

Chapter 700

SEWER USE

Section 700.010. Definitions. [CC 1992 § 62.010]

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

BOD — Denoting biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20° C.), expressed in parts per million by weight.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

CITY — As used herein shall mean the City of Center, or authorized agents of the City.

COOLING WATER — The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other, but shall be free from odor and oil. It shall contain no polluting substance which would produce BOD or suspended solids in excess of ten (10) parts per million by weight.

DISSOLVED SOLIDS — Those in solution and those which can be determined by laboratory analysis.

DOMESTIC SEWAGE — Waterborne wastes normally discharging from the sanitary conveniences of dwellings (including apartment houses and hotels, office buildings, factories and institutions) free from stormwater, surface water and industrial wastes.

DRAINAGE DITCH — Any artificially constructed open channel, ditch, swale, or flume, whether lined or unlined, for the conveyance of stormwater and groundwater.

GARBAGE — Every refuse accumulation of solid, animal, fruit or vegetable matter that attends to the preparation, use, cooking, dealing in or storing of food and from handling, storage and sale of produce.

INDUSTRIAL WASTES — Liquid wastes from industrial manufacturing processes, trade or business, whose strength exceeds that as defined in "normal sewage."

INDUSTRIAL WASTE TREATMENT PLANT — Any treatment plant device or facility used or intended to be used for the specific treatment of industrial wastes in which other wastes may or may not be present.

INSPECTOR — The person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connection to the public sewer system.

NATURAL OUTLET — Any outlet for drainage of storm water into a watercourse, stream, creek, river, pond, lake or other body of surface water or groundwater.

NORMAL SEWER — Waters or wastes having five-day biochemical oxygen demand not greater than two hundred four (204) parts per million, by weight, and a concentration of suspended solids not in excess of two hundred forty (240) parts per million by weight.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from 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 (1/2) inch in any dimension.

PUBLIC SEWER — A sewer owned and maintained by the City.

SANITARY SEWAGE — Sewage discharging from the sanitary conveniences of dwellings, (including apartment houses, hotels and motels, office buildings, factories or institutions) and free from stormwater and surface water and industrial wastes.

SANITARY SEWER — A sewer designed and intended to receive and convey only sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SEMI-PUBLIC SEWAGE DISPOSAL OR SEWAGE TREATMENT FACILITY — A device or facility for treating or disposing of sewage and industrial wastes from a school, public building, institution, church, hotel, motel or other building or structure not classified as private.

SEWAGE — The water-carried wastes from residences, business buildings and institutional and industrial establishments, singularly or in any combination, together with such groundwater, surface water and stormwater as cannot be avoided.

SEWAGE TREATMENT PLANT — Any arrangement in devices and structures used for treating sewage.

SEWER — Any public, semiprivate or private pipe or conduit for carrying sewage.

SEWERAGE SYSTEM — Includes any sewage treatment facility, sewer, pumping station, appurtenance, equipment or any combination of conveying, treating, or disposing of any wastewater, industrial waste or human excrement accumulating on any premises in the City.

SHALL — Is mandatory; "may" is permissive.

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration of flows during normal operations.

STORM SEWER — A sewer designed and intended to receive and convey only stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — As used herein, shall mean the Superintendent of the Sewerage Works of the City.

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtering.

UNPOLLUTED WATER OR WASTE — Any water or waste containing none of the following: free of emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving water; toxic poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases. It shall contain not more than ten (10) parts per million each of suspended solids and BOD. The color shall not exceed fifty (50) parts per million.

WATERCOURSE — A natural surface drainage channel for stormwater and groundwater in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE — All rivers, streams, lakes and other bodies of surface or subsurface water which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Section 700.020. Use Of Public Sewers Required. [CC 1992 § 62.020]

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge or deposit into any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage, industrial wastes, garbage, polluted water or any other substance which constitutes a nuisance or hazard to the public health or welfare, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct, install or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment or recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after the date of official notice to do so, provided that said sewer service is within three hundred (300) feet of the house, building or structure.

Section 700.030. Private Or Semipublic Sewage Disposal. [CC 1992 § 62.030]

- A. Where a public sanitary sewer is not available, the building sewer shall be connected to an approved private or semipublic sewer or sewer disposal system or sewage disposal facility complying with the provisions of this Section.
- B. Before starting construction of a private or semipublic sewage disposal system or treatment facility, the owner shall first notify the City of such plans and obtain approval of the proposed installation. The City may request supplemental information from the owner, including but not limited to plans, specifications, soil absorption tests, or any other information deemed necessary for approval. Any permit or inspection fees shall be determined by City policies.
- C. Actual use of a private or semipublic disposal system may not commence until the installation is complete to the satisfaction of the Superintendent. He/she shall be allowed to inspect the work at any stage of construction, and in any event, the owner shall notify the Superintendent when the work is ready for a final inspection, and before any underground portions are covered.
- D. The type, capacities, location of a private, semipublic or industrial sewage disposal system or treatment facility shall comply with all regulations and laws.
- E. At such time as a sanitary sewer becomes available to a property served by a private or semipublic sewage disposal system or treatment facility, as provided in Section 700.020(D), a direct connection shall be made to the public sewer in compliance with this Chapter, any septic tank, cesspool or similar private or semipublic sewage disposal or treatment facilities shall be abandoned and filled with a suitable material.
- F. The owner shall operate and maintain any private, semipublic or industrial sewage disposal or treatment facilities in a satisfactory manner at all times, at no expense to the City. Such facilities shall be subject to inspection by the Superintendent at all times. Furthermore, approval by the City of any system will not relieve the owner from modifying, upgrading or expanding such system such as to avoid unsanitary conditions.

Section 700.040. Building Sewers And Connections. [CC 1992 § 62.040]

- 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 Superintendent. Before a permit may be issued for excavating for plumbing in any public street, alley or right-of-way, the person applying for such permit shall have executed unto the City and deposited with the City Clerk a corporate surety or other type of bond satisfactory to the City, stipulating that he/she will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances of the City pertaining to plumbing and/or street repair. This bond will state that the person will indemnify and save harmless the City and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his/her part in connection with plumbing or excavating for plumbing as described in this Chapter. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

- B. All costs for sewer permits shall be established by separate City policy, including but not limited to, connection fees, reconnection fees, and any other costs associated with the wastewater system and determined by the City policies.
- C. All costs and expense incident to the installation and connection of the building sewer, to include, but not be limited to, any necessary improvements, extensions, alterations, renovations, and repair of the public sewer necessary for the installation or connection of the building sewer, shall be borne by the owner or owners of property so affected or serviced. This shall include, but not be limited to, any extensions necessary of the public sewer system. The owner or the person installing the building sewer shall bear all costs which shall be paid in accordance with the direction of the Board of Aldermen. The owner or person installing the building sewer shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. [Ord. No. 194 § 62.040(C), 5-3-2006]
- D. A separate and independent building sewer shall be provided for every building, except where one (1) 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 or court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- 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 Chapter.
- F. The building sewer shall be constructed of vitrified clay sewer pipe and fittings meeting the requirements of current edition of ASTM Specifications C200 or C463 for extra-strength pipe; acrylonitrile-butadiene-styrene (ABS) plastic pipe and fittings meeting the requirements of current edition of ASTM Specifications D2751; or type PSM polyvinyl chloride (PVC) sewer pipe and fittings meeting the requirements of current edition of ASTM Specifications D3034. The use of any other type of materials for building sewers shall be only with the approval of the City.
- G. All joints and connections shall be made gas-tight and water-tight. Joints and jointing shall be as follows:
 - 1. Vitrified clay sewer pipe/PVC pipe, shall be fitted with watertight couplings having resilient properties and conforming to the current edition of ASTM Specifications. Before joining the pipe, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer, as recommended by the pipe manufacturer, shall be applied to the bell and spigot mating surfaces just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.
- H. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter of the pipe be less than four (4) inches nor the slope less than one-eighth (1/8) inch per foot. A slope of one-fourth (1/4) inch per foot shall be used whenever practical.

- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations shall be by open trench methods unless otherwise authorized by the Superintendent. Rough machine excavation for the pipe trench shall not be carried lower than three (3) inches above the grade by the invert of the pipe and the remainder of the excavation accomplished by hand to shape the bottom of the trench to give full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for making the joint and to relieve the bell of any stress. All pipe shall be laid true to line and grade with bell ends upstream and with all joints fully completed. No backfill shall be placed over the completed house service line until it has been approved by the Superintendent. Backfill shall be carefully deposited completely under the pipe haunches and around and over the pipe in layers not to exceed six (6) inches in loose depth and carefully tamped until enough fill has been placed to provide a cover of not less than one (1) foot over the top of the pipe. Care shall be taken in this placement and compaction to cause no vertical or lateral displacement of the pipe. The remainder of the depth of the trench may be backfilled as approved by the Superintendent.
- J. The connection of the building sewer into the public sewer shall be made at the wye branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated wye branch in the public sewer shall be made only as directed by the Superintendent.
- K. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the direction of the Superintendent.
- L. All excavations for the building sewer installation shall be adequately guarded with barricades, lights, etc., so as to protect the public from hazard. Streets, sidewalks, parkways and other public properties disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.
- M. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, yard drains, yard fountains, ponds, lawnsprays 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.

Section 700.050. Use Of Public Sewers. [CC 1992 § 62.050]

- A. No person shall discharge or continue to discharge after date of enactment of this Chapter or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. Any connection, drain or arrangement which will permit any such waters to enter any sanitary sewer shall be deemed to be a violation of this Section and this Chapter, and shall be immediately remedied or disconnected.
- B. It shall be unlawful for any person constructing a sewer or house or building connection or an industrial connection to a sanitary sewer to leave such connection open, unsealed or incomplete in such a manner that will permit stormwater or surface water to enter into any sanitary sewer within the City. All such openings shall be tightly sealed at all points

whenever work is not in progress on such sewer or connection.

- C. Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers or to a drainage channel or natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, drainage channel or natural outlet.
- D. No person shall deposit or throw into any sewer, sewer inlet, or private drain connecting to a public sewer any ashes, cinders, sand, mud, straw, hay, shavings, tinnings scraps, waste, produce or material of manufacture, rags, disposable diapers or garbage which has not been property shredded, or any substance which may cause an obstruction or cause a nuisance. No dam or other obstruction shall be placed in any sewers unless permission to do so is expressly granted by the Superintendent.
- E. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - 2. Any wastes or water containing toxic or poisonous solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes discharged to the public sewer.
 - 3. Any waters or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewerage works.
 - 4. Solids 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 sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, chemical residues, paint residues and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- F. No person shall discharge or cause to be discharged to the public sewers the following described substances, materials, waters, or wastes if, in the opinion of the Superintendent, such wastes can harm the sewer, sewage treatment process or equipment, have adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of the wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. Prohibited substances are:

1. Any liquid or vapor having a temperature higher than one hundred and fifty degrees Fahrenheit (150° F.).
 2. Any water or waste from animal or vegetable sources containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.). Any water or waste of mineral origin or from petroleum sources containing fats, wax, grease or oils, whether emulsified or not, in excess of twenty (20) milligrams per liter or containing substances which may solidify or become discernibly viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.).
 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.
 4. Any waters or wastes containing acid, iron, pickling wastes, or concentrated plating solutions whether neutralized or not.
 5. Any noxious or malodorous substance which can form a gas, which either singly or by interaction with other wastes is capable of causing objectionable odors; or hazard to life or form solids in concentrations exceeding limits established herein; or create any other condition deleterious to structures, treatment processes or equipment; or requires unusual provisions, attention or expense to handle such materials.
 6. Any waters or wastes containing phenols in excess of five-tenths (0.5) part per million or other taste or odor producing substances in such concentrations exceeding such limits as may be set by the Superintendent as necessary, after treatment of composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to receiving waters.
 7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulation.
 8. Any waters or wastes having a pH in excess of ten point five (10.5).
 9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the State, Federal or other agencies having jurisdiction over discharge to receiving waters.
- G. Except in quantities or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person to discharge or cause to be discharged waters or wastes to the public sewers containing:
1. Free or emulsified oil and grease exceeding on analysis an average of one hundred (100) parts per million [eight hundred thirty-three (833) pounds per million gallons] of either or both of combinations thereof if, in the opinion of the Superintendent, it appears probable that such wastes can deposit grease or oil in the sewer lines in such

a manner as to produce clogging or can have deleterious effects on the treatment process due to excessive quantities.

2. Salts of heavy metals in solution or suspension in concentrations exceeding the following:

Type	Concentration
Chromium (Hexavalent)	5 parts per million
Chromium (Trivalent)	10 parts per million
Copper as CU	3 parts per million
Iron	15 parts per million
Zinc as AN	3 parts per million
Nickel as NI	3 parts per million
Cadium as Cd	3 parts per million
Lead	0.1 parts per million

or similar objectionable or toxic substances or wastes exerting excessive chlorine requirement to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

3. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of two (2) parts per million by weight as CN in the wastes from an outlet into the public sewers.
4. Materials which would exert or cause:
 - a. Unusual concentration 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 biochemical oxygen demand, chemical oxygen demand or chlorine demand.
 - d. High hydrogen sulfide content.
 - e. Unusual volume of flow or concentration of wastes constituting slugs, as defined herein, shall be pretreated to a concentration acceptable to the City if such wastes can a) cause damage to collection facilities, b) impair the process, c) incur treatment cost exceeding those of normal sewage, d) render the water unfit for stream disposal or industrial use. Where discharge of such wastes to a public sewer is not properly pretreated or otherwise corrected, the Superintendent may 1) reject the wastes or terminate the sewer service or 2)

require control of the quantities and rates of the discharge of such wastes.

5. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the requirements of all applicable codes, ordinances and laws.

Section 700.060. Pretreatment Of Industrial Wastes. [CC 1992 § 62.060]

- A. Persons discharging or causing to be discharged industrial wastes which exhibit any of the prohibited wastes set out hereinbefore shall pretreat or otherwise dispose of such industrial waste acceptable to the Superintendent.
- B. No gasoline filling station, garage, refining plant, chemical plant, packing house, slaughterhouse, lard rendering establishment, dairy or other establishment from which any substance would be discharged into the sewers that would tend to obstruct or damage the sewers or cause a nuisance or endanger the public health or safety, or endanger persons who might be in such sewers, shall be connected with any public sewer except through grease, oil or sand interceptors. All interceptors shall be of a type and capacity approved by the Superintendent, shall be located as to be readily accessible for cleaning and inspection and shall be maintained and operated in a manner acceptable to the Superintendent.
- C. Persons discharging or causing to be discharged industrial wastes which exhibit none of the characteristics of wastes prohibited in Section 700.050 above and which, in the opinion of the Superintendent, constitute excessive contribution of flow quantity to the treatment facilities shall be required to pretreat the industrial wastes and discharge an effluent of acceptable quality to other than the public sanitary sewer system if such separate sewer is available.

Section 700.070. Regulations — Admissions Of Industrial Wastes. [CC 1992 § 62.070]

- A. In order to control the admission of industrial wastes into the public sewer, any person, firm or corporation desiring to deposit or discharge an industrial waste mixture into the sewer or sewerage works of the City, or any sewer connected therewith, or who is now so doing, shall notify the City of the industrial discharge and obtain approval of same.
- B. The owner of any property served by a building sewer carrying industrial wastes shall provide and maintain in a suitable accessible location on his/her premises, or such premises occupied by him/her, an inspection chamber or manhole into which all wastes from drain, pipe channel or connection which communicates with any sewer or sewerage works of the City shall discharge unless specifically exempt in writing by the Superintendent. Such manhole or inspection chamber shall be of such design and construction which will facilitate observation, sampling and measurement of the wastes and will prevent infiltration by groundwater and surface water. Such manholes shall be accessible and safely located, shall be constructed by the owner at his/her expense in accordance with plans approved by the Superintendent and shall be maintained by the owner at his/her expense.
- C. All measurements, test and analyses of the characteristics of water and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the

American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required by the Superintendent, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

- D. Sampling of the effluent or waste discharges may be accomplished manually or by use of mechanical equipment to obtain a composite sample which would be representative of the total effluent. Samples shall be taken at intervals determined by the Superintendent as necessary to maintain a control over the discharge from the establishment. The City shall have the right to enter and set up on company property such devices or equipment necessary to conduct a gauging and sampling operation and to begin such operation upon presentation of proper identification on arrival without advance notice to the company. Investigations or inquiries upon industrial discharges shall only pertain to items having effects upon the sanitary sewer system.

Section 700.080. Protection From Damage. [CC 1992 § 62.080]

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this provision shall be charged with an ordinance violation under Sections 210.1030 and/or 210.1040 of the City Code.

Section 700.090. Power And Authority Of Inspectors. [CC 1992 § 62.090]

- A. The Superintendent and other duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Chapter. The Superintendent or his/her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to above, the Superintendent or duly authorized employees or representatives of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees or representatives, and the City shall indemnify the company against loss or damage to its property by City employees or representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out the gauging and sampling operations, except as such may be caused by negligence, or failure of the company to maintain safe conditions as required in Section 700.070(B) above.
- C. The Superintendent or duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties

through which the City holds duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, 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.

Section 700.100. Violations And Penalties. [CC 1992 § 62.100]

- A. Any person found to be violating any provisions of this Chapter except Section 700.080 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for shall be guilty of an ordinance violation, and on conviction thereof shall be summarily disconnected from the sanitary sewer, such disconnection and reconnection to be at the total expense to the customer, or shall be fined in an amount as set out in Section 100.220 of this Code. Each day in which any such violation shall continue shall be deemed a separate offense. Where acids or chemicals damaging to sewer lines, structures or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of sewage, the Superintendent is authorized to immediately terminate service by such measures as are necessary to protect the facilities.
- C. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 700.110. Hearings. [CC 1992 § 62.110]

Hearing shall be held as necessary for the resolution of differences between the Superintendent and sewer users on matters concerning interpretations and execution of the provisions of this Chapter and City policies. The decisions of the Board of Alderman of the City of Center concerning such hearings shall be deemed final and binding upon both the Superintendent and the sewer user.

Chapter 705

REPAIRING EXCAVATIONS AND LAYING SEWER AND WATER LINES

Section 705.010. Requirements. [CC 1992 § 45.010]

- A. Any and all excavations made in the public right-of-way of the City for the purpose of installing new water or sewer lines, repair of said lines or for any other purpose for which said lines are uncovered shall be backfilled using the following procedure. A layer of sand, washed or unwashed, not less than eight (8) inches in depth, shall be spread under each sewer or water line. The line will then be covered by an additional sixteen (16) inches of sand to give a total depth of sand of twenty-four (24) inches. The remainder of the ditch may then be backfilled with use of the excavated material with the surface of the opening being returned to its original finish.
- B. If the opening is made into a concrete or asphalt street the surface shall be cut six (6) inches wider on each side and ends than the edge of the excavation into the dirt or the ditch itself. If the opening is made into a concrete street a cap of at least the original thickness of the street surface shall be used and the edges sealed with tar. If the opening is into an asphalt street the method of backfilling as described above will be used to a level six (6) inches below the surface, properly tamped, and the final six (6) inches being covered with asphalt and sealed with tar. If the excavation is into a graveled street or roadway the final six (6) inches of backfill will be gravel with the cut being properly tamped to prevent settling. The contractor or person making the excavation shall be responsible for a reasonable length of time, to be determined by the Board of Aldermen, for repairing and/or filling the excavation should settling occur. The required bond deposit may be used for this purpose by the City should the contractor fail to make the necessary repairs. The bond shall be returned to the contractor when the Board of Aldermen is satisfied that all work has been accomplished in a workmanlike manner according to the terms of this Chapter.
- C. No excavation shall be made by any person, firm or corporation in the public right-of-way in the City of Center until a performance bond, acceptable to the City of Center, has been deposited with the City Collector. The following bond schedule shall be adhered to: if the proposed street excavation shall extend less than one-half (1/2) the width of the improved portion of the street, a bond of seventy-five dollars (\$75.00) shall be deposited; if it extends one-half (1/2) or more of the improved portion of the street, the bond shall be one hundred fifty dollars (\$150.00); if the excavation shall run parallel to the improved portion of the street and not into the improved portion, the bond shall be fifty dollars (\$50.00).
- D. A performance bond in the above amounts may be posted with the City Collector in the form of cash or a security bond of a bonding company licensed to do business in the State of Missouri and acceptable to the City of Center. Said bond will be returned or released when the City is satisfied that the work has been accomplished according to the terms of

this Chapter and that settling of the excavation or further settling will not occur but not more than ninety (90) days from the date of approved backfilling or repair of the opening should settling occur.

- E. In the event the excavation shall settle it shall be responsibility of the person bonded to perform the work to repair same immediately. He/she shall be responsible for any damage occurring because of said excavation and shall hold the City harmless in the event of injury to persons or property. He/she shall be responsible for barricading the excavation and lighting same in the event the excavation must be left open after normal working hours but will make every reasonable effort to close such excavation prior to the end of the normal workday.

Chapter 710

SEWER USER CHARGE

Section 710.010. Purpose. [Ord. No. 148 Art. I, 10-6-1986]

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

Section 710.020. Definitions. [Ord. No. 148 Art. II, 10-6-1986]

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

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter (mg/l).

NORMAL DOMESTIC WASTEWATER — Wastewater that has a BOD concentration of not more than seventy-two and four-tenths (72.4) mg/l and a suspended solids concentration of not more than eighty-two and eight-tenths (82.8) mg/l.

OPERATION AND MAINTENANCE — All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

REPLACEMENT — Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

RESIDENTIAL CONTRIBUTOR — Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

SHALL — Is mandatory; "may" is permissive.

SS (denoting "suspended solids") — Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

TREATMENT WORKS — Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping,

power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

USEFUL LIFE — The estimated period during which a treatment works will be operated.

USER CHARGE — That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

WATER METER — A water volume measuring and recording device, furnished and/or installed by the Cannon Water District or furnished and/or installed by a user and approved by the Cannon Water District.

Section 710.030. Operation And Maintenance. [Ord. No. 148 Art. III, 10-6-1986]

- A. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Chapter.
- B. That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes as established in Section 710.040, shall be deposited in a separate non-lapsing fund known as the "Operation, Maintenance and Replacement Fund" and will be kept in two (2) primary accounts as follows:
 1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works ("Operation and Maintenance Account").
 2. An account designated for the specific purpose of insuring replacement needs over the useful life of the treatment works ("Replacement Account"). Deposits in the Replacement Account shall be made annually from the operation, maintenance and replacement revenue in such amounts as are determined necessary by the Board of Alderman, from time to time. [Ord. No. 183, 6-2-2004]
- C. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and

replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

Section 710.040. User Charge Rates. ¹ [Ord. No. 148 Art. IV, 10-6-1986; Ord. No. 178, 11-5-2003; Ord. No. 216, 10-9-2013]

- A. The following classes of sewer users and charges to those users are hereby established: [Ord. No. 227, 9-1-2016]
1. Class I: Residential Users. Effective calendar year 2016, four hundred eighty dollars (\$480.00) annual charge for operation and maintenance.
 2. Class II: Light Commercial Users. Effective calendar year 2016, four hundred eighty dollars (\$480.00) annual charge for operation and maintenance.
 3. Class III: Medium Commercial Users. Effective calendar year 2016, one thousand one hundred dollars (\$1,100.00) annual charge for operation and maintenance.
 4. Class IV: Heavy Commercial Users. Effective calendar year 2016, one thousand four hundred dollars (\$1,400.00) annual charge for operation and maintenance.
 5. Class V: Multifamily Users. Multifamily units shall be based on the number of units contained in the structure (not the number of units occupied). These shall include nursing homes, trailer parks and apartment complexes.
 6. Class VI: Exceptions. Class VI includes exceptions to Classes I, II, III, IV and V due to prior agreements entered into between the City of Center and specific customers. The Class VI exceptions are as follows:
 - a. Ralls County R2 School District will be charged an annual fee of seven thousand two hundred eighty dollars (\$7,280.00).
 - b. Westview Nursing Home will be charged an annual fee of five thousand five hundred dollars (\$5,500.00).
- B. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which, singly or by interaction with other substances, causes identifiable increase in the cost of operation, maintenance, or replacement of the treatment works shall pay for such increased cost. The charge to each user will be as determined by the responsible plant operating personnel and approved by the Board of Aldermen.
- C. The user charge rates established in this Chapter apply to all users, regardless of their location to the City's treatment works.
- D. The user charge rates shall apply to any structure which contains a sewer connection, regardless of whether or not the structure is vacant or occupied. Each connection shall require a separate user charge.

1. Editor's Note: Appendix "A," which presents the methodology for calculating user charge rates, is on file in the City offices.

Section 710.050. Delinquency. [Ord. No. 148 Art. V, 10-6-1986]

All users shall be billed annually at the same time that real property tax assessments are billed, and, if not paid, shall become delinquent at the same time as unpaid real property tax bills become delinquent. Any delinquent user charges provided for herein shall bear interest at the rate of ten percent (10%) per annum from the date of delinquency and a special tax bill shall issue therefor and shall have the same force and effect and shall be collectible in the manner as provided by law for the collection of special tax bills by the City. When any bill is delinquent as herein provided, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. Class V users who average ten thousand (10,000) gallons per month shall have their water consumption totaled quarterly or monthly at their option and billed for their actual consumption, rather than pay class average.

Section 710.060. Annual Review Of User Charge System. [Ord. No. 148 Art. VI, 10-6-1986]

- A. The City will review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement, costs among users and user classes. Any excess revenues collected from a class of users shall be credited to that class for the next year and its rates will be adjusted accordingly.
- B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement, of the treatment works.