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DIVISION 2. - SEWER USE

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Sec. 40-47. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approved laboratory procedure in five days at 20 Celsius, expressed in milligrams per liter.

Building drain means 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 buildings and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called house connection or service connection.

Combined sewer means a sewer receiving both surface runoff and sewage.

Customer means every person who is responsible for contracting (expressly or implicitly) with the city in obtaining, having or using sewer connections with, or sewer tap to, the sewer system of the city and in obtaining, having or using water and other related services furnished by the city for the purpose of disposing of wastewater and sewage through said system. The term "customer" includes the occupants of each unit of a multiple-family dwelling unit building as a separate and distinct customer.

Easement means an acquired legal right for the specific use of land owned by others.

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Flush toilet means the common sanitary flush commode in general use for the disposal of human excrement.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Health officer means the city manager, the county sanitarian, the county health department and their duly appointed assistants.

Industrial waste means the wastewater from industrial processes as distinct from domestic or sanitary wastes.

Infiltration/inflow means groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes, or other openings.

Municipality means the governmental body having jurisdiction over the maintenance and operations of the water and sanitary sewer systems within the city and adjacent areas of the county.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Normal wastewater means wastewater discharged into the sanitary sewers in which:

- (1) The average concentration is not more than the following of:
 - a. Total suspended solids: 350 milligrams per liter (mg/l);
 - b. BOD₅: 300 mg/l;
 - c. Total phosphorous: 15 mg/l;
 - d. Total Kjeldahl nitrogen: 20 mg/l; and
 - (2) The total flow is not more than 25,000 gallons per day.
- pH* means the logarithm of the reciprocal of the hydrogen ion concentration.

Pit privy means a shored, vertical pit in the earth completely covered with a flytight slab on which is securely located a flytight riser covered with hinged flytight seat and lid.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of foods 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 in any dimension.

Public sewer means a common sewer controlled by a governmental agency or public utility.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater and surface water, that are not intentionally admitted.

Septic tank means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

- (1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and
- (2) A subsurface system of trenches, piping, and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed.

Sewage means the spent water of a community. The equivalent term is wastewater. See *Wastewater*.

Sewage works (sewerage) means all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer means a pipe or conduit that carries wastewater.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performances of the wastewater facilities.

Storm drain (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source and excluding sewage and industrial wastes other than unpolluted cooling water.

Superintendent means the city utilities superintendent or his authorized deputy, agent or representative.

Suspended solids means total suspended matter that either floats on the surface of or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtration as approved by the EPA and referred to as nonfilterable residue.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Watercourse means a natural or artificial channel for the passage of water either, continuously or intermittently.

(Comp. Ords. 2005, § 4-512.1)

Sec. 40-48. - Violations.

- (a) Violations of this division shall be a misdemeanor punishable under the laws of the state. Each day of continuing violation shall be considered a separate offense. Any person violating any of the provisions of this division shall become liable to the city for any expense, loss, or damage occasioned the city by reason of violation.
- (b) In the event of violation of this division, the health officer or authorized employees may verbally instruct the owner as to the necessary corrective action. If the owner fails to carry out verbal instructions in a timely manner or if a serious violation or hazard to public health exists, the health officer or the city may issue to the owner a written order stating the nature of the violation, the corrective action, and the time limit for completing the corrective action. The record of the mailing of said notice or order shall be prima facie evidence thereof and failure of said owner or owners to receive same shall in no way affect the validity of any proceedings conducted pursuant to this division.
- (c) Failure to comply with any written order duly issued by the health officer or the city pursuant to this division will constitute a separate misdemeanor and upon conviction thereof shall be punishable as provided by the laws of the state; provided further, that compliance with this division is required, notwithstanding the fact that a written order might have been issued.
- (d) The violation of any provisions of this division, as now existing or as may be hereafter amended, may be enjoined by instituting appropriate proceedings for injunction in the courts of competent jurisdiction in this state. Any public nuisance which is injurious to the public health, safety, or comfort may be abated by instituting appropriate proceedings for injunction in the court of competent jurisdiction in this state. Such actions may be maintained notwithstanding the fact that such violation also constitutes a crime and notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the city.
- (e) Upon the receipt of a notice of a violation of this division and/or an order of the city requiring an act or thing to be done or to cease, the owners of any premises then in question may, in writing, demand a hearing before the city to present the evidence challenging the validity of the city's order. The owner may appear in person, by agent, or by attorney. Said demand must be filed with the clerk of the city and be made within five days from the receipt of the order being challenged. Upon receipt of a demand for a hearing the city will set a date, time, and place for said hearing to be not less than 21 days from the date of filing of said demand. The hearing as provided herein shall apply to any customer's complaint, dispute, or challenge of the city's rules, regulations, resolutions, ordinances, or policies. Upon customer's written complaint filed with the clerk, the city shall set a hearing as provided herein or at a time agreed upon by the parties.
- (f) Evidence before the city of any hearing conducted pursuant to subsection (e) of this section shall be admitted in accordance with the rules of evidence of the superior courts of the state; provided, however, the city may take official notice of any order, rule, regulation, or any other document, record, or entry contained in its official record or minutes for evidential purposes.
- (g) For the purposes of this division, the decisions of the city will prevail in any instance in which there is a conflict between the health officer on any issue of sanitation, or the lack of it, and its effect on human health or well-being.

(Comp. Ords. 2005, § 4-512.9)

Sec. 40-49. - Use of public sewers required.

- (a) All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.
- (b) No person shall dispose of human excrement except in a toilet.

- (c) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well-penetrating, water-bearing formation, except where suitable treatment has been provided in accordance with subsequent provisions of this division.
- (d) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (e) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city's jurisdiction and abutting on any street, alley, or right-of-way in which there is now located or may be located a public sanitary sewer of the city is hereby required, at the owner's expense, to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division, within 30 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

(Comp. Ords. 2005, § 4-512.2)

Sec. 40-50. - Private wastewater disposal.

- (a) Where a public sanitary sewer is not available under the provisions of [section 40-49](#), the building sewer shall be connected to a private wastewater disposal system complying with:
 - (1) The provisions of the city;
 - (2) The county health department; and
 - (3) The state department of human resources.
- (b) Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the county health department. Septic tanks shall be maintained in sanitary working order.
- (c) No person shall construct, repair, alter, or enlarge any septic tank unless he shall hold a valid permit for such work issued by the health officer. The health officer may withhold the issuance of such a permit pending the inspection and approval by the health officer of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the health officer.
- (d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the department of human resources of the state. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the health officer deems the use of same to be a menace to human health or well-being.
- (f) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days after notice and at the property owner's expense. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.
- (g) The owners shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.
- (h) No subsurface disposal facilities shall be installed in any place where the health officer deems the use of such facilities to be a menace to human health or well-being.
- (i) Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.
- (j) No pit privy shall be installed in the following locations:
 - (1) Where a public sewer is accessible to the premises involved;
 - (2) In areas where the health officer deems the use of pit privies to constitute a nuisance or menace to the public health;
 - (3) Where a pit privy may pollute any water supply; or
 - (4) Where the use of pit privies is not in keeping with the standards of sanitation in adjacent areas.
- (k) Discharge of septic tanks in sewer system.
 - (1) Restricted. It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catchbasin or other opening, into the city sewer system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided in [section 40-50](#)
 - (2) Permits. The superintendent is hereby authorized to grant permits to discharge the contents of septic tanks at locations specified by the superintendent and under his supervision. Such permits

may be revoked at any time if, in the opinion of the superintendent, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.

- (3) Charges. A charge shall be made for the privilege of dumping the contents of septic tanks, as provided in separate rules. A record shall be kept of such dumpings and statements rendered at the first of each month, the amount of such statements, shall be payable within ten days after rendition. Failure to pay the amounts due within such ten-day period shall be cause for revoking the permit.
- (l) Any premises that has a septic tank, privy, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner, shall be corrected within 30 days from the receipt of written notification from the health officer that said system is not functioning in a sanitary manner, and that said system is ordered to be corrected.
- (m) Premises with private water systems shall not be connected with the public sewerage system.
- (n) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Comp. Ords. 2005, § 4-512.3)

Sec. 40-51. - Building sewers and connections.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
- (b) The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.
- (c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or 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 front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this division.
- (f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in construction shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the county. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply. Additionally, the following materials and methods shall apply to building sewers within the city's supervision:
 - (1) The building sewer shall be cast-iron soil pipe, ASTM A74, latest revision, or equal; ductile iron pipe, American National Standards Institute (ANSI) specification A21.51, latest revision, or equal; or polyvinyl chloride (PVC) sewer pipe, ASTM D3034, latest revision. All joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of water service pipe shall be constructed of cast-iron, soil pipe or ductile iron pipe with bolted mechanical joints. The type pipes stated in this subsection may also be required by the superintendent where the 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 plastic pipe may be acceptable if laid on a suitable concrete bed or cradle as approved by the superintendent.
 - (2) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot. Furthermore, the appropriate requirements of the Occupational Health and Safety Act (OSHA) shall be followed.
 - (3) The depth shall be sufficient to afford protection from frost, and the building sewer shall be laid at uniform grade and with straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall not be placed in the same trench with water service lines.
 - (4) An excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM C12, latest revision, except that no backfill shall be placed until the work has been inspected and approved.

- (5) All joints and connections shall be made gastight and watertight. Push-on joints for cast-iron soil pipe shall have neoprene gaskets and be installed according to the manufacturer's recommendation. PVC pipe joint material shall be of the bell and spigot type, sealed with a rubber O-ring gasket, having a composition and texture which is resistant to the common ingredients of sewage, industrial wastes (including oils), and groundwater, and which will endure permanently under the conditions likely to be imposed by this use. Installation of gasket shall be done in accordance with the pipe manufacturer's instructions using all the necessary materials, lubricants, and equipment recommended by the manufacturer. Other jointing materials may be used only when approved by the superintendent.
- (6) The connection of the building sewer into the public sewer shall be made at the Y-branch, if such a branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located Y-branch is available, the city shall, at the owner's expense, cut a neat hole into the public sewer, with entry in the downstream direction at an angle of about 45 degrees, and install a 45-degree elbow 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 an elevation of at least one-tenth foot above the invert of the public sewer. A neat smooth joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.
- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (h) No person shall make connection of roof downspouts, 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 unless such connection is approved for purposes of disposal of polluted surface drainage.
- (i) 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 and testing shall be made under the supervision of the superintendent or his representative.
- (j) 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.
- (k) The city will define the availability of sewers and any costs associated with sewer permits or construction.
- (l) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- (m) If any house sewer permits the entrance of infiltration or inflow, the city may:
- (1) Require the owner to repair the house sewer;
 - (2) Charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner's property;
 - (3) Require the owner to disconnect his sewer from the city sewer system.

(Comp. Ords. 2005, § 4-512.4)

Sec. 40-52. - Restricted use of the public sewers.

- (a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) No person shall discharge or cause to be discharged any sanitary wastewater into a storm sewer system.
- (c) No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters 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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - (3)

- Any waters or wastes having a pH lower than 5.5 or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (d) The substances, materials, waters, or waste described in this subsection shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the city are as follows:
- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) or wastewater which will elevate the temperature of the influent to the publicly owned treatment works (POTW) to 104 degrees Fahrenheit (40 degrees Celsius) or higher.
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater containing more than 100 milligrams per liter of oils, fat grease, or wax, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit (0 degrees Celsius) and 150 degrees Fahrenheit (65 degrees Celsius).
- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) All industrial discharges to the city sewer system must comply with the federal industrial pretreatment standards developed by the state environmental protection division.
- (6) Any waters or wastes containing taste or odor-producing substances exceeding limits which may be established by the city.
- (7) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentrations, or both which constitute a "slug" as that term is defined in [section 40-47](#)
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any waters or wastes which by interaction with other water or wastes in public sewer system, release obnoxious gases, from solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (11) Materials which exert or cause:
- a. Any unusual concentrations of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries, and lime residues or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
- b. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
- c. Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the sewage treatment plant.
- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d) of this section and which, in the judgment of the city, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require surcharge payment to cover added cost of handling and treating the wastes.
- (f) When required by city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the

building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with approved plans. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. This requirement will be on a case-by-case basis.

- (g) The industrial users may be required to provide information needed to determine compliance with this division. These requirements may include:
- (1) Wastewater discharge peak rate and volume over a specified time period;
 - (2) Chemical analyses of wastewaters;
 - (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
 - (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
 - (6) Details of wastewater pretreatment facilities; and
 - (7) Details of systems to prevent and control the losses of materials through spills to the public sewer.
- (h) No statement contained in this division 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.
- (i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater, March 12, 2007, the Federal Register. Sampling methods and location times are subject to approval by the city.
- (j) Pretreatment of wastes. Persons discharging industrial wastes into the sewerage system may be required to pretreat such wastes. Plans for all pretreatment facilities shall be approved by the superintendent or the state environmental protection division prior to construction. At the time written plans are submitted for approval, written maintenance plans shall also be submitted and approved by the superintendent. The facilities shall be allowed to operate only as long as they are maintained in accordance with the approved maintenance plans. Pretreatment requirements shall be determined on a case-by-case basis and shall include the following facilities as a minimum:
- (1) Neutralization. If plans are submitted for the neutralization of strong acid or alkaline wastes, the plans shall include the necessary instrumentation and controls to ensure compliance with the above regulations at all times.
 - (2) Equalization. Holding tanks or equalization basins shall be required ahead of the receiving manhole of the city sewerage system when deemed necessary by the superintendent to prevent peak flows that exceed the capacity of the system or that result in operational problems.
 - (3) All pretreatment facilities shall be operated and maintained continuously in satisfactory and effective operation by the owner at his expense.
- (k) Waiver of requirements. There shall be no provision for the granting of variances for discharge of incompatible wastes. If a user begins to violate any of the provision of this section, it shall be his responsibility to apply to the superintendent who can issue a temporary permit along with a compliance schedule for planning and construction of necessary treatment or pretreatment works. Each case will be carefully evaluated with respect to its effect on the wastewater treatment system and the environment prior to issuance of a temporary schedule. Any dilution of the wastewater by the user for the purpose of decreasing the concentrations of toxic materials shall be considered as a violation of this division.
- (l) Discontinuance of service for failure to comply. Failure to comply with the provisions of this division shall be cause for the discontinuance of sewer or water service to the offending person. The procedure shall be as follows: A written notice, signed by the superintendent, shall be delivered personally to the person then responsible for the offending use, outlining the conditions of the wastes which violate the city ordinances. In the event that the person in charge will not accept the notice, it shall be conveyed by registered mail to the responsible person. The person notified shall have 24 hours from the time of receipt of the notice, either personally delivered or received by registered mail, to correct the offending conditions. If correction is not made or a request for extension is not received by the city within 24 hours, it shall be mandatory that water or sewer service shall be discontinued to the offending person without further notice. If a request for an extension of time is received by the city within 24 hours of the notice set forth in this subsection and if circumstances are such that, in the opinion of the superintendent, the best interest of the city would be served by extending the time for correction of the offending condition, then he may grant an extension of time up to a maximum limit of 30 days.
- (m) Responsibilities of the person discharging waste. It shall be the responsibility of the person discharging industrial waste into the city sewerage system to:
- (1) Build a control structure in the discharge line from his premises, immediately prior to the entrance of the discharge line into the city sewerage system, suitable for the sampling and measuring of wastes. Plans for this structure must be approved by the city. This requirement may be waived if

deemed unnecessary by the city. In the event that no special manhole is 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.

- (2) Contact the superintendent prior to operation changes which will materially alter the characteristics of the waste from the last prior sampling.
- (3) Make timely, periodic payments to the city of surcharges for excessive loadings as detailed in the city user charge system.

(Comp. Ords. 2005, § 4-512.5)

State law reference— Similar provision, O.C.G.A. § 12-8-2.

Sec. 40-53. - Malicious damage.

No 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 wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Comp. Ords. 2005, § 4-512.6)

Sec. 40-54. - Powers and authority of inspectors.

- (a) Duly authorized employees or agents of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewerage system in accordance with the provisions of this division.
- (b) While performing the necessary work on private properties referred to herein, the authorized employees or agents 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 employees, and the city shall indemnify the company against loss or damage to its property by said employees or agents and against liability claims and demands for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this division.
- (c) Duly authorized employees or agents of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair; and maintenance of any portion of the wastewater if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Comp. Ords. 2005, § 4-512.7)

Sec. 40-55. - Compliance with regulatory requirements.

The provisions of this division shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to public law, shall be considered as a part of this division upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in title 40 of Federal Regulations, part 403 (40 CFR 403).

(Comp. Ords. 2005, § 4-512.8)

Sec. 40-56. - Service charges.

It is hereby determined necessary to fix and collect sewer service charges from customers. Such charges shall be set by resolution of mayor and council and shall be kept and maintained separately by the clerk, and the revenues received shall be used for operation, maintenance, debt retirement, and other authorized expenses.

(Comp. Ords. 2005, § 4-512.10)

Sec. 40-57. - Authority to disconnect service.

- (a) The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:
 - (1)

Acids or chemicals damaging to sewer lines or treatment process are released into the public sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

- (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is discharging wastewater into the public sewer that cannot be sufficiently treated or requires treatment that is not provided by the city as normal treatment; or
- (3) The customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment process;
 - c. Fails to pay monthly bills for sanitary sewer service when due; or
 - d. Repeats a discharge of prohibited wastes into public sewers.

(b) Notification processes for discontinuance of service are presented in [section 40-52\(l\)](#).

(Comp. Ords. 2005, § 4-512.11)

Sec. 40-58. - Conflict with other ordinances.

In the event a wastewater discharge is made to a publicly owned treatment works (POTW) under the jurisdiction of an approved sewer use ordinance for another governing body, the more restrictive requirement shall prevail.

(Comp. Ords. 2005, § 4-512.12)

Sec. 40-59. - Rules governing discharge from septic tank pump trucks.

Discharge of sewage, waste, matter, and other waste material into the sewer system of the city from septic tank pump trucks or similar tank pump trucks used for the removal of waste matter and sewage from holding tanks and similar devices, and other discharges which are not through an existing sewer connection, shall be permitted subject to the following regulations:

- (1) *Discharges, where made.* All discharges must be made at water pollution control plant. The superintendent of the wastewater pollution control plant may permit discharges into a sewer manhole if he, in his sole discretion, taking into consideration the size and content of the proposed discharge, considers said discharge to be such as will not endanger the public health of the citizens of the city or likely to damage the sewage system of the city. Such permission must be granted in writing by the superintendent and shall be valid for no more than 30 days.
- (2) *Discharges, amount and origin.* The city wastewater facilities shall only accept sewage and other waste materials by septic tank pump trucks that are removed from residential, commercial or industrial establishments which are located within the county and such sewage and/or other waste materials shall be limited to an amount of 2,000 gallons that may be discharged at any one time.
- (3) *Registration.* All septic tank pump trucks or vehicles used in discharge operations must be duly licensed by the county health department and registered with the city prior to making a discharge into the city sewage system.
 - a. To register a vehicle used in discharge operations, the clerk of the city must be furnished with the make, model, serial number, and state license plate number of said vehicle. Upon receiving said information, it shall be the duty of the clerk of the city to register said vehicle with the city and issue a certificate stating that said vehicle has been so registered. Said registration shall be accomplished once each year for each vehicle. The registration certificate issued by the clerk of the city shall be kept with said vehicle at all times, and shall be presented to the superintendent of the city water pollution control plant upon request.
 - b. Once each year and prior to making a discharge into the sewer system of the city, each user must register with the clerk of the city by furnishing the clerk the following information: name, address, telephone number, number of vehicles to be engaged in discharge operation, and approximate number of discharge operations planned. Upon registration by the user, the city will select the payment method to be followed and advise the user who shall agree in writing to the method selected. The payment method selected and the user's consent thereto shall appear on the registration form, and the user shall be furnished a conformed copy thereof.
- (4)

Discharge fee; payment. There is hereby imposed a discharge fee of \$0.10 per gallon with a maximum of 2,000 gallons. Collections shall be made by either of the two methods listed in this subsection. The selection of the collection method shall be solely at the city's option.

- a. *Method 1.* Payment in advance of each discharge to the city clerk. Upon payment, the city clerk will issue a receipt which shall be shown to the superintendent of the wastewater pollution control plant or the operator in charge prior to the proposed discharge.
 - b. *Method 2.* Each user registered with the city hereunder shall deposit with the city the sum of \$150.00 at the time of registration. A monthly statement will be mailed by the city for all discharges made by a said user during the previous month which shall be payable within ten days after the date of the statement. In the event the statement is not paid at the end of said ten-day period, the deposit made at the time of the initial registration shall be applied toward the payment thereof. If the application of the deposit does not satisfy the outstanding charges, or should the deposit with the city be less than \$150.00, the certificate of registration of said user shall stand revoked instantly, and no further discharge into the sewage system of the city shall be permitted by said user until said charges shall be paid in full.
- (5) *Discharge hours.* All discharges shall take place between the hours of 9:00 a.m. and 4:00 p.m. from Monday through Friday. It shall be unlawful to make discharges between the hours of 4:00 p.m. and 9:00 a.m. during weekdays and or any time between 4:00 p.m. on Friday to 9:00 a.m. on Monday.
- (6) *Discharges, authority to reject.*
- a. The superintendent of the wastewater pollution control plant is hereby authorized to refuse to allow any discharge into the sewage system of the city which he feels, in his sole discretion, might impair the proper operation of the sewage disposal system or be injurious to health of the citizens of the city. Prior to each discharge operation, the superintendent of the wastewater pollution control plant will be told by the person seeking to make the discharge the contents of said discharge, and based upon said information and the considerations set out herein, the superintendent shall decide if the discharge into the sewage system shall be made. A sample of each discharge will be taken and held to enable the superintendent to test for improper disclosure of the contents of each discharge.
 - b. It shall be unlawful to knowingly communicate false information to the city concerning the nature and contents of a discharge into the sewage system of the city.

(Comp. Ords. 2005, § 4-512.13; Ord. No. 06-13, 4-3-2006)

Secs. 40-60—40-76. - Reserved.