only be driven during the daytime. Mr. Lee Hendricks, City Attorney explained during the discussions of this ordinance, it was decided lights could be needed during inclement weather. Councilmember Brown asked why break lights or turn signals were not included in the required equipment. He stated he believes that equipment should be required like all other vehicles. He explained aftermarket turn and break light kits are available.

Councilmember Lewis stated there are no seatbelts on many ATVs. Ms. Linn stated the current ordinance does not allow straddled vehicles, but if Section 1 is removed, then the seatbelt section should be edited as well. Mr. Hendricks agreed with Ms. Linn.

Mr. Hendricks looked up the definition of different kind of vehicles in the STO. He explained there is no definition for go-cart but can be added. Commissioner Lewis stated a regulation for engine sizes could be added as well. Mr. Courtois inquired what ATV can't be straddled. Mr. Hendricks stated it was best for the City to use the definition in the STO as it stays consistent, and the City adopts the STO by another ordinance and can then update the definition of an ATV then. Mr. Courtois stated the only ATV that is not straddled is a go-cart. Mr. Charlie Crooks, 102 E McDonald Street, inquired if there was a bumper height

requirement for vehicles. Mr. Courtois pointed out a side-by-side is defined as a work site utility vehicle. Councilmember Brown said the Kubota the City owns would be considered a work site utility vehicle. Councilmember Beem asked Mr. Courtois what he would classify his side-by-side as. Mr. Courtois replied it would be classified as a work site utility vehicle per this ordinance.

Councilmember Longanecker asked if Master Deputy Brad Johnson had anything to add regarding the regulations. Master Deputy Johnson stated the National Highway Traffic Manual (NHTM) states all vehicles are required to be equipped with lights and the bumper needs to be fifteen (15) to seventy-two (72) inches off the ground. He explained the NHTM sets the standard nationally. The first draft of the ordinance was an entry point and drafted using ordinances from other nearby cities. Master Deputy Johnson stated these ordinances have been challenged in courts and been upheld and changing the language too much would allow for challenges again. He strongly recommended the ordinance not allow any vehicles that sit below the visibility of drivers of larger trucks. There are truck routes and lifted trucks that drive throughout the City and sometimes those drivers can not see the Ford Explorer he drives. He said drivers on dirt bikes and 3- or 4-wheelers have proven to be more reckless than those in other types of vehicles. There have been accounts of people on dirt bikes and 3-or 4-wheelers driving across yards and off streets. Drivers are less likely to take a vehicle such as a work site utility vehicle through yards. Mr. Courtois said people who do that are not registered to drive these vehicles. Master Deputy Johnson countered with people who are registered to drive a car still drink and drive. He stated just because people are registered to drive vehicles does not mean they obey the laws all the time. Mayor Roberts said the Council wants to pass this ordinance for responsible adults. He sees people who are not obeying the law already and this ordinance will hold people accountable for their actions and does not ruin the quiet way of life in Edgerton.

Councilmember Longanecker asked Master Deputy Johnson if he was comfortable with how the ordinance is written. Master Deputy Johnson answered he is comfortable with all of the vehicles except ones that can be difficult to see like dirt bikes, 3- or 4-wheelers, or go-carts. Mayor Roberts stated the ordinance does not name go-carts specifically, but similar vehicles are defined in the STO. Mr. Hendricks stated it is possible to exclude go-carts and he is looking up a definition to include in the ordinance. Mr. Courtois added Section 1 should be removed because the only ATV that can't be straddled is a go-cart. Mr. Hendricks explained the City used the definition of an ATV from the STO. He said there may be vehicles that can be straddled that are not go-carts. The STO is created by League of Municipalities and the definition would not be written the way it is if that was not the case. Councilmember Brown asked Mr. Hendricks if any of the cities he represent allow straddled ATVs. Mr. Hendricks replied one city did but it was retracted after injuries and the only allowance is for the city staff.

Councilmember Beem asked if farmers can use these types of vehicles to do tasks. Mr. Hendricks replied the issue arises when the driver leaves their own property to drive along City streets. Councilmember Brown inquired if the rules in the unincorporated County are different. Mr. Hendricks answered the County allows for many types of vehicles to be used, but when the driver enters the City limits, then they would have to obey the City's ordinances. Mr. Darius Crist, 510 W Braun Street, asked about farmers who own cattle

within the City limits. Mr. Hendricks replied if the vehicles are used on City streets, they would need to obey the ordinance.

Councilmember Longanecker said he has received complaints about 4-wheelers being driven in the City. Councilmember Lewis said the vehicles are loud regardless of which one is used.

Councilmember Beem inquired what the penalties would be. Ms. Linn answered it is outlined in the ordinance. Mayor Roberts added it can be edited as well. Ms. Linn explained all traffic violations will be handled like all traffic violations in other vehicles and will be dealt with in municipal court. Ms. Linn added the ordinance does have a way to have the permit revoked and read the relevant section. Commissioner Brown asked who the City official is. Ms. Linn replied it would be the City Administrator or the Acting City Administrator in her absence. Ms. Linn explained minor infractions will be traffic tickets but if the permit holder becomes unruly or puts others at risk, the permit it can be revoked.

Mr. Courtois restated to simplify the ordinance, Section 1 should be removed. He said there is no need to have that section in there because it would remove the need for any additional language regarding go-carts. He believes there are no straddle-free ATVs so Section 1 should be removed. Councilmember Brown stated he would be okay with removing Section 1, however, the addition of taillights, break lights, and turn signals should be added to the required equipment. Councilmember Lewis said all new vehicles have those included. Councilmember Brown stated there are kits that can be purchased to add the equipment to an older model. Councilmember Lewis said his vehicle has the equipment. Councilmember Brown said his did not and he had to purchase the kit. Councilmember Lewis stated he does not think the turn signals should be added. Councilmember Longanecker said he likes the turn signals being added to the required equipment. Councilmember Lewis requested the ordinance be reviewed in a year. Councilmember Beem thought it should be reviewed in six (6) months.

Councilmember Lewis requested City sponsored events be added to the allowed times. Councilmember Brown asked if the sunup to sundown timeframe should be changed. Councilmember Longanecker recommended it be left for now and can be reviewed when the ordinance is reviewed. Mayor Roberts said adding City sponsored event times can be approached when major events are held. Councilmember Lewis inquired if the Council would need to approve or deny the use of these vehicles before each recreation event the City holds. Mr. Hendricks stated an exception for City sponsored events that go beyond sundown can be added, but a set time, such as midnight, should be added.

Councilmember Longanecker motioned to approve Ordinance No. 2086 authorizing the operation of all-terrain vehicles, golf carts, low speed vehicles, work-site utility vehicles and micro utility trucks on the streets within the corporate limits of the City of Edgerton, Kansas subject to specific restrictions and requirements; providing for the repeal of portion of Article 14, Section 114 of the Standard Traffic Ordinance, as amended, regulating the above-named vehicles repealing all ordinances in conflict therewith and the addition of turn signals and break lights, with the removal of Section 1, and to include an time exemption to allow use to and from City sponsored events. Councilmember Lewis seconded the motion. Ordinance No. 2086 was approved without Section 1, the inclusion of turn signals and break lights, and the time exemption, 4-0.

Councilmember Lewis requested the ordinance be reviewed in one year. Councilmember Beem inquired about the specific time for City sponsored events. Mayor Roberts said the time will be revisited sooner if it becomes an issue.

Ms. Linn said the fee will need to be decided next. Currently, the permit will be valid for one calendar year. Councilmember Brown stated the permit being good for one calendar year is good. Councilmember Lewis inquired what the fees are for surrounding communities. Councilmember Brown asked about the City of Paola. Mr. Courtois replied his research showed the initial permit is \$100 then twenty-five dollars (\$25) to renew yearly. Councilmember Lewis asked if the fee is increased for infractions. Mr. Hendricks explained there are fines and court fees if a user receives a traffic citation. Councilmember Beem said he does not want to keep giving permits if they keep getting tickets. Mayor Roberts stated that could lead to the permit being revoked. He asked if there is there a time frame before the operator can get the permit reinstated. Mr. Hendricks explained the operator will have to come before the Council. Councilmembers Lewis and Beem said \$100 is a good fee. Mayor Roberts stated his son-in-law told him the City of Osawatomie has a fee of \$260 per year. Councilmember Longanecker suggested the fee be like that of a regular vehicle where the older the vehicle is, the cheaper the fee would be. Mr. Courtois said Osawatomie has a fee of \$25 per year. Councilmember Lewis suggested an initial permit fee of \$100 then a renewal fee of \$25. Mayor Roberts added that would be if the permit holder does not have any infractions. Mr. Hendricks asked what the renewal fee would be if the permit holder has had infractions. Councilmember Beem recommended if a permit holder is found guilty of an infraction on these vehicles within the previous calendar year, then the renewal fee would be \$100. He asked if this was similar to the chicken permit where the permit expires a year after the issuance date. Ms. Linn replied all of the permits will expire at the end of the calendar year. Mr. Crooks asked if the fees would be the same for somebody who lives outside the City. Mr. Hendricks replied the City ordinance would have to be followed by everybody regardless of where they live. Ms. Linn said staff will bring back the recommended fees for the unconventional vehicles at the next Council meeting on August 12.

9. **CONSIDER RESOLUTION NO. 07-22-21A PROVIDING A DEADLINE TO RESOLVE A DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 E. 2<sup>ND</sup> STREET, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407**

Ms. Katy Crow, Development Services Director, spoke before the Council. She stated pursuant to Chapter IV, Article 4, Section 4-407, the Governing Body held a public hearing on January 14, 2021 and made the determination that the structure at 502 E. 2<sup>nd</sup> Street was considered dangerous, unsafe, or unfit for human use or habitation. She explained Resolution 01-14-21D set a time frame of six (6) months for the new owners, Mr. Juan Abundiz and Ms. Vicenta Hernandez to abate the dangerous conditions. In addition, the Governing Body stated that the owners are to provide City Staff with progress updates and City Staff will perform inspection to document the progress. Over the past 6 months, City Staff has provided monthly updates to the Governing Body which included photos and commentary on the progress that had been made.

Ms. Crow said Resolution 01-14-21D provided a deadline of July 22, 2021 for the property to either be brought into compliance or the City of Edgerton, by its agent, would demolish and remove the structure. At the last inspection on July 8, 2021, it was noted by City Staff that while progress continued to move forward, the exterior of the home was not completed. The new roof had not been installed, siding around the exterior walls had not been installed, and the front porch area was still being rebuilt. The interior of the home is also not complete with the absence of mechanical, electrical, and plumbing components. Inclement weather, a shortage of building materials due to the pandemic, and some hardships endured by the owner, such as stolen tools, have slowed their ability to complete the work in a timelier manner. Based upon the direction given at the July 8 Council meeting, the City Attorney has reviewed and approved the resolution presented in the packet for the Governing Body's consideration. The resolution would allow additional time for the owners to complete the exterior work as long as they continue to make progress towards completion. The draft resolution includes a blank for the Council to fill in a deadline based on any additional information provided by the property owner.

Ms. Crow explained should the work not be completed by the new deadline established; the Council could demolish the structure. Any costs associated with the removal of the structure will be charged against the described property as provided in Chapter IV, Article 4, Section 4-411. The City Clerk shall certify to the County Clerk the costs of the associated with the cleanup and the County Clerk shall extend the same on the tax roll so that it shall be collected by the County Treasurer and paid to the City of Edgerton as other City taxes are collected and paid. Ms. Crow provided photos to the Council that are included with these minutes.

Mayor Roberts inquired if this is the same house the Council reviewed earlier this year. He is extremely excited to see the work being done and what has been done. Councilmember Lewis inquired as to when the work might be completed. Mr. Abundiz answered their goal is to be complete by the end of the year. He stated the exterior should be done later this month and sheet rocking will be the largest challenge. Councilmember Longanecker asked if six (6) more months might work. Mr. Abundiz replied most likely. Mayor Roberts said the Council should give a date just to make sure progress continues. Councilmember Beem said he drives by daily to see what's been done and his impressed with what he has seen. Mayor Roberts said it is great to see what has been done. Ms. Crow asked if monthly reports should continue. Mayor Roberts replied that seems to be too frequent at this moment. Councilmember Longanecker agreed and said every other month will suffice. Ms. Crow recommended the second Council meeting of odd numbered months. Councilmember Longanecker and Mayor Roberts agreed with Ms. Crow.

Councilmember Longanecker moved to approved Resolution 07-22-12A providing a deadline of February 24, 2022 to resolve a dangerous and unfit structure existing at 502 E 2<sup>nd</sup> Street, in the City of Edgerton, Johnson County, Kansas pursuant to City of Edgerton City Code, Chapter IV, Article 4, Section 4-407. Councilmember Lewis seconded the motion. Resolution 07-22-12A was approved, 4-0.

#### **10. Report by the City Administrator**

- 2<sup>nd</sup> Quarter Financial Report

Ms. Karen Kindle, Finance Director, approached the Council. She explained the numbers shown are similar to those shown last week during the budget work session. The 2021 Estimate column was added from last week. This allows City Staff to see what the actual budget is compared to the estimated. Ms. Kindle stated the revenues in the General Fund are on track to meet the estimate. Expenditures halfway through the year are at fifty percent (50%) or below and the transfers will be done in the third quarter of the year. The General Fund is within the budget authority and budget request. She explained this is the same for the Water Fund with no transfers to take place this year. The Sewer Fund is also on track halfway through the year and the City is within the budget authority and budget request with transfers to be done in the third quarter.

## **11. Report by the Mayor**

Mayor Roberts stated there is a proposed project north of Edgerton and west of Gardner for a solar farm. This will be located in unincorporated Johnson County and span into Douglas County. The initial plan is for a 2,000 or more-acre solar farm. The project will be close to Edgerton, and it could limit the growth ability of Edgerton. There is a new proposed zoning designation that would allow Conditional Use Permits (CUP) for solar panels. Mayor Roberts stated he is concerned for the growth of Edgerton. The plan provided shows the solar farm between 183<sup>rd</sup> Street to 143<sup>rd</sup> Street and stretching across the County Line into Douglas County. He explained the counties are in negotiations now and making regulations before the start of the project. Mayor Roberts stressed this is not a City of Edgerton project.

Ms. Linn stated Ms. Crow was on a call with other municipal planning directors earlier today and this topic was discussed. Ms. Crow stated there will be a discussion on this at the August 10, 2021 Johnson County Planning Commission meeting. The municipal planning directors have requested a meeting with the Johnson County planning director to get additional information.

Mayor Roberts said he has received some information but not nearly enough. He is under the impression that the County has been working on this project for a few months. He wants to understand the proposed zoning area and does not want the county to limit the protentional growth of Edgerton. There would be a one (1) mile buffer between city limits and the solar farm. Ms. Crow stated there is a public hearing scheduled on September 14, 2021. Ms. Linn stated Johnson County is drafting regulations regarding solar projects prior to this project being brought forth.

Mayor Roberts explained this project could place limits on growing communities. Solar energy farms are not bad but could limit communities such as Edgerton. He requested the Councilmembers and City Staff provide comment regarding this project. Councilmember Longanecker inquired if the applicant of the property will purchase the property. Mayor Roberts replied the land will be leased. Councilmember Lewis asked if the City was to annex the property if the land could be exempt from this project. Mayor Roberts answered some owners of the proposed land are looking forward to the possible monetary gain of the lease agreement and so those property owners may not want to annex into Edgerton. He said Edgerton is growing to the east and residential development could go to the west, but with this project, he is not sure where the development would go.

Ms. Crow added the CUP is to last for twenty (20) years. She is not sure if that is the life of the equipment or just the limits settled on for the CUP. The applicant is NextEra Energy. Ms. Linn inquired if any of the information is available on Johnson County's website. Ms. Crow answered she is not sure. Ms. Linn stated City Staff will try to compile as much information as possible. Mayor Roberts requested Councilmembers look into the project and provide comments.

**12. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF POTENTIAL LITIGATION**

Councilmember Brown moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to include the City Attorney, City Administrator, and the Finance Director for the purposes of potential litigation for fifteen (15) minutes. Councilmember Beem seconded the motion. The meeting recessed into executive session at 8:19 PM, 4-0.

Councilmember Brown moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:34 PM, 4-0.

**13. Future Meeting Reminders:**

- August 10<sup>th</sup>: Planning Commission Meeting – 7:00PM
- August 12<sup>th</sup>: City Council Meeting – 7:00PM
- August 26<sup>th</sup>: City Council Meeting – 7:00PM
- September 9<sup>th</sup>: Planning Commission Meeting – 7:00PM
- September 14<sup>th</sup>: City Council Meeting – 7:00PM
- September 23<sup>rd</sup>: City Council Meeting – 7:00PM

Councilmember Lewis inquired about the poll that the City had on their Facebook page regarding Glendell Acres Park. Ms. Kara Banks, Marketing and Communications Manager, stated it is active until the end of the month. Mr. Dan Merkh, Public Works Director, stated at this moment, there have been roughly seventy (70) responses. Mayor Roberts said the community always provides great feedback in projects like this.

**14. Adjourn**

Councilmember Beem moved to adjourn, seconded by Councilmember Brown. The meeting adjourned at 8:34 PM, 4-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator

**EVENTS**

July 23<sup>rd</sup>: Animal Wonders at City Hall

July 24<sup>th</sup>: Summer Movie Night & Open House for Glendell Acres  
Renovation Project at Glendell Acres Park

August 7<sup>th</sup>: Summer Movie Night



## City Council Action Item

**Council Meeting Date:** August 12, 2021

**Department:** Public Works

### **Agenda Item: Final Acceptance of 1<sup>st</sup> and Meriwood Street Stormwater Repair Project and Final Payment to J. Richardson Construction Co.**

**Background/Description of Item:**

On October 24, 2019, City Council approved the 2020-2024 Capital Improvement Program which included the 1<sup>st</sup> Street and W Meriwood Street Stormwater Repairs.

On June 11, 2020, City Council approved the agreement with BG Consultants for the engineering and design services for 1<sup>st</sup> and Meriwood Street Stormwater Repair Project. The project consists of replacement of the cross-road pipe in the west road right-of-way of 1<sup>st</sup> Street and crossing under W Meriwood Street. This section of storm-pipe (approximately 45 linear feet) has caused issues in the area including water overtopping the roadway, residential flooding issues, degradation of stormwater network in the area and damage to the edge of the adjacent roadways.

On October 22, 2020, City Council approved the agreement with J. Richardson Construction Co. in a contract amount not to exceed \$42,579.68.

On November 12, 2020, City Council approve the hiring of Renaissance Infrastructure Consulting for Inspection Services. These services are billed by actual hours worked.

On January 01, 2021, J. Richardson Construction Co. completed the 1<sup>st</sup> & Meriwood Street Stormwater Repair Project.

The project came in approximately \$6445 under budget with no change orders issued. The original budget was \$72,250.00, with actual expenditures shown in the chart below. This number reflect what will be after final payment to J. Richardson Construction in the amount of \$4,448.97.

<b>1<sup>st</sup> &amp; Meriwood</b>	
Design Services (BG Consultants)	\$9,000
Consulting Services (BG Consultants)	\$4,365
Construction (J Richardson Construction)	\$42,579.68
Inspection Services (RIC)	\$8,696.23
Stump Removal (Tidd Tree)	\$1,165.00
<b>TOTAL</b>	<b>\$65,805.91</b>

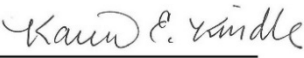
**Related Ordinance(s) or Statue(s):**

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**Funding Source:** CIP Budget

**Budget Allocated:** \$72,250 General Fund

**Finance Director Approval:**

x   
Karen Kindle, Finance Director

---

**Recommendation: Approve Final Acceptance of the 1<sup>st</sup> and Meriwood Street Stormwater Repair Project and Authorize Final Payment to J. Richardson Construction Co.**

**Enclosed:**

Renaissance Infrastructure Consulting: Final Acceptance  
Final Pay App – J. Richardson Const.

**Prepared by:**

Dan Merkh, Public Works Director

---

**From:** Joe Venneman <jvenneman@ric-consult.com>  
**Sent:** Tuesday, July 6, 2021 11:18 AM  
**To:** Dan Merkh  
**Subject:** Final Acceptance for 1st and Meriwood Storm Sewer Improvements

Dan,  
I certify that the 1<sup>st</sup> and Meriwood Storm Sewer Improvements Project No. 20-1255L is complete, and has been constructed in conformance with the approved construction documents and approved change orders. Please feel free to contact me at 913-271-7155 if you require any additional information.  
Thanks,

**Joe Venneman**

Construction Services Manager  
Renaissance Infrastructure Consulting  
[jvenneman@ric-consult.com](mailto:jvenneman@ric-consult.com) | 913.271.7155 (c)

---

**From:** Dan Merkh <dmerkh@edgertonks.org>  
**Sent:** Friday, July 2, 2021 1:42 PM  
**To:** Joe Venneman <jvenneman@ric-consult.com>  
**Subject:** Final acceptance for 1st and Meriwood

Joe,  
Can you send over an email stating the work is completed and accepted by you?

If you have any objections, please let me know. As for the little stuff at the end, I believe we are ok with those items falling under warranty as needed.



**Dan Merkh • Public Works Director**  
City of Edgerton, KS  
404 East Nelson • Edgerton, KS 66021  
913.893.6231 • 913.271.9757 (c)  
[www.edgertonks.org](http://www.edgertonks.org)

**Contractor's Application for Payment**

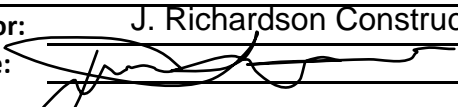
<b>Owner:</b>	<u>City of Edgerton</u>	<b>Owner's Project</b>	<u>1st and Merriwood</u>
<b>Engineer:</b>	<u>BG Consultants</u>	<b>Engineer's Project</b>	<u></u>
<b>Contractor:</b>	<u>J. Richardson Construction</u>	<b>Contractor's</b>	<u></u>
<b>Project:</b>	<u>1st and Merriwood</u>		
<b>Contract:</b>	<u></u>		

**Application No.:** 2 **Application Date:** 7/19/2021  
**Application Period: From** 1/6/2021 **to** 7/19/2021

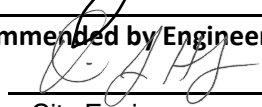
1. Original Contract Price	\$	42,579.68
2. Net change by Change Orders	\$	-
3. Current Contract Price (Line 1 + Line 2)	\$	42,579.68
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	43,029.51
5. Retainage		
a. <u>0%</u> X \$ <u>-</u> Work Completed	\$	-
b. <u></u> X \$ <u>-</u> Stored Materials	\$	-
c. Total Retainage (Line 5.a + Line 5.b)	\$	-
6. Amount eligible to date (Line 4 - Line 5.c)	\$	43,029.51
7. Less previous payments (Line 6 from prior application)	\$	38,130.71
8. Amount due this application	\$	4,898.80
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	(449.83)

**Contractor's Certification**

The undersigned Contractor certifies, to the best of its knowledge, the following:

**Contractor:** J. Richardson Construction  
**Signature:**  **Date:** 7/21/2021

**Recommended by Engineer**

**By:**   
**Title:** City Engineer  
**Date:** 7/21/2021

**Approved by Owner**

**By:**   
**Title:**   
**Date:**

**Approved by Funding Agency**

**By:**   
**Title:**   
**Date:**

**By:**   
**Title:**   
**Date:**

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:

City of Edgerton

Engineer:

BG Consultants

Contractor:

J. Richardson Construction

Project:

1st and Merriwood

Contract:

Owner's Project No.:

1st and Merriwood

Engineer's Project No.:

Contractor's Project No.:

Application No.: 2    Application Period:    From 01/06/21    to 07/19/21

Application Date: 07/19/21

A	B	C	D	E	F	G	H	I	J	K	L
		Contract Information				Work Completed					
					Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)				Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
Original Contract											
1	Staking	1.00	LS	750.00	750.00	1.00	750.00		750.00	100%	-
2	Mobilization	1.00	LS	3,000.00	3,000.00	1.00	3,000.00		3,000.00	100%	-
3	SWPP	1.00	LS	250.00	250.00	1.00	250.00		250.00	100%	-
4	Clearing and Grubbing	1.00	LS	1,100.00	1,100.00	1.00	1,100.00		1,100.00	100%	-
5	Demolition and Removal	1.00	LS	2,340.00	2,340.00	1.00	2,340.00		2,340.00	100%	-
9	Earthwork - Ditch	1.00	LS	3,550.00	3,550.00	1.00	3,550.00		3,550.00	100%	-
7	Temporary Traffic Control	1.00	LS	1,100.00	1,100.00	1.00	1,100.00		1,100.00	100%	-
8	Pavement Patch	35.00	SY	68.55	2,399.25	35.00	2,399.25		2,399.25	100%	-
9	Gravel Surfacing	20.60	SY	10.25	211.15	20.60	211.15		211.15	100%	-
10	Concrete Curb and Gutter	23.00	LF	26.90	618.70	31.00	833.90		833.90	135%	(215.20)
11	15" RCP	3.80	LF	79.65	302.67	3.80	302.67		302.67	100%	-
12	24" RCP	25.90	LF	87.15	2,257.19	25.90	2,257.19		2,257.19	100%	-
13	30" RCP	80.50	LF	97.95	7,884.98	88.00	8,619.60		8,619.60	109%	(734.62)
14	15" FES	1.00	EA	1,315.00	1,315.00	1.00	1,315.00		1,315.00	100%	-
15	24" FES	1.00	EA	1,600.00	1,600.00	1.00	1,600.00		1,600.00	100%	-
16	30" FES	4.00	EA	1,650.00	6,600.00	4.00	6,600.00		6,600.00	100%	-
17	Curb Inlet	1.00	EA	4,520.00	4,520.00	1.00	4,520.00		4,520.00	100%	-
18	Flowable Fill	33.00	LF	22.75	750.75	33.00	750.75		750.75	100%	-
19	Erosion Control Fabric	640.00	SY	2.00	1,280.00	640.00	1,280.00		1,280.00	100%	-
20	Wattle Ditch Check	100.00	LF	2.50	250.00	100.00	250.00		250.00	100%	-
21	Seeding	1.00	LS	500.00	500.00	1.00	500.00		500.00	100%	-
Original Contract Totals					\$ 42,079.69		\$ 43,029.51	\$ -	\$ 43,029.51	102%	\$ (949.82)

## City Council Action Item

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**Council Meeting Date:** August 12, 2021

**Department:** Community Development

### **Agenda Item: Consider Ordinance No. 2087 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-03) Allowing An Interstate Pole Sign On Property Located At 32501 W. 200th Street, Edgerton, Kansas**

**Background/Description of Item:**

On March 9, 2021, the Planning Commission held a public hearing and recommended approval of application CU2021-01 for a Conditional Use Permit application for an Interstate Pole Sign. The Governing Body approved the Planning Commission's recommendation (Ordinance No. 2068) on April 8, 2021.

On June 7, 2021, City Staff received a new Conditional Use Permit application which proposed a new location proposed for the pole sign. The sign has been relocated out of the detention basin area and onto the paved surface adjacent to the parking lot. The applicant has indicated that the sign needs an access road so maintenance can be performed on the sign. The height of the sign has been changed to 77' to comply with the requirements of the City of Edgerton Unified Development Code. The sign display will remain the same. The only changes made in Application CU2021-03 compared to Conditional Use Permit CU2021-01 is the height of the sign and its location on the property. The applicant is the same, Moussa Sobaiti, owner of My Store III Inc., owner/operator of the On the Go Travel Center located at that same address.

Pursuant to City of Edgerton Unified Development Code (UDC), Article 7, Section 7.2.D(2), Interstate Pole Signs are considered a conditional use on parcels which contain a C-2 zoning designation.

In order to recommend approval or disapproval of a proposed CUP, the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, Section 7.1 (C) of Article 7 of the UDC states that the Governing Body may consider all factors they deem relevant. Article 12, Section 12.12 provides the specific details related to the Interstate Pole Sign size, height, setbacks, illumination, and location. In addition, Section 7.2(D) of the UDC details additional requirements to be considered when approving a CUP for an Interstate Pole Sign. City Staff has reviewed Application CU2021-03 with respect to all these requirements. The staff report presented to the Planning Commission outlining the findings of staff's review is included in the packet.

On July 13, 2021 the City of Edgerton Planning Commission held a public hearing regarding Application CU2021-03. Upon conclusion of the public hearing, the Planning Commission recommended approval of Application CU2021-03 based upon the following stipulations:

1. Blinking may not be utilized on this Interstate Pole Sign.
2. The location of the sign is to remain in the proposed location.
3. The angle is to be that to where the sign is perpendicular to I-35.
4. The staff recommendations and comments noted related to any requirements for the sign and all else discussed as included in the Staff Report from the July 13, 2021 are included as stipulations as part of approval of this Conditional Use Permit.
5. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing.
6. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s).
7. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit CU2021-03 null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City.
8. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership.
9. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.
10. Upon approval of application CU2021-03, permit CU2021-01 would be considered null and void.

The city attorney has prepared the enclosed ordinance for your consideration

**Related Ordinance(s) or Statue(s):** N/A

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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<p><b>Recommendation: Approve Ordinance No. 2087 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-03) Allowing An Interstate Pole Sign On Property Located At 32501 W. 200th Street, Edgerton, Kansas</b></p>
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**Enclosed:**

- Ordinance 2087
- Staff Report prepared for the July 13, 2021 Planning Commission Meeting
- Excerpt from Draft Minutes – July 13, 2021 Planning Commission Meeting

**Prepared by:** Katy Crow, Development Services Director



## **ORDINANCE NO. 2087**

### **AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-03) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W. 200<sup>TH</sup> STREET, EDGERTON, KANSAS**

WHEREAS, on March 9, 2021 the City of Edgerton Planning Commission held a public hearing and recommended approval of Application CU2021-01 for a Conditional Use Permit from Moussa Sobaiti, on behalf of My Store III, Inc. ("the Applicant") to allow a pole sign on property located at 32501 W. 200<sup>th</sup> Street, Edgerton, Kansas (the "Property"); and

WHEREAS on April 22, 2021 the City of Edgerton Governing Body approved the Planning Commission's recommendation of Application CU2021-01 with the passage of Ordinance No. 2068; and

WHEREAS, the City of Edgerton received a new application, Application CU2021-03 for a Conditional Use Permit for a pole sign from the same Applicant, on or about June 7, 2021 to be located on the same Property but in a different physical location on said Property than was approved in Application CU2021-01 due to the necessity that it be adjacent to an access road for maintenance; and

WHEREAS, both at the time of Application CU2021-03 and at the time of the signing of this Ordinance, the Property is owned by My Store III, Inc., a validly existing Kansas Corporation; and

WHEREAS, the Applicant is requesting a Conditional Use Permit to allow an interstate pole sign for the On the Go Travel Center located on the Property to include space for Phillip's 66, TA Express, restaurant tenants and truck services, including a digital display area reflecting gasoline and diesel prices. The sign would be double sided, internally illuminated and stand seventy-seven (77) feet from Grade; and

WHEREAS, the Edgerton Planning Commission did hold a new public hearing on July 13, 2021 for Application CU2021-03 regarding the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request, for a period of ten (10) years, conditioned on the stipulations noted in the staff report and listed below:

1. Blinking may not be utilized on this Interstate Pole Sign.
2. The location of the sign is to remain in the proposed location.
3. The angle is to be that to where the sign is perpendicular to I-35.

4. The staff recommendations and comments noted related to any requirements for the sign and all else discussed as included in the Staff Report from the July 13, 2021 Council Meeting are included as stipulations as part of approval of this Conditional Use Permit.
5. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing.
6. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s).
7. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit CU2021-03 null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City.
8. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership.
9. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.
10. Upon approval of application CU2021-03, permit CU2021-01 would be considered null and void.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit Application and considering the criteria set forth in Articles 7 and 12 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved upon the terms described above.

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

**Section 1.** The proposed Conditional Use Permit for an interstate pole sign is hereby approved for the Property located at 32501 W. 200<sup>th</sup> Street, Edgerton, Kansas.

**Section 2.** The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant's/Owner's strict compliance with the ten (10) Conditions set forth above, which were recommended by the Edgerton Planning Commission and approved by the City of Edgerton City Council.

**Section 3.** The effectiveness of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner of the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from City to Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly

separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

**Section 4.** Conditional Use Permit CU2021-01 previously approved by the City on April 22, 2021, and the terms of corresponding Ordinance 2068, are hereby revoked and replaced in full by the terms and requirements of Application CU2021-03 and this Ordinance.

**Section 5.** This Ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning and Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit is vacated or is declared null and void.

PASSED by the Governing Body of the City of Edgerton, Kansas and approved by the Mayor on the 12<sup>th</sup> day of August, 2021.

CITY OF EDGERTON, KANSAS

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DONALD ROBERTS, Mayor

ATTEST:

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ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney

**STAFF REPORT**

July 13, 2021

To: Edgerton Planning Commission  
Fr: Chris Clinton, Planning and Zoning Coordinator  
Re: Application **CU2021-03** request for a Conditional Use Permit for Interstate Pole Sign at 32501 W 200<sup>th</sup> Street, Edgerton, Kansas

**APPLICATION INFORMATION**

**Applicant:** Moussa Sobaiti  
My Store III Inc.  
14728 W 93<sup>rd</sup> Street  
Lenexa, KS 66215

**Property Owners:** Moussa Sobaiti  
My Store III Inc.  
14728 W 93<sup>rd</sup> Street  
Lenexa, KS 66215

**Requested Action:** Conditional Use Permit approval for one Interstate Pole Sign

**Legal Description:** *On the Go* Travel Center First Plat

**Site Address/Location:** 32501 W 200<sup>th</sup> Street

**Site Size:** Approximately 9.1 Acres

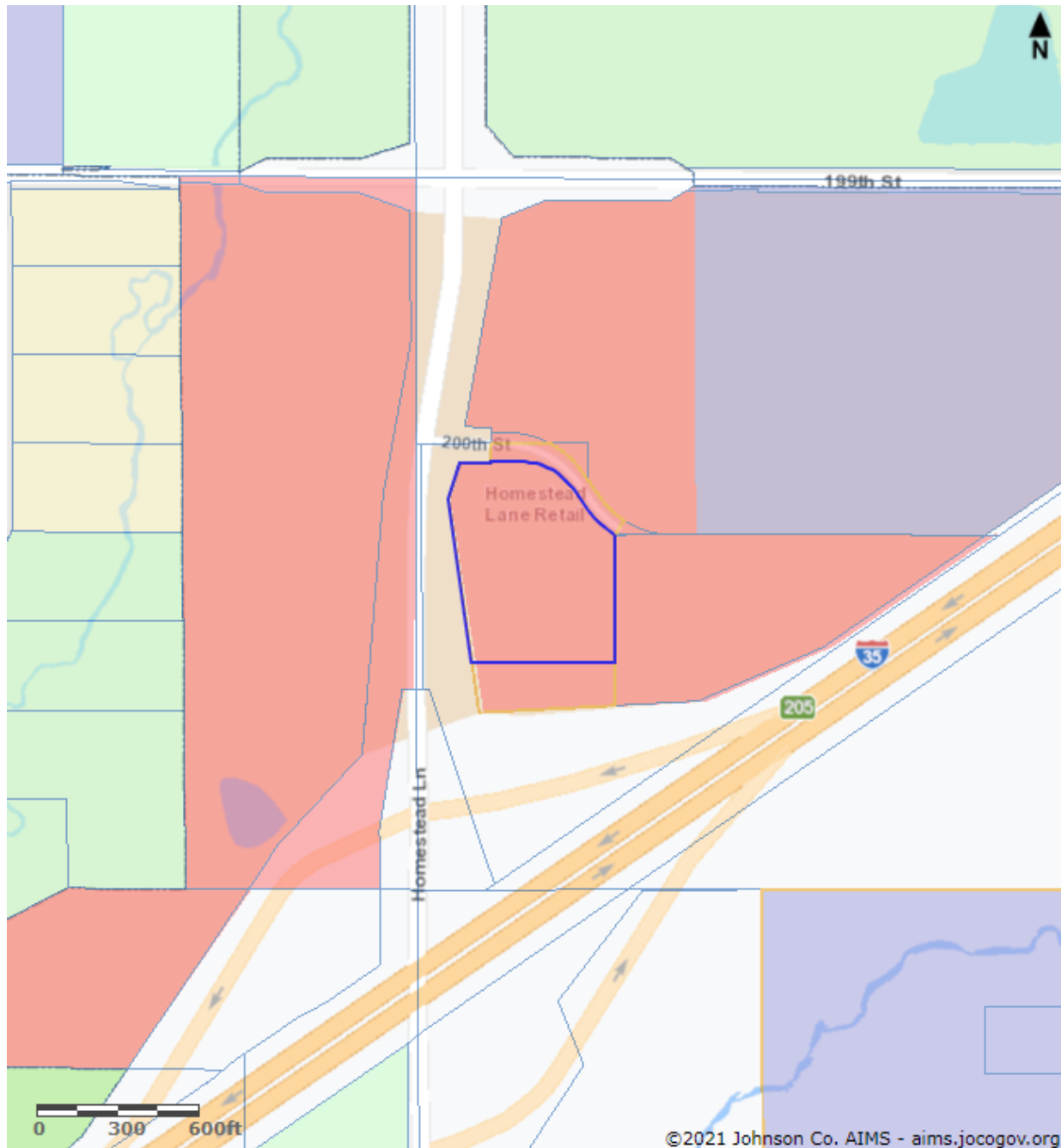
**Existing Improvements:** Travel Center and Truck Maintenance Facility Under Development

**Current Zoning and Land Uses:**

	<i>ZONING</i>	<i>LAND USE TODAY</i>	<i>USER/OWNER</i>
<i>SITE</i>	C-2, Heavy Service Commercial District	Under development for a travel center and truck maintenance facility	My Store III Inc.
<i>NORTH</i>	C-2, Heavy Service Commercial District	Agricultural	Paul and Naomi Middleton
<i>SOUTH</i>	C-2, Heavy Service Commercial District	Current use is under development for a detention basin	My Store III Inc.
<i>EAST</i>	C-2, Heavy Service Commercial District	Agricultural	My Store III Inc.
<i>WEST</i>	Interstate Right of Way and Homestead Lane	Interstate Right-of-Way	Kansas Department of Transportation and City of Edgerton

**Figure 1:** Subject parcel is outlined in blue. Pink indicates Heavy Service Commercial District (C-2) zoned parcels. The purple is Logistics Park (L-P) zoning. The yellow is Johnson County Residential Neighborhood 1 (RN1), defined as single family dwellings with a one-acre minimum lot size. The green indicates Johnson County RUR, defined as agricultural uses and single-family dwellings with a ten-acre minimum lot size. The light gray and tan adjacent to 199<sup>th</sup>, Interstate-35 and Homestead are dedicated right-of-ways.

**Figure 1**





**Figure 2:** Subject parcel is outlined in Red. Nearby structures are shown in this figure. Aerial imagery on Johnson County AIMS does not reflect the Travel Plaza that is currently under construction on the parcel.

**Figure 2**



## **BACKGROUND AND PROJECT DESCRIPTION:**

This parcel contains *On the Go Travel Plaza* approved Final Site Plan FS2019-04. The *On the Go Travel Plaza* project is currently under construction and will contain a travel center, restaurants, fueling stations for vehicles and trucks, and a truck maintenance facility. A Revised Final Site Plan was approved on March 9, 2021 which reflected updates to the initial Final Site Plan approved on August 13, 2019.

On March 9, 2021, the Planning Commission held a public hearing and recommended approval of application CU2021-01 for a Conditional Use Permit application for an Interstate Pole Sign. The Governing Body approved the Planning Commission's recommendation (Ordinance No. 2068) on April 8, 2021.

On June 7, 2021, City Staff received a new Conditional Use Permit application which proposed a new location proposed for the pole sign. The sign has been relocated out of the detention basin area and onto the paved surface adjacent to the parking lot. The applicant has indicated that the sign needs an access road so maintenance can be performed on the sign. The height of the sign has been changed to comply with the requirements outlined below. The sign display will remain the same. **The only changes made in Application CU2021-03 compared to Conditional Use Permit CU2021-01 is the height and location.**

The proposed sign is to have space for the businesses located onsite including fuel partner, Phillips 66, and the tenant of the travel center, TA Express, restaurant tenants and truck services. The applicant has also indicated a digital display area which will reflect gasoline and diesel prices. The sign will be double faced and internally illuminated. The height of the proposed sign is seventy-seven (77) feet from the grade where the pole is located. The sign will be supported by a single telescoping pipe.

## **EXISTING CONDITIONS POLE SIGN LOCATION**





**HOMESTEAD LANE CENTER LANE LOOKING EAST**



**HOMESTEAD LANE CENTER LANE LOOKING WEST**





## INFRASTRUCTURE AND SERVICES:

The subject parcel is located within the limits of the City. Site development is ongoing as the project moves towards completion. The only utility that would be required for this project would be electrical, which will be supplied by Evergy, and all infrastructure would be installed by the developer and applicant. This project is within the *On the Go* Tax Increment Financing (TIF) District and part of a Community Improvement District (CID).

## STAFF ANALYSIS

City Staff reviewed the Site Plan and Sign Design to Article 7 – *Conditional Uses* and Article 12 – *Sign Regulations* of the Unified Development Code (UDC).

The purpose of this article is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Planning Commission may recommend approval of conditional uses to the Governing Body after consideration in each case, of the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are herein established to ensure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the public hearing held by the Planning Commission.

The Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in specific instances and in particular districts set forth provided that:

- a. the location is appropriate and consistent with the Comprehensive Plan;
- b. that the public health, safety, morals, and general welfare will not be adversely affected;
- c. the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. further provide that additional standards of this Article be specified as a condition of approval.

No Conditional Use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the evidence on all questions of fact that are determined by the Planning Commission.

### Section 7.1.C Issuance of Conditional Uses

1. **Criteria.** In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following:
  - a. The extent to which there is a need in the community for the proposed use. The recently approved travel center at the Homestead Lane exit is currently under construction. Having signage adjacent to the interstate can help direct travelers to businesses established within the Edgerton city limits and to a much needed ancillary service to travelers. Staff determination: **Positive**

- b. The character of the neighborhood, including but not limited to zoning, existing and approved land use, platting, density (residential), natural features, and open space. The location of the Interstate Pole Sign is on a parcel of land which borders I-35. The adjacent parcels are zoned C-2 or are designated interstate right-of-way. The next closest parcels are either across Homestead Lane, a four-lane divided roadway, or across I-35. The closest residentially zoned parcel property line is over 990 feet to the west from the *On the Go* northern parcel boundary. Because the pole sign will be located at the south end of the *On the Go* parcel, the distance from the pole sign to a residence is even greater. There are no restrictions posed by the neighboring area. Staff determination: **Positive**
- c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening. The immediate property to the west is interstate right of way and an actual interstate highway, I-35. There are no other structures, other than the travel plaza itself, near the Interstate Pole Sign. Those businesses are the ones that this Interstate Pole Sign would contain advertising for. Staff determination: **Positive**
- d. Suitability of the uses of the property without the proposed conditional use permit. The parcel is zoned C-2. In the current UDC, Article 4 – *Commercial Zoning Districts*, several permitted uses are allowed – all seventy-two (72) uses allowed in C-1 zoning districts, plus eight (8) additional C-2 specific uses. There are also four Conditional Uses allowed. One of the Conditional Uses is the installation of an Interstate Pole Sign. Staff determination: **Positive**
- e. Length of time the subject property has remained vacant without the proposed conditional use permit. Per the Johnson County AIMS system, the parcel was used as a residential property. The residential structure was demolished between 2014 and 2015 and has been vacant since that time. The Conditional Use Permit for the sign will help draw attention to the development on the property. Staff determination: **Positive**
- f. The extent to which the proposed use may detrimentally affect nearby property. This sign will help bring attention to businesses and operations within the City. These businesses in turn will provide a much-needed service to travelers along the I-35 corridor and to employees, vendors, and truck drivers traveling to Logistics Park Kansas City. The closest adjacent properties all contain the same C-2 zoning designation. The nearby properties are not affected detrimentally by the Interstate Pole Sign. Staff determination: **Positive**
- g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions. The proposed location of the sign is in the southwest corner of the development. The location will not hinder any parking or traffic flow on the development. City Staff has reviewed the requirements set forth in the UDC outlined below. Staff determination: **Positive**
- h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. The only utility this Conditional Use Permit would require is electrical

for possible lighting. Every provides service to the parcel. Staff determination: **Positive**

- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property. The Interstate Pole Sign is out of any adjacent roadway and does not hinder the use of the parking. Staff determination: **Positive**
- j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The only environmental impact related to the signage could potentially be excessive nighttime lighting. Even if approval is granted for a Conditional Use Permit on this site, any and all signage must still comply with the adopted sign code in Article 12 of the UDC. City Staff will monitor the site and any complaints received by City Staff will be addressed. Staff determination: **Neutral**
- k. The economic impact of the proposed use on the community. As was stated previously, the Interstate Pole Sign would be utilized to attract travelers along the I-35 corridor to the businesses located at this site. Additionally, the services provided by this development will provide a much need amenity for both the residents of Edgerton and the employees at LPKC. The businesses located in this development are part of both a Community Improvement District and a TIF District. Revenues received through sales generated at these businesses will provide a positive tax benefit to the City of Edgerton. Staff determination: **Positive**
- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial. There would be no gain to public health, safety, and welfare from denial. However, a denial of this permit would be detrimental to the development and its ability to attract business. Staff determination: **Neutral**
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort, and general welfare of the community. The UDC only allows Interstate Pole Signs to be located on properties that are near an interstate and properly zoned. This application is for a parcel that abuts interstate right-of-way and has the correct zoning for an Interstate Pole Sign. This permit is consistent with the current zoning under the UDC. Staff determination: **Positive**
- n. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

#### **Section 7.2.D – Specific District Requirements for C-2, Heavy Service Commercial District**

1. Interstate Pole Sign. Applicant must provide the following details in submission materials:
  - a. The use of the proposed Development. ***The requested pole sign is to advertise the businesses/services located at the On the Go Travel Plaza located on the adjacent parcel to the north. Requirement to provide met.***
  - b. The height of the proposed principal building. ***Applicant indicates the height of the principal building is 20'6". Requirement to provide met.***
  - c. The surrounding land uses and zoning districts. ***Applicant has provided land***

***uses and zoning designations of neighboring properties. See Figure 1 on page 2 of the Staff Report for zoning designations. Requirement to provide met.***

- d. The relationship to the Interstate (the property where the Interstate Pole Sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an interstate). ***Parcel borders Interstate 35 right-of-way. Requirement met.***
- e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway. ***The elevation of the finished grade of the adjacent roadway is 1020 feet and the elevation of the sign is 1003 feet. Requirement to provide met.***
- f. The proposed height and signable area of the pole sign. ***Applicant has indicated the proposed pole sign will be 77' from finished grade in height. Requirement to provide met.***
- g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distance from both directions. ***Applicant has provided line of sight drawings.***
- h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application. ***See staff review comments below.***

**Table 12-3 Signs Permitted in Commercial Districts – CD, C-1, C-2, C-3**

1. 900 square feet in area per sign side which include total of all sign faces; may be single or double sided. *Total area of all of the proposed signs is 872 square feet. Sign meets requirements.*
2. Sixty (60) feet above finished grade of adjacent city roadway to a maximum height of 100 feet. *The applicant indicates the grade of the centerline of Homestead Lane is 1020' and the finished grade of the sign is 1003' with a height of seventy-seven (77) feet. The height of the sign would be sixty (60) feet above the existing grade of Homestead Lane (1003' + 77' - 1020' = 60'). Sign meets requirements.*
3. Thirty (30) feet setback from property lines. *Applicant has shown the sign being twenty-four (24) feet from the end of the parking lot and the parking lot meets the ten-foot parking setback from the property line. Sign meets requirements.*
4. Sign permit is required. ***Applicant acknowledges.***
5. Internal illumination only. *Applicant indicates signs are to be internally illuminated pylon signs with gas prices. Sign meets requirements.*
6. Allowed in C-2/C-3 District only and also requires a conditional use permit. *Parcel is zoned C-2, and this application is for a conditional use permit. Sign meets requirements.*
7. May contain a changeable copy sign. *Applicant indicates the gas pricing sign for diesel will flash with a cash price. Sign meets requirements.*
8. No flashing, intermittent or moving lights; LED signs must display image for at least eight (8) seconds. *The Applicant has stated that the flashing cash price will be disabled. Sign meets requirements.*
9. Allowed if a minimum of half (50%) of the site is within 800 feet of the centerline or 500 feet of the right-of-way, whichever is less, of an Interstate. *The subject parcel borders I-35 right-of-way. Sign meets requirements.*
10. May only be placed on premise. *The sign location is on the same lot of the development the signs are advertising. Sign meets requirements.*

## **RECOMMENDATION**

Based upon the above staff analysis, City staff recommends **approval** of Application **CU2021-03** for the Interstate Pole Sign as shown on the attached site plan for a period of ten (10) years with the following stipulations:

1. The staff recommendations and comments noted related to any requirements for the sign and all else discussed as included in this Staff Report are included as stipulations as part of approval of this Conditional Use Permit;
2. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing.
3. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s);
4. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit **CU2021-03** null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City;
5. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership;
6. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.
7. Upon approval of application **CU2021-03**, permit CU2021-01 would be considered null and void.

## **ATTACHMENTS**

- Application CU2021-03
- Sign Design
- Site Plan with Elevations



Please print or type.

**PROPERTY INFORMATION**Requesting Conditional Use Permit For: On The Go Travel Center - Highway Pole SignLocation or Address of Subject Property: 32501 W 200th Street, Edgerton, KSLegal Description: Lot 1, On The Go Travel Center First Plat, a subdivision of land in the City of Edgerton, Johnson County, KansasZoning on Subject Property: C-2 Current Land Use: Commercial**PROPERTY OWNER INFORMATION**Property Owner's Name(s): Moussa Sobaiti Phone: (831) 905-1377Company: My Store III Inc Fax: moussasobaiti@hotmail.comMailing Address: 14728 W 93rd StreetCity: Lenexa State: KS Zip: 66215**APPLICANT/AGENT INFORMATION**Applicant/Agent's Name(s): Moussa Sobaiti Phone: (831) 905-1377Company: My Store III Inc Fax: moussasobaiti@hotmail.comMailing Address: 14728 W 93rd StreetCity: Lenexa State: KS Zip: 66215**ENGINEER/ARCHITECT INFORMATION**Engineer/Architect's Name(s): Judd D. Claussen, P.E. Phone: 913.393.1155Company: Phelps Engineering, Inc Fax: jclaussen@phelpsengineering.comMailing Address: 1270 N WinchesterCity: Olathe State: KS Zip: 66061**SIGNATURE**Signature of Owner or Agent: 

NOTE: If not signed by owner, authorization of agent must accompany this application

**FOR OFFICE USE ONLY**Case No.: CU- 2021-03Amount of Fee Paid: \$ 1,000 Rec# 60630Date Fee Paid: 6/7/2021Received By: Veronica HuffmanDate of Hearing: 7/13/2021



June 7, 2021

City of Edgerton  
404 East Nelson  
Edgerton, KS 66021

Re: CUP Application  
Hi-Rise Sign at On The Go Travel Center

The proposed interstate pole sign meets all requirements of the Edgerton City Code including specific requirements outlined in Article 7 and Article 12 as outlined below.

1. Interstate Pole Sign. Applicant must provide the following details in submission materials:
  - a. The use of the proposed development.  
*The proposed use of the development is a convenience store with fuel for cars and trucks including a truck wash and a restaurant tenant with a drive thru.*
  - b. The height of the proposed principal building.  
*Refer to architectural elevations included with the revised final site plan which indicates 20'-6".*
  - c. The surrounding land uses and zoning districts.  
*Refer to the site plan which indicates surrounding zoning and land uses (right of way and C-2 undeveloped land).*
  - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);  
*See included overall site plan and line of site plans provided.*
  - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.  
*Elevations provided on overall site plan in relationship to the adjacent roadway.*
  - f. The proposed height and signable area of the pole sign.  
*See included color sign drawings with the height included.*
  - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.  
*See included line of sight drawings.*

PHELPS ENGINEERING, INC.

1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – [www.phelpsengineering.com](http://www.phelpsengineering.com)

- h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.

Article 12 information is as follows:

Interstate Pole Sign	Permanent	900 sq. ft. in area per sign side which includes total of all individual sign faces; may be single or double sided.	60 ft. above finished grade of adjacent city roadway to a maximum height of 100 ft.	1	30 ft. setback from property lines.	Yes; Conditional Use Permit also required	Internal illumination only; see notes for changeable copy illumination.	<p>Allowed in C-2/C-3 District only and also requires a conditional use permit;</p> <p>May contain a changeable copy sign;</p> <p>No flashing, intermittent or moving lights; LED signs must display image for at least 8 seconds;</p> <p>Changeable copy content and logo are used to calculate total sq. ft. when calculating maximum sq. ft. per sign side;</p> <p>Allowed if a minimum of 50% of the site is within 800 ft. of the centerline or 500 ft. of the right of way (whichever is less) of an Interstate.</p> <p>May only be placed on premise.</p>
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See included site plan and color sign drawings which meet all requirements listed above.

Sincerely,

Phelps Engineering, Inc.

Daniel Finn, P.E.

PHELPS ENGINEERING, INC.

1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – [www.phelpsengineering.com](http://www.phelpsengineering.com)





**NOTE: This signed affidavit is to be returned by the Thursday before the scheduled hearing.**

Application No.: CU- 2021-03

I, Judd D. Claussen, P.E. of lawful age being first duly sworn upon oath, state:

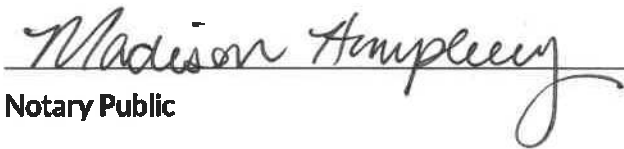
That I am the agent (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 22<sup>nd</sup> day of June, 2021.



Signature of Agent, Owner, or Attorney

Subscribed and sworn to before me this 8<sup>th</sup> day of July, 2021.



Notary Public

My Commission Expires:

05/04/2025

(SEAL)



Case No.: CU- CU2021-03

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton City Hall, 404 E. Nelson St., Edgerton, Kansas, to consider a Conditional Use Permit request for Interstate Pole Sign on the following described tract of land:

Legal Description: Lot 1, ON THE GO TRAVEL CENTER FIRST PLAT, a subdivision of land in the City of  
Edgerton, Johnson County, Kansas

General Location: Northeast corner of Interstate 35 and Homestead Road.

General property address is 32501 W 200th Street, Edgerton, KS

A public hearing will be held to consider the Conditional Use Permit request on the above-described tract at 7:00 p.m. on Tuesday, July 13, 20 21. Any interested persons or property owners are invited to attend. Information regarding this Conditional Use Permit request is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this Conditional Use Permit request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If a valid protest petition is received from twenty (20) percent of the property owners within the notification area, a three-quarters ( $\frac{3}{4}$ ) vote of the Governing Body is required to approve this Conditional Use Permit request.

Copies of the protest petition are available in the office of the City Clerk.

Respectfully,

Judd Claussen, P.E., Phelps Engineering, Agent for the property owner

Applicant (or Owner or Agent) email: jclaussen@phelpsengineering.com

Mailing Address: 1270 N Winchester

City: Olathe State: KS Zip: 66061



STATE OF KANSAS  
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

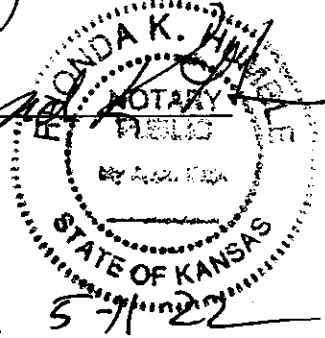
That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

The first publication there of being made as aforesaid on June 23, 2021  
Publications being made on the following :

EDITOR 

SUBSCRIBED AND SWORN TO ME THIS : Jun 23, 2021

NOTARY PUBLIC 



MY COMMISSION EXPIRES 5-11-22

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

## Public Notice

First published in *The Gardner News* Wednesday, June 23, 2021

**CITY OF EDGERTON, KANSAS  
NOTICE OF HEARING FOR CONDI-  
TIONAL USE PERMIT**

Case No.: CU2021-03

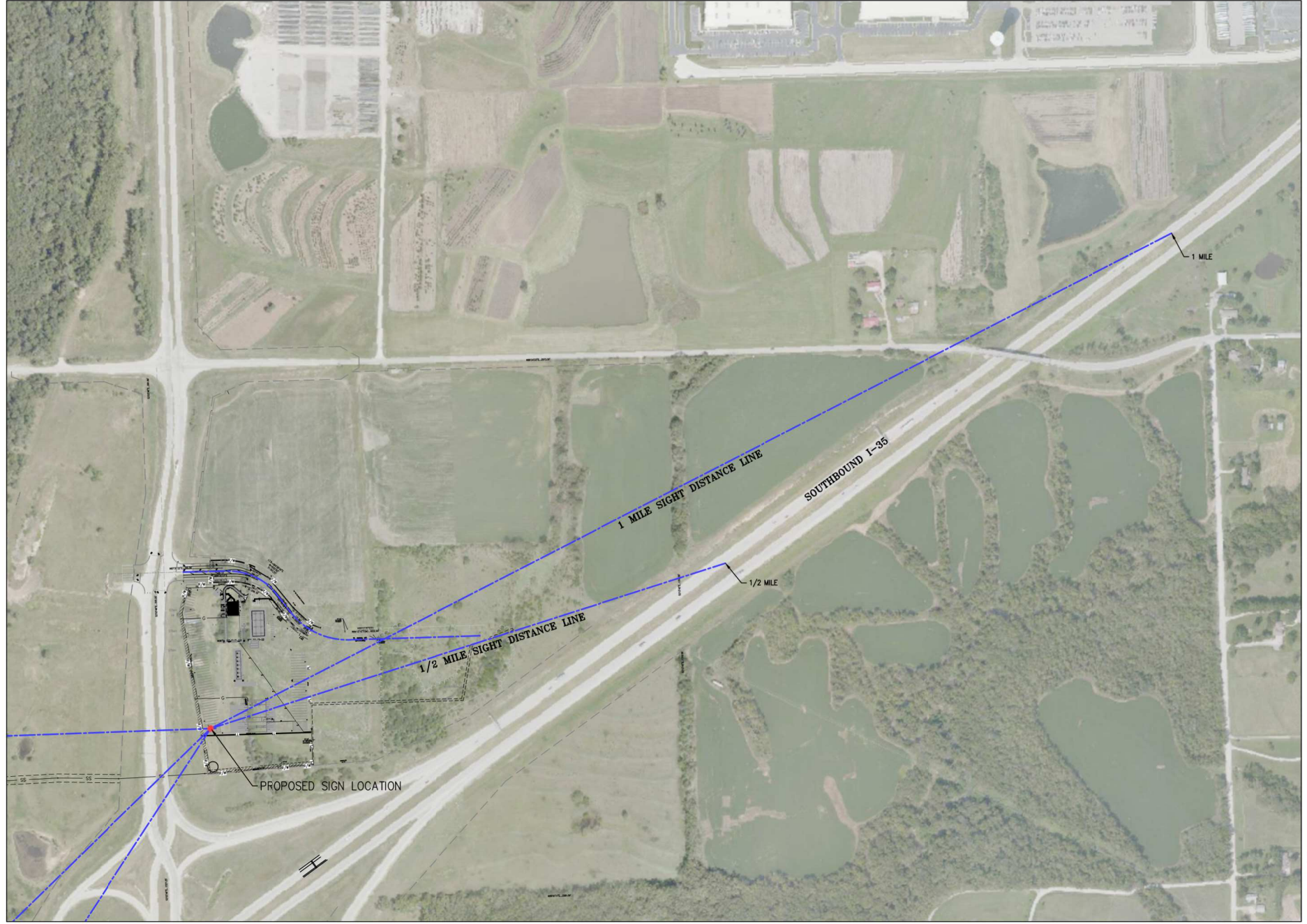
Notice is hereby given that the Planning Commission of the City of Edgerton, Kansas, will hold a Public Hearing at their regularly scheduled meeting on Tuesday, July 13, 2021 at the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas at 7:00 p.m. at which time and place the public may be heard in regards to the Conditional Use Permit of the following described real property situated in the

City of Edgerton, Johnson County, Kansas to wit:  
Judd Claussen, applicant representative, for the property located at 32501 W 200th Street requests approval for a Conditional Use Permit for one Interstate Pole Sign on the following real property, as noted and described:

On The Go Travel Center First Plat.  
Dated this 23rd day of June, 2021.  
John Daley, Chairperson  
Edgerton Planning Commission  
City of Edgerton, P.O. Box 255, 404 E.  
Nelson St., Edgerton, KS 66021



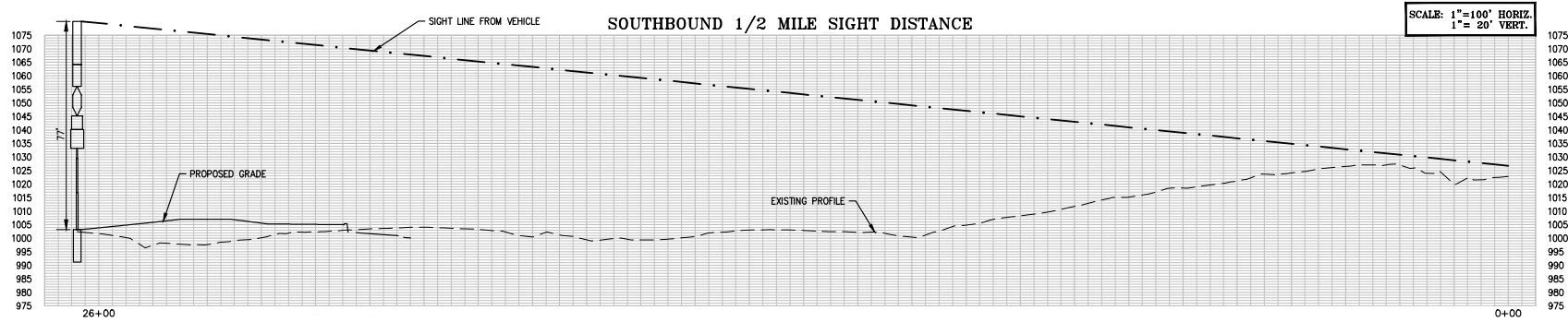
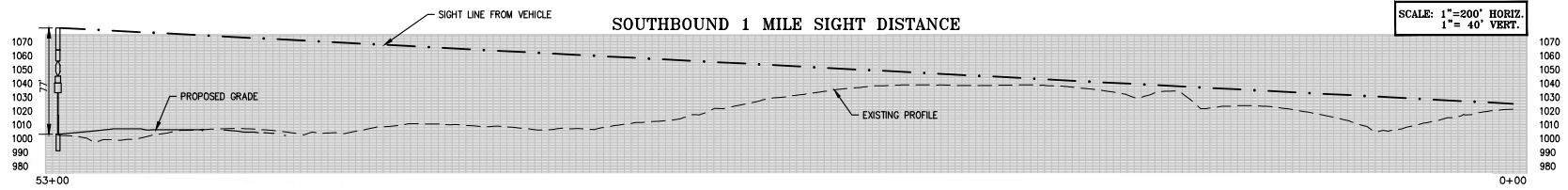




**SIGN SIGHT DISTANCES - SOUTHBOUND**  
ON THE GO-TRAVEL CENTER-RESTAURANT EXPANSION  
I-35 AND HOMESTEAD LANE  
EDGERTON, JOHNSON COUNTY, KANSAS

DATE: 06/27/21	EXAM WORK
CHECKED DATE	APPROVED: JCC
CERTIFICATE OF AUTHORIZATION	
I, <u>JOHN J. MURPHY</u> AND <u>JOAN MURPHY</u> - LS-42 DO hereby certify that CERTIFICATE OF AUTHORIZATION AND <u>JOAN MURPHY</u> - 202039128 AND <u>JOAN MURPHY</u> - 202039128	

\\VTP-05-SERVER\Projects\17205000\Drawings\17205000.dwg (17205000.dwg) 06/07/21 06:07:21 17205000.dwg 17205000.dwg 17205000.dwg



**PAUL J. HARRINGTON, P.E.**  
No. 0610721  
Kansas, State Seal  
06/07/21  
www.harringtonpe.com



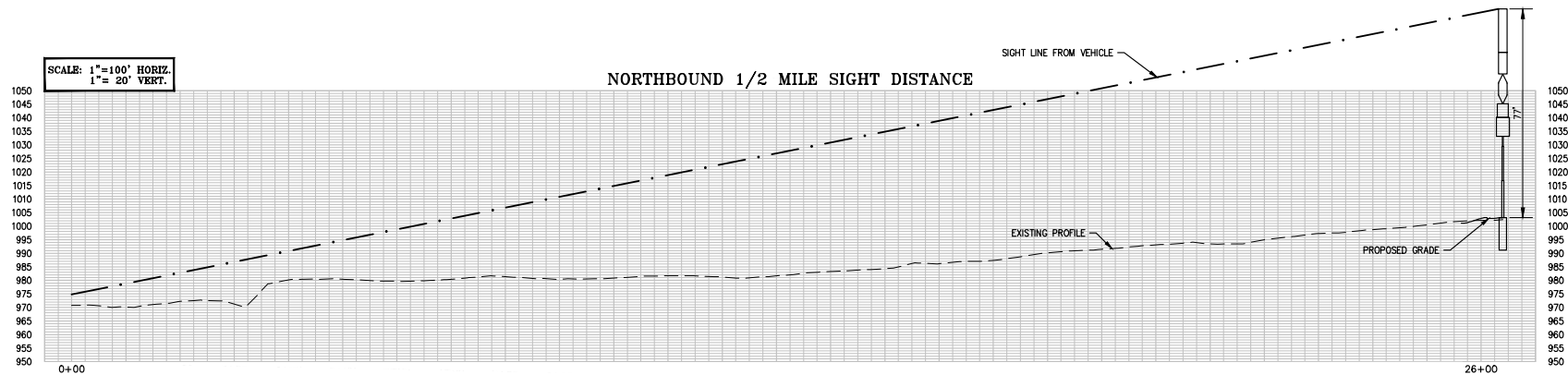
**SIGN SIGHT DISTANCES – SOUTHBOUND**  
ON THE GO-TRAVEL CENTER-RESTAURANT EXPANSION  
I-35 AND HOMESTEAD LANE  
EDGERTON, JOHNSON COUNTY, KANSAS

DATE	BY	REVISION
06/07/21	JPH	1.0
06/07/21	JPH	1.1
06/07/21	JPH	1.2
06/07/21	JPH	1.3
06/07/21	JPH	1.4
06/07/21	JPH	1.5
06/07/21	JPH	1.6
06/07/21	JPH	1.7
06/07/21	JPH	1.8
06/07/21	JPH	1.9
06/07/21	JPH	2.0

SHEET  
**C2.1**

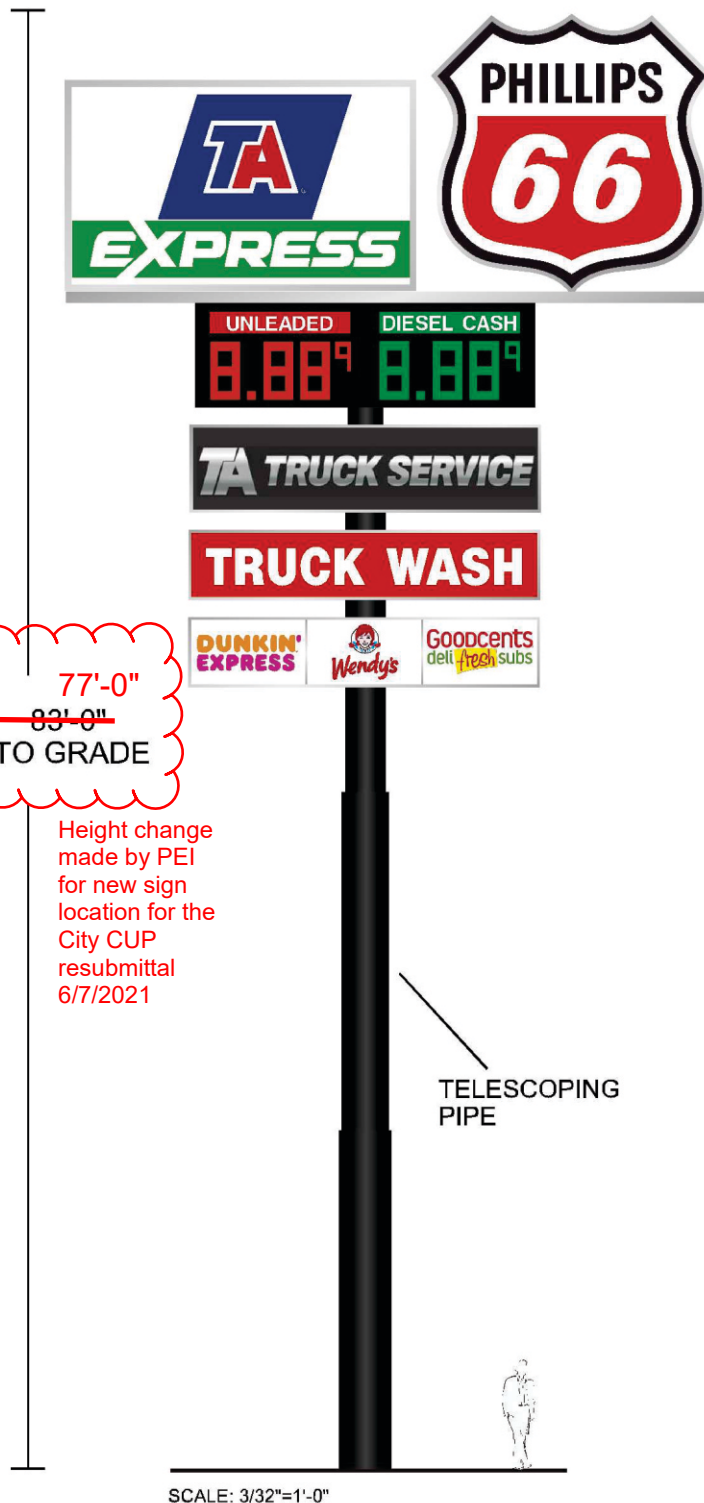






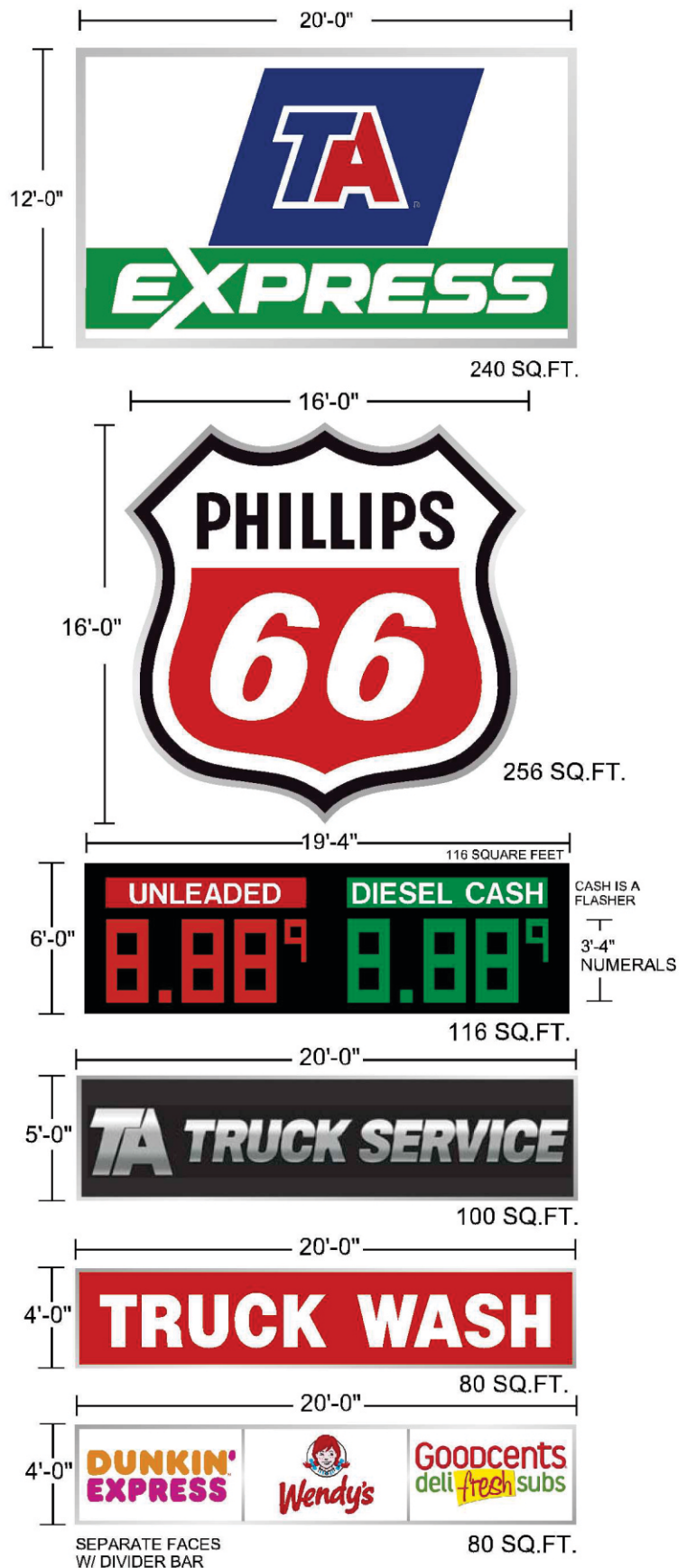






#### SIGN SPECIFICATIONS:

ONE, DOUBLE FACE, INTERNALLY ILLUMINATED PYLON SIGN WITH GAS PRICER.



FILE NAME	TAEXPRESSDR12021.PLT	DATE	1.21.21	% ALLOWED	N/A
ACCOUNT	TA EXPRESS	SCALE	ABOVE	BLDG SQ FT	
ADDRESS	32501 W. 200TH TERRACE	SALESPERSON	ROBIN D'ANGELO	SQ FT ALLOWED	900
	EDGERTON, KS.	DESIGNER	JAY JENSEN	SIGN SQUARE FT	872
		FONT	CUSTOM		

#### CUSTOMER INFORMATION

REQUIRED POWER SOURCE  
PROVIDED BY CUSTOMER  
FOR FINAL CONNECTION.

ANY ROOF MEMBRANE  
PENETRATION BY OTHERS.

NOTES:  
STRUCTURAL BLOCKING BEHIND WALL FOR MOUNTING  
MUST BE SUFFICIENT FOR INSTALLATION.

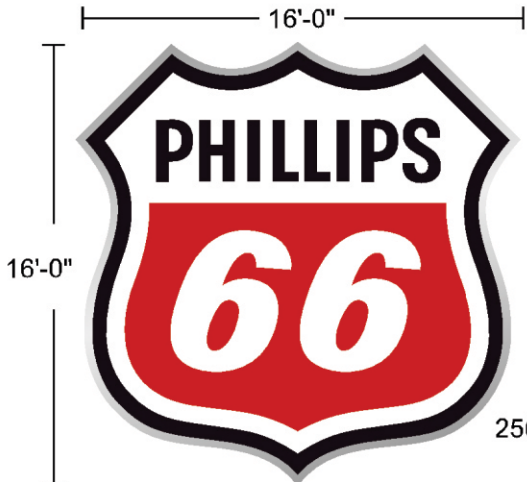
NECESSARY ACCESS MUST BE MADE AVAILABLE  
INSIDE FOR INSTALLATION/WIRING.

"THIS ORIGINAL DESIGN AND ALL INFORMATION CONTAINED THEREON  
IS THE PROPERTY OF KC SIGN EXPRESS, INC. AND ITS USE IN ANY WAY  
OTHER THAN AS AUTHORIZED IS EXPRESSLY FORBIDDEN.  
THIS DRAWING IS SUBJECT TO RETURN ON DEMAND."



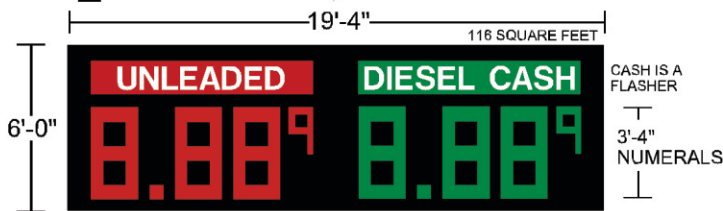
240 SQ.FT.

ONE DOUBLE FACE, INTERNALLY ILLUMINATED CABINET SIGN.  
FACES: HIGH RESOLUTION GRAPHICS PRINTED  
ON WHITE PANAFLEX.  
CABINET: PAINTED BRUSHED ALUMINUM.



256 SQ.FT.

SHIP-IN ONE, DOUBLE FACE CABINET



116 SQUARE FEET

116 SQ.FT.

SHIP-IN TWO, SINGLE FACE PRICE SIGNS



100 SQ.FT.

TWO, SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.  
FACES: WHITE POLYCARBONATE  
GRAPHICS: HIGH RESOLUTION TRANSLUCENT DIGITAL PRINTS ON VINYL.  
CUSTOMER TO PROVIDE VECTOR OR HIGH RESOLUTION ART FILE.  
CABINET: PAINTED BRUSHED ALUMINUM.



80 SQ.FT.

TWO, SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.  
FACES: WHITE POLYCARBONATE  
GRAPHICS: HIGH RESOLUTION TRANSLUCENT DIGITAL PRINTS ON VINYL.  
CABINET: PAINTED BRUSHED ALUMINUM.



SEPARATE FACES  
W/ DIVIDER BAR

80 SQ.FT.

TWO SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.  
ALL INDIVIDUAL FACES, SEPARATED BY DIVIDER BARS.  
FACES: WHITE POLYCARBONATE.  
GRAPHICS: TRANSLUCENT VINYL PER CUSTOMER PROVIDED COLORS.  
CABINETS: PAINTED BRUSHED ALUMINUM



FILE NAME	TAEXPRESSPYLONSPECSDR.PLT	DATE	1.21.21	% ALLOWED	N/A
ACCOUNT	TA EXPRESS	SCALE	ABOVE	BLDG SQ FT	
ADDRESS	32501 W. 200TH TERRACE	SALESPERSON	ROBIN D'ANGELO	SQ FT ALLOWED	900
	EDGERTON, KS.	DESIGNER	JAY JENSEN	SIGN SQUARE FT	872
		FONT	CUSTOM		

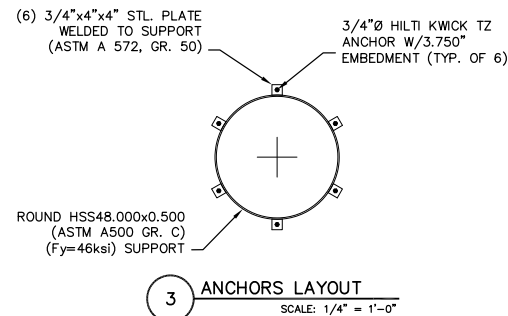
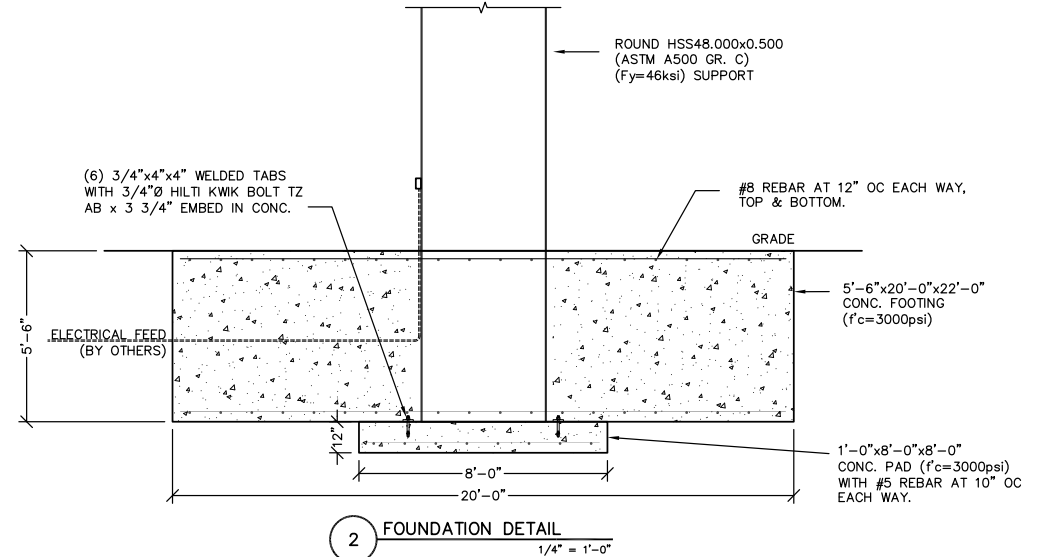
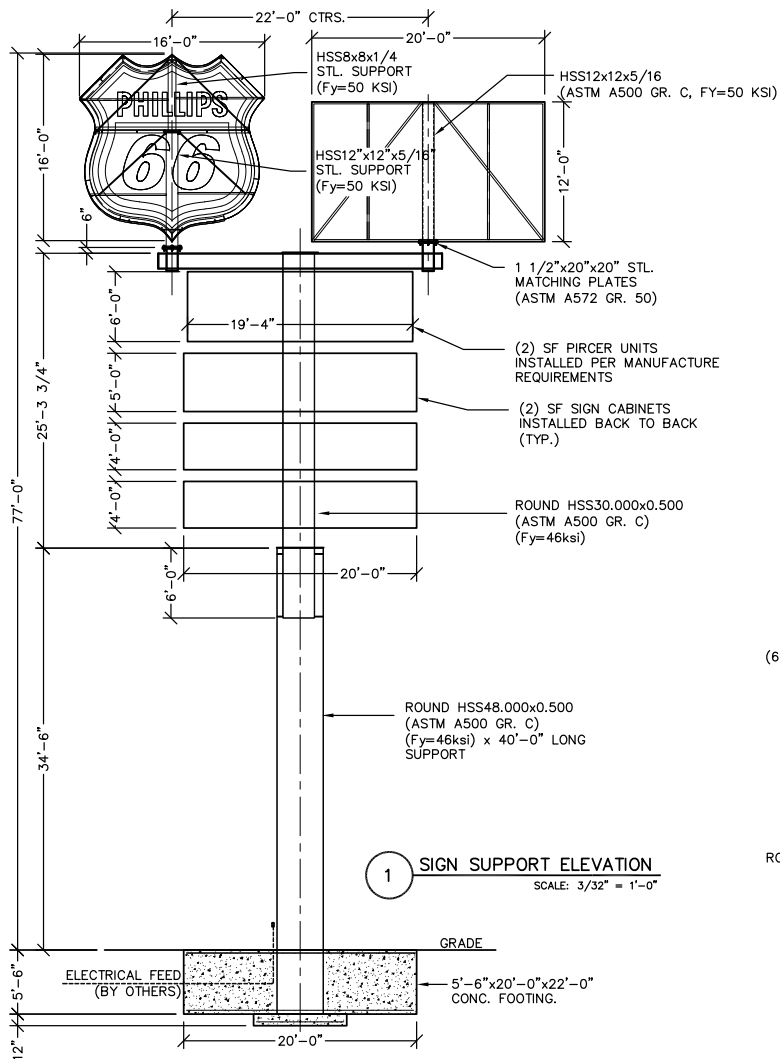
**CUSTOMER INFORMATION**

REQUIRED POWER SOURCE  
PROVIDED BY CUSTOMER  
FOR FINAL CONNECTION.

ANY ROOF MEMBRANE  
PENETRATION BY OTHERS.

NOTES:  
STRUCTURAL BLOCKING BEHIND WALL FOR MOUNTING  
MUST BE SUFFICIENT FOR INSTALLATION.  
NECESSARY ACCESS MUST BE MADE AVAILABLE  
INSIDE FOR INSTALLATION/WIRING.

"THIS ORIGINAL DESIGN AND ALL INFORMATION CONTAINED THEREON  
IS THE PROPERTY OF K&K SIGN EXPRESS, INC. AND ITS USE IN ANY WAY  
OTHER THAN AS AUTHORIZED IS EXPRESSLY FORBIDDEN.  
THIS DRAWING IS SUBJECT TO RETURN ON DEMAND."



#### INSTALL SEQUENCE:

1. SET 48"Ø AND 30"Ø SUPPORT PIPES.
2. SLIDE PRICE CHANGE AND TENANT FRAMES OVER 36"Ø SUPPORT AND SET WITHOUT SF CABINETS, TO PROTECT FACES FROM WELDING OF TORSION BAR.
3. SET HSS16"x16" TORSION BAR W/ CABINET SUPPORTS AND MATCH PLATES.
4. SET "PHILLIPS 66" CABINET TO MATCH PLATE.
5. SET "TA EXPRESS" CABINET TO MATCH PLATE.
6. BOLT ON SF TENANT CABINETS.

#### GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON JOB SITE.
2. STRUCTURAL STEEL SHAPES AND PLATES SHALL CONFORM TO NOTED SPECIFICATIONS.
3. WELDING SHALL CONFORM TO AWS D 1.1 & AISC SPECS.
4. ALL WELDING TO BE PERFORMED BY CERTIFIED WELDER.
5. ISOLATE ALUMINUM FROM STEEL.
6. ALL BOLT HOLES TO BE DRILLED OR PUNCHED.
7. ALL ELECTRICAL WORK TO CONFORM TO THE REQUIREMENTS OF UL48 AND SECTION 600 OF NEC.
8. UL AND DATA LABELS REQUIRED.
9. SIGNS TO BE 6'-FT HORIZONTAL & 12'-FT VERTICAL FROM HIGH VOLTAGE WIRES.
10. CONCRETE TO HAVE F'C=3000 PSI MIN. @ 28 DAYS.
12. DESIGN IS BASED ON 115 MPH WIND, 3-SEC GUST, EXPOSURE C, ASCE 7-10.

**FEDERAL**  
**HEATH**  
**VISUAL COMMUNICATIONS**  
4602 NORTH AVENUE, OCEANSIDE, CA. 92056  
(760) 941-0715

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ART DESIGN REFERENCE #22-12834-20-R

NO.	REVISIONS	DATE	BY
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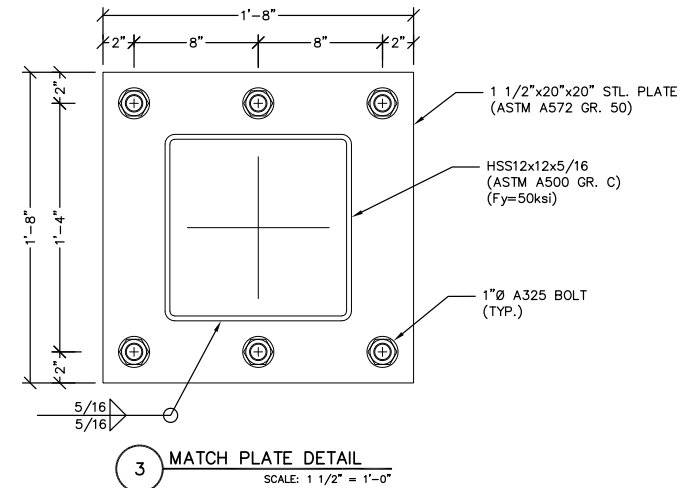
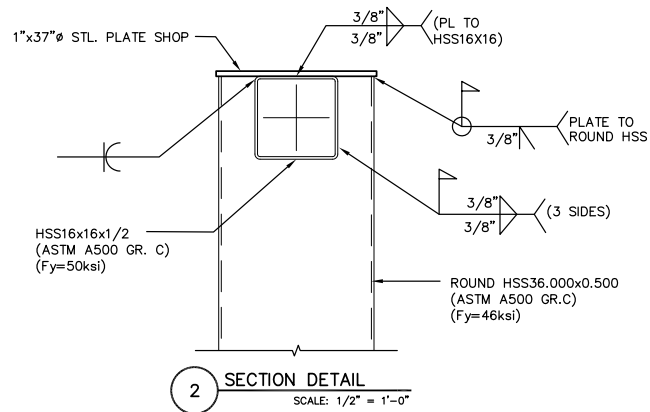
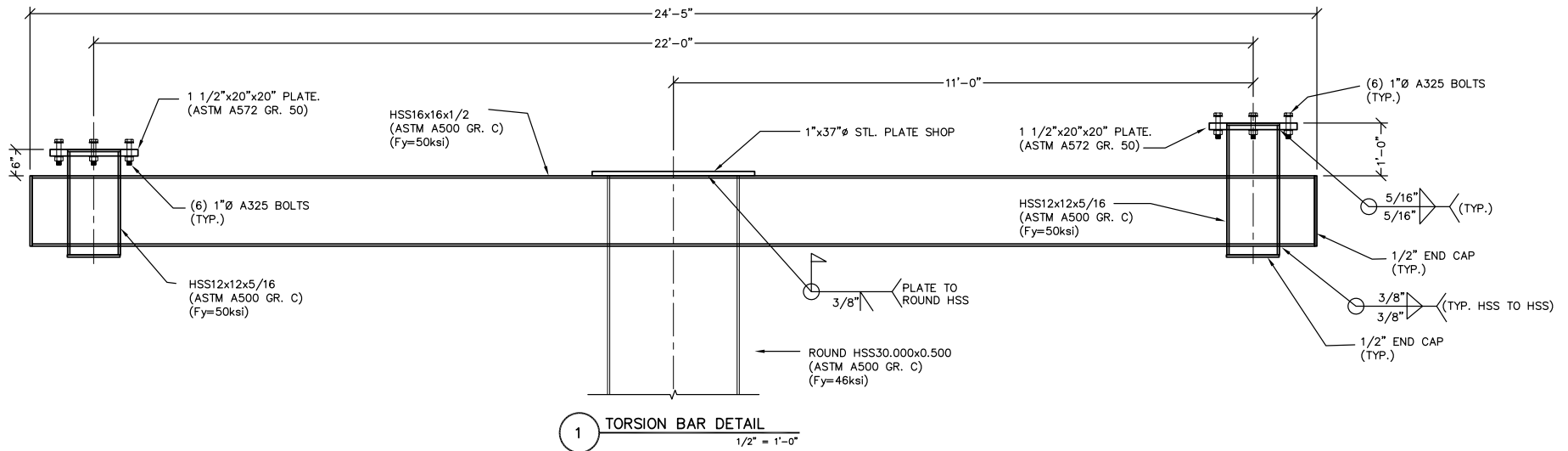


199TH AND HOMESTEAD 135  
EDGERTON, KS 66021

DESIGN NO: S-0302621A	PROJECT MGR.: N. LACY
DRAWN BY: SF/DD	DATE: 3/11/21
JOB NO: 22-12834-20	

SHEET NO: S-1
OF: 7

CONOCO (83FT PYLON) EDGERTON KS #22-12834-20 REV-A.dwg

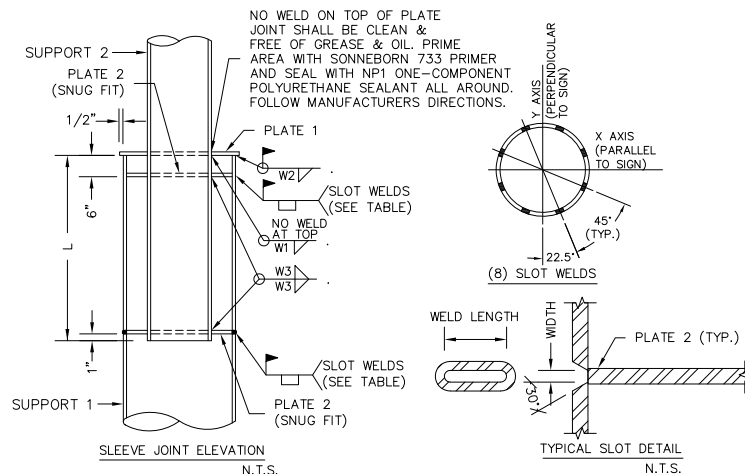


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DESIGN NO: S-0302621A	PROJECT MGR.: N. LACY
DRAWN BY: SF/DD	DATE: 3/11/21
JOB NO: 22-12834-20	

SHEET NO: S-2
OF: 7



SUPPORT 1	SUPPORT 2	"L"	PLATE 1	PLATE 2	W1	W2	W3	SLOT WELD
48.00"x.500"	30.00"x.500"	6'-0"	1.50"	1.50"	5/16	5/16	5/16	8 @ 3/4"x3"

1

# SUPPORT SPLICE DETAIL

SCALE: 1/4" = 1'-0"



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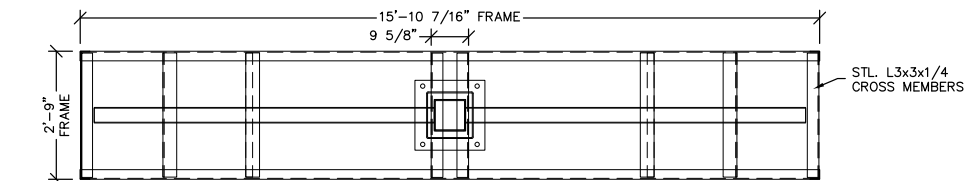


199TH AND HOMESTEAD 135  
EDGERTON, KS 66021

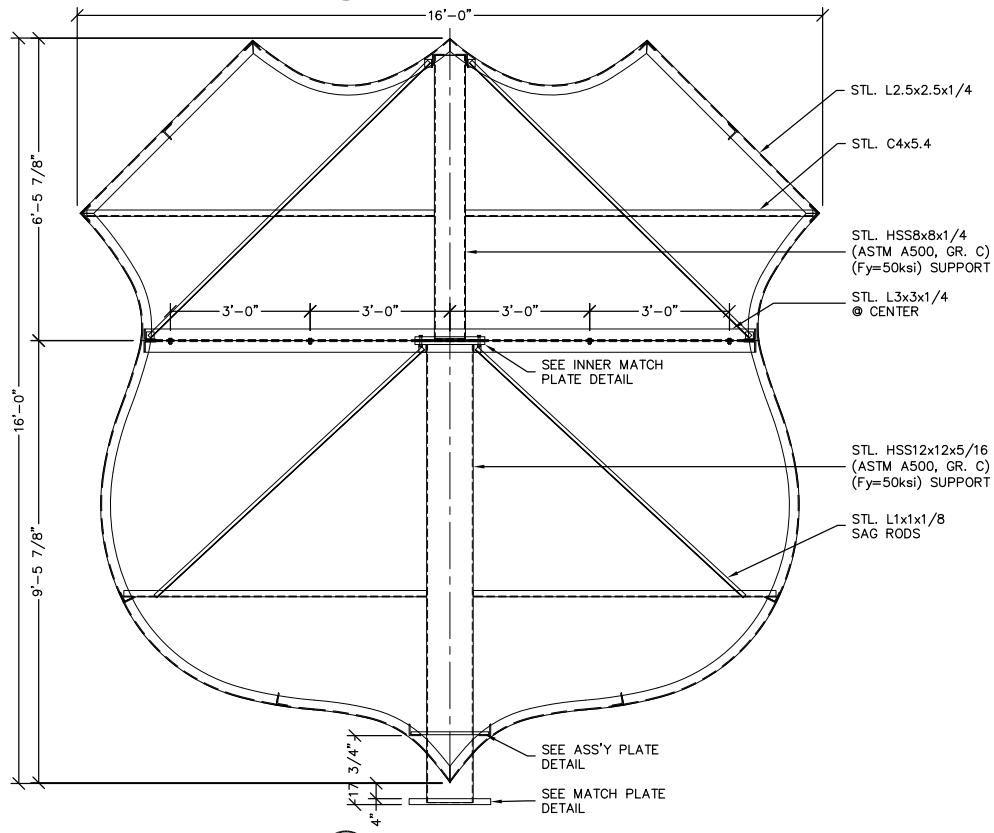
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JOB NO: 22-12834-20	

SHEET NO: S-3
OF: 7



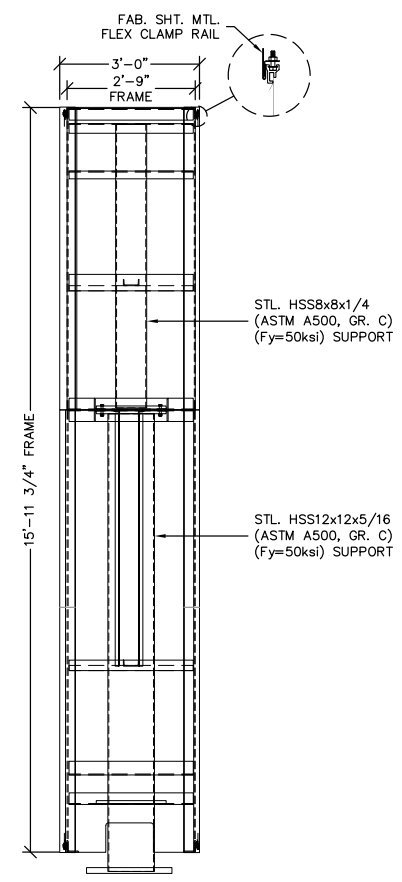


**3 PLAN VIEW**  
SCALE: 3/8" = 1'-0"

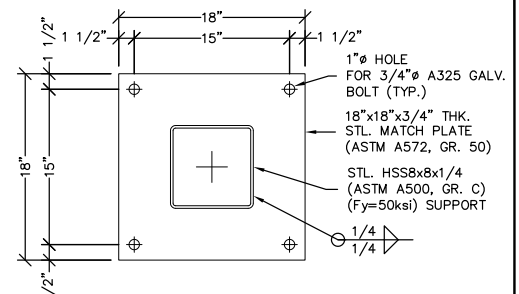


**1 FRAME ELEVATION**  
SCALE: 3/8" = 1'-0"

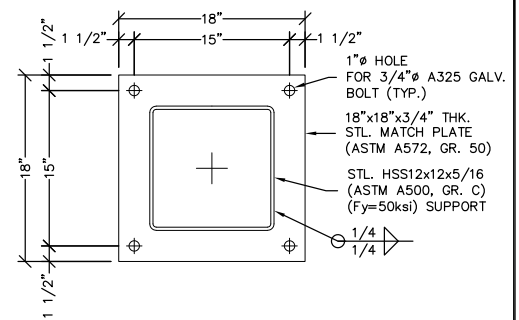
NOTE: SUPPORTS SIZES AND PLATE THICKNESS HAVE CHANGED FROM STANDARDS. OUR STANDARD DESIGNS DO NOT WORK FOR THIS APPLICATION.



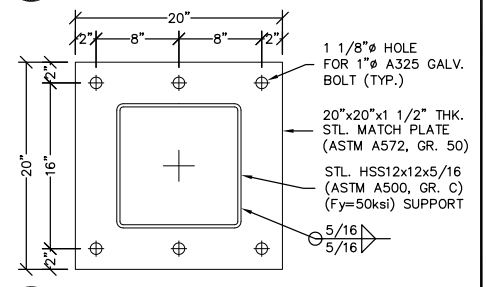
**2 SIDE ELEVATION**  
SCALE: 3/8" = 1'-0"



**4 INNER MATCH PLATE DETAIL**  
SCALE: 3/8" = 1'-0"



**5 ASS'Y MATCH PLATE DETAIL**  
SCALE: 3/8" = 1'-0"



**6 MATCH PLATE DETAIL**  
SCALE: 3/8" = 1'-0"



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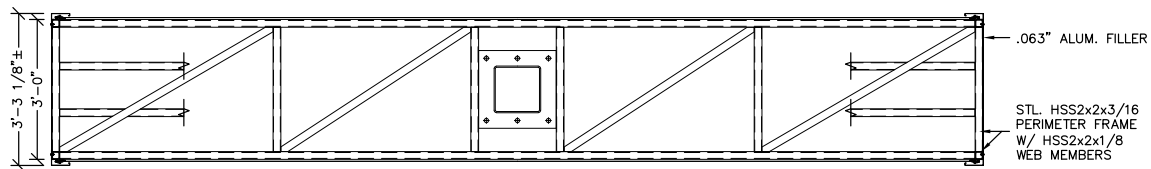
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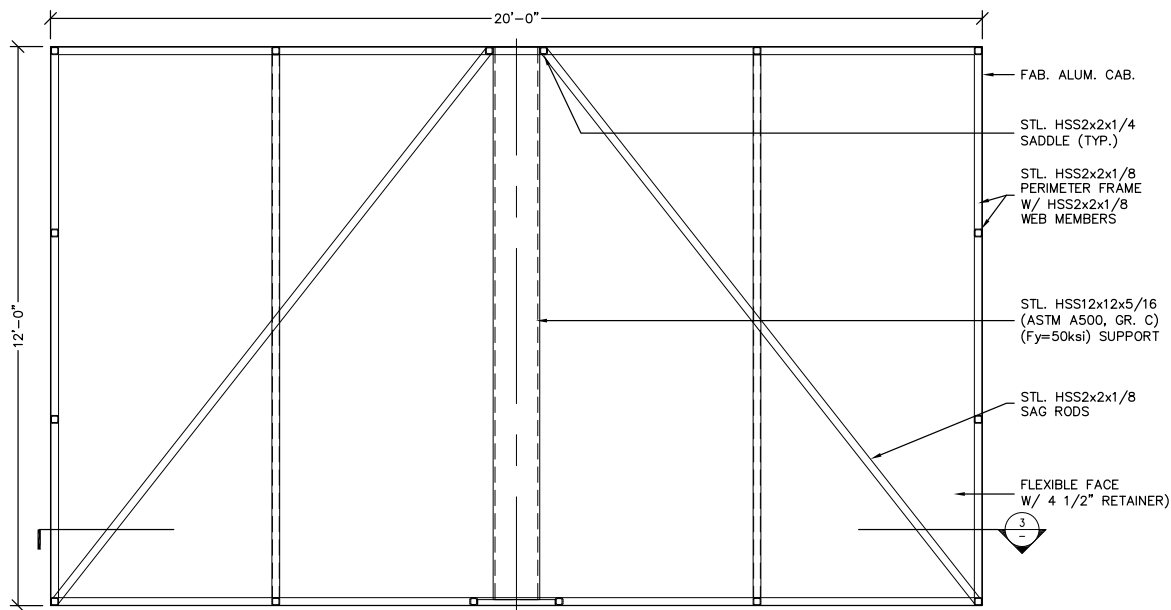
199TH AND HOMESTEAD 135  
EDGERTON, KS 66021

DESIGN NO: S-0302621A	PROJECT MGR.: N. LACY
DRAWN BY: SF/DD	DATE: 3/11/21
JOB NO: 22-12834-20	

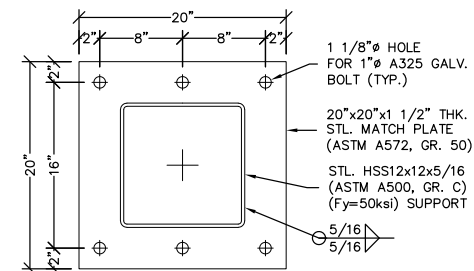
SHEET NO: S-4
OF: 7



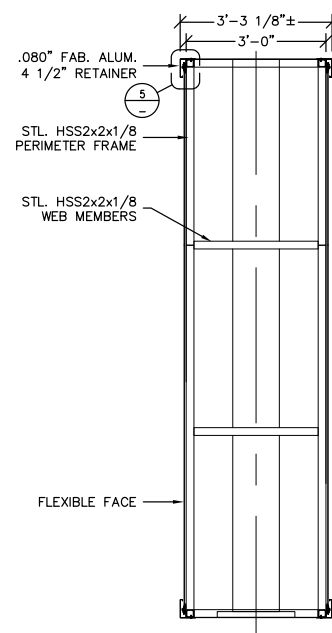
3 PLAN VIEW  
SCALE: 3/8" = 1'-0"



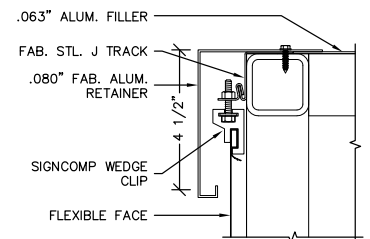
1 "TA" EXPRESS FRAME ELEVATION  
SCALE: 3/8" = 1'-0"



4 MATCH PLATE DETAIL  
SCALE: 1" = 1'-0"



2 SIDE ELEVATION  
SCALE: 3/8" = 1'-0"



5 FACE DETAIL  
SCALE: 3/8" = 1'-0"

**FEDERAL HEATH**  
VISUAL COMMUNICATIONS  
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(760) 941-0715

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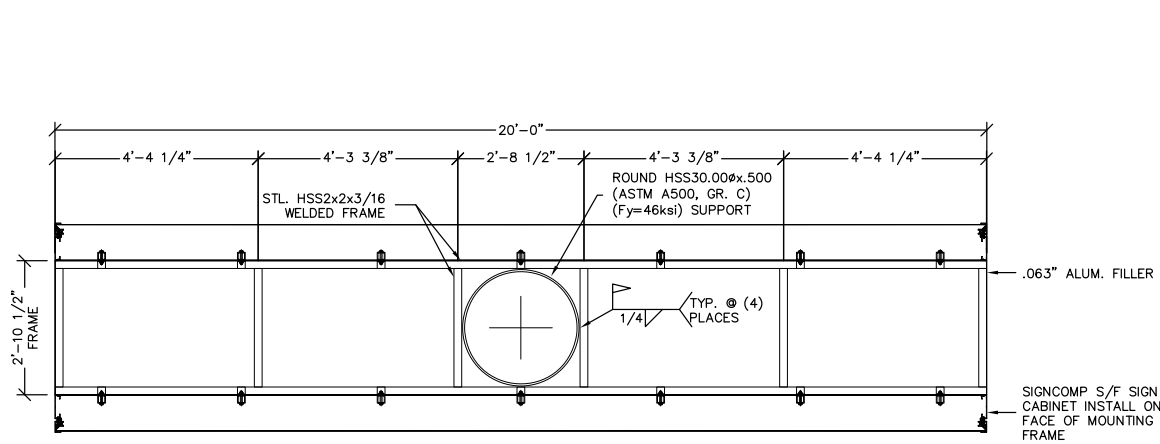


199TH AND HOMESTEAD 135  
EDGERTON, KS 66021

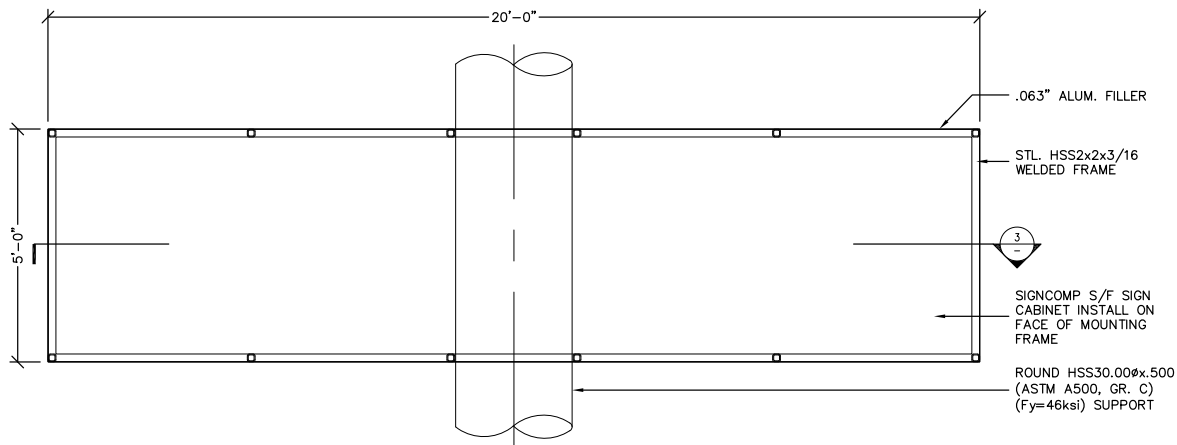
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DRAWN BY: SF/DD	DATE: 3/11/21
JOB NO: 22-12834-20	

SHEET NO: S-5
OF: 7

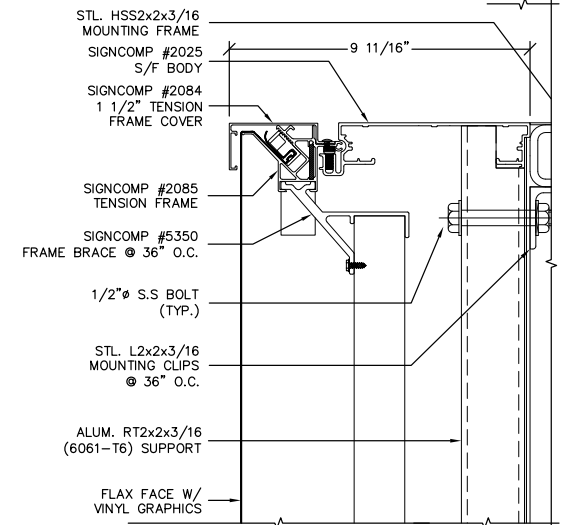
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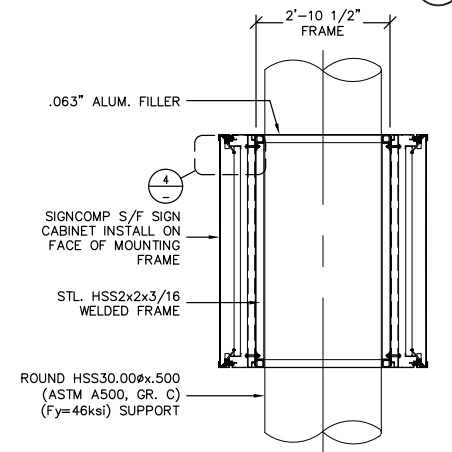
3 PLAN VIEW  
SCALE: 3/8" = 1'-0"



1 TENANT FRAME ELEVATION  
SCALE: 3/8" = 1'-0"



4 FACE DETAIL  
SCALE: 3/8" = 1'-0"



2 SIDE ELEVATION  
SCALE: 3/8" = 1'-0"

**FEDERAL HEATH**  
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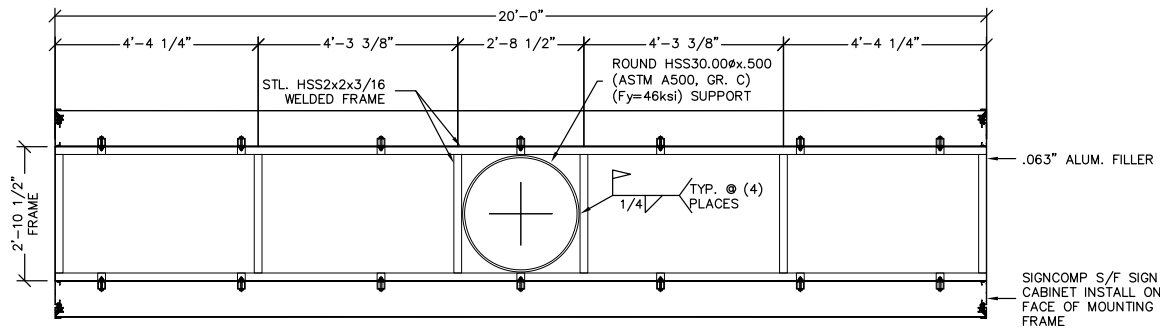
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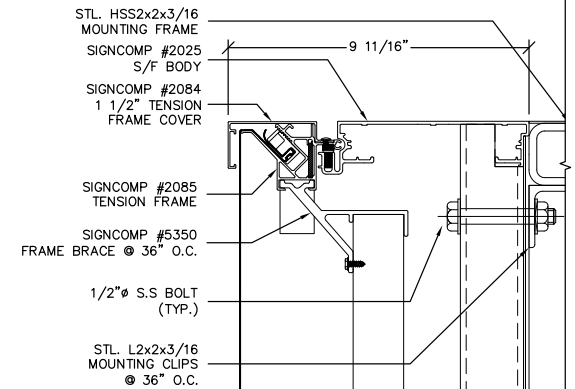
199TH AND HOMESTEAD 135  
EDGERTON, KS 66021

DESIGN NO: S-0302621A	PROJECT MGR.: N. LACY
DRAWN BY: SF/DD	DATE: 3/11/21
JOB NO: 22-12834-20	

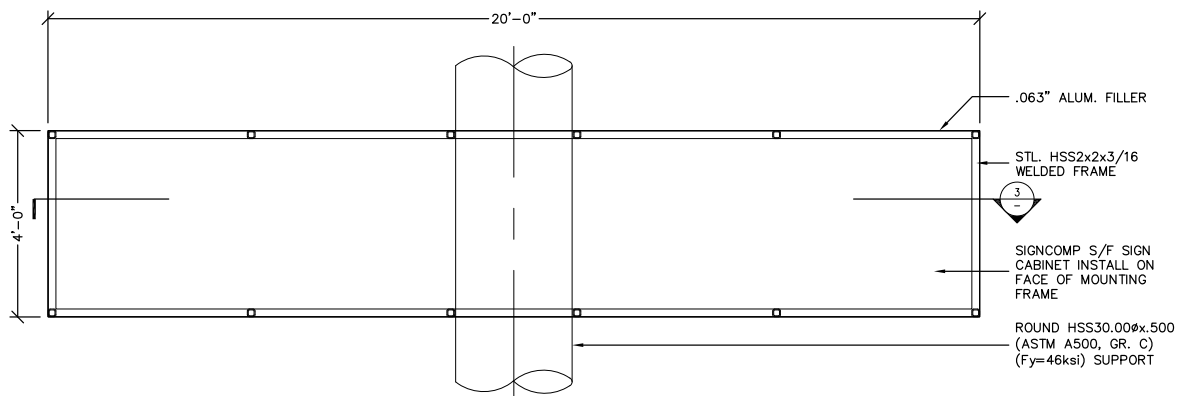
SHEET NO: S-6
OF: 7



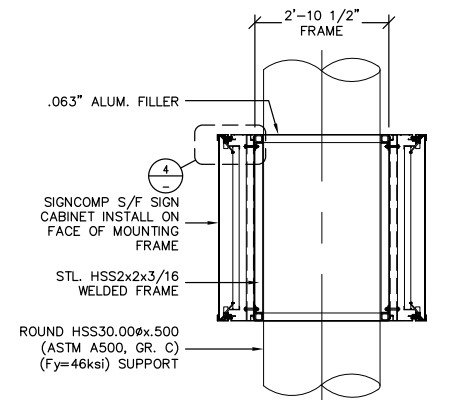
3 PLAN VIEW  
SCALE: 3/8" = 1'-0"



4 FACE DETAIL  
SCALE: 3/8" = 1'-0"



1 TENANT FRAME ELEVATION  
QTY. X2 SCALE: 3/8" = 1'-0"



2 SIDE ELEVATION  
SCALE: 3/8" = 1'-0"

**FEDERAL**  
**HEATH**  
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199TH AND HOMESTEAD 135  
EDGERTON, KS 66021

DESIGN NO: S-0302621A	PROJECT MGR.: N. LACY
DRAWN BY: SF/DD	DATE: 3/11/21
JOB NO: 22-12834-20	

SHEET NO: S-7
OF: 7

**EDGERTON CITY HALL  
PLANNING COMMISSION MEETING  
July 13, 2021**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on July 13, 2021. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

**1. ROLL CALL**

Jeremy Little	present
Charlie Crooks	present
Tim Berger	present
Deb Lebakken	present
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance:      Katy Crow, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator  
Beth Linn, City Administrator

**NEW BUSINESS**

**6. HOLD A PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-03 FOR ON THE GO TRAVEL CENTER LOCATED AT 32501 W 200<sup>TH</sup> STREET.**

Chairperson Daley introduced this application. He said City Staff will present their findings and if the applicant is present, they will be given the opportunity to speak in support of their application. At the conclusion of the applicant's presentation, Chairperson Daley will open the floor for public comments. During that time City Staff will keep a list of questions and concern from the public and Chairperson Daley will provide the applicant the opportunity to respond. He stated public comment is only allowed during the public hearing and once the hearing has been concluded, the time for comment and passed so no further comments from the audience will be taken. He explained each speaker will be limited to three (3) minutes. Chairperson Daley opened the public hearing.

Ms. Katy Crow, Development Services Director, stated this application is to replace Conditional Use Permit (CUP) CU2021-01. On March 9, 2021, the Commission held a public hearing and recommended approval of then Application CU2021-01 for a CUP for an Interstate Pole Sign. The Governing Body approved the Commission's recommendation on April 8, 2021, with the approval of Ordinance No. 2068. On June 7, 2021, the applicant submitted a new CUP application which proposed a new location for the Interstate Pole Sign. The sign has been relocated out of the detention basin area and onto the paved surface adjacent to the parking lot. She stated the applicant has indicated the sign needs an access road so maintenance can be performed on the sign, and that is why it is being relocated. Due to the new location, the height of the sign has been lowered to seventy-seven (77) feet to be in compliance with the Unified Development Code (UDC). The pole sign will be supported by one telescoping pipe. The applicant has also indicated the sign display will remain the same and the only changes between Application CU2021-03 and CUP CU2021-01 is the height and location of the sign. The applicant has indicated that the flasher will be turned off. Ms. Crow explained all of the Golden Criteria are outlined in the Staff Report with

twelve (12) criteria having positive staff determinations and two (2) neutral. All of the other review comments regarding Article 7 of the UDC and the stipulations are the same as outlined for CUP CU2021-01. Ms. Crow said if Application CU2021-03 is approved, CUP CU2021-01 will then become null and void so the applicant will not be able to erect two Interstate Pole Signs.

Mr. Judd Claussen, Applicant Representative, thanked the Commission for their considerations of the application and City Staff for their work on the report. He stated it is easier to construct and maintain the sign where the new proposed location is than where it was originally planned.

Ms. Colleen Cole, 19911 Pepper Tree Lane, Edgerton, Kansas 66021, spoke before the Commission. She stated the first time this item went before the Commission they were unaware of the application. Her and her husband spoke out against the sign at the City Council meeting. The City Council (the Council) tabled the vote on the item for the applicant to meet the Coles on site. She explained there were several agreements made at that time, but there were no changes when it went before the Council again. They have sent letters to the Council. Ms. Cole handed emails and photos to the Commission which are attached at the end of the minutes. She explained the first photo is from Homestead Lane looking at their property. The second photo is where the sign is to be placed on the parcel. The third photo provided shows the lights that can be seen while the Coles are sitting in their house. The fourth photo provided is from their upstairs windows. The fifth photo is showing the Interstate Pole Sign in Wellsville, Kansas. She provided emails to and from the applicant where a change in location was discussed. The Council tabled the item so a solution could be met and some agreement reached, but the Ms. Cole felt that the Coles' objection did not receive any consideration as they were not at the next Council meeting.

With there being no further public comment, Commissioner Lebakken moved to close the public hearing. The motion was seconded by Commissioner Little. The public hearing was closed, 5-0.

**7. CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-03 FOR ON THE GO TRAVEL CENTER LOCATED AT 32501 W 200<sup>TH</sup> STREET.**

Chairperson Daley stated there is to be no blinking or flashing as it is not allowed per the UDC. Ms. Crow explained the sign can flash, but the image has to be shown for a minimum of eight (8) seconds. She stated the applicant has represented that the sign will not have any flashing components. Chairperson Daley inquired if the Commission could add that as a stipulation. Ms. Beth Linn, City Administrator, replied they can. Chairperson Daley asked if the photometric requirements still need to be met. Ms. Crow explained the requirements are still in place for the Interstate Pole Sign. There cannot be any light spillage onto a neighboring property.

Commissioner Crooks explained there have been a lot of complaints regarding the sign in Wellsville even though it is the same brightness. Ms. Linn stated the lumens rating has not been provided, so City Staff is unable to confirm that at this time. Commissioner Berger inquired what the lumens level is at. Mr. Claussen replied he does not have that information available at this time. Commissioner Berger asked if the sign will be backlit. Mr. Claussen stated it will be backlit. He explained the sign face is perpendicular to I-35 to increase visualization along the interstate. Ms. Crow explained the line-of-sight drawings provided in the packet. Mr. Claussen added there are line-of-sight drawings provided from the vantage point at the Coles' property. There are streetlights in the same view angle as the top of the sign is. He explained the sign is about 1,100 feet away

from the house. Commissioner Crooks stated the light does go into the house per the photo provided by Ms. Cole. Mr. Claussen replied the sign will be seen when it is directly looked. Chairperson Daley stated the sign is angled to where it does not face the neighborhood. Ms. Linn replied that is correct. She explained that the other houses in this neighborhood are not as close to the rear property line as the Cole's house is. Ms. Linn explained there is a difference between the spillage of light across a property line than being able to see a light far away in the dark. Chairperson Daley said the entire purpose of the sign is to be seen and there will be no flashing component. Mr. Claussen explained the flashing mechanism will be disabled at the factory so there is no way for it to be accidentally turned on.

Ms. Cole stated the whole reason the sign was not moved before being heard by the Council is because the applicant knew they would have to get reapproved by the Commission. The application is before the Commission anyway, so the location should change to the agreed upon location. Chairperson Daley replied that the sign does need to be seen along I-35. Ms. Linn stated the applicant and the Coles discussed relocating the sign to the southeast corner of the property, however, the line-of-sight would not be practical for travelers along I-35. Commissioner Crooks inquired if it would be possible to put up shields on the sides of the sign. Mr. Claussen said the engineering would be difficult and could make the structure unsafe due to catching wind. Commissioner Berger explained the sign in Wellsville is not backlit like this sign is. There may be small lights on the pole of this sign to make it visible, but light spillage will not be an issue. The backlight is to help highlight the text and images of the sign. Commissioner Lebakken stated the backlight will diffuse better and the sign will be skewed.

Ms. Crow explained if this application is approved, then the prior CUP CU2021-01 will become null and void. Commissioner Berger stated there have been instances of applicants adding more landscaping to tree lines, but the tree line would be off the applicant's property. Ms. Linn explained there is a large property between the Coles and the subject parcel that also contains a C-2 zoning designation that is vacant today and when developed, it would have the same landscaping requirements that the On the Go parcel has today. Additionally, when it was approved, the rezoning ordinance for the vacant parcel contained a stipulation for landscaping requirements. Commissioner Lebakken stated that lot will be development eventually. Commissioner Crooks explained he is worried about the brightness of the sign. Chairperson Daley said the light will be seen in the distance like a streetlight, but there will not be light spilling onto neighboring properties.

Ms. Linn reminded the Commission to include the rationale for the motion like a rezoning application.

Commissioner Lebakken stated shielding the sign is not practical or safe and there will be additional development between the Coles and this property that will include landscaping requirements.

Commissioner Lebakken moved to recommend approval of Application CU2021-03 based upon with the following stipulations, the location of the sign, the angle of placement, no blinking lights, and the knowledge that the property to the west will have landscaping when developed:

1. Blinking may not be utilized on this Interstate Pole Sign.
2. The location of the sign is to remain in the proposed location.
3. The angle is to be that to where the sign is perpendicular to I-35.

4. The staff recommendations and comments noted related to any requirements for the sign and all else discussed as included in this Staff Report are included as stipulations as part of approval of this Conditional Use Permit.
5. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing.
6. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s).
7. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit CU2021-03 null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City.
8. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership.
9. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.
10. Upon approval of application CU2021-03, permit CU2021-01 would be considered null and void.

Commissioner Little seconded the motion. Application CU2021-03 was recommended for approval with the stipulations, 5-0.



## City Council Action Item

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**Council Meeting Date:** August 12, 2021

**Department:** Community Development

**Agenda Item: Consider Resolution 08-12-21A Providing a Deadline of October 14, 2021 to Resolve a Dangerous and Unfit Structure Existing at 707 W. Nelson Street, #112, in the City of Edgerton, Johnson County, Kansas Pursuant to City of Edgerton City Code, Chapter IV, Article 4, Section 4-407.**

**Background/Description of Item:** On May 18, 2021 a fire occurred at the mobile home located at 707 W. Nelson Street, Space 112. The owner of the mobile home is Norman McCracken. The owner of the land on which the mobile home sits is Kyle L. Oswald. On May 20, an inspection of the mobile home was conducted by Fire Marshall Brad Ralston of Johnson County Fire District #1 and representatives from GBA, the City's building inspection contractors, Joe Kmetz and Robert Talburt. Also present were Katy Crow, Development Services Director and Chris Clinton, Planning and Zoning Coordinator along with Mr. McCracken, his daughter Norma McCracken, his son Donnie McCracken. Due to the extensive damage sustained during the fire the home was deemed uninhabitable. Ms. McCracken indicated that her father did not have insurance on the home to cover any repairs or the loss of personal items. Copies of the inspection reports from May 18, 2021 are included with this memo.

On May 25, 2021 correspondence was sent via certified mail to both Mr. McCracken and Mr. Oswald indicating a deadline of August 2, 2021 to decide to either repair the structure or remove it from Edgerton. Once a decision was provided to repair or remove, staff gave a deadline of August 16, 2021 for the mobile home to either be removed if not being repaired, or for building permit application to be made for the repairs necessary to return it to a habitable state.

On August 2, 2021 City Staff spoke with both Mr. Oswald and Norma McCracken, Mr. McCracken's daughter who is handling his affairs during this time. Mr. Oswald indicated that it was his understanding that the mobile home was going to be hauled off the site but that if he had to be responsible for that action, additional time would be needed. He stated that he had a contractor who could perform the haul away but due to that contractor's schedule, he was unable to provide a date in the near future. Mr. Oswald's estimated timeline for the removal of the mobile home was approximately two months or the end of September. Ms. McCracken indicated that she was unsure if the mobile home could be repaired and she would be in contact with a family member who is a contractor that could possibly make that

determination. At the writing of this memo, staff has had no further contact with either Mr. Oswald or Ms. McCracken as to what the final outcome for the mobile home will be and when that might occur.

As determined by both the acting building inspectors and the Johnson County Fire Marshall, in the condition in which it exists today, the mobile home structure located at 707 W. Nelson Street, Space 112 the building is unfit for human use or habitation due to the damage sustained during the fire.

The City Code provides that when it appears to the public officer that the structure is dangerous, unsafe or unfit for human habitation, they may report such findings to the Governing Body. Upon receipt of this report, and pursuant to Chapter IV, Article 4, Section 4-401, should the governing body of the City of Edgerton find a structure unfit for human use or habitation because of dilapidation, defects, unsanitary conditions, or conditions which provide a general blight upon the neighborhood or surrounding properties, the governing body may fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure could not be condemned and ordered repaired or demolished.

The City Attorney has prepared Resolution 08-12-21A pursuant to Section 4-405 of the Edgerton City Code to set the date and time for such a hearing. This resolution must be published once each week for two consecutive weeks, and 30 days must elapse between the last publication and the date set for the hearing. Publication of this resolution will occur on August 18, 2021 and August 25, 2021 with a public hearing set for Thursday, October 14, 2021 at 7:00 PM.

Staff would recommend the Governing Body approve Resolution 08-12-21A in order to continue moving forward the process to abate this nuisance.

**Related Ordinance(s) or Statue(s):** – Edgerton City Code Chapter IV, Article 4

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Resolution 08-12-21A Providing a Deadline of October 14, 2021 to Resolve a Dangerous and Unfit Structure Existing at 707 W. Nelson Street, #112, in the City of Edgerton, Johnson County, Kansas Pursuant to City of Edgerton City Code, Chapter IV, Article 4, Section 4-407.**

**Enclosed:**

- Edgerton City Code Chapter IV, Article 4
- Resolution 08-12-21A
- Johnson County Fire District #1 Fire Response Report
- GBA Inspection Report
- Johnson County Fire District #1 Inspection Report

**Prepared by:** Katy Crow, Development Services Director

4-315. LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, or by reason of any certificate of inspection issued by it. (Code 1984)

#### ARTICLE 4. DANGEROUS AND UNSAFE BUILDINGS

4-401. PURPOSE. The governing body of the City of Edgerton has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 1984)

4-402. DEFINITIONS. For the purpose of this article, the following words and terms shall mean:

- (a) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.
- (b) Public Officer means the city building inspector or his or her authorized representative. (K.S.A. 12-1750; Code 1984)

4-403. PUBLIC OFFICER; DUTIES. The public officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article. Including the following:

- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
- (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the public officer may seek an order for this purpose from a court of competent jurisdiction;
- (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
- (d) Receive petitions as provided in this article. (Code 1984)

4-404. PROCEDURE; PETITION. Whenever a petition is filed with the public officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the public officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 1984)

- 4-405. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-404, shall be resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S. A. 12-1752; Code 1984)
- 4-406. SAME; PUBLICATION. (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.  
(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only." (K.S.A. 12-1752; Code 1984)
- 4-407. SAME; HEARING, ORDER. (a) If, after notice and hearing, the governing body determines that the structures under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause to be served upon the owner or agent an order directing such owner to either repair or demolish or remove the structure.  
(b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he or she has complied with the order.  
(c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure. (Code 1984)
- 4-408. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 1984)
- 4-409. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the public officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.  
(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the public officer may cause the structure to be removed and demolished. (Code 1984)
- 4-410. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to

take such action, the public officer may proceed to make the site safe. (Code 1984)

- 4-411. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alteration, improvements, vacating, removal or demolition by the public officer, including making the site safe, shall be reported to the city clerk.
- (b) The city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.
- (c) If the proceeds of the sale of salvage is insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county. (K.S.A. 12-1756; Code 1984)
- 4-412. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the public officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-411. (Code 1984)
- 4-413. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the public officer from carrying out the provisions of the order pending final disposition of the case. (Code 1984)

## ARTICLE 5. MOVING BUILDNGS

- 4-501. PERMIT NECESSARY. It shall be unlawful for any person to move, haul or transport, any house, building, derrick or other structure of the height of 16 feet or over, or of a width of 15 feet or more upon, across or over any street or alley in this city without first obtaining a permit therefore as hereinafter provided. (Code 1984)
- 4-502. APPLICATION FOR PERMITS. All applications for permits to move houses, buildings, derricks or other structures mentioned in section 4-501 shall be made in writing to the city clerk specifying the day and hour the moving is to commence and the route thru the city's streets over which the building or structure shall be moved. If it shall be necessary to cut down and move, raise or in any manner interfere with any wires or poles, the application shall state the name of the owners of the wires and poles, the time and place, when and where the removal of

RESOLUTION NO. 08-12-21A

A RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A HEARING TO DISCUSS A POSSIBLE DANGEROUS AND UNFIT STRUCTURE EXISTING 707 W. NELSON STREET, SPACE #112 IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-405

WHEREAS, it has been reported to the City Council of the City of Edgerton, Johnson County, Kansas by the public officer that there exists, on the premises of 707 W. Nelson Street, Space #112, Edgerton, Kansas, a mobile home structure which is unfit for human use due to the dilapidated condition caused by a fire inside the mobile home on May 18, 2021; and

WHEREAS, these dilapidated conditions cause general blight upon the neighborhood and surrounding properties, these conditions are found to be dangerous, unsafe and unfit for human habitation.

WHEREAS, the title to the mobile home at 707 W. Nelson Street, Space #112 is currently held by Norman McCracken and the property on which the mobile home sits is owned by Kyle L. Oswald.

WHEREAS, pursuant to Section 4-405 of the City Code of the City of Edgerton, Kansas, the City Council wishes to fix a time and place for the mobile homeowner Norman McCracken and the landowner Kyle L. Oswald to appear and show cause why the structure should not be condemned and ordered repaired or demolished.

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF EDGERTON, JOHNSON COUNTY, KANSAS: That pursuant to Section 4-405, the City will hold a hearing on October 14, 2021 at 7:00 PM at City Hall, for Norman McCracken and Kyle L. Oswald, and any other person who would claim an interest in the property above described but who are currently unknown to the City of Edgerton, to appear and show cause why the structure located at 707 W. Nelson Street, Space #112 should not be condemned and ordered to be demolished.

PASSED by the City Council on this 12<sup>th</sup> day of August, 2021.

APPROVED BY the Mayor on this 12<sup>th</sup> day of August, 2021.

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DONALD ROBERTS, MAYOR

ATTEST:

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ALEXANDRIA CLOWER, CITY CLERK

APPROVED AS TO FORM:

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LEE W. HENDRICKS, CITY ATTORNEY





## Fire District #1 Johnson County

Station: **124**  
Shifts Or Platoon: **C Shift**

Location: <b>707 W NELSON ST # 212</b> <b>Edgerton KS 66021</b>	Incident Type: <b>111 - Building fire</b>
Lat/Long: <b>N 38° 45' 53.71"</b> <b>W 95° 1' 6.92"</b>	FDID: <b>JO315</b> Incident #: <b>2021-1380122</b> Exposure ID: <b>57973366</b> Exposure #: <b>0</b> Incident Date: <b>05/18/2021</b> Dispatch Run #: <b>21-1380122</b>
Zone: <b>E - City of Edgerton</b> Location Type: <b>1 - Street address</b> Map Page: <b>430/1.</b>	

<b>Report Completed by:</b>	Stahl , Brent A	<b>ID:</b> 128704	<b>Date:</b> 05/31/2021
<b>Report Reviewed by:</b>	Strong , John A	<b>ID:</b> 120815	<b>Date:</b> 06/03/2021
<b>Report Printed by:</b>	Ralston , Brad W	<b>ID:</b> 121187	<b>Date:</b> 7/8/2021 <b>Time:</b> 12:28

Structure Type: <b>Fixed portable or mobile structure</b>	Property Use: <b>419 - 1 or 2 family dwelling</b>
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/> Cause of Ignition: <b>Cause under investigation</b>
Aid Given or Received: <b>Automatic aid received</b>	Primary action taken: <b>11 - Extinguishment by fire service personnel</b>
Additional actions: <b>12 - Salvage &amp; overhaul , -</b>	
<b>Losses</b>	<b>Pre-Incident Values</b>
Property: <b>\$10,000.00</b>	Property: <b>\$10,000.00</b>
Contents: <b>\$5,000.00</b>	Contents: <b>\$5,000.00</b>
Total: <b>\$15,000.00</b>	Total: <b>\$15,000.00</b>
Civilian Injuries: <b>0</b>	Fire Service Injuries: <b>0</b>
Civilian Fatalities: <b>0</b>	Fire Service Fatalities: <b>0</b>
Total Casualties: <b>0</b>	Total Fire Service Casualties: <b>0</b>
Total # of apparatus on call: <b>9</b>	Total # of personnel on call: <b>26</b>

<b>Special Studies</b>	
<b>COVID 19 was a factor in this incident.</b>	No, COVID 19 was not a factor.

<b>Neighboring Agencies</b>
<b>Agency Name:</b> Fire District #2 JO313 <b>Agency ID:</b> JO313 <b>Agency Type:</b> Fire
<b>Agency Name:</b> Johnson County Med Act <b>Agency ID:</b> <b>Agency Type:</b> Other EMS Agency
<b>Agency Name:</b> Johnson County Sheriffs <b>Agency ID:</b> <b>Agency Type:</b> Law
<b>Agency Name:</b> Wellsville Fire Department FR306 <b>Agency ID:</b> FR306 <b>Agency Type:</b> Fire

<b>Narrative from dispatch:</b>
05/18/2021 14:05:43MAD [ProQA: Case Entry Complete] Problem Description: REPORTED BUILDING/STRUCTURE FIRE Chief Complaint: 69, CCText: Structure Fire 05/18/2021 14:05:49MAD [ProQA Dispatch] Dispatch Level: 69E09 (Mobile home, house trailer, portable office) Response Text: 69 Chief Complaint: 69, CCText: Mobile home fire 05/18/2021 14:05:49MAD [ProQA: Key Questions] 1. Mobile home. 05/18/2021 14:06:38MAD [ProQA: Key Questions] 2. Caller not inside bldg. 3. Single lvl. 4. Unk if anyone trapped. 5. Fire loc: coming from middle 05/18/2021 14:06:58CES winds s @ 10mph

05/18/2021 14:07:17MT WBGT off  
 05/18/2021 14:07:51CES Backed up incident with CH124  
 05/18/2021 14:08:13MAD caller unsure if two people that live there are home or gone, states car isn't in the driveway, they do have a dog  
 05/18/2021 14:08:25MAD [Notification] smoke coming from middle and walls look like they're starting to burn  
 05/18/2021 14:09:03J\_C [Notification] wellsville paging for engine  
 05/18/2021 14:09:06CES E124 smoke showing single wide est nelson Command  
 05/18/2021 14:10:04CES E124 Command 360 complete no addt hazards  
 05/18/2021 14:10:58CES E124 Command 2 cars right outside, making entry  
 05/18/2021 14:11:13CES BC121 req back fill district  
 05/18/2021 14:14:01CES CH124 Command  
 05/18/2021 14:15:21CES CH124 Command to e121 need water  
 05/18/2021 14:16:20MAD [Notification] Franklin CO advising they've paged Wellsville twice and no one has answered to respond yet, having trouble getting in touch with them  
 05/18/2021 14:16:59J\_C [Notification] wellsville does not have any help available  
 05/18/2021 14:17:19CES E122 lvl one  
 05/18/2021 14:17:42CES M1153 staged at 7 & morgan  
 05/18/2021 14:17:45MT BC123 OD  
 05/18/2021 14:17:52MT Media Page sent  
 05/18/2021 14:17:55CES CH124 Command primary all clear  
 05/18/2021 14:18:20CES CH124 Fire Under Control  
 05/18/2021 14:18:56CES CH124 Command adv bc81 and e84 can clr  
 05/18/2021 14:19:43MAD [Notification] KS Gas notified  
 05/18/2021 14:21:02J\_C [Notification] kcp&l en route  
 05/18/2021 14:21:51CES kcp1 on scene  
 05/18/2021 14:24:50CES CH124 Command Fire Out  
 05/18/2021 14:25:53CES E124 to ch124 Command secondary all clear  
 05/18/2021 14:26:05CES E121 and e124 exited with par  
 05/18/2021 14:26:43CES CH124 Command using tac for talkaround, will come up on ops  
 05/18/2021 14:29:27JC CH124 requests water dept  
 05/18/2021 14:34:29MAD 893-6801 listed for edgerton water dept - this is a fax machine message left f for Mark Marbrey  
 05/18/2021 14:34:42J\_C [Notification] edgerton city hall en route  
 05/18/2021 14:44:47JC CH124 Gas Co. & Edgerton Public works on scene  
 05/18/2021 15:19:02JC CH124 Releasing TAC 4

## NARRATIVE (2)

**Narrative Title:** n/a

**Narrative Author:** Ballard , Patrick

**Narrative Date:** 05/18/2021 19:00:29

**Narrative Apparatus ID:** E124

### Narrative:

Units were dispatched to the listed address for a house fire. E124 arrived and found a single story, single wide mobile home with moderate grey smoke showing from multiple places. E124 established Nelson Command. Command performed a 360 of the structure and found no additional hazards. Command noted 2 vehicles in the driveway and no one on scene could verify that the occupants were out of the structure. Command advised dispatch to have the next in engine bring in a water supply and Command would be making entry for a primary search. E124 made entry to the structure and found heavy smoke and high heat. E124 found a small area of fire in the living room area. E124 hit the fire and proceeded to perform a primary search. Ch124 arrived and command was transferred to him. E124 completed the primary search with nothing found. E124 requested ventilation be started. E124 assisted with overhaul after the fire was controlled. When the fire was confirmed out the scene was turned over to CH126 and Insp124. E124 then cleared the call.

**NARRATIVE (3)****Narrative Title:** n/a**Narrative Author:** Neis , Kale**Narrative Date:** 05/18/2021 21:09:43**Narrative Apparatus ID:** E121**Narrative:**

E121 arrived on scene, crew established water supply established to E121.

Crew conducted secondary search nothing found.

E121 assisted overhaul and clean up.

E121 returned to service.

**NARRATIVE (4)****Narrative Title:** BC121**Narrative Author:** Hirschmann , Michael**Narrative Date:** 05/21/2021 14:46:28**Narrative Apparatus ID:** BC121**Narrative:**

BC121 arrived on scene and assisted CH124 with incident command. When Ch124 went into investigation mode, BC121 took over command until units cleared.

**NARRATIVE (5)****Narrative Title:** n/a**Narrative Author:** Strong , John**Narrative Date:** 05/23/2021 09:07:24**Narrative Apparatus ID:** E122**Narrative:**

Dispatch: House Fire

Arrival: Level one to the south

Actions taken: E122 crew was assigned on deck side alpha. Task that were given were to secure water, gas and to check the crawl space for extension. 360 was also completed for RIT reasons. Minus hand tools, E122 had no equipment taken off of the truck. We were quickly placed back in service once the fire was declared out.

<b>PERSONNEL ON CALL</b>			
<b>Name</b>	<b>Personnel Rank</b>	<b>Role(s)</b>	<b>Apparatus</b>
Avery, Nicholas A	Firefighter EMT		E124
Ballard , Patrick D	Captain		E124
Evans, Travis	Firefighter EMT		E122
Gourley, Chase F	Firefighter		E121
Graham III, Pete J	Fire Inspector		Other
Hirschmann , Michael L	Battalion Chief		BC121
Holly , Jerry L	Division Chief		CH124
Kirk , Rob R	Chief		Other
McLain, Cameron C	Firefighter		E121
Meyer, Blake F	Firefighter EMT		E121
Meyers , Dennis L	Assistant Chief		Other
Morley , Trig M	Division Chief		Other
Muniz, Tyler	Firefighter EMT		E124
Neis , Kale M	Firefighter EMT		E121
Ralston , Brad W	Deputy Fire Marshal		Other
Shaw , Joshua J	Firefighter EMT		Q84
Strong , John A	Captain		E122
Wilkinson, John (Jake) J	Firefighter EMT		E122
Winkler , Aaron T	Training Chief		Other

Member Making Report (Captain Brent A Stahl): \_\_\_\_\_

Incident Reviewer (Captain John A Strong): \_\_\_\_\_



9801 Renner Boulevard  
Lenexa, KS 66219

## FIELD REPORT

Project name: Post-Fire Walkthrough  
Project address: 707 W Nelson, Lot 212, Edgerton KS  
Date: 5/20/2021  
Time: 12:00 PM  
Weather: Rain  
Temperature: 70F  
Personnel on site: Katy Crow, City of Edgerton  
Chris Clinton, City of Edgerton  
Brad Ralston, Johnson County Fire District 1  
Joe Kmetz, GBA  
Robert Talburt, GBA

### Site Visit Observations:

GBA performed a site visit to the address shown above after a fire event. Below is a list of items needing to be corrected prior to the restoration of the habitability of the structure:

- The gas-fired furnace was noted to be damaged as a result of the fire and smoke. A permanent means of heating will need to be restored (IRC R303.8). If gas heating is used, as gas pressure test as outlined in IRC G2417. Sub-floor ducts were noted to be damaged and will need to be replaced according to Chapter 16 requirements.
- Water supply and waste lines were noted as damaged and will need to be restored based on IRC R306 requirements.
- Smoke alarms were damaged and will need to be replaced based on IRC R313.
- Subfloor and floor joist framing were noted to be damaged due to fire and water from extinguishment. (IRC Chapter 5)
- Interior gypsum board covered was noted to be damaged and will need to be replaced per IRC Chapter 7 requirements.
- Electrical service and branch circuits were noted as being damaged and will need to be repaired or replacement according to IRC Chapter 35 & 36.

George Butler Associates, Inc. has been retained by the City of Edgerton, Kansas to act on their behalf to review plans and conduct inspections related to work within the City of Edgerton.



If this structure is to be rehabilitated, a permit describing the scope of work previous listed will need to be obtained and inspections performed on the new work performed. Per IRC R102.7.1, "...repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

Copies to: Katy Crow, City of Edgerton

A handwritten signature in black ink, reading "Joe Kmetz", is positioned above the "Report by:" line.



Digitally signed by Joe Kmetz  
DN: C=US, E=jkmetz@gbateam.com,  
O=GBA, OU=Code Services, CN=Joe  
Kmetz  
Date: 2021.05.21 09:51:57-05'00'

Report by:

Signed by

# Fire District #1 Johnson County



Form: Fire Inspection  
Checklist

Occupancy: **Norman McCracken**

Occupancy ID:

Address: **707 W Nelson ST Apt/Suite #212**  
**Edgerton KS 66021**

Inspection Type: **Safety Inspection**

Inspection Date: **5/20/2021**

By: Ralston , Brad W (121187)

Time In: **12:00**

Time Out: **13:20**

Authorized Date: **05/20/2021**

By: Ralston , Brad W (121187)

## Inspection Description:

A fire and life safety inspection has been conducted for your facility. This inspection was done in accordance with the International Fire Code. Any hazards identified should be corrected within 30 days from the initial inspection date or a written plan of corrective action should be submitted to the Fire Prevention Division within the same time frame. Failure to correct the items identified within this report may result in the penalties established by law within the International Fire Code.

## Inspection Topics:

## Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
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**Notes:** No Additional time recorded

**Total Additional Time: 0 minutes**

**Inspection Time: 80 minutes**

**Total Time: 80 minutes**

## Summary:

**Overall Result:** Documentation Only

**Inspector Notes:** Conducted a Structural Inspection at this location after a House Fire. City Inspector compiled a list for repairs. FD deemed structure uninhabitable until May 24th to allow for CO levels to disperse. A date will be set with the homeowner after this date to retrieve salvageable items from the residence.  
FD, GBA, City of Edgerton and Homeowner were present for this inspection.

## Closing Notes:

Approval of an inspection shall in no way be considered to be approval of any violation of locally adopted codes. If you have any questions concerning fire and life safety issues please contact the Fire Prevention Division at 913-764-7635.

## Inspector:

Name: Ralston , Brad W  
Rank: Deputy Fire Marshal  
Work Phone(s): 913-764-7635  
Email(s): brad.ralston @jocofd1.org

## City Council Action Item

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**Council Meeting Date:** August 12, 2021

**Department:** Administration

**Agenda Item: Consider Ordinance 2088 Restating Chapter XV Of The Municipal Code Of The City Of Edgerton, Kansas To Amend Specific Fee Amounts To Instead Reference The Annual City Of Edgerton Fee Resolution, As Amended, And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**

**Background/Description of Item:**

During a recent review of the City of Edgerton, Municipal Code, it was noted that Chapter XV, *Utilities*, references a specific dollar amount related to fees, and not the current Fee Resolution. The Fee Resolution allows the City to consolidate fees in one location and remove fees from the Edgerton Municipal Code "Code Book", thereby eliminating the need for continual ordinance amendments.

This restatement of Chapter XV, *Utilities*, updates the Edgerton Municipal Code to keep the Fee Resolution references consistent throughout.

The City Attorney has prepared the attached draft Ordinance.

**Related Ordinance(s) or Statute(s):** Edgerton Municipal Code Chapter XV

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**Funding Source:** N/A

**Budget Allocated:** N/A

x 

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve Ordinance 2088 Restating Chapter XV Of The Municipal Code Of The City Of Edgerton, Kansas To Remove Actual Dollar Values Related To Applicable Fees Charged And Instead Referencing The Current Fee Resolution And Repealing All Ordinances Or Parts Of Ordinances In Conflict Therewith.**



**Enclosed:** Chapter XV, Utilities – redlined  
Draft Ordinance No. 2088

**Prepared by:** Alexandria Clower, City Clerk

## CHAPTER XV. UTILITIES

- Article 1. Water
  - Article 2. Sewer Use Regulations
  - Article 3. Sewer User Charges
  - Article 4. Water Conservation
- 

### ARTICLE 1. WATER

- 15-101. COMBINED WATER AND SEWAGE DISPOSAL SYSTEM. There is hereby established a combined water and sewer disposal system. There shall be created a fund designated as the Water and Sewer Fund in which all revenues of the system shall be deposited. The combined system shall be under the immediate charge of the utility superintendent, who shall at all times be accountable to the governing body. (Code 1984, Ord. 527, 1984)
- 15-102. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1984)
- 15-103. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1984)
- 15-104. CONTRACTS FOR WATER SERVICE. This article shall not limit the right of the city to negotiate separate contracts for supplying water to its citizens and others, within and without the city, on such terms as may be deemed advisable and are approved by the governing body. (Ord. 518, 1983)
- 15-105. APPLICATIONS FOR SERVICE CONNECTION.
- (1) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection.
  - (2) If the premises served, or intended to be served, is located outside the corporate limits of the city, the following additional provisions shall apply:
    - (a) No connection to the city's water system shall be permitted without the approval of the governing body.
    - (b) Before any application for connection to the city's water system is considered by the governing body, all owners of the premises, or their authorized representative, shall execute in writing their consent to annexation by the city of the premises, *provided*, that nothing herein shall require the city to annex any property for which a consent to annex is given as aforesaid.

- (c) The application for water service shall be accompanied with a non-refundable processing fee ~~of \$75.00~~ as referenced in the current Fee Resolution. (Ord. \_\_\_\_\_, Ord. 823, 2007; Ord. 761, 2004; Ord. 747, 2002; Ord. 689, 1997)

15-106.CONNECTIONS CHARGE: WATER SYSTEM DEVELOPMENT FEE.

The city shall make all service connections. The owner of the premises shall be solely responsible for the cost of all service connections and road boring associated therewith. The minimum charges for water service connections are referenced in the current Fee Resolution as follows:

- Fee for rRegular 3/4-inch service connection, with 3/4-inch x 5/8-inch meter located inside the corporate limits of the city. ~~—\$1,250.00.—~~ In addition to the water service connection fee, a Water System Development Fee ~~in the amount of \$3,250.00~~ shall be assessed for each connection. Payment of the Development fee must accompany the application.
- Fee for rRegular 3/4-inch service connection, with 3/4-inch x 5/8-inch meter located outside the corporate limits of the city. ~~—\$7,500.—~~

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Service connections for any other size service shall be determined by the governing body and may be outlined in the current Fee Resolution, but in no event shall the cost of the same be less than the connection fees set forth hereinabove.

In the event the property to be connected to the city's water system is benefited by water system improvements financed by an improvement district, then additional fees for connection to said improvements may be applicable. (Ord. 823, 2007; Ord. 761, 2004; Ord. 747, 2002; Ord. 718, 2000)

15-107.CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1984)

15-108.CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1984)

15-109.CROSS CONNECTONS PROHIBITED. No person shall make or permit to be made a cross connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the municipality unless such private, auxiliary or emergency water supply and the method of connection and use of such supply

shall have been approved by the water superintendent and the Kansas Department of Health and Environment. (Code 1984)

15-110.METERS. (a) All water furnished to customers shall be metered.

(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley.

(c) The city's responsibility stops at the property line and any work necessary past the meter shall be done in accordance with the provisions of Chapter 4 of this code. (Code 1995)

15-111.SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge ~~of \$10~~[as referenced in the current Fee Resolution](#) will be made to the customer. (Code 1984)

15-112.SAME; CONSUMER'S RESPONSIBILITY. Consumers shall be responsible for any damage done to meters, meter settings or for any tampering with the meter after disconnection for any reason and all appurtenances related thereto installed on their premises, by malicious intent, or from any other cause, except ordinary wear. The city shall keep all meters in repair and in proper working condition without cost to the consumer except where the consumer is liable as determined by the city and as before mentioned in this section, in which the consumer shall pay the city for the cost of repairing any meter, meter setting or appurtenances related thereto, plus labor, that has been damaged when supplying his or her premises. No consumer or other person shall repair or remove any meter, meter setting or appurtenances or tamper with the meter after disconnection for any reason or break any seal or use any water without authority from the water department of the city, nor tamper with the proper registration of any meter. The consumer shall be deemed responsible for any damage to the meter on his or her premises if occasioned by his or her negligent or intentional actions. (Ord. 521, 1983; Ord. 498, 1981; Ord. 493, 1981)

15-113.LEAKS.

(a) No allowances shall be made for water used or lost through carelessness, neglect or otherwise after the same has passed through the meter, -however, every customer shall have the right to appeal to the city from water bill or meter reading that is due to an undetectable water lead, or a water bill or meter reading ~~he~~[the](#) customer considers excessive. When a customer advises the city that a leak has occurred, the following procedure for adjustment of billing shall be followed:

(b) The City will first determine if the leak meets the criteria set forth below, which shall be reviewed by the City Administrator, or designee, and will require documentation from the customer regarding the leak:

1. The leak was undetectable by the customer and was not the result of a readily detectable leak (i.e. leaking faucets, toilets, hydrants, etc.) that should have been easily discovered by the customer.
  2. There has been no adjustment for a leak for the property in the past twelve (12) month period. The customer shall provide repair receipts from a plumber/contractor or copies of bills for plumbing materials used to repair the leak to show that the repair work has been completed, and/or the City is able to inspect the leak area at the time the repair is made.
  3. The customer's water consumption for the billing cycle is more than double the average consumption for the previous three billing cycles.
  4. The City agrees that a leak adjustment is appropriate and –is justified by the customer's request.
- (c) If the above criteria are met, as indicated by proper documentation or information submitted by the City, then the - customer shall make written request for adjustment of the account billing by having the owner of the property make a written request, on their own behalf or on behalf of the current user of the property, for adjustment of the reading or bill by completing and signing a copy of the City's *Leak Adjustment Agreement* form. The customer shall, by signing the *Leak Adjustment Agreement* form, agree that no additional claim for adjustment for the property shall be made for the occurrence that is the subject of the Agreement, and shall not request adjustment for any subsequent occurrences within the twelve (12) month period following the adjustment.
- (d) If all of the above criteria are met as indicated by the City Administrator, or designee, the following procedure for account adjustment shall apply:
1. A maximum of two billing cycles will be approved for adjustment. The City shall review the account to determine the probable time period that the leak occurred in order to decide whether one or two billing cycles qualify for the adjustment. If the leak has been on-going for a long period, the most recent month(s) will apply for the adjustment.
  2. The City shall determine the average usage of the service in question. Average usage is determined by reviewing the three-month period prior to the leak event or averaging a three-month period during the same seasonal period in the previous year using the highest average calculated.
  3. After the City determines the average usage, the City shall charge the customer for water usage above the average normal usage at the highest wholesale price normally charged to the City by all sources that provide the City water. The average normal usage shall be billed at the regular rates for water service. (Ord. 904, 2011; Code 1984)

15-114. CONNECTION FEE. At the time of making application for water service, the applicant shall pay to the city ~~a clerk a~~ connection fee as referenced in the current Fee Resolution, e of \$30. (Code 1984)

15-115. RECONNECTION: CHARGE. Any service disconnected for nonpayment of a delinquent bill shall be reconnected only upon payment of the delinquent bill,

interest charges thereon, ~~and a \$10 reconnection charge~~ and a reconnection charge as referenced in the current Fee Resolution. ~~and Any~~ such reconnection shall be made during regular business hours Monday through Friday. Any reconnection of services made at times other than those stated above shall have an after hours reconnection charge ~~of \$25 as referenced in the current Fee Resolution.~~ (Ord. 875, 2009; Ord. 831, 2007)

15-116.DEPOSIT MAY BE REQUIRED. If any customer of the municipal water system shall become delinquent in payment of water bills two or more times in a 12 month period, the city clerk may require the customer to make a cash deposit in an amount to be determined by the city clerk to be sufficient to secure payment of accrued bills or bills due or discontinuance of service. (Code 1984)

15-117.INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 1984)

15-118.PROHIBITED ACTS; POSSIBLE REMEDIES.

1. It shall be unlawful for any person to:
  - (a) Tamper, damage meddle with any water main, fire hydrant, electric line or any other water or electric equipment belonging to the city;
  - (b) Make any connection to the water service or electric systems of the city without a written permit from the city;
  - (c) Reconnect service when it has been discontinued for nonpayment of a bill for service.
2. The city shall have the right to charge the owner of the property in question for damage to the city's meter, including the ability to add such cost to the owner's utility bill. The owner may request proof of such charge from the city.
3. All remaining violations involving the prohibited acts listed in 1. a, b and c above may result in an action bring brought against the offender in Municipal Court. (Ord. 2078, 2021)

15-119.WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1984)

15-120.RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 1984)

15-121.UTILITY BILLS. All utility bills shall be rendered monthly for water and sewer, and shall be due and payable on the 1<sup>st</sup> day of each month, which shall be the billing date. A charge of 10% will be added to any utility bill not paid by the 15<sup>th</sup> day of the month. Whenever payment is not made by the due date, the city shall

have the right to terminate water service after notice and hearing, as provided for in the sections 15-123:125. Before service shall be restored, the customer shall pay the bill, late payment charge and the connection fee provided for in section 15-114. (Code 1984; Ord. 518, 1983)

15-121A.LIABILITY OF PROPERTY OWNER; LIEN.

- (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.
- (b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, than all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.
- (c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, than all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
- (d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax rolls for collection, subject to the same penalties and collected in like manner as other taxes collectible by law. (Code 1995)

15-122.PARTIAL SERVICE. Any person, at the time beginning or terminating service, who shall receive service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more, the charge shall be no less than the regular minimum monthly rate. (Code 1984)

15-123.DELINQUENT ACCOUNTS. Water or other utility service shall be terminated for nonpayment of service fees or charges as provided in sections 15-124:125.. (Code 1994)

15-124.NOTICE; HEARING.

- (a) A delinquency and termination notice shall be issued by the city clerk on the 15<sup>th</sup> day following the billing date. The notice shall be mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
  - (1) The amount due, plus late payment charges;
  - (2) Notice that service will be terminated if the amount due is not paid by the 25<sup>th</sup> day following the billing date;

- (3) Notice that the customer has the right to a hearing before the mayor or other designated hearing officer;
- (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Code 1984)

15-125.SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the utility superintendent. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice ~~is given, needed, to given.~~ The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Code 1984)

15-126.WATER RATIONING. The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the governing body determines the public exigency so requires. (Code 1984)

15-127.SAME; PROCEDURE. Whenever the governing body determines that water use must be restricted or prohibited, it shall forthwith issue a proclamation of emergency through the news media and the use other appropriate methods of making public the proclamation. (Code 1984)

15-128.SAME; PRIORITY USE. In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:

- (a) Water lawns, gardens, trees, shrubs, plants and water outside dwellings for such purposes as car, boat, or trailer washing or washing exterior of dwellings;
- (b) Industrial uses of water, including but not limited to car wash operations and packing plant operations;
- (c) Business use, other than industrial;
- (d) Home uses other than those set forth in subsection (a). (Code 1995)

15-129.PETTY CASH FUND. A petty cash fund in the amount of \$50 is established for the use of the water department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses. (Code 1995)

15-130.SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall ~~state clearly~~ clearly state the purpose for which ~~it is~~ issued. (Code 1995)



15-131.SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefore shall be payable to the petty cash fund and shall be deposited therein to restore the petty cash fund to its original amount. (Code 1984)

15-132.USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the wounding of a fire alarm it shall be the duty of every such person to see that all water services are rightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1984)

15-133. WATER RATES.

(a)The rates charged for water supplied by the City are:

(1) For water used and serviced as a single “service unit” within the corporate limits of the City and usage shall be billed upon per the rates stated in the current Fee Resolution:

~~\$ 26.54 minimum billing for the first 2,000 gallons or portion thereof:~~  
~~\$9.47 for each 1,000 gallons over the first 2,000 gallon minimum.~~

(2) For water used and serviced as a single “service unit” outside the corporate limits of the city and usage shall be billed upon per the rates stated in the current Fee Resolution:

~~\$ 39.27 minimum billing for the first 2,000 gallon minimum-~~  
~~\$14.08 for each 1,000 gallons over the first 2,000 gallon minimum.~~

Provided, the ~~minimum billing~~customer service charge as stated in the current Fee Resolution shall apply to any property, improved or unimproved which is connected to the municipal water system which has a City-furnished water meter, whether or not consumption of water actually occurs at or on such property during the billing period.

(b)The rates as scheduled in subsection (a) shall apply and be figured on the consumption of water by the thousand gallons or fraction thereof to the nearest 100 gallons.

(c). (1) A “service unit” shall consist of a single family dwelling or residence, or a private apartment or rooming house, or a business and residence, providing both are located on the same property and the owner and operator of the business and the occupant of the residence is one and the same, or a combination of buildings owned by one party in one common enclosure occupied by one family or business.

- (2) Each separate residence or dwelling is a separate “service unit”, and each separate service unit must have an individual water meter. Any apartment house, or trailer park, where the owner is responsible for payment of the water bill, will be exempt from this rule.
- (d) (1) In a case where more than one “service unit” is furnished water through the same meter the minimum charge per month for each “service unit” shall be as set forth in subsection (a), provided that each such minimum charged and paid shall entitle the customer to the amount of gallons as set forth in subsection (a).
- (2) Where the owner of a trailer park is responsible for payment of the water bill, each trailer must be metered separately for water, and/or a common water meter, and each trailer shall be charged a minimum bill as a single user. The meter reader shall count the trailers occupying the park on the day that the meters are read in each month, and shall figure the total consumption divided by the numbers of trailers in use on that day, and shall graduate the water bill as if each trailer were metered separately. (Ord. 897, 2010; Ord. 874, 2009; Ord. 849, 2009; Ord. 834, 2007, Ord. 820, 2006; Ord. 787, 2005; Ord. 752, 2003; Ord. 741, 2002; Ord. 692, 1997, Ord. 664, 1995; Ord. 648, 1994; Ord. 629, 1992; Ord. 592, 1989; Ord. 518, 1983; Ord. 446, 1977; Ord. 420, 1974)

#### 15-134.HYDRANT METERS.

- (a) Request. When temporary water service is desired by contractors, builders or any other party for the purchase of water to be used for construction work or some other city approved purpose, the requesting party shall submit an Application for Hydrant Meter to the City. Should the City approve this use, the requesting party shall pay a refundable hydrant meter deposit in the amount listed in the City’s Annual Fee Resolution prior to receipt of the meter.
- (b) Meter. Receipt of a hydrant meter shall allow the party to connect to a City hydrant for a defined period of time, subject to the limitations listed in (d) below. The City may require that connection of the meter to the City hydrant involve the assistance of City staff. A hydrant meter shall be returned in the same condition it was in when the City provided it to the requesting party, normal wear and tear excepted. Failure to return the meter, or damage to the meter, shall result in a setoff of the deposit or retention of the entire deposit, when applicable. The cost of repairs to the meter shall be established by the City’s Annual Fee Resolution. In the event a cost is not covered by that Resolution, the fee shall be the actual cost to repair, plus ten percent.
- (c) Water Rate. The rate charged by the City for water provided from a hydrant meter shall be the same rate that is charged to customers outside the corporate limits of the City. This rate includes both the customer service charge (based on meter size) and the volumetric rate (using only the first tier for 0-2,000 gallons) as designated in the City’s Annual Fee Resolution.

- (d) Emergency Use by City or Fire District. By filing an Application for Hydrant Meter and receiving a hydrant meter from the City, the requesting party is acknowledging and accepting that in the event the hydrant to which they are connected is needed for emergency or city or fire district purposes, both parties need for, and right to, water shall supersede that of the party possessing the hydrant meter.
- (e) Violation to Use Without Meter. It shall be a violation of the City Code to use water from a City hydrant, or any other source, without that water being measured by a meter furnished by the City. (Ord. 2023, 2019; Ord. 2008, 2019)

15-135. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this policy concerning cross connections:

- (a) Air Gap Separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim to the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.
- (b) Approved Tester means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the city.
- (c) Authorized Representative means any person designated by the city to administer this cross connection control article.
- (d) Auxiliary Water Supply means any water source or system, other than the city, that may be available in the building or premises. This does not include other KDHE (Kansas Department of Health and Environment) permitted public water supply systems.
- (e) Backflow means the flow other than the intended direction of flow, of any foreign liquids, gases, used water or substances into the distribution system of a public water supply system.
- (f) Backflow Prevention Device means any device, method or type of construction intended to prevent backflow into the public water supply system.
- (g) Consumer means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the city.
- (h) Contamination means an introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a treat to life or health, or may cause an aesthetic deterioration, color, taste, or odor.
- (i) Cross Connection means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be backflow the second system to the public water supply system. No

physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.

- (j) Degree of Hazard means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.
- (k) Health Hazard means any condition, device or practice in the public water supply system which could create or may create a danger to the health and well-being of anyone using the water or allow contamination of the water.
- (l) Public Water System means the water supply source, distribution system and appurtenances to the service meter operated as a public utility which supplies potable water to the consumers' water systems.
- (m) Public Water Supply System means the public water system and the consumers' water system.
- (n) Consumer's Water System means all service pipe, all distribution piping and all appurtenances beyond the service meter of the public water system.
- (o) Service Connection means the terminal end of the service line from the public water system. If a meter is installed at the end of service, then the service connection means the downstream end of the meter. (Ord. 597, 1989)

#### 15-136.CROSS CONNECTION CONTROL GENERAL POLICY.

- (a) Purpose. The purpose of this policy is:
  - (1) To protect the public water supply system from contamination.
  - (2) To promote the elimination, containment, isolation, or control of cross connection between the public water supply system and non-potable water systems, plumbing fixtures, and industrial process systems or other systems which introduce or may introduce contaminants into the public water system or the consumer's water system.
  - (3) To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination of the public water supply system.
- (b) Application. This article shall apply to all consumers' water systems. The city may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the city.
- (c) Intent. This policy will be reasonably interpreted by the city. It is the intent of the city to recognize the varying degrees of hazard and to apply the principle the degree of protection shall be commensurate with the degree of hazard. If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at his own expense. Failure or refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided. (Ord. 597, 1989)

#### 15-137.CROSS CONNECTION PROHIBITED.

- (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the city or its authorized representative.
- (b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system. (Ord. 597, 1989)

15-138 SURVEY AND INVESTIGATIONS.

- (a) The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.
- (b) On request by the city or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer's water system.
- (c) On request by the city or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the city or its authorized representative. (Ord. 597, 1989)

15-139. WHERE PROTECTION IS REQUIRED.

- (a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the city or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.
- (b) An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the city or its authorized representative or KDHE, the nature and extent of activities, or the materials used in connection with the activities, or materials stored on the premises, would present a health hazard or contamination of the public water supply system from a cross connection. This includes but is not limited to the following situations:
  - (1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the city or its authorized representative and the KDHE.
  - (2) Premises having internal plumbing arrangements which made it impractical to ascertain whether or not cross connections exist.
  - (3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
  - (4) Premises having a repeated history of cross connection being established or re-established.

- (5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
- (6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
- (7) Premises where toxic or hazardous materials are handled.
- (c) The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the city or its authorized representative and the KDHE:
  - (1) Agricultural chemical facilities;
  - (2) Auxiliary water systems, wells;
  - (3) Boilers;
  - (4) Bulk water loading facilities;
  - (5) Car washing facilities;
  - (6) Chemical manufacturing, processing, compounding or treatment plants;
  - (7) Chill water systems;
  - (8) Cooling towers;
  - (9) Feedlots;
  - (10) Fire protection systems;
  - (11) Hazardous waste storage and disposal sites;
  - (12) Hospitals, mortuaries, clinics or others as discovered by sanitary surveys;
  - (13) Irrigation and sprinkler systems;
  - (14) Laundries and dry cleaning;
  - (15) Meat processing facilities;
  - (16) Metal manufacturing, cleaning, processing and fabricating plants;
  - (17) Oil and gas production, refining, storage or transmission properties;
  - (18) Plating plants;
  - (19) Power plants;
  - (20) Research and analytical laboratories;
  - (21) Sewage and storm drainage facilities—pumping stations and treatment plants;
  - (22) Veterinary clinics. (Ord. 597, 1989)

#### 15-140. BACKFLOW PREVENTION DEVICES.

- (a) Any backflow prevention device required by this article shall be of a model or construction approved by the city or its authorized representative and the KDHE.
  - (1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

- (2) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed at the time this ordinance was passed and complies with required inspection and maintenance.
- (b) Devices: The following devices are recognized for cross connection control and backflow prevention by the Kansas Department of Health & Environment and are published as part of this article.
  - (1) Air Gap. Gap must be two pipes diameters (in an instance less than one inch). Must be inspected annually. Satisfactory for any material. Whenever practical the control method of choice.
  - (2) Reduced Pressure Principle Backflow Preventer. Contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss. (10 psi or more) Must be tested and inspected annually. Repaired as necessary.
  - (3) Double Check Valve Assembly. Contains two soft seated independently acting check valves in series. Shut off valves before and after device. Adequate for nontoxic applications only. Minor pressure loss. Must be inspected and tested annually. Repaired as necessary.
  - (4) Pressure Vacuum Breaker. Must be installed a minimum of 12 inches above highest point of usage. No back pressure, only back siphonage. Can operate under constant pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary.
  - (5) Atmospheric Vacuum Breaker. Must be installed a minimum of 6 inches above highest point of usage. No back pressure, only back siphonage. Not for use under constant pressure. Can operate under constraint pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary. (Ord. 597, 1989)

#### 15-141.INSTALLATION.

- (a) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the city or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the city or its authorized representative agrees otherwise.
- (b) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection
- (c) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by and fluid. All devices shall be installed according to manufactures' recommendations. (Ord. 597, 1989)

15-142.INSPECTION AND MAINTENANCE.

- (a) The consumer is required by this article to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the city or its authorized representative.
  - (1) Air gap separations shall be inspected at the time of installation and at least monthly.
  - (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every 30 months.
  - (3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
- (b) Inspection, tests, and overhauls of backflow prevention devices shall be made at the expense of the consumer and shall be performed by an approved tester.
- (c) Whenever backflow prevention devices required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.
- (d) The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. All records of inspections, tests, repairs, and overhauls shall be provided within 30 days to the city or its authorized representative.
- (e) All backflow prevention devices shall have a tag showing the date of the last inspection, test, or overhaul or other maintenance.
- (f) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the city or its authorized representative. (Ord. 597, 1989)

15-143.VIOLATION AND PENALTIES.

- (a) The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the city or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
- (b) Water service to such premises shall not be restored until the consumer is in compliance with the foregoing cross connection ordinance to the satisfaction of the city or its authorized representative. (Ord. 597, 1989)

15-144.WATER RESERVE FUND.

- (a) The city does hereby establish a water reserve fund for the purpose of paying costs of the following items:



- (1) The cost or a portion of the costs to the city for emergency expenditures, unexpected developments, major line or equipment replacement, repairs or capital improvements incidental to the water utility system of the city.
- (2) The city out of the water utility fund, after the payment of the direct costs of the operation and maintenance of the utility, and after the payment of principal and interest on all outstanding water utility bonds, may pay into the water reserve fund, at intervals designated by the governing body, an amount which shall be determined annually at regular budget preparation time. (Ord. 580, 1988)

## ARTICLE 2. SEWER USE REGULATIONS

15-201.DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- (a) City shall mean the City of Edgerton, Kansas, acting through its duly elected and appointed officials.
- (b) B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.
- (c) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (d) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- (e) Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
- (f) Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale or produce.
- (g) Industrial Wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- (h) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (i) Person shall mean any individual, firm, company, association, society, corporation, or group.
- (j) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (k) Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- (l) Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

- (m) Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- (n) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground water, surface, and storm waters as may be present.
- (o) Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- (p) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (q) Sewer shall mean a pipe or conduit for carrying sewage.
- (r) Shall is mandatory; May is permissive.
- (s) 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 more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (t) Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.
- (u) Superintendent shall mean the superintendent of sewage works of the city or his authorized deputy, agent or representative.
- (v) 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.
- (w) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 470, 1979; Ord. 338, 1961)

#### 15-202.UNLAWFUL SEWAGE DEPOSITS.

- (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, 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 wastes, or other polluted waters, except where suitable treatment has been provided in accordance with this article. (Ord. 470, 1979)

#### 15-203.PRIVYS, SEPTIC TANKS. Except as provided by this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage. (Ord. 470, 1979)

#### 15-204.CONNECTIONS REQUIRED. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the property public sewer in accordance

with the provisions of this article, provided that the public sewer is within 100 feet of the property line. (Ord. 470, 1979)

15-205.SAME; PERMIT. 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 superintendent. (Ord. 470, 1979)

15-206.SAME; FEE. (a) The owner of a building desiring to connect to city sewer service, or his or her agent, shall make application for connection to such service 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 as stated in the current Fee Resolution of \$ 750 shall be paid to the city clerk at the time the application is filed. (b) There is hereby established a Sewer System Development Fee in the amount of \$1,500 in the amount stated in the current Fee Resolution, payment of which must accompany application. In the event the property to be connected to the city's sanitary sewer system is benefited by sanitary sewer system improvements financed by an improvement district, then additional fees for connection to said improvements may be applicable. (Ord. 824, 2007; Ord. 762, 2004; Ord. 720, 2000; Ord. 470, 1979; Ord. 447, 1977; Ord. 338, 1961)

15-207.PRIVATE DISPOSAL SYSTEM - REGULATIONS INCORPORATED. Where a public sanitary sewer is not available under the provisions of section 15-204, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. There is hereby incorporated by reference for the purpose of prescribing procedures, rules, regulations, standards, and enforcement procedures for the use of private sewage disposal systems, the document entitled "Private Sewage Disposal Systems" dated January 12, 1995. No fewer than three copies shall be marked or stamped "Official Copy as adopted by the Code of the City of Edgerton." The official copy shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. (Ord. 658, 1995; Ord. 338, 1961)

15-208:210. Reserved for future use.

15-211. SAME; CONNECTION TO PUBLIC SYSTEM. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-204, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 470, 1979)

- 15-212.SAME; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 470, 1979)
- 15-213.SAME; REFILLING. When a public sewer becomes available, the building sewer shall be connected to the sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt. (Ord. 470, 1979)
- 15-214.SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County or State Boards of Health. (Ord. 470, 1979)
- 15-215.INSTALLATION; COSTS BORNE BY OWNER. All costs and expenses incident to the installation and connection to 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. (Ord. 470, 1979; Ord. 338, 1961)
- 15-216.SEPARATE SEWER FOR EVERY BUILDING. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be 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. (Ord. 470, 1979; Ord. 338, 1961)
- 15-217.OLD BUILDING SEWERS. Old buildings sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent, to meet all requirements of this article. (Ord. 470, 1979; Ord. 338, 1961)
- 15-218.SEWER SPECIFICATIONS.
- (a) The building sewer shall be cast iron soil pipe, vitrified clay sewer pipe, or other suitable material approved by the superintendent. Joints installed shall be tight and waterproof. Any part of the building sewer that is located within ten (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.
  - (b) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter of the pipe be less than four (4) inches for single residences, and six (6) inches for commercial or industrial establishments. The slope of the pipe shall be not less than one-

eighth (1/8) inch per foot and should be one-quarter (1/4) inch per foot where possible. (Ord. 470, 1979; Ord. 338, 1961)

- 15-219.SEWER ELEVATION. 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 a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. (Ord. 470, 1979; Ord. 338, 1961)
- 15-220. DRAINS. In all buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. (Ord. 470, 1979; Ord. 338, 1961)
- 15-221.EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. No backfill shall be place until the work has been inspected by the superintendent. (Ord. 470, 1979; Ord. 338, 1961)
- 15-222.JOINTS. All joints in the building sewers shall be made gastight and watertight. Cast iron pipe joints shall be firmly packed with oakum and hemp and filled with molten lead or sulphur jointing compound. 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 clay pipe and cast iron pipe, shall first be caulked tight with jute, hemp, or similar approved material, then filled with approved asphaltum jointing compounds.  
Other joint materials and methods may be used only by approval of the superintendent. (Ord. 470, 1979; Ord. 338, 1961)
- 15-223.CONNECTION REGULATIONS. The connection of the building sewer into the public sewer shall be made at the wye branch if such wye branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located wye branch is available, the owner shall at his or her own expense install a wye branch or an approved saddle at the location specified by the superintendent. Where permitted by the superintendent, 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 angle 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. (Ord. 470, 1979; Ord. 338, 1961)

- 15-224.INSPECTION BEFORE CONNECTION. 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 of his or her representative. (Ord. 470, 1979; Ord. 338, 1961)
- 15-225.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. (Ord. 470, 1979; Ord. 338, 1961)
- 15-226.DOWNSPOUTS. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 470, 1979; Ord. 338, 1961)
- 15-227.STORM AND SURFACE WATER.
- (a) No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
  - (b) 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 superintendent. Industrial cooling water or unpolluted process waters maybe discharged, upon approval of superintendent, to a storm sewer or natural outlet. (Ord. 913, 2012Ord. 470, 1979; Or. 338, 1961)
- 15-228.UNLAWFUL DISCHARGES. 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 degrees Fahrenheit;
  - (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 property operation of the sewage works;
  - (f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 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 toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans

- or animals, create a public nuisance, or create any hazard in the receiving water of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;
- (h) Any water 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;
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. 913, 2012; Ord. 470, 1979; Ord. 338, 1961)

15-229.SAME; DISCRETION OF SUPERINTENDENT. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewer, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent facts. The substances prohibited are:

- (a) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (b) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (c) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent 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.
- (d) Any pollutants, including oxygen demanding pollutants and nutrients (nitrogen and phosphorus compounds), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the publicly owned treatment facilities.
- (e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (f) Any waters or wastes having a pH in excess of 9.5.
- (g) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and live 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 slug as defined herein.
- (5) Excessive nitrogen or phosphorus loading in such quantities as to constitute load on the sewage treatment works.
- (h) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 913, 2012; Ord. 470, 1979)

#### 15-230.INTERCEPTORS.

- (a) Grease, oil and sand interceptors or traps shall be provided in all filling stations, public garages and other commercial buildings where vehicles are washed or serviced, and in all other commercial or industrial building, 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 or traps shall not be request for private living quarters or dwelling units. All interceptors or traps shall be 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 or traps 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.
- (b) Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense in continuously efficient operation at all times. (Ord. 913, 2012; Ord. 470, 1979)

#### 15-231.PRELIMINARY TREATMENT.

- (a) The admission into the public sewers of any waters or wastes having a five-day Biochemical Oxygen Demand greater than 300 parts per million by weight, or containing more than 350 parts per million by weight of suspended solids, or containing any quantity of substances having the characteristics described in section 15-228, 15-229, or having an average daily flow greater than two percent of the average daily sewage flow 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 or her expense, such preliminary treatment as may be necessary to, reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or reduce objectionable characteristics or



constituents to within the maximum limits provided for in section 15-228, or 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 the Kansas State Board of Health, and no construction of such facilities shall be commenced until the approvals are obtained in writing, or require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-233 of this article.

- (b) 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 or her expense. (Ord. 913; Ord. 470, 1979)

#### 15-232.INSPECTIONS; MANHOLES.

- (a) 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 or her expense, and shall be maintained by him or her at his or her expense, so as to be safe and accessible at all times.
- (b) All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in sections 15-228 and 15-231 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 subsection (a), or upon suitable samples taken at the 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. (Ord. 913, 2012; Ord. 470, )

15-233.SPECIAL AGREEMENTS. 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 therefore by the industrial concern. (Ord. 913, 2012; Ord. 470, 1979)

15-234.DAMAGING SEWERS. 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. (Ord. 470, 1979)

#### 15-235.RIGHT OF ENTRY; LIABILITY.

- (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identifications shall be permitted to enter all properties

for the purposes of inspections, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives 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.

- (b) While performing the necessary work on private properties referred to in subsection (a) above, the superintendent or duly authorized employees 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 employees and the city shall indemnify the company against loss or damage to its property by the 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 15-232. (Ord. 470, 1979)

#### 15-236.PENALTY.

- (a) Any person found to be violating any provisions of this article except section 115-234 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall, upon conviction thereof be fined in an amount not exceeding \$1000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this article shall become liable to the city for such expense, loss or damage occasioned by the city by reason of such violation. (Ord. 470, 1979)

### ARTICLE 3. SEWER USER CHARGES

#### 15-301.DEFINITIONS. Unless the context specifically indicates otherwise the meaning of terms used in this article shall be as follows:

- (a) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter (mg/l).
- (b) "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 400 mg/l and a suspended solids concentration of not more than 400 mg/l.
- (c) "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 sewage works to achieve the

capacity and performance for which such works were designed and constructed.

- (d) "Replacement" shall mean expenditures of 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.
- (e) "Residential Contributor" shall mean any contributor to the city's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.
- (f) "Shall" is mandatory; "May" is permissive.
- (g) "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.
- (h) "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewerage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall 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 standby 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, including waste in combined stormwater and sanitary sewer systems.
- (i) "Useful Life" shall mean the estimated period during which a treatment works will be operated.
- (j) "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.
- (k) "Water Meter" shall mean a volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city. (Ord. 506, 1982)

15-302.REVENUES. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this article. (Ord. 506, 1982)

15-303. OPERATION, MAINTENANCE AND REPLACEMENT FUND. That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes as established in sections 15-30:308, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

- (a) An account designated for the specific purpose of defraying operation and maintenance costs excluding replacement of the treatment works (Operation and Maintenance Account).
- (b) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of 15% of the annual operation and maintenance. (Ord. 664, 1995; Ord. 506, 1982)

15-304. SAME; FISCAL YEAR-END BALANCES. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed. (Ord. 506, 1982)

15-305. USER CHARGES.

- (a) Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meter(s) acceptable to the city.
- (b) For residential contributors, monthly user charges will be based on average monthly water usage during the months of December, January, and February (winter average). If a residential contributor has not established a December, January, and February (winter average), his or her monthly user charge shall be actual wastewater use or 5,000 gallon, whichever is less, until an actual winter average can be established.
- (c) 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 user of water, or in some other manner uses water which is not returned to the wastewater collections system, the user charges for that contributor may be based on a wastewater meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the city.
- (d) In addition to the charges set forth in (a), (b), and (c) hereinabove, each contributor shall also be charged a monthly charge ~~of \$2.60~~ as referenced in the current Fee Resolution for being connected to the city sewer. In addition,

each contributor shall pay a user charge rate for replacement costs, operation and maintenance of the treatment works ~~of \$4.23~~ as referenced in the current Fee Resolution, per 1,000 gallons or portion thereof of water (or wastewater if a meter is installed in accordance with (c) above) as determined in the preceding section.

For those contributors who contribute wastewater to the treatment works, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement, for contributors with greater than normal domestic sewage strength sewer will be calculated by the city engineer and approved by the governing body for each such contributor. (Ord. 914, 2012; Ord. 873, 2009; Ord. 850, 2008; Ord. No. 835, 2007; Ord. 821, 2006; Ord. 788, 2005; Ord. 753, 2003; Ord. 742, 2003; Ord. 664, 1995; Ord. 594, 1989; Ord. 452, 1977; Ord. 354, 1966)

15-306.TOXIC POLLUTANTS; INCREASED COST. 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 increases costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the governing body. (Ord. 506, 1982)

15-307 APPLICABILITY. The user charge rates established in this article apply to all users, regardless of their location with respect to the city's wastewater facilities. (Ord. 506, 1982)

15-308.BILLING. All users shall be billed monthly. Charges shall be payable at the same time and upon the statement of the water bills of the city. A bill remaining unpaid for a period to exceed 25 days shall be deemed delinquent and governed by sections 15-122:124 of this chapter. (Code 1984, Ord. 506, 1982)

15-309.REVIEW OF USER CHARGES. The city will review the user charge system at least every two years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of 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. (Ord. 506, 1982)

#### ARTICLE 4. WATER CONSERVATION

15-401.PURPOSE; RESOLUTION.

(a)The purpose of this Article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such

a watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared. (Ord. 1024, 2016; Ord. 690, 1997; Code 1995)

- (b) From time to time, the governing body may adopt resolutions setting forth a plan or plans and/or procedures to be implemented in the event of a water emergency. These resolutions likely will be more up-to-date and detailed than provisions set forth in this Article and, therefore, in the event of any inconsistency between this Article and the plans adopted by resolution, the plans adopted by resolution will govern. (Ord. 1024, 2016)

#### 15-402.DEFINITIONS:

- (a) "Water," as the term is used in this ordinance, shall mean water available to the City of Edgerton for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any con-operated site.
- (b) "Customer," as the term is used in this ordinance, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) "Waste of water," as the term is used in this ordinance, includes, but is not limited to:
  - (1) permitting water to escape down a gutter, ditch, or other surface drain; or
  - (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classed of uses of water are established:

##### Class 1:

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

##### Class 2:

Water used for any commercial or industrial, including agricultural, purposes: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

##### Class 3:

Domestic usage, other than that which would be included in either Classes 1 or 2.

##### Class 4:

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Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation. (Ord. 690, 1997; Code 1995)

15-403.DECLARATION OF WATER WATCH. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official City newspaper. (Ord. 690, 1997; Code 1995)

15-404.DECLARATION OF WATER WARNING. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official City newspaper. (Ord. 690, 1997; Code 1995)

15-405.DECLARATION OF WATER EMERGENCY. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City newspaper. (Ord. 690, 1997; Code 1995)

15-406.VOLUNTARY CONSERVATION MEASURES. Upon the declaration of water watch or water warning as provided in Sections 15-403 and 15-404, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees, (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (d) Waste of water. (Ord. 690, 1997; Code 1995)

15-407.MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-405, the Mayor is also

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

- (a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency.
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the foregoing measures. (Ord. 690, 1997; Code 1995)

15-408.EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in Section 15-405, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) higher charges for increasing usage per unit for use (increasing block rates);
- (b) uniform charges for water usage per unit of use (uniform unit rate); or
- (c) extra charges in excess of specified level of water use (excess demand surcharge). (Ord. 690, 1997; Code 1995)

15-409.REGULATIONS. During the effective period of any water supply emergency as provided for in Section 15-405, the Mayor (or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 690, 1997; Code 1995)

15-410.VIOLATIONS, DISCONNECTIONS AND PENALTIES.

- (a) If the Mayor, Water Superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 15-407 or 15-409 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:
  - (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation



- and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body.
- (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
  - (3) The governing body or hearing officer shall make findings of -fact and order whether service should continue to be terminated.
- (b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.
- (c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days. (Ord. 690, 1997; Code 1995)

15-411.EMERGENCY TERMINATION. Nothing in this ordinance shall limit the ability of any properly authorized City official from terminating the supply of water to any or all customers upon the determination of such City official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 690, 1997; Code 1995)

15-412.SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 690, 1997; Code 1995)

## ORDINANCE NO. 2088

AN ORDINANCE RESTATING CHAPTER XV OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO AMEND SPECIFIC FEE AMOUNTS TO INSTEAD REFERENCE THE ANNUAL CITY OF EDGERTON FEE RESOLUTION, AS AMENDED, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

**SECTION 1.** Chapter XV of the Municipal Code of the City of Edgerton, Kansas, which reads as follows, is hereby restated to amend specific fee amounts to instead reference the annual City of Edgerton Fee Resolution, as amended, as follows:

### CHAPTER XV. UTILITIES

- Article 1. Water
  - Article 2. Sewer Use Regulations
  - Article 3. Sewer User Charges
  - Article 4. Water Conservation
- 

### ARTICLE 1. WATER

- 15-101. COMBINED WATER AND SEWAGE DISPOSAL SYSTEM. There is hereby established a combined water and sewer disposal system. There shall be created a fund designated as the Water and Sewer Fund in which all revenues of the system shall be deposited. The combined system shall be under the immediate charge of the utility superintendent, who shall at all times be accountable to the governing body. (Code 1984, Ord. 527, 1984)
- 15-102. REGULATIONS. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article. (Code 1984)
- 15-103. SERVICE NOT GUARANTEED. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except only when its mains, pumping machinery, power service connection are in good working order, and the supply of water is sufficient for the usual demand of its consumers. (Code 1984)
- 15-104. CONTRACTS FOR WATER SERVICE. This article shall not limit the right of the city to negotiate separate contracts for supplying water to its citizens and others, within and without the city, on such terms as may be deemed advisable and are approved by the governing body. (Ord. 518, 1983)
- 15-105. APPLICATIONS FOR SERVICE CONNECTION.
- (1) Before any connection is made to the city's water system an application must be made in writing to the city clerk by the owner of the premises, or his or her authorized representative, for a permit to make such connection.

- (2) If the premises served, or intended to be served, is located outside the corporate limits of the city, the following additional provisions shall apply:
- (a) No connection to the city's water system shall be permitted without the approval of the governing body.
  - (b) Before any application for connection to the city's water system is considered by the governing body, all owners of the premises, or their authorized representative, shall execute in writing their consent to annexation by the city of the premises, *provided*, that nothing herein shall require the city to annex any property for which a consent to annex is given as aforesaid.
  - (c) The application for water service shall be accompanied with a non-refundable processing fee as referenced in the current Fee Resolution. (Ord. 20XX, 2021; Ord. 823, 2007; Ord. 761, 2004; Ord. 747, 2002; Ord. 689, 1997)

15-106.CONNECTIONS CHARGE: WATER SYSTEM DEVELOPMENT FEE. The city shall make all service connections. The owner of the premises shall be solely responsible for the cost of all service connections and road boring associated therewith. The minimum charges for water service connections are referenced in the current Fee Resolution as follows:

- Fee for regular 3/4-inch service connection, with 3/4-inch x 5/8-inch meter located inside the corporate limits of the city. In addition to the water service connection fee, a Water System Development Fee shall be assessed for each connection. Payment of the Development fee must accompany the application.
- Fee for regular 3/4-inch service connection, with 3/4-inch x 5/8-inch meter located outside the corporate limits of the city.

Service connections for any other size service shall be determined by the governing body and may be outlined in the current Fee Resolution, but in no event shall the cost of the same be less than the connection fees set forth hereinabove.

In the event the property to be connected to the city's water system is benefited by water system improvements financed by an improvement district, then additional fees for connection to said improvements may be applicable. (Ord. 20XX, 2021; Ord. 823, 2007; Ord. 761, 2004; Ord. 747, 2002; Ord. 718, 2000)

15-107.CURB COCKS. There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles. (Code 1984)

15-108.CHECK VALVES. Check valves are required on all connections to steam boilers or on any other connection deemed necessary by the water superintendent. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch. (Code 1984)

15-109.CROSS CONNECTIONS PROHIBITED. No person shall make or permit to be made a cross connection whereby a private, auxiliary, or emergency water supply other than the

regular public water supply of the city may enter the supply or distribution system of the municipality unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the water superintendent and the Kansas Department of Health and Environment. (Code 1984)

15-110.METERS. (a) All water furnished to customers shall be metered.

(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley.

(c) The city's responsibility stops at the property line and any work necessary past the meter shall be done in accordance with the provisions of Chapter 4 of this code. (Code 1995)

15-111.SAME; TESTING. Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge as referenced in the current Fee Resolution will be made to the customer. (Ord. 20XX, 2021; Code 1984)

15-112.SAME; CONSUMER'S RESPONSIBILITY. Consumers shall be responsible for any damage done to meters, meter settings or for any tampering with the meter after disconnection for any reason and all appurtenances related thereto installed on their premises, by malicious intent, or from any other cause, except ordinary wear. The city shall keep all meters in repair and in proper working condition without cost to the consumer except where the consumer is liable as determined by the city and as before mentioned in this section, in which the consumer shall pay the city for the cost of repairing any meter, meter setting or appurtenances related thereto, plus labor, that has been damaged when supplying his or her premises. No consumer or other person shall repair or remove any meter, meter setting or appurtenances or tamper with the meter after disconnection for any reason or break any seal or use any water without authority from the water department of the city, nor tamper with the proper registration of any meter. The consumer shall be deemed responsible for any damage to the meter on his or her premises if occasioned by his or her negligent or intentional actions. (Ord. 521, 1983; Ord. 498, 1981; Ord. 493, 1981)

15-113.LEAKS.

(a) No allowances shall be made for water used or lost through carelessness, neglect or otherwise after the same has passed through the meter, however, every customer shall have the right to appeal to the city from water bill or meter reading that is due to an undetectable water lead, or a water bill or meter reading the customer considers excessive. When a customer advises the city that a leak has occurred, the following procedure for adjustment of billing shall be followed:

(b) The City will first determine if the leak meets the criteria set forth below, which shall be reviewed by the City Administrator, or designee, and will require documentation from the customer regarding the leak:

1. The leak was undetectable by the customer and was not the result of a readily detectable leak (i.e. leaking faucets, toilets, hydrants, etc.) that should have been easily discovered by the customer.

2. There has been no adjustment for a leak for the property in the past twelve (12) month period. The customer shall provide repair receipts from a plumber/contractor or copies of bills for plumbing materials used to repair the leak to show that the repair work has been completed, and/or the City is able to inspect the leak area at the time the repair is made.
  3. The customer's water consumption for the billing cycle is more than double the average consumption for the previous three billing cycles.
  4. The City agrees that a leak adjustment is appropriate and –is justified by the customer's request.
- (c) If the above criteria are met, as indicated by proper documentation or information submitted by the City, then the - customer shall make written request for adjustment of the account billing by having the owner of the property make a written request, on their own behalf or on behalf of the current user of the property, for adjustment of the reading or bill by completing and signing a copy of the City's *Leak Adjustment Agreement* form. The customer shall, by signing the *Leak Adjustment Agreement* form, agree that no additional claim for adjustment for the property shall be made for the occurrence that is the subject of the Agreement, and shall not request adjustment for any subsequent occurrences within the twelve (12) month period following the adjustment.
- (d) If all of the above criteria are met as indicated by the City Administrator, or designee, the following procedure for account adjustment shall apply:
1. A maximum of two billing cycles will be approved for adjustment. The City shall review the account to determine the probable time period that the leak occurred in order to decide whether one or two billing cycles qualify for the adjustment. If the leak has been on-going for a long period, the most recent month(s) will apply for the adjustment.
  2. The City shall determine the average usage of the service in question. Average usage is determined by reviewing the three-month period prior to the leak event or averaging a three-month period during the same seasonal period in the previous year using the highest average calculated.
  3. After the City determines the average usage, the City shall charge the customer for water usage above the average normal usage at the highest wholesale price normally charged to the City by all sources that provide the City water. The average normal usage shall be billed at the regular rates for water service. (Ord. 904, 2011; Code 1984)

15-114.CONNECTION FEE. At the time of making application for water service, the applicant shall pay to the city a connection fee as referenced in the current Fee Resolution.. (Ord. 20XX, 2021; Code 1984)

15-115.RECONNECTION: CHARGE. Any service disconnected for nonpayment of a delinquent bill shall be reconnected only upon payment of the delinquent bill, interest charges thereon, and a reconnection charge as referenced in the current Fee Resolution., Any such reconnection shall be made during regular business hours Monday through Friday. Any reconnection of services made at times other than those stated above shall have an afterhours reconnection charge as referenced in the current Fee Resolution. (Ord. 20XX, 2021; Ord. 875, 2009; Ord. 831, 2007)

15-116.DEPOSIT MAY BE REQUIRED. If any customer of the municipal water system shall become delinquent in payment of water bills two or more times in a 12 month period, the city clerk may require the customer to make a cash deposit in an amount to be determined by the city clerk to be sufficient to secure payment of accrued bills or bills due or discontinuance of service. (Code 1984)

15-117.INTERRUPT SERVICE. The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. (Code 1984)

15-118.PROHIBITED ACTS; POSSIBLE REMEDIES.

1. It shall be unlawful for any person to:
  - (a) Tamper, damage meddle with any water main, fire hydrant, electric line or any other water or electric equipment belonging to the city;
  - (b) Make any connection to the water service or electric systems of the city without a written permit from the city;
  - (c) Reconnect service when it has been discontinued for nonpayment of a bill for service.
2. The city shall have the right to charge the owner of the property in question for damage to the city's meter, including the ability to add such cost to the owner's utility bill. The owner may request proof of such charge from the city.
3. All remaining violations involving the prohibited acts listed in 1. a, b and c above may result in an action bring brought against the offender in Municipal Court. (Ord. 2078, 2021)

15-119.WASTING WATER. Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. (Code 1984)

15-120.RIGHT OF ACCESS. Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. (Code 1984)

15-121.UTILITY BILLS. All utility bills shall be rendered monthly for water and sewer, and shall be due and payable on the 1<sup>st</sup> day of each month, which shall be the billing date. A charge of 10% will be added to any utility bill not paid by the 15<sup>th</sup> day of the month. Whenever payment is not made by the due date, the city shall have the right to terminate water service after notice and hearing, as provided for in the sections 15-123:125. Before service shall be restored, the customer shall pay the bill, late payment charge and the connection fee provided for in section 15-114. (Code 1984; Ord. 518, 1983)

15-121A.LIABIITY OF PROPERTY OWNER; LIEN.

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

lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.

- (c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, than all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.
- (d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax rolls for collection, subject to the same penalties and collected in like manner as other taxes collectible by law. (Code 1995)

15-122.PARTIAL SERVICE. Any person, at the time beginning or terminating service, who shall receive service for a period of less than 17 consecutive days shall be billed at no less than one-half of the regular minimum monthly rate. For service of 17 consecutive days or more, the charge shall be no less than the regular minimum monthly rate. (Code 1984)

15-123.DELINQUENT ACCOUNTS. Water or other utility service shall be terminated for nonpayment of service fees or charges as provided in sections 15-124:125.. (Code 1994)

15-124.NOTICE; HEARING.

- (a) A delinquency and termination notice shall be issued by the city clerk on the 15<sup>th</sup> day following the billing date. The notice shall be mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.
- (b) The notice shall state:
  - (1) The amount due, plus late payment charges;
  - (2) Notice that service will be terminated if the amount due is not paid by the 25<sup>th</sup> day following the billing date;
  - (3) Notice that the customer has the right to a hearing before the mayor or other designated hearing officer;
  - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request. (Code 1984)

15-125.SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the utility superintendent. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice is given. The hearing officer has a

right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service. (Ord. 20XX, 2021; Code 1984)

15-126.WATER RATIONING. The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the governing body determines the public exigency so requires. (Code 1984)

15-127.SAME; PROCEDURE. Whenever the governing body determines that water use must be restricted or prohibited, it shall forthwith issue a proclamation of emergency through the news media and the use other appropriate methods of making public the proclamation. (Code 1984)

15-128.SAME; PRIORITY USE. In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:

- (a) Water lawns, gardens, trees, shrubs, plants and water outside dwellings for such purposes as car, boat, or trailer washing or washing exterior of dwellings;
- (b) Industrial uses of water, including but not limited to car wash operations and packing plant operations;
- (c) Business use, other than industrial;
- (d) Home uses other than those set forth in subsection (a). (Code 1995)

15-129.PETTY CASH FUND. A petty cash fund in the amount of \$50 is established for the use of the water department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses. (Code 1995)

15-130.SAME; DEPOSITS. The petty cash fund shall be deposited in the regular depository bank of the city and paid out on the order of the city clerk by check which shall clearly state the purpose for which it is issued. (Ord. 20XX, 2021; Code 1995)

15-131.SAME; VOUCHERS. Whenever the petty cash fund becomes low or depleted, the city clerk shall prepare vouchers covering expenses as have been paid from the petty cash fund and shall submit such vouchers together with the paid checks to the governing body for review and allowance of the amounts from the regular funds of the utilities. Warrants issued therefore shall be payable to the petty cash fund and shall be deposited therein to restore the petty cash fund to its original amount. (Code 1984)

15-132.USE DURING FIRE. No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every such person to see that all water services are rightly closed and that no water is used except in extraordinary cases of emergency during the fire. (Code 1984)

15-133. WATER RATES.

(a)The rates charged for water supplied by the City are:

(1) For water used and serviced as a single "service unit" within the corporate limits of the City and usage shall be billed per the rates stated in the current Fee Resolution



- (2) For water used and serviced as a single "service unit" outside the corporate limits of the city and usage shall be billed per the rates stated in the current Fee Resolution

Provided, the customer service charge as stated in the current Fee Resolution shall apply to any property, improved or unimproved which is connected to the municipal water system which has a City-furnished water meter, whether or not consumption of water actually occurs at or on such property during the billing period.

- (b) The rates as scheduled in subsection (a) shall apply and be figured on the consumption of water by the thousand gallons or fraction thereof to the nearest 100 gallons.

- (c). (1) A "service unit" shall consist of a single family dwelling or residence, or a private apartment or rooming house, or a business and residence, providing both are located on the same property and the owner and operator of the business and the occupant of the residence is one and the same, or a combination of buildings owned by one party in one common enclosure occupied by one family or business.

- (2) Each separate residence or dwelling is a separate "service unit", and each separate service unit must have an individual water meter. Any apartment house, or trailer park, where the owner is responsible for payment of the water bill, will be exempt from this rule.

- (d) (1) In a case where more than one "service unit" is furnished water through the same meter the minimum charge per month for each "service unit" shall be as set forth in subsection (a), provided that each such minimum charged and paid shall entitle the customer to the amount of gallons as set forth in subsection (a).

- (2) Where the owner of a trailer park is responsible for payment of the water bill, each trailer must be metered separately for water, and/or a common water meter, and each trailer shall be charged a minimum bill as a single user. The meter reader shall count the trailers occupying the park on the day that the meters are read in each month, and shall figure the total consumption divided by the numbers of trailers in use on that day, and shall graduate the water bill as if each trailer were metered separately. (Ord. 20XX, 2021; Ord. 897, 2010; Ord. 874, 2009; Ord. 849, 2009; Ord. 834, 2007, Ord. 820, 2006; Ord. 787, 2005; Ord. 752, 2003; Ord. 741, 2002; Ord. 692, 1997, Ord. 664, 1995; Ord. 648, 1994; Ord. 629, 1992; Ord. 592, 1989; Ord. 518, 1983; Ord. 446, 1977; Ord. 420, 1974)

#### 15-134. HYDRANT METERS.

- (a) Request. When temporary water service is desired by contractors, builders or any other party for the purchase of water to be used for construction work or some other city approved purpose, the requesting party shall submit an Application for Hydrant Meter to the City. Should the City approve this use, the requesting party shall pay a refundable

hydrant meter deposit in the amount listed in the City's Annual Fee Resolution prior to receipt of the meter.

- (b) **Meter.** Receipt of a hydrant meter shall allow the party to connect to a City hydrant for a defined period of time, subject to the limitations listed in (d) below. The City may require that connection of the meter to the City hydrant involve the assistance of City staff. A hydrant meter shall be returned in the same condition it was in when the City provided it to the requesting party, normal wear and tear excepted. Failure to return the meter, or damage to the meter, shall result in a setoff of the deposit or retention of the entire deposit, when applicable. The cost of repairs to the meter shall be established by the City's Annual Fee Resolution. In the event a cost is not covered by that Resolution, the fee shall be the actual cost to repair, plus ten percent.
- (c) **Water Rate.** The rate charged by the City for water provided from a hydrant meter shall be the same rate that is charged to customers outside the corporate limits of the City. This rate includes both the customer service charge (based on meter size) and the volumetric rate (using only the first tier for 0-2,000 gallons) as designated in the City's Annual Fee Resolution.
- (d) **Emergency Use by City or Fire District.** By filing an Application for Hydrant Meter and receiving a hydrant meter from the City, the requesting party is acknowledging and accepting that in the event the hydrant to which they are connected is needed for emergency or city or fire district purposes, both parties need for, and right to, water shall supersede that of the party possessing the hydrant meter.
- (e) **Violation to Use Without Meter.** It shall be a violation of the City Code to use water from a City hydrant, or any other source, without that water being measured by a meter furnished by the City. (Ord. 2023, 2019; Ord. 2008, 2019)

15-135. **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this policy concerning cross connections:

- (a) **Air Gap Separation** means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim to the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.
- (b) **Approved Tester** means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the city.
- (c) **Authorized Representative** means any person designated by the city to administer this cross connection control article.
- (d) **Auxiliary Water Supply** means any water source or system, other than the city, that may be available in the building or premises. This does not include other KDHE (Kansas Department of Health and Environment) permitted public water supply systems.
- (e) **Backflow** means the flow other than the intended direction of flow, of any foreign liquids, gases, used water or substances into the distribution system of a public water supply system.
- (f) **Backflow Prevention Device** means any device, method or type of construction intended to prevent backflow into the public water supply system.
- (g) **Consumer** means any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the city.

- (h) Contamination means an introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a treat to life or health, or may cause an aesthetic deterioration, color, taste, or odor.
- (i) Cross Connection means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be backflow the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.
- (j) Degree of Hazard means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.
- (k) Health Hazard means any condition, device or practice in the public water supply system which could create or may create a danger to the health and well-being of anyone using the water or allow contamination of the water.
- (l) Public Water System means the water supply source, distribution system and appurtenances to the service meter operated as a public utility which supplies potable water to the consumers' water systems.
- (m) Public Water Supply System means the public water system and the consumers' water system.
- (n) Consumer's Water System means all service pipe, all distribution piping and all appurtenances beyond the service meter of the public water system.
- (o) Service Connection means the terminal end of the service line from the public water system. If a meter is installed at the end of service, then the service connection means the downstream end of the meter. (Ord. 597, 1989)

#### 15-136.CROSS CONNECTION CONTROL GENERAL POLICY.

- (a) Purpose. The purpose of this policy is:
  - (1) To protect the public water supply system from contamination.
  - (2) To promote the elimination, containment, isolation, or control of cross connection between the public water supply system and non-potable water systems, plumbing fixtures, and industrial process systems or other systems which introduce or may introduce contaminants into the public water system or the consumer's water system.
  - (3) To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination of the public water supply system.
- (b) Application. This article shall apply to all consumers' water systems. The city may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the city.
- (c) Intent. This policy will be reasonably interpreted by the city. It is the intent of the city to recognize the varying degrees of hazard and to apply the principle the degree of protection shall be commensurate with the degree of hazard. If, in the judgment of the city or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumers shall immediately comply by providing the required protection at his own expense. Failure or refusal or inability on the part of the consumer to provide such protection shall constitute

grounds for the discontinuation of water service to the premises until such protection has been provided. (Ord. 597, 1989)

15-137.CROSS CONNECTION PROHIBITED.

- (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the city or its authorized representative.
- (b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system. (Ord. 597, 1989)

15-138 SURVEY AND INVESTIGATIONS.

- (a) The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.
- (b) On request by the city or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer's water system.
- (c) On request by the city or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the city or its authorized representative. (Ord. 597, 1989)

15-139.WHERE PROTECTION IS REQUIRED.

- (a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the city or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.
- (b) An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judge of the city or its authorized representative or KDHE, the nature and extent of activities, or the materials used in connection with the activities, or materials stored on the premises, would present a health hazard or contamination of the public water supply system from a cross connection. This includes but is not limited to the following situations:
  - (1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the city or its authorized representative and the KDHE.
  - (2) Premises having internal plumbing arrangements which made it impractical to ascertain whether or not cross connections exist.
  - (3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
  - (4) Premises having a repeated history of cross connection being established or re-established.

- (5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
- (6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonable be expected to occur. This shall include the handling of process waters and cooling waters.
- (7) Premises where toxic or hazardous materials are handled.
- (c) The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the city or its authorized representative and the KDHE:
  - (1) Agricultural chemical facilities;
  - (2) Auxiliary water systems, wells;
  - (3) Boilers;
  - (4) Bulk water loading facilities;
  - (5) Car washing facilities;
  - (6) Chemical manufacturing, processing, compounding or treatment plants;
  - (7) Chill water systems;
  - (8) Cooling towers;
  - (9) Feedlots;
  - (10) Fire protection systems;
  - (11) Hazardous waste storage and disposal sites;
  - (12) Hospitals, mortuaries, clinics or others as discovered by sanitary surveys;
  - (13) Irrigation and sprinkler systems;
  - (14) Laundries and dry cleaning;
  - (15) Meat processing facilities;
  - (16) Metal manufacturing, cleaning, processing and fabricating plants;
  - (17) Oil and gas production, refining, storage or transmission properties;
  - (18) Plating plants;
  - (19) Power plants;
  - (20) Research and analytical laboratories;
  - (21) Sewage and storm drainage facilities—pumping stations and treatment plants;
  - (22) Veterinary clinics. (Ord. 597, 1989)

#### 15-140.BACKFLOW PREVENTION DEVICES.

- (a) Any backflow prevention device required by this article shall be of a model or construction approved by the city or its authorized representative and the KDHE.
  - (1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
  - (2) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed at the time this ordinance was passed and complies with required inspection and maintenance.

- (b) Devices: The following devices are recognized for cross connection control and backflow prevention by the Kansas Department of Health & Environment and are published as part of this article.
- (1) Air Gap. Gap must be two pipes diameters (in an instance less than one inch). Must be inspected annually. Satisfactory for any material. Whenever practical the control method of choice.
  - (2) Reduced Pressure Principle Backflow Preventer. Contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss. (10 psi or more) Must be tested and inspected annually. Repaired as necessary.
  - (3) Double Check Valve Assembly. Contains two soft seated independently acting check valves in series. Shut off valves before and after device. Adequate for nontoxic applications only. Minor pressure loss. Must be inspected and tested annually. Repaired as necessary.
  - (4) Pressure Vacuum Breaker. Must be installed a minimum of 12 inches above highest point of usage. No back pressure, only back siphonage. Can operate under constant pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary.
  - (5) Atmospheric Vacuum Breaker. Must be installed a minimum of 6 inches above highest point of usage. No back pressure, only back siphonage. Not for use under constant pressure. Can operate under constraint pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary. (Ord. 597, 1989)

#### 15-141.INSTALLATION.

- (a) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the city or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the city or its authorized representative agrees otherwise.
- (b) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection
- (c) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by and fluid. All devices shall be installed according to manufactures' recommendations. (Ord. 597, 1989)

#### 15-142.INSPECTION AND MAINTENANCE.

- (a) The consumer is required by this article to inspect, test, and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the city or its authorized representative.
  - (1) Air gap separations shall be inspected at the time of installation and at least monthly.
  - (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at

least every 30 months.

- (3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
- (b) Inspection, tests, and overhauls of backflow prevention devices shall be made at the expense of the consumer and shall be performed by an approved tester.
- (c) Whenever backflow prevention devices required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.
- (d) The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. All records of inspections, tests, repairs, and overhauls shall be provided within 30 days to the city or its authorized representative.
- (e) All backflow prevention devices shall have a tag showing the date of the last inspection, test, or overhaul or other maintenance.
- (f) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the city or its authorized representative. (Ord. 597, 1989)

#### 15-143.VIOLATION AND PENALTIES.

- (a) The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the city or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
- (b) Water service to such premises shall not be restored until the consumer is in compliance with the foregoing cross connection ordinance to the satisfaction of the city or its authorized representative. (Ord. 597, 1989)

#### 15-144.WATER RESERVE FUND.

- (a) The city does hereby establish a water reserve fund for the purpose of paying costs of the following items:
  - (1) The cost or a portion of the costs to the city for emergency expenditures, unexpected developments, mayor line or equipment replacement, repairs or capital improvements incidental to the water utility system of the city.
  - (2) The city out of the water utility fund, after the payment of the direct costs of the operation and maintenance of the utility, and after the payment of principal and interest on all outstanding water utility bonds, may pay into the water reserve fund, at intervals designated by the governing body, an amount which shall be determined annually at regular budget preparation time. (Ord. 580, 1988)

### ARTICLE 2. SEWER USE REGULATIONS

#### 15-201.DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- (a) City shall mean the City of Edgerton, Kansas, acting through its duly elected and

appointed officials.

- (b) B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.
- (c) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (d) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- (e) Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
- (f) Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale or produce.
- (g) Industrial Wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- (h) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (i) Person shall mean any individual, firm, company, association, society, corporation, or group.
- (j) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (k) Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- (l) Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (m) Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- (n) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground water, surface, and storm waters as may be present.
- (o) Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- (p) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (q) Sewer shall mean a pipe or conduit for carrying sewage.
- (r) Shall is mandatory; May is permissive.
- (s) 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 more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (t) Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.
- (u) Superintendent shall mean the superintendent of sewage works of the city or his authorized deputy, agent or representative.
- (v) 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.

- (w) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 470, 1979; Ord. 338, 1961)

**15-202.UNLAWFUL SEWAGE DEPOSITS.**

- (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, 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 wastes, or other polluted waters, except where suitable treatment has been provided in accordance with this article. (Ord. 470, 1979)

**15-203.PRIVYS, SEPTIC TANKS.** Except as provided by this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage. (Ord. 470, 1979)

**15-204.CONNECTIONS REQUIRED.** The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the property public sewer in accordance with the provisions of this article, provided that the public sewer is within 100 feet of the property line. (Ord. 470, 1979)

**15-205.SAME; PERMIT.** 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 superintendent. (Ord. 470, 1979)

**15-206.SAME; FEE.** (a) The owner of a building desiring to connect to city sewer service, or his or her agent, shall make application for connection to such service 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 as stated in the current Fee Resolution shall be paid to the city clerk at the time the application is filed. (b) There is hereby established a Sewer System Development Fee in the amount in the amount stated in the current Fee Resolution, payment of which must accompany application. In the event the property to be connected to the city's sanitary sewer system is benefited by sanitary sewer system improvements financed by an improvement district, then additional fees for connection to said improvements may be applicable. (Ord. 20XX, 2021; Ord. 824, 2007; Ord. 762, 2004; Ord. 720, 2000; Ord. 470, 1979; Ord. 447, 1977; Ord. 338, 1961)

**15-207.PRIVATE DISPOSAL SYSTEM - REGULATIONS INCORPORATED.** Where a public sanitary sewer is not available under the provisions of section 15-204, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. There is hereby incorporated by reference for the purpose of prescribing

procedures, rules, regulations, standards, and enforcement procedures for the use of private sewage disposal systems, the document entitled "Private Sewage Disposal Systems" dated January 12, 1995. No fewer than three copies shall be marked or stamped "Official Copy as adopted by the Code of the City of Edgerton." The official copy shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. (Ord. 658, 1995; Ord. 338, 1961)

15-208:210. Reserved for future use.

15-211. SAME; CONNECTION TO PUBLIC SYSTEM. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 15-204, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 470, 1979)

15-212.SAME; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 470, 1979)

15-213.SAME; REFILLING. When a public sewer becomes available, the building sewer shall be connected to the sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt. (Ord. 470, 1979)

15-214.SAME; ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County or State Boards of Health. (Ord. 470, 1979)

15-215.INSTALLATION; COSTS BORNE BY OWNER. All costs and expenses incident to the installation and connection to 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. (Ord. 470, 1979; Ord. 338, 1961)

15-216.SEPARATE SEWER FOR EVERY BUILDING. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be 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. (Ord. 470, 1979; Ord. 338, 1961)

15-217.OLD BUILDING SEWERS. Old buildings sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent, to meet all requirements of this article. (Ord. 470, 1979; Ord. 338, 1961)

15-218.SEWER SPECIFICATIONS.

- (a) The building sewer shall be cast iron soil pipe, vitrified clay sewer pipe, or other suitable material approved by the superintendent. Joints installed shall be tight and waterproof. Any part of the building sewer that is located within ten (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.

- (b) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter of the pipe be less than four (4) inches for single residences, and six (6) inches for commercial or industrial establishments. The slope of the pipe shall be not less than one-eighth (1/8) inch per foot and should be one-quarter (1/4) inch per foot where possible. (Ord. 470, 1979; Ord. 338, 1961)

15-219.SEWER ELEVATION. 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 a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. (Ord. 470, 1979; Ord. 338, 1961)

15-220. DRAINS. In all buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. (Ord. 470, 1979; Ord. 338, 1961)

15-221.EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. No backfill shall be place until the work has been inspected by the superintendent. (Ord. 470, 1979; Ord. 338, 1961)

15-222.JOINTS. All joints in the building sewers shall be made gastight and watertight. Cast iron pipe joints shall be firmly packed with oakum and hemp and filled with molten lead or Sulphur jointing compound. 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 clay pipe and cast iron pipe, shall first be caulked tight with jute, hemp, or similar approved material, then filled with approved Asphaltum jointing compounds. Other joint materials and methods may be used only by approval of the superintendent. (Ord. 470, 1979; Ord. 338, 1961)

15-223.CONNECTION REGULATIONS. The connection of the building sewer into the public sewer shall be made at the wye branch if such wye branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located wye branch is available, the owner shall at his or her own expense install a wye branch or an approved saddle at the location specified by the superintendent. Where permitted by the superintendent, 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 angle 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. (Ord. 470, 1979; Ord. 338, 1961)

15-224.INSPECTION BEFORE CONNECTION. 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 of his or her representative. (Ord. 470, 1979; Ord. 338, 1961)

15-225.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. (Ord. 470, 1979; Ord. 338, 1961)

15-226.DOWNSPOUTS. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 470, 1979; Ord. 338, 1961)

15-227.STORM AND SURFACE WATER.

- (a) No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- (b) 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 superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of superintendent, to a storm sewer or natural outlet. (Ord. 913, 2012Ord. 470, 1979; Or. 338, 1961)

15-228.UNLAWFUL DISCHARGES. 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 degrees Fahrenheit;
- (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 property operation of the sewage works;
- (f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 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 toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or

- animals, create a public nuisance, or create any hazard in the receiving water of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes as discharged to the public sewer;
- (h) Any water 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;
  - (i) Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. 913, 2012; Ord. 470, 1979; Ord. 338, 1961)

15-229.SAME; DISCRETION OF SUPERINTENDENT. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewer, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent facts. The substances prohibited are:

- (a) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (b) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (c) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent 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.
- (d) Any pollutants, including oxygen demanding pollutants and nutrients (nitrogen and phosphorus compounds), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the publicly owned treatment facilities.
- (e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (f) Any waters or wastes having a pH in excess of 9.5.
- (g) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and live 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 slug as defined herein.
- (5) Excessive nitrogen or phosphorus loading in such quantities as to constitute load on the sewage treatment works.
- (h) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 913, 2012; Ord. 470, 1979)

#### 15-230.INTERCEPTORS.

- (a) Grease, oil and sand interceptors or traps shall be provided in all filling stations, public garages and other commercial buildings where vehicles are washed or serviced, and in all other commercial or industrial building, 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 or traps shall not be request for private living quarters or dwelling units. All interceptors or traps shall be 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 or traps 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.
- (b) Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense in continuously efficient operation at all times. (Ord. 913, 2012; Ord. 470, 1979)

#### 15-231.PRELIMINARY TREATMENT.

- (a) The admission into the public sewers of any waters or wastes having a five-day Biochemical Oxygen Demand greater than 300 parts per million by weight, or containing more than 350 parts per million by weight of suspended solids, or containing any quantity of substances having the characteristics described in section 15-228, 15-229, or having an average daily flow greater than two percent of the average daily sewage flow 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 or her expense, such preliminary treatment as may be necessary to, reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or reduce objectionable characteristics or constituents to within the maximum limits provided for in section 15-228, or 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 the Kansas State Board of Health, and no construction of such facilities shall be commenced until the approvals are obtained in writing, or require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 15-233 of this article.
- (b) 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 or her expense. (Ord. 913; Ord. 470, 1979)

15-232.INSPECTIONS; MANHOLES.

- (a) 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 or her expense, and shall be maintained by him or her at his or her expense, so as to be safe and accessible at all times.
- (b) All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in sections 15-228 and 15-231 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 subsection (a), or upon suitable samples taken at the 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. (Ord. 913, 2012; Ord. 470, )

15-233.SPECIAL AGREEMENTS. 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 therefore by the industrial concern. (Ord. 913, 2012; Ord. 470, 1979)

15-234.DAMAGING SEWERS. 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. (Ord. 470, 1979)

15-235.RIGHT OF ENTRY; LIABILITY.

- (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identifications shall be permitted to enter all properties for the purposes of inspections, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives 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.
- (b) While performing the necessary work on private properties referred to in subsection (a) above, the superintendent or duly authorized employees 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 employees and the city shall indemnify the company against loss or damage to its property by the 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 15-232. (Ord. 470, 1979)

15-236.PENALTY.

- (a) Any person found to be violating any provisions of this article except section 115-234 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall, upon conviction thereof be fined in an amount not exceeding \$1000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this article shall become liable to the city for such expense, loss or damage occasioned by the city by reason of such violation. (Ord. 470, 1979)

ARTICLE 3. SEWER USER CHARGES

15-301.DEFINITIONS. Unless the context specifically indicates otherwise the meaning of terms used in this article shall be as follows:

- (a) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter (mg/l).
- (b) "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 400 mg/1 and a suspended solids concentration of not more than 400 mg/1.
- (c) "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 sewage works to achieve the capacity and performance for which such works were designed and constructed.
- (d) "Replacement" shall mean expenditures of 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.
- (e) "Residential Contributor" shall mean any contributor to the city's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.
- (f) "Shall" is mandatory; "May" is permissive.
- (g) "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.
- (h) "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewerage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall 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 standby



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, including waste in combined stormwater and sanitary sewer systems.

- (i) "Useful Life" shall mean the estimated period during which a treatment works will be operated.
- (j) "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.
- (k) "Water Meter" shall mean a volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city. (Ord. 506, 1982)

15-302.REVENUES. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this article. (Ord. 506, 1982)

15-303.OPERATION, MAINTENANCE AND REPLACEMENT FUND. That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes as established in sections 15-30:308, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

- (a) An account designated for the specific purpose of defraying operation and maintenance costs excluding replacement of the treatment works (Operation and Maintenance Account).
- (b) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of 15% of the annual operation and maintenance. (Ord. 664, 1995; Ord. 506, 1982)

15-304.SAME; FISCAL YEAR-END BALANCES. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were

borrowed. (Ord. 506, 1982)

**15-305.USER CHARGES.**

- (a) Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meter(s) acceptable to the city.
- (b) For residential contributors, monthly user charges will be based on average monthly water usage during the months of December, January, and February (winter average). If a residential contributor has not established a December, January, and February (winter average), his or her monthly user charge shall be actual wastewater use or 5,000 gallon, whichever is less, until an actual winter average can be established.
- (c) 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 user of water, or in some other manner uses water which is not returned to the wastewater collections system, the user charges for that contributor may be based on a wastewater meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the city.
- (d) In addition to the charges set forth in (a), (b), and (c) hereinabove, each contributor shall also be charged a monthly charge -as referenced in the current Fee Resolution for being connected to the city sewer. In addition, each contributor shall pay a user charge rate for replacement costs, operation and maintenance of the treatment works - as referenced in the current Fee Resolution, per 1,000 gallons or portion thereof of water (or wastewater if a meter is installed in accordance with (c) above) as determined in the preceding section.

For those contributors who contribute wastewater to the treatment works, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement, for contributors with greater than normal domestic sewage strength sewer will be calculated by the city engineer and approved by the governing body for each such contributor. (Ord. 20XX, 2021; Ord. 914, 2012; Ord. 873, 2009; Ord. 850, 2008; Ord. No. 835, 2007; Ord. 821, 2006; Ord. 788, 2005; Ord. 753, 2003; Ord. 742, 2003; Ord. 664, 1995; Ord. 594, 1989; Ord. 452, 1977; Ord. 354, 1966)

**15-306.TOXIC POLLUTANTS; INCREASED COST.** 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 increases costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the governing body. (Ord. 506, 1982)

**15-307 APPLICABILITY.** The user charge rates established in this article apply to all users, regardless of their location with respect to the city's wastewater facilities. (Ord. 506, 1982)

**15-308.BILLING.** All users shall be billed monthly. Charges shall be payable at the same time and upon the statement of the water bills of the city. A bill remaining unpaid for a

period to exceed 25 days shall be deemed delinquent and governed by sections 15-122:124 of this chapter. (Code 1984, Ord. 506, 1982)

15-309.REVIEW OF USER CHARGES. The city will review the user charge system at least every two years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of 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. (Ord. 506, 1982)

#### ARTICLE 4. WATER CONSERVATION

##### 15-401.PURPOSE; RESOLUTION.

- (a)The purpose of this Article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared. (Ord. 1024, 2016; Ord. 690, 1997; Code 1995)
- (b) From time to time, the governing body may adopt resolutions setting forth a plan or plans and/or procedures to be implemented in the event of a water emergency. These resolutions likely will be more up-to-date and detailed than provisions set forth in this Article and, therefore, in the event of any inconsistency between this Article and the plans adopted by resolution, the plans adopted by resolution will govern. (Ord. 1024, 2016)

##### 15-402.DEFINITIONS:

- (a) "Water," as the term is used in this ordinance, shall mean water available to the City of Edgerton for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any con-operated site.
- (b) "Customer," as the term is used in this ordinance, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) "Waste of water," as the term is used in this ordinance, includes, but is not limited to:
  - (1) permitting water to escape down a gutter, ditch, or other surface drain; or
  - (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classed of uses of water are established:

###### Class 1:

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

Class 2:

Water used for any commercial or industrial, including agricultural, purposes: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

Class 3:

Domestic usage, other than that which would be included in either Classes 1 or 2.

Class 4:

Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation. (Ord. 690, 1997; Code 1995)

15-403.DECLARATION OF WATER WATCH. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official City newspaper. (Ord. 690, 1997; Code 1995)

15-404.DECLARATION OF WATER WARNING. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official City newspaper. (Ord. 690, 1997; Code 1995)

15-405.DECLARATION OF WATER EMERGENCY. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City newspaper. (Ord. 690, 1997; Code 1995)

15-406.VOLUNTARY CONSERVATION MEASURES. Upon the declaration of water watch or water warning as provided in Sections 15-403 and 15-404, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees, (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.

(d) Waste of water. (Ord. 690, 1997; Code 1995)

15-407.MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 15-405, the Mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency.
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the foregoing measures. (Ord. 690, 1997; Code 1995)

15-408.EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in Section 15-405, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) higher charges for increasing usage per unit for use (increasing block rates);
- (b) uniform charges for water usage per unit of use (uniform unit rate); or
- (c) extra charges in excess of specified level of water use (excess demand surcharge). (Ord. 690, 1997; Code 1995)

15-409.REGULATIONS. During the effective period of any water supply emergency as provided for in Section 15-405, the Mayor (or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting. (Ord. 690, 1997; Code 1995)

15-410.VIOLATIONS, DISCONNECTIONS AND PENALTIES.

- (a) If the Mayor, Water Superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 15-407 or 15-409 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:
  - (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the

customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body.

- (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
- (3) The governing body or hearing officer shall make findings of fact and order whether service should continue to be terminated.
- (b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.
- (c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days. (Ord. 690, 1997; Code 1995)

15-411.EMERGENCY TERMINATION. Nothing in this ordinance shall limit the ability of any properly authorized City official from terminating the supply of water to any or all customers upon the determination of such City official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 690, 1997; Code 1995)

15-412.SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 690, 1997; Code 1995)

**SECTION 2. REPEAL OF CONFLICTING ORDINANCES.** All ordinances or sections of ordinances in conflict herewith are hereby repealed.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 12<sup>th</sup> day of August, 2021.

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DONALD ROBERTS, Mayor

ATTEST:

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ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney

## City Council Action Item

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**Council Meeting Date:** August 12, 2021

**Department:** Administration

**Agenda Item: Consider Ordinance 2089 Amending Chapter I Of The Municipal Code Of The City Of Edgerton, Kansas To Include Article 8, Section 1-801 Regarding The Costs Of Collection And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Background/Description of Item:**

At the May 13, 2021, meeting, Council approved an agreement with CBK, Inc., for collection services. Council provided direction to staff to bring forward an ordinance that would allow CBK to charge the collection fee to the customer vs subtracting from the amount collected and turned over to the City.

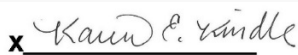
The City Attorney has drafted the ordinance that would be required in order to allow the fee to be charged to the customer, and the ordinance is attached.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code Chapter I

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**Funding Source:** N/A

**Budget Allocated:** N/A

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**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve Ordinance 2089 Amending Chapter I The Municipal Code Of The City Of Edgerton, Kansas To Include Article 8, Section 1-801 Regarding The Costs Of Collection And Repealing All Other Ordinances Or Parts Of Ordinances Conflict Therewith**

**Enclosed:**

Ordinance No. 2089

**Prepared by:**

Karen Kindle, Finance Director



ORDINANCE NO. 2089

AN ORDINANCE AMENDING CHAPTER I OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE ARTICLE 8, SECTION 1-801 REGARDING THE COSTS OF COLLECTION AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH  
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

**SECTION 1.** Chapter I of the City Code of the City of Edgerton, Kansas, is hereby amended to include an Article 8, Section 1-801 which reads as follows:

**ARTICLE 8. CITY COLLECTION POLICY**

1-801. **COST OF COLLECTION.** Citizens of Edgerton and/or debtors of the City of Edgerton shall pay any and all charges related to the reasonable costs of collection of any fine/fee/costs of services/court ordered restitution, as well as any costs/assessments for clean-up of the property for a municipal violation that is the issue herein. This specifically applies to, but is not limited to, charges for water, trash, property code violation fines, parking tickets, municipal court fines, fees, court costs, municipal court ordered restitution, interest accrued thereon, and any other debt due and owing to the municipality. The costs of collection include, but are not limited to, court costs, surcharges, attorney fees, and collection agency fee, except that such costs of collection may not include both attorney fees and collection agency fees.

**SECTION 2.** REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 12<sup>th</sup> day of August, 2021.

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DONALD ROBERTS, Mayor

ATTEST:

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ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney

## City Council Action Item

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**Council Meeting Date:** August 12, 2021

**Department:** Administration

**Agenda Item: Consider Ordinance 2090 Amending Chapter IV Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 4-414 Regarding Unfit Dwellings And Connection To The City Water And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Background/Description of Item:**

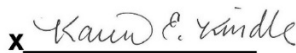
At the July 22, 2021, meeting, Council provided direction to staff to draft ordinances that clarify the requirement for structures to be connected to the City's water system and pay the monthly customer service charge. The draft ordinance attached updates Chapter IV of the City Code to deem a structure is unfit for human habitation and use and subject to the dangerous and unsafe structure procedure contained in Section 4-404 of the City Code if the structure is not connected to the City's water system and paying the monthly customer service charge.

City Attorney prepared the enclosed draft ordinance.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code Chapter IV

**Funding Source:** N/A

**Budget Allocated:** N/A

x 

**Finance Director Approval:** Karen Kindle, Finance Director

**Recommendation: Approve Ordinance 2090 Amending Chapter IV Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 4-414 Regarding Unfit Dwellings And Connection To The City Water And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Enclosed:**

Ordinance No. 2090

**Prepared by:**

Karen Kindle, Finance Director

ORDINANCE NO. 2090

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 4-414 REGARDING UNFIT DWELLINGS AND CONNECTION TO CITY WATER AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

**SECTION 1.** Chapter IV of the City Code of the City of Edgerton, Kansas, is hereby amended to include Section 4-414 which reads as follows:

4-414. UNFIT DWELLING AND CONNECTION TO CITY WATER. Any structure located within the city limits of the City of Edgerton which is not connected to City water and paying at least the monthly minimum charge as described in the City fee resolution shall be deemed per se unfit for human habitation and use and subject to the petition procedure described in 4-404 et seq.

**SECTION 2.** REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 12<sup>th</sup> day of August, 2021.

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DONALD ROBERTS, Mayor

ATTEST:

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ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney

## City Council Action Item

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**Council Meeting Date:** August 12, 2021

**Department:** Administration

**Agenda Item: Consider Ordinance 2091 Amending Chapter XV Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-145 Regarding Unfit Dwellings And Connection To The City Water And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Background/Description of Item:**

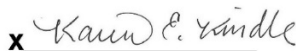
At the July 22, 2021, meeting, Council provided direction to staff to draft ordinances that clarify the requirement for structures to be connected to the City's water system and pay the monthly customer service charge. The draft ordinance attached updates Chapter XV of the City Code to deem a structure is unfit for human habitation and use and subject to the dangerous and unsafe structure procedure contained in Section 4-404 of the City Code if the structure is not connected to the City's water system and paying the monthly customer service charge.

City Attorney prepared the draft ordinance enclosed.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code Chapter XV

**Funding Source:** N/A

**Budget Allocated:** N/A

x 

**Finance Director Approval:** Karen Kindle, Finance Director

**Recommendation: Approve Ordinance 2091 Amending Chapter XV Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-145 Regarding Unfit Dwellings And Connection To The City Water And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith**

**Enclosed:**

Ordinance No. 2091

**Prepared by:**

Karen Kindle, Finance Director

ORDINANCE NO. 2091

AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-145 REGARDING UNFIT DWELLINGS AND CONNECTION TO CITY WATER AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

**SECTION 1.** Chapter XV of the City Code of the City of Edgerton, Kansas, is hereby amended to include Section 15-145 which reads as follows:

15-145. UNFIT DWELLING AND CONNECTION TO CITY WATER. Any structure located within the city limits of the City of Edgerton which is not connected to City water and paying at least the monthly minimum charge as described in the City fee resolution shall be deemed per se unfit for human habitation and use and subject to the petition procedure described in 4-404 et seq of the Edgerton City Code.

**SECTION 2.** REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 12<sup>th</sup> day of August, 2021.

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DONALD ROBERTS, Mayor

ATTEST:

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ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

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LEE W. HENDRICKS, City Attorney



## City Council Action Item

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**Council Meeting Date:** August 12, 2021

**Department:** Administration

### **Agenda Item: Consider Resolution No. 08-12-21B Establishing Fees and Rates for Permits, Licenses and Services Within the City of Edgerton, Kansas.**

#### **Background/Description of Item:**

On December 10, 2015, the City Council approved Ordinance No. 1006 which included the authorization for the City to create a Fee Resolution, which would be reviewed annually. The purpose for the annual resolution is to consolidate the fees in one location and remove the fees from the Edgerton Municipal Code "Code Book," thereby eliminating the need for continual ordinance amendments. On occasion, staff must bring forward updates to the Fee Resolution at times other than the annual review, in order to include new or updated fees as determined by adopted policy.

The following resolution, No. 08-12-21B, provides an update to the Fee Resolution to include the fee for the following items;

#### **OPEN RECORDS**

- City Staff recommends updating the open records fees to more fully reflect the actual costs of producing documents.
- The fees only apply if a record is not readily available and requires more than an hour of staff time to produce.

#### **PUBLIC PROPERTY**

- Staff recommends adding fees to charge non-residents for use of Edgerton park shelters. Staff researched neighboring communities - Johnson County Parks and Recreation, Gardner, Spring Hill, Shawnee, Wellsville - to determine the cost. Fees ranged from \$0-\$110 per half day.
- Resident use would remain free.

#### **UNCONVENTIONAL VEHICLES**

- On July 22, 2021, the Governing Body approved Ordinance 2086 which authorized operation of UTVs, golf carts, low speed vehicles, work site and micro utility vehicles on City streets. During that meeting, it was discussed that the Governing Body would

set a fee for these permits, including the initial permit tag and a renewal rate for each year following.

- The fees discussed by Council are \$100 for the initial permit tag and \$25 annual renewal if the driver has no infractions.
- For a driver with infractions, the annual renewal would be \$100.

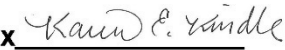
A redlined copy of the Resolution is included to show this update along with a clean copy.

**Related Ordinance(s) or Statue(s):** Ordinance No. 1006, Ordinance No. 2086

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**Funding Source:** N/A

**Budget Allocated:** N/A

x 

**Finance Director Approval:** Karen Kindle, Finance Director

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**Enclosed:** Draft Resolution No. 08-12-21B redline version  
Draft Resolution No. 08-12-21B clean version

**Prepared by:** Alexandria Clower, City Clerk

<p><b>Recommendation: Approve Resolution No. 08-12-21B Establishing Fees and Rates for Permits, Licenses and Services Within the City of Edgerton, Kansas</b></p>
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**RESOLUTION NO. ~~0108-1412~~-21BA**

**A RESOLUTION ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS.**

**WHEREAS**, pursuant to Ordinance No. ~~1006~~, the City Council indicated that all City Fees that previously were spread throughout the City Code, and would require an Ordinance amending that particular part of the Code to change the fee, would instead be consolidated into a City Fee Resolution such that all fees could be better monitored and, any revisions thereto, could be accomplished via resolution instead of an ordinance; and

**WHEREAS**, City Staff continues to work on consolidating said fees into this Fee Resolution and, as those fees are added in, revised versions of this Resolution will be presented for Council approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF EDGERTON, KANSAS:**

**SECTION 1: FEES.**

The following fees shall be due and payable to the City Clerk:

**OPEN RECORDS**

<u>Prepayment</u>	<u>Required if total estimate exceeds \$25.00</u>
<u>Production/Inspection Fee, if item is not readily available</u>	<u>\$20.00 per request</u>
<u>Copying/<del>Facsimile</del>Fee (no charge for first ten (10) pages)</u>	<u>\$0.10 per page after first ten <del>pages</del></u>
<u>Mailing Fee</u>	<u>Actual mailing costs</u>
<u>Facsimile charges</u>	<u>\$1.00 / \$0.10 per page</u>
<u>Staff Searches, <del>by one (1) hour or more:</del></u>	
<u>Records custodian/administrative staff,</u>	<u><del>\$ three (3) hours or more</del></u>
<u><del>\$25</del>30.00 per hour</u>	
<u>Dept heads/City Administrator/Elected Officials</u>	<u>\$50.00 per hour</u>
<u>Contracted Professionals (IT, Attorneys, etc.)</u>	<u>Hourly rates charged</u>
<u>to City</u>	

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**ANIMAL CONTROL**

**Animal Registration Fees:**

Neutered/Spayed dog or cat	\$5.00
Unneutered/Non-spayed dog or cat	\$25.00
Seniors (60 plus) with neutered/spayed dog or cat	\$No Charge
Chicken registration	\$50.00
Chicken registration for senior residents (60 plus)	\$25.00

Breeder Fee	\$500.00
Late Registration Fee	\$25.00
Duplicate Tag Fee	\$1.00

**Animal Redemption Fees:**

Registered	
First pick up	\$No charge
Second pick up	\$50.00
Third pick up	\$100.00
Non-Registered, Neutered/Spayed	
First pick up	\$50.00
Non-Registered, Unneutered/unspayed	
First pick up	\$100.00
City provided rabies vaccination	\$50.00
Habitual Violator (dog picked up more than three times in one year)	\$250.00
Boarding Fee	\$10.00 per day

**Animal Adoption Fees:**

Neutered/Spayed Pet	\$50.00
Pet Neutered/Spayed by the City	\$100.00

**BEVERAGES**

**Cereal Malt Beverages**

General Retailer	\$100.00
Limited Retailer	\$35.00
Change of Location Fee	\$5.00

**Drinking Establishments**

License Fee – Biennial occupation tax	\$500.00
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**Private Club**

License Fee – Class A Biennial occupation tax	\$500.00
License Fee – Class B Biennial occupation tax	\$500.00

**Special Event**

Permit Fee	\$50.00
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**Caterer**

Permit Fee	\$250.00
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**Retail**

Permit Fee Biennial occupation tax	\$500.00
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**BUILDINGS AND CONSTRUCTION****Permit Fees – Non-Residential Building**

<i>Total Valuation</i>	<i>Fee</i>
\$1.00 to \$500	\$22.00
\$501.00 to \$2,000.00	\$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001 to \$50,000.00	\$352.00 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fractions thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$580.00 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,000.00 to \$1,000,000.00	\$2,855 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or

	fraction thereof, to and including \$1,000,000.00
\$1,000,000.01 and up	\$4,955.00 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00, or fraction thereof

A plan review fee shall be assessed at sixty-five percent (65%) of the calculated building permit fee.

#### Other Inspections and Fees

Inspections outside of normal business hours (minimum charge – two hours)	\$50.00 per hour
Re-inspection fees assessed	\$50.00 per hour
Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$50.00 per hour
Additional plan review required by changes, additions or revisions to plans (or total hourly cost to the jurisdiction, whichever is greatest. Cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved)	\$50.00 per hour
For use of outside consultants for plan checking or inspections (costs include administrative and overhead costs)	Actual Costs

#### **Permit Fees – Residential Building**

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$500	\$13
\$501 to \$2,000	\$13 for first \$500.00 plus \$1.50 for each additional \$100.00 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$35.50 for the first \$2,000.00 plus \$8.00 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$219.50 for the first \$25,000 plus \$6.50 for each additional

	\$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$381.00 for the first \$50,000 plus \$4.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$582.00 for the first \$100,000 plus \$3.00 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,000 and up	\$1782.00 for the first \$500,000 plus \$2.00 for each additional \$1,000 or fraction thereof.

A plan review fee shall be assessed at sixty-five percent (65%) of the calculated building permit fee.

#### Other Inspections and Fees

Inspections outside of normal business hours (minimum charge – two hours)	\$50.00 per hour
Re-inspection fees assessed	\$50.00 per hour
Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$50.00 per hour
Additional plan review required by changes, additions or revisions to plans (or total hourly cost to the jurisdiction, whichever is greatest. Cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved)	\$50.00 per hour
For use of outside consultants for plan checking or inspections (costs include administrative and overhead costs)	Actual Costs
Certificate of Occupancy	\$10.00
Fire Review and Inspection - Core and Shell 100 square feet to 12,500 square feet Multi-Family (R-3)	\$250.00

Commercial Zoning Districts (C-D, C-1, C-2)  
Industrial Zoning Districts (B-P, L-P, I-G, I-H)

Fire Review and Inspection	\$250.00
- Tenant Finish	
100 square feet to 12,500 square feet	
Multi-Family (R-3)	
Commercial Zoning Districts (C-D, C-1, C-2)	
Industrial Zoning Districts (B-P, L-P, I-G, I-H)	
Fire Review and Inspection	\$0.02 per square foot
- Core and Shell	
12,501.00 square feet or greater	
Multi-Family (R-3)	
Commercial Zoning Districts (C-D, C-1, C-2)	
Industrial Zoning Districts (B-P, L-P, I-G, I-H)	
Fire Review and Inspection	\$0.02 per square foot
- Tenant Finish	
12,501 square feet or greater	
Multi-Family (R-3)	
Commercial Zoning Districts (C-D, C-1, C-2)	
Industrial Zoning Districts (B-P, L-P, I-G, I-H)	

**Permit Fees - Fuel Gas Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

**Permit Fees – Plumbing Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00



Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

#### **Permit Fees – Mechanical Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

#### **Permit Fees – Electrical Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00
Issuance of annual permit	\$250.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

#### **Moving Buildings**

House/building/derrick or other structure permit	\$250.00 + Staff Time to monitor the move
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#### **Oil and Gas Wells**

Permit Fee	\$150.00 per well
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License Fee	\$25.00 per well
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**Fire Insurance Proceeds Fund**

Final Settlement Funds (K.S.A. 40-3901 <u>et seq.</u> )	\$5,000.00 or 10% of covered claim payment, whichever is less
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**BUSINESS LICENSE**

General License	\$5.00
Solicitor's License – Investigation Fee	\$50.00
Solicitor's License – Issuance Per day	\$25.00
Solicitor's License – Six Months	\$250.00
Adult Entertainment Business License	\$250.00
Adult Entertainment Manager's License	\$20.00
Adult Entertainers License	\$20.00
Adult Entertainment Service's License	\$20.00
Mobile Food Vender License	\$100.00
Block Party	\$25.00

**FIREWORKS**

Fireworks – Temporary Retail Sale Application Fee	\$500.00
Fireworks – Temporary Retail Sale Bond	\$1000.00
Public Display Application Fee	\$100.00

**SOLID WASTE**

Customer Unit Charge – Monthly (One trash container and one recycle container)	\$7.50
Extra Container Charge – Monthly	\$5.00
Extra Recycle Container – Monthly	\$1.00

**PUBLIC PROPERTY**

Community Hall Rental – Residents (24-hrs midnight)	\$100.00
Community Hall Rental – Non-Residents (24 -hrs midnight)	\$150.00
Rental Deposit Required for Rental (Refundable)	\$50.00

(Due at time of Reservation)

Overnight Camping (by special permit) \$10.00

Martin Creek Park Lights

-Ball field #1 Lights \$20 / hour

-Horse Shoe Pit Lights \$20 / hour

Park Shelters – Residents No charge

Park Shelters – Non-residents \$50 per half day

Right-Of-Way Permit \$100.00

## PUBLIC OFFENSES

Worthless Check/Returned Check/Dishonored Instrument \$25.00

Abatement Administrative Fee \$50.00 per abatement

Abatement Administrative Fee-Tall Weed/Grass \$50.00 for the first  
abatement with the fee increasing by \$50.00 for each subsequent abatement

## UNCONVENTIONAL VEHICLES

Permit, initial sticker \$100

Permit, annual renewal with no infractions \$25

Permit, annual renewal with infractions \$100

## UTILITIES - WATER

### Water Rate

#### WATER

[Customer Service Charge + Vol. Rate = Monthly Bill]

#### Customer Service Charge

Meter Size	Inside City	Outside City
5/8"	\$21.15	\$31.70
1"	\$25.14	\$37.69
1 1/2"	\$31.77	\$47.65
2"	\$39.76	\$59.63

3"	\$58.39	\$87.55
4"	\$84.97	\$127.45
6"	\$151.46	\$227.18
8"	\$231.26	\$346.89

<b>Volumetric Rate [per 1,000 gallons]</b>		
<b>Tiers</b>	<b>Inside City</b>	<b>Outside City</b>
0-2,000	\$4.36	\$6.53
2,001-10,000	\$9.79	\$14.67
>10,000	\$13.50	\$20.23

#### **Water System Development Fees**

System Development Fee (based on size of water meter)

<u>METER SIZE</u>	<u>CHARGES</u>
5/8"	\$4,300
1"	\$10,750
1.5"	\$21,500
2"	\$34,400
3"	\$64,500
4"	\$107,500
6"	\$215,000
8"	\$344,000

#### **Water Connection Fees**

Connections Charge: Inside City - Regular (¾-inch service, with ¾-inch by 5/8 inch-meter)	\$1,250.00
Connections Charge: Outside City - Regular (¾-inch service, with ¾-inch by 5/8-inch meter)	\$7,500.00
Connections Charge: Other Sizes	TBD by Governing Body
Water Service Application (inside city limits)	\$30.00
Water Service Application (outside city limits)	\$75.00
Reconnection Fee, during normal business hours	\$25.00
Reconnection Fee, during non-business hours	\$100.00
Meter Testing (if meter is correct)	\$10.00
Hydrant Meter Refundable Deposit	\$1,500.00

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## UTILITIES - WASTEWATER

### Wastewater Rate

#### WASTEWATER

[Customer Service Charge + Vol. Rate = Monthly Bill]

#### Customer Service Charge

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\$6.75

#### Volumetric Rate

\$7.81 [per 1,000 gallons]<sup>1</sup>

LPKC Infrastructure

\$1.00 [per 1,000 gallons]

<sup>1</sup> For residential use properties, Section 15-305(b) of Article 3 of Chapter XV of the City Code will determine the level of gallons.

### Wastewater System Development Fees

System Development Fee (based on size of water meter)

METER SIZE	CHARGES
5/8"	\$4,800
3/4"	\$6,600
1"	\$12,000
1.5"	\$24,000
2"	\$38,400
3"	\$72,000
4"	\$120,000
6"	\$240,000
8"	\$384,000

### Wastewater Connection Fees

Connection Charge and Inspection Fee	\$750.00
Wastewater Service Application Fee	\$30.00

**Wholesale Wastewater Rate** \$3.65 [per 1,000 gallons]

### Private Disposal System Fees

Installation Permit	\$250.00
Significant Alteration and Repair Permit	\$100.00
Minor Repair	\$50.00
Non-Residential Annual Operation Permit	\$50.00

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(first year fee included in Installation Permit Fee)	
Septic/Holding Tank Removal	\$100.00
Inspection, non-business hours	\$15.00 per hour
(2-hour charge minimum, additional to inspection fee)	

#### **VEHICLE PERMITS**

Restoration Permit	\$250.00/new or renewal
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#### **ZONING AND DEVELOPMENT FEES**

Manufactured Home Park License	\$100.00
Temporary Mobile Home Fee	\$25.00
Planned Unit Development:	
Conceptual Plan/Preliminary Plat Fee	\$200.00 plus \$2.00 per lot
Final Plan/Final Plat Fee	\$300.00 plus \$5.00 per lot
Board of Zoning Appeals Variance or Appeal Fee	\$250.00 plus publication fees
Rezoning Fee	\$250.00
Conditional/Special Use Permit Fee	
Residential Zoning Districts	\$100.00 plus publication fees
Non-Residential Zoning Districts	\$1,000.00 plus publication fees
Temporary Construction Activities	
Permit Fee	\$500.00
Amended Application Requiring Another	
Planning Commission Review, Post Approval	\$250.00
Expired Permit – treated as a new permit	\$500.00
Blasting Permit (one (1) year)	\$500.00
Home Occupation Permit Fee	\$5.00
Preliminary/Final Site Plan Fee	\$200.00 plus \$10.00 per acre plus publication fees
Site Plan Re-review Fee	\$200.00 plus \$1.00 per acre
Revised Site Plan Fee	
Requiring Planning Commission Approval	\$250.00
Requiring Zoning Administrator Approval	\$100.00

Preliminary Plat Fee	\$300.00 plus \$10.00 per lot plus publication fees
Preliminary Plat Re-review Fee	\$300.00 plus \$10 per lot
Final Plat Fee	\$300.00 plus \$10.00 per lot plus publication fees
Final Plat Re-review Fee	\$300.00 plus \$10 per lot
Lot Split Fee	\$100.00
Street Excise Tax	\$0.10 per square foot of final plat
Park Impact Fee/Residential	\$300.00 per lot
Park Impact Fee/Commercial	\$0.08 per square foot of building
Park Impact Fee/Industrial	\$0.08 per square foot of building
New Street Light Fee	\$250.00
New Public Improvement Plan Review Fee	
Street/Stormwater/Water/Sewer	\$300.00
Re-review Fee	\$300.00
New Public Improvement Inspection Fee	
Street/Stormwater	Actual cost of inspection + 2% administrative fee
Water/Sewer	Actual cost of inspection + 2% administrative fee
Land Disturbance (greater than one acre)	\$250.00
Flood Plain Development Permit	\$75.00
Zoning Verification Letter	\$75.00 per request
Temporary Certificate of Occupancy Extension	\$100 per request

#### **Sign Fees**

Home Occupation Sign	\$35.00
Temporary/Banner Sign	\$35.00
Pole Sign	\$125.00
Monument Sign	\$35.00
Façade/Wall Sign	\$35.00



Mobile Home Park Sign	\$35.00
Subdivision Name Sign	\$35.00
Apartment Complex Name Sign	\$35.00

**SECTION 2: Effective Date.** This Resolution shall become effective upon adoption by the Governing Body.

**SECTION 3: Repealer.** Any fees or resolutions inconsistent herewith are hereby repealed and said City Code references (along with other specific fee references throughout the City Code that will now be controlled by the Fee Resolution) will be formally withdrawn via a future ordinance.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS ON THIS 14<sup>th</sup> DAY of JANUARY, 2021.

\_\_\_\_\_  
DONALD ROBERTS, MAYOR

ATTEST:

\_\_\_\_\_  
ALEXANDRIA CLOWER, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
LEE W. HENDRICKS, CITY ATTORNEY

## **RESOLUTION NO. 08-12-21B**

### **A RESOLUTION ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS.**

**WHEREAS**, pursuant to Ordinance No. 1006, the City Council indicated that all City Fees that previously were spread throughout the City Code, and would require an Ordinance amending that particular part of the Code to change the fee, would instead be consolidated into a City Fee Resolution such that all fees could be better monitored and, any revisions thereto, could be accomplished via resolution instead of an ordinance; and

**WHEREAS**, City Staff continues to work on consolidating said fees into this Fee Resolution and, as those fees are added in, revised versions of this Resolution will be presented for Council approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF EDGERTON, KANSAS:**

#### **SECTION 1: FEES.**

The following fees shall be due and payable to the City Clerk:

#### **OPEN RECORDS**

Prepayment	Required if total estimate exceeds \$25.00
Production/Inspection Fee, if item is not readily available	\$20.00 per request
Copying/Facsimile Fee (no charge for first ten (10) pages)	\$0.10 per page after first ten pages
Mailing Fee	Actual mailing costs
Staff Searches, one (1) hour or more:	
Records custodian/administrative staff	\$30.00 per hour
Dept heads/City Administrator/Elected Officials	\$50.00 per hour
Contracted Professionals (IT, Attorneys, etc.)	Hourly rates charged to City

#### **ANIMAL CONTROL**

##### **Animal Registration Fees:**

Neutered/Spayed dog or cat	\$5.00
Unneutered/Non-spayed dog or cat	\$25.00
Seniors (60 plus) with neutered/spayed dog or cat	\$No Charge
Chicken registration	\$50.00
Chicken registration for senior residents (60 plus)	\$25.00
Breeder Fee	\$500.00
Late Registration Fee	\$25.00

Duplicate Tag Fee	\$1.00
<b><u>Animal Redemption Fees:</u></b>	
Registered	
First pick up	\$No charge
Second pick up	\$50.00
Third pick up	\$100.00
Non-Registered, Neutered/Spayed	
First pick up	\$50.00
Non-Registered, Unneutered/unspayed	
First pick up	\$100.00
City provided rabies vaccination	\$50.00
Habitual Violator (dog picked up more than three times in one year)	\$250.00
Boarding Fee	\$10.00 per day
<b><u>Animal Adoption Fees:</u></b>	
Neutered/Spayed Pet	\$50.00
Pet Neutered/Spayed by the City	\$100.00

## **BEVERAGES**

### **Cereal Malt Beverages**

General Retailer	\$100.00
Limited Retailer	\$35.00
Change of Location Fee	\$5.00

### **Drinking Establishments**

License Fee – Biennial occupation tax	\$500.00
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### **Private Club**

License Fee – Class A Biennial occupation tax	\$500.00
License Fee – Class B Biennial occupation tax	\$500.00

### **Special Event**

Permit Fee	\$50.00
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### **Caterer**

Permit Fee	\$250.00
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**Retail**

Permit Fee Biennial occupation tax	\$500.00
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**BUILDINGS AND CONSTRUCTION**

**Permit Fees – Non-Residential Building**

<i>Total Valuation</i>	<i>Fee</i>
\$1.00 to \$500	\$22.00
\$501.00 to \$2,000.00	\$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001 to \$50,000.00	\$352.00 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fractions thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$580.00 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,000.00 to \$1,000,000.00	\$2,855 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00

\$1,000,000.01 and up

\$4,955.00 for the first  
\$1,000,000.00 plus \$2.75 for  
each additional \$1,000.00, or  
fraction thereof

A plan review fee shall be assessed at sixty-five percent (65%) of the calculated building permit fee.

#### Other Inspections and Fees

Inspections outside of normal business hours  
(minimum charge – two hours)

\$50.00 per hour

Re-inspection fees assessed

\$50.00 per hour

Inspections for which no fee is specifically indicated  
(minimum charge – one-half hour)

\$50.00 per hour

Additional plan review required by changes, additions  
or revisions to plans (or total hourly cost to the juris-  
diction, whichever is greatest. Cost shall include  
supervision, overhead, equipment, hourly wages and  
fringe benefits of employees involved)

\$50.00 per hour

For use of outside consultants for plan checking  
or inspections (costs include administrative and  
overhead costs)

Actual Costs

#### **Permit Fees – Residential Building**

*Total Valuation*

*Fee*

\$1 to \$500

\$13

\$501 to \$2,000

\$13 for first \$500.00 plus  
\$1.50 for each additional  
\$100.00 or fraction thereof,  
to and including \$2,000

\$2,001 to \$25,000

\$35.50 for the first \$2,000.00  
plus \$8.00 for each additional  
\$1,000 or fraction thereof, to  
and including \$25,000.

\$25,001 to \$50,000

\$219.50 for the first \$25,000  
plus \$6.50 for each additional  
\$1,000 or fraction thereof, to  
and including \$50,000.

\$50,001 to \$100,000	\$381.00 for the first \$50,000 plus \$4.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$582.00 for the first \$100,000 plus \$3.00 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,000 and up	\$1782.00 for the first \$500,000 plus \$2.00 for each additional \$1,000 or fraction thereof.

A plan review fee shall be assessed at sixty-five percent (65%) of the calculated building permit fee.

#### Other Inspections and Fees

Inspections outside of normal business hours (minimum charge – two hours)	\$50.00 per hour
Re-inspection fees assessed	\$50.00 per hour
Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$50.00 per hour
Additional plan review required by changes, additions or revisions to plans (or total hourly cost to the jurisdiction, whichever is greatest. Cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of employees involved)	\$50.00 per hour
For use of outside consultants for plan checking or inspections (costs include administrative and overhead costs)	Actual Costs
Certificate of Occupancy	\$10.00
Fire Review and Inspection - Core and Shell 100 square feet to 12,500 square feet Multi-Family (R-3) Commercial Zoning Districts (C-D, C-1, C-2) Industrial Zoning Districts (B-P, L-P, I-G, I-H)	\$250.00

Fire Review and Inspection - Tenant Finish 100 square feet to 12,500 square feet Multi-Family (R-3) Commercial Zoning Districts (C-D, C-1, C-2) Industrial Zoning Districts (B-P, L-P, I-G, I-H)	\$250.00
Fire Review and Inspection - Core and Shell 12,501.00 square feet or greater Multi-Family (R-3) Commercial Zoning Districts (C-D, C-1, C-2) Industrial Zoning Districts (B-P, L-P, I-G, I-H)	\$0.02 per square foot
Fire Review and Inspection - Tenant Finish 12,501 square feet or greater Multi-Family (R-3) Commercial Zoning Districts (C-D, C-1, C-2) Industrial Zoning Districts (B-P, L-P, I-G, I-H)	\$0.02 per square foot

#### **Permit Fees - Fuel Gas Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

#### **Permit Fees – Plumbing Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour

Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour
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**Permit Fees – Mechanical Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

**Permit Fees – Electrical Code**

Issuance of Permit	\$50.00
Issuance of Permit for senior residents (60 plus)	\$25.00
Supplemental Permit	\$50.00
Issuance of annual permit	\$250.00
Inspection outside normal business hours	\$50.00 per hour
Re-inspection	\$50.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one hour)	\$50.00 per hour

**Moving Buildings**

House/building/derrick or other structure permit	\$250.00 + Staff Time to monitor the move
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**Oil and Gas Wells**

Permit Fee	\$150.00 per well
License Fee	\$25.00 per well



**Fire Insurance Proceeds Fund**

Final Settlement Funds (K.S.A. 40-3901 <u>et seq.</u> )	\$5,000.00 or 10% of covered claim payment, whichever is less
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**BUSINESS LICENSE**

General License	\$5.00
Solicitor's License – Investigation Fee	\$50.00
Solicitor's License – Issuance Per day	\$25.00
Solicitor's License – Six Months	\$250.00
Adult Entertainment Business License	\$250.00
Adult Entertainment Manager's License	\$20.00
Adult Entertainers License	\$20.00
Adult Entertainment Service's License	\$20.00
Mobile Food Vender License	\$100.00
Block Party	\$25.00

**FIREWORKS**

Fireworks – Temporary Retail Sale Application Fee	\$500.00
Fireworks – Temporary Retail Sale Bond	\$1000.00
Public Display Application Fee	\$100.00

**SOLID WASTE**

Customer Unit Charge – Monthly (One trash container and one recycle container)	\$7.50
Extra Container Charge – Monthly	\$5.00
Extra Recycle Container – Monthly	\$1.00

**PUBLIC PROPERTY**

Community Hall Rental – Residents (24-hrs midnight)	\$100.00
Community Hall Rental – Non-Residents (24 -hrs midnight)	\$150.00
Rental Deposit Required for Rental (Refundable) (Due at time of Reservation)	\$50.00
Overnight Camping (by special permit)	\$10.00

Martin Creek Park Lights	
-Ball field #1 Lights	\$20 / hour
-Horse Shoe Pit Lights	\$20 / hour
Park Shelters – Residents	No charge
Park Shelters – Non-residents	\$50 per half day
Right-Of-Way Permit	\$100.00

## **PUBLIC OFFENSES**

Worthless Check/Returned Check/Dishonored Instrument	\$25.00
Abatement Administrative Fee	\$50.00 per abatement
Abatement Administrative Fee-Tall Weed/Grass	\$50.00 for the first
abatement with the fee increasing by \$50.00 for each subsequent abatement	

## **UNCONVENTIONAL VEHICLES**

Permit, initial sticker	\$100
Permit, annual renewal with no infractions	\$25
Permit, annual renewal with infractions	\$100

## **UTILITIES - WATER**

### **Water Rate**

#### **WATER**

**[Customer Service Charge + Vol. Rate = Monthly Bill]**

#### **Customer Service Charge**

<b>Meter Size</b>	<b>Inside City</b>	<b>Outside City</b>
5/8"	\$21.15	\$31.70
1"	\$25.14	\$37.69
1 1/2"	\$31.77	\$47.65
2"	\$39.76	\$59.63
3"	\$58.39	\$87.55
4"	\$84.97	\$127.45

6"	\$151.46	\$227.18
8"	\$231.26	\$346.89

<b>Volumetric Rate [per 1,000 gallons]</b>		
<b>Tiers</b>	<b>Inside City</b>	<b>Outside City</b>
0-2,000	\$4.36	\$6.53
2,001-10,000	\$9.79	\$14.67
>10,000	\$13.50	\$20.23

### **Water System Development Fees**

System Development Fee (based on size of water meter)

<b>METER SIZE</b>	<b>CHARGES</b>
5/8"	\$4,300
1"	\$10,750
1.5"	\$21,500
2"	\$34,400
3"	\$64,500
4"	\$107,500
6"	\$215,000
8"	\$344,000

### **Water Connection Fees**

Connections Charge: Inside City - Regular (¾-inch service, with ¾-inch by 5/8 inch-meter)	\$1,250.00
Connections Charge: Outside City - Regular (¾-inch service, with ¾-inch by 5/8-inch meter)	\$7,500.00
Connections Charge: Other Sizes	TBD by Governing Body
Water Service Application (inside city limits)	\$30.00
Water Service Application (outside city limits)	\$75.00
Reconnection Fee, during normal business hours	\$25.00
Reconnection Fee, during non-business hours	\$100.00
Meter Testing (if meter is correct)	\$10.00
Hydrant Meter Refundable Deposit	\$1,500.00

## **UTILITIES - WASTEWATER**

## **Wastewater Rate**

### **WASTEWATER**

**[Customer Service Charge + Vol. Rate = Monthly Bill]**

#### **Customer Service Charge**

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\$6.75

#### **Volumetric Rate**

\$7.81 [per 1,000 gallons]<sup>1</sup>

LPKC Infrastructure

\$1.00 [per 1,000 gallons]

<sup>1</sup> For residential use properties, Section 15-305(b) of Article 3 of Chapter XV of the City Code will determine the level of gallons.

## **Wastewater System Development Fees**

System Development Fee (based on size of water meter)

<u>METER SIZE</u>	<u>CHARGES</u>
5/8"	\$4,800
3/4"	\$6,600
1"	\$12,000
1.5"	\$24,000
2"	\$38,400
3"	\$72,000
4"	\$120,000
6"	\$240,000
8"	\$384,000

## **Wastewater Connection Fees**

Connection Charge and Inspection Fee	\$750.00
Wastewater Service Application Fee	\$30.00

## **Wholesale Wastewater Rate**

\$3.65 [per 1,000 gallons]

## **Private Disposal System Fees**

Installation Permit	\$250.00
Significant Alteration and Repair Permit	\$100.00
Minor Repair	\$50.00
Non-Residential Annual Operation Permit (first year fee included in Installation Permit Fee)	\$50.00
Septic/Holding Tank Removal	\$100.00

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Inspection, non-business hours (2-hour charge minimum, additional to inspection fee)	\$15.00 per hour
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**VEHICLE PERMITS**

Restoration Permit	\$250.00/new or renewal
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**ZONING AND DEVELOPMENT FEES**

Manufactured Home Park License	\$100.00
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Temporary Mobile Home Fee	\$25.00
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Planned Unit Development: Conceptual Plan/Preliminary Plat Fee	\$200.00 plus \$2.00 per lot
Final Plan/Final Plat Fee	\$300.00 plus \$5.00 per lot

Board of Zoning Appeals Variance or Appeal Fee	\$250.00 plus publication fees
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Rezoning Fee	\$250.00
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Conditional/Special Use Permit Fee	
Residential Zoning Districts	\$100.00 plus publication fees
Non-Residential Zoning Districts	\$1,000.00 plus publication fees

Temporary Construction Activities Permit Fee	\$500.00
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Amended Application Requiring Another Planning Commission Review, Post Approval	\$250.00
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Expired Permit – treated as a new permit	\$500.00
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Blasting Permit (one (1) year)	\$500.00
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Home Occupation Permit Fee	\$5.00
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Preliminary/Final Site Plan Fee	\$200.00 plus \$10.00 per acre plus publication fees
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Site Plan Re-review Fee	\$200.00 plus \$1.00 per acre
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Revised Site Plan Fee	
Requiring Planning Commission Approval	\$250.00
Requiring Zoning Administrator Approval	\$100.00

Preliminary Plat Fee	\$300.00 plus \$10.00 per lot plus publication fees
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Preliminary Plat Re-review Fee	\$300.00 plus \$10 per lot
Final Plat Fee	\$300.00 plus \$10.00 per lot plus publication fees
Final Plat Re-review Fee	\$300.00 plus \$10 per lot
Lot Split Fee	\$100.00
Street Excise Tax	\$0.10 per square foot of final plat
Park Impact Fee/Residential	\$300.00 per lot
Park Impact Fee/Commercial	\$0.08 per square foot of building
Park Impact Fee/Industrial	\$0.08 per square foot of building
New Street Light Fee	\$250.00
New Public Improvement Plan Review Fee	
Street/Stormwater/Water/Sewer	\$300.00
Re-review Fee	\$300.00
New Public Improvement Inspection Fee	
Street/Stormwater	Actual cost of inspection + 2% administrative fee
Water/Sewer	Actual cost of inspection + 2% administrative fee
Land Disturbance (greater than one acre)	\$250.00
Flood Plain Development Permit	\$75.00
Zoning Verification Letter	\$75.00 per request
Temporary Certificate of Occupancy Extension	\$100 per request

### **Sign Fees**

Home Occupation Sign	\$35.00
Temporary/Banner Sign	\$35.00
Pole Sign	\$125.00
Monument Sign	\$35.00
Facade/Wall Sign	\$35.00
Mobile Home Park Sign	\$35.00
Subdivision Name Sign	\$35.00
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ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS ON THIS 14<sup>th</sup> DAY of JANUARY, 2021.

\_\_\_\_\_  
DONALD ROBERTS, MAYOR

ATTEST:

\_\_\_\_\_  
ALEXANDRIA CLOWER, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
LEE W. HENDRICKS, CITY ATTORNEY

August 9, 2021

To: Mayor & City Council  
From: Beth Linn, City Administrator  
Re: Solid Waste Contract Expiration & Bid

The City currently contracts with Gardner Disposal for residential solid waste collection and disposal services. The contract also includes City facilities. The contract expires on December 31, 2021, and to have enough time to bid the services and switch providers if needed, the request for bids will need to be issued soon. Below are the services included in the current contract.

**Services Provided in Current Contract with Gardner Disposal**

- Solid Waste/Recyclable Materials
  - Weekly collection of solid waste
  - Weekly collection of recyclable materials
  - Provision of one (1) 95-gallon solid waste container
  - Provision of one (1) 65-gallon recyclable materials container
  - Stickers are required to be purchased from the City for bags that do not fit in the container
  - Collection of 10 additional bags of solid waste during the week of December 26<sup>th</sup>-31<sup>st</sup> without the need for purchasing stickers
- Yard Waste
  - Weekly collection of yard waste
  - 8 items of yard waste (bag or bundle) allowed per week, excess items require the purchase of a sticker from the City
    - Exception: During March, April, August, September, October and November 12 items are allowed
- Special Bulk Items
  - One furniture item per dwelling per week
  - Other large items picked up for a special fee
  - Residents must notify contractor in advance if they will have a bulk item for pickup
- City Facilities
  - City Hall
    - Solid Waste – weekly collection; provide four (4) 95-gallon containers
    - Recyclable Materials – weekly collection; provide two (2) 65-gallon containers
  - Public Works
    - Solid Waste – weekly collection; provide one (1) 20 yard container
    - Recyclable Materials – weekly collection; provide one (1) 4-yard container
    - Streetsweeper Waste & Debris – collection upon request of City staff; provide one (1) 20-yard container
  - Yellow House
    - Solid Waste – weekly collection; provide one (1) 95-gallon container
    - Recyclable Materials – weekly collection; provide one (1) 65-gallon container
  - Big Bull Creek Wastewater Treatment Plant
  - Solid Waste – weekly collection; provide two (2) 1-yard dumpsters
  - Recyclable Materials – weekly collection; provide one (1) 95-gallon container
  - Sludge Disposal – collection upon request of City staff within two (2) business days; provide one (1) twenty yard dumpster. Cost paid is per ton.



- Allows for the contractor to hire a third party contractor to provide the sludge disposal service. The third party must meet the same insurance requirements as the contractor. The contractor handles all aspects of the third party relationship. City only pays fees to the contractor.
- Annual Citywide Cleanup
  - Curbside bulky item collection on the 3<sup>rd</sup> Saturday in May (or other date designated by the City)
    - Includes the following items: appliances without CFCs, furniture, carpet, construction debris, etc.
    - Contractor shall provide dumpster for collection of appliances that contain CFCs at Public Works.
- Special Events
  - Contractor provides additional dumpsters and collection service for those dumpsters for special events (Frontier Days, 3<sup>rd</sup> of July, etc.)
  - City is only charged for the disposal fee at the landfill related to emptying those dumpsters
- Future Facilities
  - Contractor to provide services at same rates for facilities acquired/built during the term of the contract

### **Council Direction Needed for Next Request for Bids (RFB)**

Staff is looking for direction from Council regarding the services to include in the request for bids. The list below contains specific items for which staff would like direction from Council; however, Council can direct staff to make changes to any of the services.

- Sludge Disposal
  - When the request for bids was last done in 2019, the requirements for the sludge disposal service were changed to allow the use of a third-party contractor, but not a separate contract – all handled by the contractor.
  - Does Council want to allow this again?
  - Go back to all services must be provided by the single contractor?
  - Allow the sludge disposal to be handled by a separate contract?
  - Add a preference given to bids handling sludge in an environmentally friendly manner?
- Annual Citywide Cleanup
  - Does the Council want to continue this service?
  - If so, are there items to explicitly include or prohibit?
- Weekly Bulky Item Pickup
  - Recommend a more explicit definition of one “furniture item”.
  - Does it include electronics?
- City of Edgerton Offset of Monthly Cost
  - Does the Council still want to fund 50% of the monthly cost for residential service?
  - The current cost charged to customers is established via Resolution 01-08-15A
  - 50% offset would continue unless City Council passed a new resolution
- Special Events
  - Recommend updating language to add future special events

### **Recommended Calendar for the Trash Bid Process**

<b>Date</b>	<b>Action Item</b>
<b>Thursday 8/12/2021</b>	Council direction for services to bid
<b>Friday 8/13/2021</b>	Advertisement to Gardner News
<b>Wednesday 8/18/2021</b>	Advertisement appears in Gardner News Advertisement posted to City website
<b>Wednesday 9/8/2021</b>	Requests for clarification due from potential bidders
<b>Wednesday 9/15/2021</b>	Bid opening at 2:30pm
<b>Thursday 10/14/2021</b>	Council approval of vendor and contract Council approval of resolution setting customer rates