

CHAPTER 16.04. CONSTRUCTION, MAINTENANCE AND CLEANING

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Sec. 16.04.010. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this title, have the meanings indicated in this section:

- (a) The "administrative authority" duly appointed to enforce this Code shall be the superintendent of central inspection.

- (b) "Main" or "city sewer" means any sewer maintained and controlled by the city.
- (c) "Building sewer" or "drain" or "private sewer" means a sewer maintained and controlled by private persons for the purpose of conveying sewage or stormwater to the city sewers. The building sewer shall begin at a point two feet outside the outer face of the building foundation wall.
- (d) "Trap" means a device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or wastewater therein.
- (e) "Saddle" is a short section of clay tile, aluminum alloy, poly vinyl chloride (commonly known as PVC plastic) or acrylonitrile-butadienestyrene (commonly known as ABS plastic) manufactured expressly for the purpose of overlapping a tap hole made in the main or city sewer for connection purposes.
- (f) "Wye" is a fitting or a joint of tile having an opening on the side at an angle of approximately forty-five degrees to which the building sewer or drain is connected.
- (g) "Connection to a sewer or drain" means and includes furnishing and laying sewer tile from a city sewer or private sewer to a building.
- (h) "One ton of refrigeration in air-conditioning or refrigerating systems" is the unit of capacity or refrigeration equivalent to the removal of heat at the rate of twelve thousand BTU per hour. One compressor horsepower will be accepted as equivalent to one ton of refrigeration.
- (i) "Master drain layer" is a person who is qualified, licensed by the city and equipped to properly serve the public on installations, repairs and maintenance of building sewers and their appurtenances. A licensed master plumber is deemed to be a master drain layer by definition.
- (j) "Journeyman drain layer" is a person who holds a legal certificate issued by the city showing him to be qualified to install or repair sewers under the direction of a qualified master drain layer or a journeyman plumber who holds a legal certificate, who has passed a written examination as required in Section 16.04.450, and who has demonstrated his ability to lay drain pipe under the direction of a qualified master drain layer to the satisfaction of the superintendent of central inspection. A journeyman plumber is deemed to be a journeyman drain layer by definition.
- (k) "Sewer cleaner" means any person licensed by the city to engage in the cleaning of building sewers, drains or private sewers.
- (l) "Mobile home" means any portable structure or vehicle designed for highway travel which is used, or intended to be used for living, sleeping, cooking, and eating, and which includes a kitchen sink, a flush water closet, a lavatory, a bathtub or shower, a stove and a refrigerator.
- (m) "Mobile home park" means land used or intended to be used by one or more occupied mobile homes.
- (n) "Mobile home space" means a plot of ground within a mobile home park which is designated to accommodate one mobile home.

(Ord. No. 43-344 § 1)

Sec. 16.04.020. Permits required.

Before beginning work on any building or private sewer or drain, the licensed master drain layer, or his authorized employee, shall apply for a permit from the office of the superintendent of central

inspection. Such permit shall be issued provided that all plumbing in the building has been inspected and approved by the central inspection division, that the applicant is a licensed master drain layer and has paid his permit fees and his work is in compliance with this Code. New connections authorized by the permit shall be started within one hundred twenty days and completed within one year of issuance. If the work is not commenced within one hundred twenty days or completed within one year from the date of issuance, the permit shall be canceled and all fees forfeited. All permits for repairs and seal offs shall be started at once and completed within two weeks from date of issuance unless an extension is granted by the superintendent of central inspection. Unless such conditions are met, the permit shall be canceled and all fees forfeited. A master drain layer allowing the use of his license for the purpose of obtaining a permit for another shall be sufficient cause for the revocation of the master drain layer's license. Permits shall not be transferable and shall be required as follows:

(1) CONNECTION PERMITS.

- (a) Connection to existing work: for connection to any existing sewer with the plumbing in any building on a lot from which any previously connected building has been removed.
- (b) Construction or reconstruction of sewer: for the construction or reconstruction of a sewer or drain extending from a wye, a tap or a manhole in the city sewer or private sewer to any building.
- (c) Separate buildings: for each separate building where two or more buildings are connected at the same time to a private sewer or drain.
- (d) Each connection: for each connection even when more than one connection is made from the same building.

(2) REPAIR OR EXTENSION PERMITS.

- (a) Alteration or extension: for making any alteration in or extension to any private sewer or drain in connection with any building already served by a private sewer or drain and which does not involve any connection to any city sewer.
- (b) Sealing off private sewer: for sealing off a private sewer when the house or building served by it is removed from the property.

A clean-out job for which no inspection is required shall include only those operations in which the private sewer or drain can be cleaned out by cables, rods, flushing or other means; and, in such cases, no permit shall be required; however, it is the duty of the master or journeyman drain layer or sewer cleaner to notify the office of the superintendent of sewer maintenance when any cleaning tools have been lost in the city's sewer.

The cost of recovering such tools shall be borne by the sewer cleaner. It shall be the duty of the sewer cleaner to remove all obstruction from a building sewer or drain when cleaning such building sewer or drain rather than to dislodge the obstruction into the city's sewer where a stoppage may be caused. If an obstruction is inadvertently dislodged which may cause a stoppage, the sewer cleaner shall notify the office of the superintendent of sewer maintenance.

When a building line must be opened for cleaning purposes, a cleanout and fittings manufactured of compatible material must be installed at the point where the opening was made.

Excavation and pavement permits shall be obtained from the department of operations and maintenance prior to performing any excavation work on public property, said permit to be obtained in accordance with the terms of Chapter 10.20 of this Code.

Emergency repairs and/or replacement after normal working hours may be made provided permits are obtained and inspections are made the next working day and before any portion is concealed from view.

A separate sewer permit shall be obtained for each building or structure or for any additional

work other than authorized in the original permit.

(Ord. No. 37-624 § 2; Ord. No. 36-689 § 2)

Sec. 16.04.030. Easement.

A permit to connect to a city sewer does not include the right to construct a sewer or drain across the property belonging to some other person. Such right must be obtained from the owner of such property and should be in the form of a legal easement and shall be filed in the office of the register of deeds.

(Ord. No. 29-877 § 3)

Sec. 16.04.040. Permit fees.

Before a permit is issued as provided for in Section 16.04.020, the following permit fees shall be paid.

1. (a) For connecting to the city sewer . . . \$30.00
 - (b) For repair or extension permit . . . 30.00
 - (c) For seal off permit . . . 30.00
 - (d) Tap fee (Section 16.04.110) . . . 70.00
 - (e) Permit(s) shall be obtained as provided within Section 16.04.020 of this Code and failure or unreasonable delay in obtaining such permit(s) shall mandate a double permit fee.
 - (f) Reinspection Fee. Failure to comply with job readiness requirements . . . \$15.00
2. In addition to the above fees, there shall be added the following amounts for the following purposes:
 - (a) In Absence of Assessment for Lateral Sewer. When no assessment has been made for the lateral sewer against any property or premises to be connected to the city sewer, an amount as determined to be appropriate by the city engineer and the director of water and sewer shall be paid.
 - (b) In Absence of Assessment of Lateral Sewer and Main Sewer. If the cost of neither lateral sewer nor main sewer has been assessed against the property to be connected, an amount as determined to be appropriate by the city engineer and director of water and sewer shall be paid.

In determining the appropriateness of amounts to be assessed as set out in subsections (a) and (b) of this subsection (2), the city engineer shall utilize recent historical cost of constructing lateral and main sanitary sewers of similar or representative type to the system serving the building site to be connected to the sewerage system calculated on a square foot or frontage foot basis.

If, in the opinion of the director of water and sewer and city engineer, the use of the connecting property applying for connection under the terms of subsections (a) or (b) of this subsection (2) constitutes an extraordinary use of the sewerage system and/or shall potentially place extraordinary demand on the sewerage system, a charge commensurate with such use shall be determined by the director of water and sewer and shall be assessed against the connecting property in lieu of the amount set out in subsections (a) and (b) of this subsection (2).

If the cost of sewer lateral and/or main sewer has been financed by a private entity and if the

cost of such main or lateral has been included in the purchase price of the lot and improvements thereon, then the amounts set out in subsections (a) and (b) of this subsection (2) shall not be assessed.

The appropriateness of the application of the ordinance provision codified in this section shall be discretionary and shall be based on the interpretation of written policy guidelines by the director of water and sewer, the city engineer, and the director of planning and/or other parties as designated by the city manager.

(Ord. No. 43-769 § 1)

Sec. 16.04.050. Inspection fee.

An inspection fee of six dollars shall be paid over and above the permit and inspection fees stipulated in the preceding section for each individual house trailer or mobile home.

An inspection fee shall be paid over and above the permit fees stipulated in the preceding section for any private sewer to be connected to the city sewer system, which is to be eight inches or larger in diameter, or which requires the use of manholes. Such inspections shall be made by the city engineering division pursuant to a contract entered into by the city and the private individual or entity seeking to have a private sewer connected to the city sewer system.

(Ord. No. 43-344 § 3)

Sec. 16.04.060. Payment of fees.

(a) All permit and inspection fees as provided for in Section 16.04.040 shall be payable at the office of the superintendent of central inspection. Fees provided for in Section 16.04.040 2(a), 2(b), and 2(c) shall be credited to the sewer utility fund. Fees as provided for in Section 16.04.040 1(a), 1(b), 1(c), 1(e), and 1(f) shall be credited to the central inspection special revenue fund. Additional fees are to be levied and collected in accordance with the provisions of Sections 16.04.050 and 16.04.110.

The payment of any permit fees, inspection fees, or sewer service charges, as provided in this chapter, does not exempt any property or premises from its proportionate assessment for the construction of such sewers which normally would serve the property in question.

(b) Fee Refunds.

1. The superintendent of central inspection may authorize the refunding of any fee paid under this chapter which was erroneously paid or collected.
2. The superintendent of central inspection may authorize the refunding of not more than eighty percent of the permit fee (other than for tap fees) when no work has been done under a permit issued in accordance with this Code. The superintendent of central inspection shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.

(Ord. No. 37-624 § 4; Ord. No. 36-689 § 5)

Sec. 16.04.070. Action to collect fees.

In addition to the penalty prescribed for the violation of this Code, the city may prove in a civil action in any court of competent jurisdiction the amount of the license fee or permit fee imposed by this title.

(Ord. No. 29-877 § 7)

Sec. 16.04.080. General construction requirements.

TO BE LAID IN STRAIGHT AND DIRECT LINE. In laying sewer pipes, the drain layer shall lay them in as straight and direct a line as possible from the opening in the main or city sewer to the end of the building drain. Offsets in a building sewer shall be permitted only to avoid permanent structures, trees or other immovable objects, which does not include dirt piles, sand piles or other movable construction materials. Plumbing drains shall be stubbed out of the building on the side of the building closest to the city main sewer.

CHANGES IN DIRECTION. All changes in direction shall be made with a wye or a one-eighth bend or by other methods approved by the superintendent of central inspection. If the connection with the wye in the city sewer is to be made with a bend, such bend shall be a one-eighth bend only. The building sewer shall commence two feet outside the foundation and any aggregate change of direction in excess of one hundred and thirty-five degrees shall require a cleanout be installed and extended to finish grade. This clean out is in addition to the required cleanout for each one hundred feet or portion thereof.

UNIFORM GRADE REQUIRED. All building sewers shall be laid with a one-fourth inch per foot grade from the end of the building drain to a point allowing no greater than a forty-five degree vertical drop to the main or city sewer. No horizontal line shall be laid with less than one-quarter inch fall per foot, except that with prior approval a building sewer may be laid with a fall of not less than one-eighth inch per foot; provided when laid on one-eighth inch per foot it shall be laid with surveying instruments.

SEWER PIPES. Sewer pipes shall be of the following types in accordance with specifications given and shall be free from defects and cracks; bowed or curved lengths shall be termed defective and not used. No part of any building sewer or drain shall be less than one foot below the surface of the ground, except replacement of existing building sewers.

(a) Vitrified glazed clay pipe conforming to the requirements of ASTM Designation, C200-64T and the latest revisions thereof with factory installed resilient couplings conforming to ASTM Designation C 425-64 and the latest revisions thereof. Lubricant sealer is to be used as recommended by the manufacturer.

(b) Service weight or extra heavy cast-iron bell and spigot soil pipe and fittings coated inside and out meeting Commercial Standard CS-188. Joints shall be firmly packed with picked oakum or hemp and secured with molten lead with at least twelve ounces of fine soft caulking lead being used for each inch of the pipe diameter for each joint, or the joints when properly applied to suitable cast-iron bell and spigot pipe and fittings shall be made with an approved neoprene gasket, which is compressed as the spigot is inserted into the bell of the pipe.

(c) ABS (acrylonitrile-butadiene-styrene) Schedule 40 conforming to ASTM D-2661 (current edition) and carrying the appropriate National Sanitation Foundation Seal of Approval for such pipe and fittings may be used.

(d) PVC (polyvinyl chloride) Schedule 40 conforming to ASTM D-2665 (current edition) and carrying appropriate National Sanitation Foundation Seal of Approval for such pipe and fittings may be used.

(e) Effective ninety days after the passage of the ordinance codified in this section, ABS (acrylonitrile-butadiene-styrene) Schedule 40 plastic with a cellular core (ASTM-F628), PVC (polyvinyl chloride) Schedule 40 plastic with cellular core (ASTM F891) and PVC (polyvinyl chloride) SDR 35 (ASTM D-3034) will be prohibited for use as a material for building sewers.

DITCHES TO BE BOTTOMED TO UNIFORM GRADE. All ditches must be bottomed to a uniform grade before sewer pipe is laid. Bell holes shall be carefully hand-dug so that no part of the load is supported by the bells. The full load should rest on the barrel of the pipe. Bell holes shall be no larger than necessary. Trench widths shall be kept as narrow as is practically possible from the bottom to the level of the top of the pipe. Except in rock or water bearing earth, the mechanical excavation shall stop above the final invert grade. If over digging occurs, the loosened earth must be removed and replaced with granular material. In water bearing soils where dewatering with well points is not effective or in rock, the trench shall be excavated a minimum of four inches below the pipe barrel and the pipe bedded in crushed rock.

BUILDING SEWERS RUNNING PARALLEL TO BUILDING FOUNDATION OR BASEMENT WALL. No building sewer running parallel to a building foundation or basement wall shall be laid closer than two feet from the building foundation or basement wall, unless otherwise authorized by the superintendent of central inspection.

PIPES TO BE BACKFILLED AND BEDDED. All pipes shall be bedded and tamped with dirt or sand along the sides to a height equal to one half the diameter of the pipe being used. Bedding material shall not contain rocks, bricks, clods or frozen earth. No bridging or propping up the pipe on bricks, blocks, or clods of dirt. After inspection of the installation proper backfilling techniques shall be completed.

LAYING SEWERS ON MADE GROUND. No sewer shall be laid on filled or made ground in the bottom of the ditch, unless the backfilling shall be sand, properly and solidly tamped under, around, and over the top of the sewer.

EXCAVATIONS TO BE PROPERLY BACKFILLED. The master drain layer to whom a sewer permit has been issued shall, for the sewer excavation covered by the permit, and in accordance with the provisions of this Code and other ordinances of the city regulating excavations in streets, alleys and other public grounds, properly backfill all excavations on city property, remove all surplus material and debris and maintain all trenches or ditches in a safe condition until the backfilled material has reached final settlement. (For provisions as to excavations in streets, alleys and other public places, see Chapter 10.20 of this Code.)

REPLACEMENT OF PIPES, TRAPS, ETC., BROKEN IN MAKING REPAIR. Any sewer pipe broken in a building sewer or drain in making a repair of such building sewer or drain, or any pipe found to be broken when excavating for cleanout or repair, must be replaced with pipe of the same size as the original. Traps or other special fittings broken or found broken or defective shall be replaced with traps or other construction as provided in this chapter. All joints in repair or replacement work shall be the same as in new construction. When repairing a break, installing new lines or replacing the building sewer, a four-inch easily accessible cleanout shall be installed outside the building at grade within three feet of the outside wall or foundation; provided, however, that building sewers serving gravity drains which extend below a basement floor where such floor is four feet or more below grade at a point where the building drain extends outside the building are not required to install such a cleanout if there is an easily accessible four-inch cleanout in the basement for the building drain which is connected to the sewer. The outside cleanout shall consist of a twin cleanout.

WORK TO BE INSPECTED AND APPROVED PRIOR TO BEING COVERED; FAILURE TO COMPLY. No person shall cover, or cause to be covered, any building sewer or drain or other connection with any city or private sewer or any portion thereof which has been installed or repaired without inspection and approval of the same by the sewer inspector. **EXCEPTION:** Up to twenty feet of any building sewer (measured at finish grade) may be covered for equipment turn-around as long as both the house connection and the main connection are left open for proper inspection including type of material, minimum grade and proper connections. If turn-around cannot be made in the twenty feet then the entire sewer shall be left open for inspection. If this provision is violated, the superintendent of central inspection shall require the necessary excavation to be made for the examination at the expense of the master drain layer whose license shall be suspended by the superintendent of central inspection until such excavation has been made. The master drain layer shall be subject to prosecution

for violation of this title. The master or journeyman drain layer in charge of the ditch or an authorized employee of the master drain layer must be present when the work is inspected. He must have a good level and line, have all permits, and must give such necessary information as may be required of him.

(Ord. No. 43-344 § 4)

Sec. 16.04.090. Information to be furnished by city engineer.

Information concerning the location and depth of the city sewer will be furnished to any applicant by the city engineer. All reasonable care will be taken to insure the correctness of such information, but such information will not be guaranteed. Information as to the location of the wye will be guaranteed to the extent that if no wye is found within five feet in either direction from the location given, the city will furnish suitable connection at its own expense, provided, that in lieu of making the upstream exploration beyond the length of tile on which the measurement falls, the master drain layer may elect to have a tap made at his expense. No information as to the location of wyes shall be furnished except to a master drain layer or his agent at the time that the permit is issued.

(Ord. No. 36-689 § 7)

Sec. 16.04.100. Cases where available wyes cannot be used.

If the wyes available for any property cannot be used, making it necessary to provide a new location for the connection, such work shall be done at the expense of the master drain layer making the building sewer or drain installations under the following conditions:

SIX-INCH LINE. In any six-inch line a wye shall be set for a four-inch or six-inch connection.

FOUR-INCH CONNECTION. A tap shall be made and saddle used for a four-inch connection into any line eight inches or larger in diameter.

CONNECTIONS TO FOUR-INCH OR SIX-INCH BUILDING SEWER, ETC. For any connection to a four-inch or six-inch building sewer, drain or private sewer, a wye shall be set.

REQUIREMENTS WHERE TILE USED IN MAKING CONNECTION IS LARGER THAN WYE OPENING. If the tile used in making a connection is larger than the wye opening into the sewer, a tap shall be made and saddle used, or a wye shall be set the same size as the tile used in making the connection, in accordance with the above conditions. No reducer shall be used except when approved by the superintendent of central inspection.

USE OF JUNCTION MANHOLE. In all cases where the private sewer or drain is the same size or larger than the city sewer to which the private sewer or drain is to be connected, a junction manhole shall be built according to plans and specifications on file in the office of the city engineer.

(Ord. No. 36-689 § 8)

Sec. 16.04.110. Connections to sewer mains.

1. Sewer Maintenance to Make Tap and Maintain Mains and Wyes. The sewer maintenance division of the city shall make all taps in clay tile sewer mains. In all cases where a tap is to be made in clay tile mains or, at the licensed contractor's option, in PVC or ABS mains, sewer maintenance shall be notified and the work performed by the city division of sewer maintenance.

The saddle, manufactured of appropriate material, shall be furnished and installed by the city. In addition to the permit fees specified in Section 16.04.040, the charge for the sewer maintenance tap and saddle shall be seventy dollars, payable at the office of the superintendent of central inspection.

The sewer tap fee shall be deposited in the sewer utility fund of the city.

2. Licensed contractors to make a tap in PVC or ABS mains. In all cases where a licensed contractor makes a tap in PVC or ABS mains, the superintendent of central inspection shall be notified. The tap shall be made with the appropriate size hole saw with integral pilot bit. The saddle supplied by the contractor shall be installed per the manufacturer's standards and approved by the superintendent of sewer maintenance.

3. Transitions from saddle connections to building sewer must be from a recognized manufacturer for the specific application in which it is to be used.

4. No connection shall be made to a city sewer manhole without the express permission from the superintendent of sewer maintenance, and the proper forms filled out and returned to the office of sewer maintenance.

(Ord. No. 43-344 § 5)

Sec. 16.04.120. Hole specifications before making tap or setting wye.

No tap will be made, wye set, or repaired in the city sewers by the city division of maintenance unless the hole for making the tap, setting the wye, or repairing a wye is at least two feet by three and one-half feet without any tunneling. The hole shall be parallel to the city sewer for setting a wye and across the city sewer for making a tap. The hole shall extend approximately straight down from the top of the ground to the bottom of the sewer. The hole shall be adequately shored or sloped in compliance with OSHA Standards for safety to city employees entering therein for the purpose of inspection or for making a tap or setting a wye.

(Ord. No. 43-344 § 6)

Sec. 16.04.130. Drains connected to storm sewers.

No drains from roofs, paved areas, yards, courts or courtyards shall be permitted to connect to any city storm water sewer with pipe less than four inches in diameter and without prior approval of storm water management and shall be sized in accordance with the plumbing code.

(Ord. No. 43-891 § 1)

Sec. 16.04.150. Cooling water or water used for condensing.

Drains from air-conditioning or refrigeration units of three tons capacity or less, and similar equipment, when connected to any city storm sewer may be four-inch pipe, unless such drain also carries water from roofs, paved areas, yards, courts, or courtyards. Condensing water drains from air-conditioning units exceeding three tons or refrigeration units exceeding one ton capacity and similar equipment shall not be connected to a city sanitary sewer.

Car wash facilities will be required to connect to a city sanitary sewer and must be roofed. The floor elevation shall be such that no surface water can drain into the sanitary sewer.

(Ord. No. 43-891 § 2)

Sec. 16.04.160. Additional connections to four-inch drain or sewer.

An additional connection may be made to a four-inch building sewer, provided it is made with appropriate fittings, approved materials, and prior approval of the superintendent of central inspection.

(Ord. No. 36-689 § 11)

Sec. 16.04.170. Separate sewers and drains.

Each building on the same parcel of land shall have its own separate private sewer or drain connection to the city sewer unless otherwise authorized in this title or by the superintendent of sewer maintenance. All buildings located on a corner lot shall each have a separate sewer connection to the city sewer. A mobile home connection to a building sewer serving a building will not be allowed.

(Ord. No. 36-689 § 13)

Sec. 16.04.180. Minimum diameter.

No building sewer, drain or private sewer shall be less than four inches in diameter. Larger sizes shall be used when the expected volume of sewage will require larger sizes. The size shall be determined by the superintendent of central inspection, in accordance with Table 7-5 of the Uniform Plumbing Code, but in no case shall the diameter of the building sewer be less than that of the soil pipe stubbed out from the building.

(Ord. No. 43-344 § 8)

Sec. 16.04.190. Trap districts.

In sections of the city where the wye openings into the city sewer are four inches or larger and where trap districts have been established by the city engineer, traps shall be installed.

In sections of the city where the wye openings into the city sewer are four inches, the installation of traps is not necessary unless such installation is within a trap district as established by the city engineer and except as specified in Section 16.04.200.

All traps on building sewers or drains shall be four inches or larger.

All traps shall be placed inside of the property line, except where the space between buildings and the street, alley or public highway will not permit. If a riser is used, it shall be a four-inch pipe, extending up to approximately the surface of a public alley, street, or other public way. A riser shall be used when the trap is located under the paved surface of a public alley, street or other public way. The riser shall be protected by a cast-iron frame and cover conforming in size, weight and design to the standard plan and specifications on file in the office of the superintendent of sewer maintenance and the city engineer. The cast-iron frame and cover shall be set on a brick or a concrete foundation.

Building traps may be constructed on-site of materials which are approved for building sewers. When such traps are fabricated they shall be assembled as follows: The trap shall be constructed using four one-eighth bends and two sections of pipe to maintain a minimum of a four inch trap seal. The two sections of pipe shall be inserted between the two one-eighth bends forming the forty-five degree vertical sections of the inlet and outlet of the trap.

(Ord. 43-344 § 9)

Sec. 16.04.200. Mobile home parks.

CONNECTIONS GENERALLY. Connections for mobile homes located on a mobile home park may be available from a network of sewers on such mobile home park. In any network of sanitary sewer facilities on a mobile home park, all pipe used shall be as authorized in preceding sections,

unless otherwise specified in this section. No pipe of less than four-inch diameter shall be used for individual mobile home connections and no pipe of less than six-inch diameter shall be used for the trunk lines in a sewer network, and a six-inch cleanout shall be provided at the upper terminal of any six-inch line.

SIZE OF TRAPS. A four-inch or larger trap shall be installed where connection is made from a network or individual mobile home service to the city sanitary sewer.

MOBILE HOME CONNECTION. Each mobile home space shall be provided with no less than a four inch sewer connection. Such individual connection shall be provided with suitable fittings so that a water-tight connection can be made between the mobile home and the sewer. The connection shall be so constructed that it can be and is closed when not connected to the mobile home. A four-inch cleanout shall be provided. The connection shall be of approved materials. The connection shall extend a minimum of four inches above ground or expected surface water, whichever is higher.

(Ord. 43-344 § 10)

Sec. 16.04.210. Catch basins and floor drains.

Every private or public washrack or floor or slab used for cleaning machinery or machine parts shall be adequately protected against storm or surface water by being elevated above the surrounding grade and be covered by a roof. Such facilities shall discharge through a mud and oil interceptor and connect to the sanitary sewer. Each interceptor shall be suitable trapped and vented according to the regulations and details in the office of the administrative authority.

Floor drains for automobile garages, public or private, automobile racks, stables or barn washracks, urinal receptacles in stables, drains in laundries or dry cleaning establishments or any drains where gasoline, oil or any volatile substance may enter the sanitary sewer they shall discharge into a mud and oil interceptor, suitably trapped and vented according to the regulations and details in the office of the administrative authority.

(Ord. 43-344 § 11)

Sec. 16.04.220. Prevention of harmful discharge.

The superintendent of sewer maintenance, or his authorized representative, shall have the power to stop and prevent from discharging into any sewer or drain substances which are likely to obstruct or clog or in any manner injure the city sewers. After five days' written notice to the owners or occupants of the premises, the superintendent of sewer maintenance, or his authorized representative, shall disconnect any private sewer or drain which discharges any such substances into the city sewer.

(Ord. No. 36-689 § 17)

Sec. 16.04.230. Drains to storm sewers.

No drains from roofs, paved areas, yards, courts or courtyards shall be permitted to connect to the city sanitary sewer, but the same may be connected to any available city stormwater sewer under the direction of the storm water management.

(Ord. 43-344 § 12)

Sec. 16.04.240. Air conditioning or refrigeration wastewater.

Wastewater from air conditioning or refrigerating units and similar equipment may be connected

to the city stormwater sewers with the approval of the storm water management. Under no circumstances shall water from air conditioning or refrigerating units and similar equipment be permitted to drain into public gutters, streets, alleys or other public ground.

(Ord. 43-344 § 13)

Sec. 16.04.250. Materials unlawful to discharge.

It is unlawful for any person to discharge or cause to be discharged any of the following described materials and substances to any public sanitary sewer within or without the city either directly or indirectly.

- (a) Any water or waste containing free, floating or insoluble oil.
- (b) Any water or waste containing soluble oil or emulsified oil and grease exceeding on analysis an average of one hundred parts per million of either soluble matter.
- (c) Any gasoline, benzine, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas.
- (d) Any garbage that has not been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing to the public sewers, with no particle greater than one-half inch in any dimensions.
- (e) Any ashes, cinders, sand, mud, straw, hay, shavings, metals, glass, rags, tar, plastics, wood, paunch manure in excess of five percent (wet weight) of that removed from animal paunches, hair and fleshings, blood, intestinal contents from horses, cattle, sheep, or swine; animal hoofs or toenails, animal intestines or stomach casings, bones, hog bristles, hides or parts thereof, animal fat or flesh in particles larger than will go through a quarter-inch screen; poultry entrails, heads, feet, or feathers; lime slurry or sludge, acetylene generation sludge, other sludges, chemical residues, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewers or the sewage treatment works.
- (f) Any noxious or malodorous gas or substance, which either singularly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or which will prevent entry into sewers for their maintenance and repair.
- (g) Any water or waste that contains more than ten parts per million by weight of the following gases: Sulfur dioxide, or oxides of nitrogen.
- (h) Any water or waste that contains sulfides in excess of one part per million by weight as sulfur.
- (i) Any water or waste that contains ammonia-nitrogen in excess of one hundred parts per million by weight as nitrogen.
- (j) Any waters or wastes having a pH lower than 5.5 or higher than ten or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the city.
- (k) The concentrated contents of any chemical tanks containing heavy metals or other materials harmful to the sewage works.
- (l) Any long half-life (Over one hundred days) toxic radioactive isotopes without special permit; provided, that radioactive isotopes I131 and P32 used in hospitals are not prohibited, when properly diluted at the source.
- (m) Any water or waste which by interaction with other water or waste in the public sewer system, releases toxic or obnoxious gases, or develops color of undesirable

intensity, or forms suspended solids in objectionable concentration, or creates any other condition deleterious to structures and treatment processes.

(n) BOD and SS Limits. Any wastewater having: (1) a five-day BOD greater than two hundred fifty parts per million by weight; or (2) containing more than three hundred parts per million by weight of suspended solids; or (3) having an average daily flow greater than two percent of the average sewage flow of the city unless such discharge has had the review and approval of the director of water and water pollution control. Where necessary in the opinion of the director of water and water pollution control, the owner shall provide, at his expense, such preliminary treatment as may be necessary to: (1) reduce the BOD to two hundred fifty parts per million by weight; or (2) reduce the suspended solids to three hundred parts per million by weight; or (3) 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 director of water and water pollution control, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(o) Toxic Substances. Toxic substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such a degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters without first pretreating to a concentration acceptable to the city.

When wastewater containing any of the aforementioned materials is discharged into the sanitary sewer, and such wastes are not properly pretreated, the director of water and water pollution control may: (1) reject the waste and terminate the service to the sanitary sewer; (2) require control of the quantities and rates of discharge of such water; or (3) require payment of surcharges for excessive cost of treatment, provided such wastes are amenable to treatment by existing wastewater treatment plant facilities.

All analyses shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" as published by the American Public Health Association, New York, New York.

(Ord. No. 36-32 §§ 9, 10; Ord. No. 29-877 § 25)

Sec. 16.04.260. (Reserved).

(Ord. No. 29-877 § 26)

Sec. 16.04.270. Temperature of wastewater.

Wastewater when discharged into the city sewer shall be at a temperature no higher than one hundred forty degrees Fahrenheit. Where higher temperatures exist, cooling methods approved by the superintendent of central inspection and superintendent of sewer maintenance shall be provided.

(Ord. 43-344 § 14)

Sec. 16.04.280. Catch basin.

If, in the opinion of the city engineer, the superintendent of sewer maintenance, the superintendent of water pollution control or the superintendent of central inspection, any discharge into the city sewer from any slaughterhouse, rendering establishment, chemical works, steam engine or

exhaust boiler or from any other plant or mechanism will injure, obstruct or interfere with the normal flow of the city sewer, or the normal operation of the sewage treatment process, such discharge or material shall not be delivered through a drain to the city sewer, except through a catch basin or mechanism which will prevent injury to such city sewer, or after passing through approved treatment.

(Ord. No. 36-689 § 21)

Sec. 16.04.290. Unlawful to discharge groundwater, surface water, etc.

It is unlawful for any person, either directly or indirectly, to discharge into the sanitary sewer system of the city any groundwater, surface water, subsurface drainage water, roof, yard, court or areaway water, condensing water from any refrigerating units having a capacity over one ton; or any water from any air conditioning unit having a capacity of over three tons; provided, however, that the director of the department of water and water pollution control may, in his/her sole discretion, grant a permit which allows a person to discharge any of the above-described water into the city's sanitary sewer system. Such a permit shall be issued pursuant to rules and regulations that have been adopted by the city council that address, among other items, preservation of sewer capacity for its intended purpose of handling sanitary sewage, protection of the sanitary sewer system from harmful solutions, protection of the health of employees and the public, and proper functioning of the city's sanitary sewer system and its appurtenances. A fee for obtaining a permit shall be established in the rules and regulations.

(Ord. No. 40-829 § 1)

Sec. 16.04.300. Sumps and sump pump pits.

It is unlawful for any open sump, sump pump pit or floor drain to be connected to or discharged into the city sanitary sewer system; provided, however, that such an open sump pump pit or floor drain shall not be considered to be unlawful under the provisions of this section if it receives only such flow as is permitted to be regularly discharged into the city sanitary sewer system under the provisions of this chapter and it receives no flow from foundation drainage systems or any other ground or surface water runoff.

(Ord. 43-344 § 15)

Sec. 16.04.310. Enforcement of 16.04.290 and 16.04.300.

It is the duty of the superintendent of sewer maintenance and superintendent of central inspection to enforce Sections 16.04.290 and 16.04.300. The superintendent of sewer maintenance shall have the right to disconnect from the city sanitary sewer system and/or the city water system any premises upon which a violation of Section 16.04.290 or 16.04.300 is found. Before any such disconnection, the superintendent of sewer maintenance shall first serve a notice in writing on the owner, agent for the owner or tenant in possession of such premises, which notice shall specify the violation(s) existing and provide a period of fifteen days from the date thereof within which the owner, agent for the owner or tenant in possession may abate such violation(s).

(Ord. No. 42-448 § 2)

Sec. 16.04.320. Compliance with 16.04.290 and 16.04.300.

The superintendent of central inspection shall not permit a reconnection or a new connection to be made to the city sanitary sewer system until satisfied that there is compliance with Sections

16.04.290 and 16.04.300 and Title 21, of this Code.

(Ord. No. 36-689 § 25)

Sec. 16.04.330. Right of entry--Violation of 16.04.290 or 16.04.300.

The superintendent of central inspection, the superintendent of sewer maintenance, or their authorized representatives shall have the right to enter any building or upon any premises at any reasonable time for the purpose of making an inspection to determine whether any violation of Sections 16.04.290 or 16.04.300 exists or to prevent a violation of Sections 16.04.290 through 16.04.320. No adverse action will be taken against any property owner or resident who refuses to grant such right of entry.

(Ord. No. 42-625)

Sec. 16.04.340. Compliance with plumbing code.

To prevent extraneous inflow from all buildings under construction, no drain shall be finally completed so as to permit the waste of the building to reach the city or private sewer until the plumbing in the building to be connected has been approved by the plumbing inspector, as being in full accordance with the plumbing code.

(Ord. No. 36-689 § 26)

Sec. 16.04.350. Use of sewers for public purposes.

The city shall have the right at all times, through its city engineer, superintendent of sewer maintenance and superintendent of central inspection, to connect with, and use any city or private sewer, built upon any public street, alley, highway or other public grounds; to use the same for any public purpose or to reconstruct or close up or disconnect any private sewer or drain which from any cause has become a nuisance.

(Ord. No. 36-689 § 27)

Sec. 16.04.360. Notice to inspector.

The master or journeyman drain layer shall notify the superintendent of central inspection when the work is ready for inspection in accordance with the established scheduling policy of the Board of Examiners of Plumbers and Gas Fitters. Inspection shall be required on all work on all permits.

(Ord. 37-624 § 8)

Sec. 16.04.370. Right of entry--Drain inspection.

The superintendent of sewer maintenance, the superintendent of central inspection, or their authorized representatives, shall have the right and privilege to enter upon any property connected, or to be connected, to the city sewer, within reasonable hours, for the purpose of making inspections of the drain system, whether constructed or under construction on such property.

(Ord. No. 36-689 § 29)

Sec. 16.04.380. Duty of inspectors.

It is the duty of the superintendent of central inspection to inspect and approve each and every connection between the city sewer and any private sewer, from such point of connection to the building drain, to determine if such sewers are constructed in accordance with the requirements specified in this title.

It is also the duty of the superintendent of central inspection to inspect and approve each and every extension, repair or relaying of any building sewer or drain to determine if such work is done in accordance with the requirements specified in this title.

(Ord. No. 36-689 § 30)

Sec. 16.04.390. Replacement of sewer broken open for inspection.

The superintendent of sewer maintenance or the superintendent of central inspection shall have the right to take up, or break open any sewer, or part thereof, necessary to make a thorough and full inspection; provided, that if after such examination, such sewer is found to be properly constructed or repaired, it shall be replaced at the expense of the city. Otherwise, it shall be replaced at the expense of the master drain layer or property owner.

(Ord. No. 36-689 § 31)

Sec. 16.04.400. Broken building sewer or drain--Repair.

(a) Whenever a building sewer or drain is obstructed with tree roots or found broken, defective or disconnected so that the sewage or drainage escapes therefrom into the surrounding soil or into the adjoining premises, or so that damage may accrue to the city sewers, the superintendent of sewer maintenance may order it repaired or replaced at the expense of the property owner.

(b) No person shall molest, break or otherwise damage a city sewer or appurtenance thereto.

(Ord. No. 36-689 § 32)

Sec. 16.04.410. Board of appeals.

(a) The board of appeals of plumbers and gas fitters shall act as a board of appeals in making a determination of any appeal arising from the actions of the administrative authority. Appeals shall be made in writing, and the appellant may appear in person before the board or be represented by an attorney, and may introduce evidence to support his claims. Appeals shall be heard at reasonable times at the convenience of the board, but not later than thirty days after receipt thereof. The appellant shall cause to be made at his own expense, any tests or research required by the board to substantiate his claim.

(b) The board of appeals of plumbers and gas fitters shall, upon the request of the administrative authority, interpret sections of the sewer ordinance, as to the approval of drain and sewer materials and methods of installation allowed under said code.

(c) Where conditions exist on any drain-laying job which are not specifically provided for by this Code, or where it would be impracticable to follow its provisions, the board may grant a variance from the strict application of the provisions of this Code. The person or persons desiring such variance shall submit all data and information necessary or as may be required by the board to

enable it to make its decision, and if after thorough study of the desired variance it determines that the granting of such request would not be counter to the welfare of the public, it shall have the authority to grant the variance.

(d) The board of appeals of plumbers and gas fitters may consider applications for the use of materials or methods of installation not specifically covered in this Code, or for a change in the grading or quality of materials or for a change in methods of installation as set forth in this Code and accept or reject the same as affording the same degree of safety, sanitation and performance as the materials or methods provided for herein. The board shall use established standards of nationally recognized laboratories and organizations in making its determination to accept or reject the application. The applicant shall submit to the board all necessary information as may be required by the board in order for it to make its determination, and any expense incurred for the payment of laboratory reports and tests shall be borne by the applicant. If, after a thorough study of the application and upon the basis of such study, it is determined that the public interest would be best served, that it would not be detrimental to the health and welfare of the public, and would not afford the same degree of safety and sanitation as elsewhere provided for in this Code, the board shall deny the application.

(e) Appeal. Any person, official or governmental agency dissatisfied with any order or determination of the board of appeals of plumbers and gas fitters may appeal such order or determination to the city council. An appeal taken to the city council shall be on the record of the hearing before the board of appeals of plumbers and gas fitters, and shall be in writing, and shall be filed with the city clerk and the administrative authority within ten days of the date of the hearing before the board of appeals of plumbers and gas fitters. The basis for the appeal must be set forth in the written appeal that is served upon the city clerk and the administrative authority.

(Ord. No. 41-420 § 1)

Sec. 16.04.420. Molesting sewer facilities.

No person, unless authorized by the superintendent of sewer maintenance or superintendent of central inspection, shall leave open or molest any city sewer or its connections thereto, manhole, cleanout, observation hole, flush tank or catch basin. No person shall cause to be made any opening into any city sewer or cause or permit any connection to be made to any city sewer without first obtaining a permit to do so, as provided in this title.

(Ord. 43-344 § 16)

Sec. 16.04.430. Sump at sewage treatment plant No. 1.

The sump provided for dumping of tank trucks at sewage treatment plant No. 1 should be considered a part of the sanitary sewer system. Only materials which are acceptable for discharge to the sanitary sewer under terms of this chapter shall be discharged into this sump. Material discharged to this sump shall generally be restricted to material removed from septic tanks except by special permission of the superintendent of water pollution control. Travel trailer and recreational vehicle sanitary dump stations may be installed according to plans on file in the office of the superintendent of central inspection.

(Ord. No. 36-689 § 35)

Sec. 16.04.440. Certificates, licenses, cancellations and permits.

(a) It is unlawful for any person to engage in the business of drain laying, repairing, relaying or

cleaning out of any private sewer or drain as a master drain layer or sewer cleaner in the city, unless and until a certificate has been obtained therefor, and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of this Code. Drain layer apprentices shall be permitted to work when accompanied by and under the supervision of a master or journeyman drain layer, who shall be responsible for the work being done by the apprentice.

(b) Any person engaging or desiring to engage in the business of drain laying, repairing, relaying or cleaning out of any private sewer shall, before obtaining any permit or transacting business, procure a license therefor from the office of the superintendent of central inspection, which license shall expire the 31st day of December of the year in which so issued. Any such person holding a current master drain layer's certificate shall be entitled to only one drain layer's license unless otherwise authorized by the board of appeals of plumbers and gas fitters and each such business shall obtain a license. No license shall be transferred from one person to another.

(c) A drain layer's license may be issued to any firm, copartnership or corporation of which at least one active member or officer who devotes full time to that firm, copartnership or corporation has been qualified as and has a drain layer's certificate. The fee for license is one hundred dollars. Each license shall be renewed annually by December 31st. Licensees who have not renewed their license by January 31st shall pay a penalty of ten percent for each month thereafter.

(d) Before a drain layer or sewer cleaner's license is issued, the applicant therefor shall file with the city clerk a surety bond in the amount of two thousand dollars which shall be approved as to form by the city attorney, the condition of such bond to be that the principal therein will comply with all the provisions of this Code and other ordinances of the city regulating plumbing and gas fitting, and to hold and save the harmless on any and all damages to persons or property resulting from or growing out of any opening or excavation made, material stored or placed upon, or any operation in any street, alley or public property.

Bond Exception. Section 16.04.440(d) shall not be applicable to any person who has given a bond as required by the plumbing code of the city as set out in Title 21 of this Code, where such bond is required by the plumbing code of the city from the acts of the person giving such bond in the laying, repairing, relaying and cleaning out of sewers and drains, in addition to the plumbing of buildings.

(Ord. 43-344 § 17)

Sec. 16.04.441. Insurance required.

Every drain layer or drain cleaner licensed under this title shall procure and maintain a policy of general liability insurance covering the activities of the drain layer or drain cleaner contractor while engaged in contracting hereunder. Such insurance policy shall be written with an insurance company licensed to do business in the state of Kansas and shall have minimum limits of coverage of three hundred thousand dollars per occurrence. In addition, every such drain layer or drain cleaner contractor shall procure and maintain worker's compensation insurance as required by law and automobile liability insurance as required by law. Every contractor licensed under this title shall, prior to the issuance of a license, file with the office of central inspection certificates of insurance evidencing the insurance coverage specified herein. All such certificates shall indicate that the City of Wichita shall be given at least thirty days' advance written notice of any cancellation or material change in coverage of such insurance. Failure of a drain layer or drain cleaner contractor to either procure or maintain such insurance shall be a violation of law punishable as a general misdemeanor and shall be grounds for suspension or revocation of the drain layer or drain cleaner contractor's license and certificate.

(Ord. No. 42-119 § 1)

Sec. 16.04.442. Truth in advertising requirements.

On or after July 1, 1993, any person, firm or corporation required by this title to obtain a drain layer or drain cleaner contractor's license shall be subject to the following:

(a) It shall be unlawful for any such person, firm or corporation to advertise as a drain layer or drain cleaner contractor unless, at the time such advertisement occurs, such person, firm or corporation has a then valid drain layer or drain cleaner contractor's license issued under the provisions of this chapter;

(b) Any advertisement by such person, firm or corporation as a drain layer or drain cleaner contractor which is placed or published in any publication or other print medium circulated, displayed or distributed within the city limits or which is broadcast by radio or television or any other means to persons within the city limits shall include the full name of the licensed person, firm or corporation and the license number assigned by the office of central inspection to such person, firm or corporation.

(c) As used in this section, the words "advertised" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, any other printed or written material designed to inform persons of the services offered by the advertising person, firm or corporation and to solicit business from such persons, or any broadcast statement designed to inform persons of the services offered by the advertising person, firm or corporation and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page listings.

(Ord. No. 42-119 § 2)

Sec. 16.04.450. Application for engaging in the business of drain laying.

(a) Applications for examinations for either a master or journeyman drain layer's certificate shall be made to the office of central inspection and shall examine each applicant as to his or her particular knowledge of drain laying, repairing, relaying or cleaning out of any private sewer or drain, and if satisfied as to the competency of the applicant shall thereupon direct that such certificate be issued to the applicant, authorizing him to engage in the business or work at the trade of drain laying, repairing, relaying, or cleaning out of any private sewer or drain, either as a master drain layer or as a journeyman drain layer.

All such applicants shall make application to the central inspection division as provided for in the section and shall at such time and place as directed, be subjected to an examination as to his or her qualifications.

All applicants for master drain layer certificates shall have had two years of experience as a journeyman drain layer. All applicants for journeyman drain layer certificates shall have had two years of drain laying experience.

The fee for examination and original certificate or a master drain layer and sewer cleaner shall be established by the superintendent of central inspection division to cover the administrative costs of issuing such certificates.

All drain layer and sewer cleaner certificates shall be renewed annually upon payment of a fee established by the superintendent of central inspection division to cover the costs of issuing such certificates. All such certificates shall expire on the thirty-first day of December of each year, and no reduction shall be made for part of a year being elapsed. All holders of certificates not renewed by March 1st after their expiration may be required to take examinations before receiving new certificates

and shall be required to pay a ten percent per month penalty.

(b) The board of appeals of plumbers and gas fitters is authorized to cancel and recall the certificate of any master or journeyman drain layer or sewer cleaner and the license of any master drain layer or sewer cleaner for any of the following reasons:

1. Abandonment of any contract without legal cause;
2. Diversion of funds or property received for performance or completion of a specific contract, or for a specific purpose in the performance or completion of any contract, and the application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;
3. The committing of any act in violation of any provisions of this Code or the failure or refusal to comply with any lawful order of the administrative authority;
4. Misrepresentation of a material fact by the applicant in obtaining a license;
5. The failure of any such master or journeyman drain layer or sewer cleaner to fully satisfy all claims for labor and materials used in the performance of any work for which he has been engaged and for which he has been paid;
6. Use of a license to obtain permits for another;
7. Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public;
8. Failure to obtain permits;
9. Unreasonable delay in performance and carrying out of any contract.

(Ord. No. 43-891 § 3)

Sec. 16.04.510. Issuance of new licenses.

No new license shall be issued to any person, under the provisions of this chapter, unless and until all permit, tap or other fees due the city for the previous license year have been paid in full and all completed jobs have been done in accordance with this title and approved by the superintendent of central inspection.

(Ord. No. 36-689 § 38)

Sec. 16.04.530. Request to see certificate, license and permit.

It is the duty of every person doing work as a drain layer or sewer cleaner in the city to show his certificate, license and permit to any officer of the city who shall request to see the same.

(Ord. No. 36-689 § 39)

Sec. 16.04.540. Administrative penalties.

Notwithstanding any other remedies or procedures available to the city, any user of the city's sanitary sewer system who is found to have violated any provision of this chapter may be assessed an administrative penalty of not to exceed one thousand dollars per violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the director of the water and

sewer department shall have such other collection remedies as are available at law.

(Ord. No. 42-448 § 4)

Sec. 16.04.550. Request for hearing and appeal.

(a) Hearing. Any person affected by a penalty, order or directive of the city issued pursuant to this chapter may, within ten days of the issuance of such penalty, order or directive, request a hearing before the director of the water and sewer department to show cause why such should be modified or made to not apply to such person. Such request shall be in writing and addressed to the director at 455 N. Main Street, Wichita, Kansas. The director, or the director's designee, shall hold the requested hearing as soon as practical after receiving the request, at which time such person shall have the opportunity to be heard. At the conclusion of such hearing, the director, or the director's designee, shall issue a written response to such person's request either affirming, modifying or rescinding the penalty, order or directive at issue.

(b) Appeal. Any person aggrieved by the decision of the director, or the director's designee, after the hearing provided for above, may appeal such decision to the city council within ten days of the receipt of such decision by filing a written notice of appeal with the city clerk. The city council shall hear such appeal on the record and may affirm, modify or reverse the decision of the director, or the director's designee.

(Ord. No. 42-448 § 5)

Sec. 16.04.560. Legal action.

Notwithstanding any other remedies or procedures available to the city, if any person discharges sewage, industrial wastes or other wastes or flow into the city's sanitary sewer system contrary to the provisions of this chapter, the city attorney may commence an action for appropriate legal or equitable relief, including damages and costs, in the District Court of Sedgwick County. Whenever a user of the city's sanitary sewer system has violated or continues to violate the provisions of this chapter, the city attorney may seek a preliminary injunction or permanent injunction, or both, as is necessary to assure abatement of any violation(s).

(Ord. No. 42-448 § 6)

Sec. 16.04.570. Violation--Penalty.

Any person, firm, partnership or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed five hundred dollars, or by imprisonment not to exceed thirty days, or both such fine and imprisonment.

(Ord. No. 36-689 § 40)