

Chapter 11

UTILITIES

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ARTICLE I. IN GENERAL

Section 11.1 **Permit Required Prior to Furnishing Service to New or Existing Buildings or Change of Occupancy.**

- a. No temporary utility services shall be furnished to any new building in the city or served by it, until a building permit for the new building is applied for and obtained.
- b. No utility service shall be furnished to any new or existing building in the city or served by it, until a certificate of occupancy is applied for and obtained by the building owner or agent.
- c. No utility service shall be furnished to any existing building where there is a change of occupancy until a certificate of occupancy is applied for and obtained by the building owner or agent. Not applicable to residential structures.

Section 11.2 **Application for Service.**

Applications for utility service must be made to the city clerk on forms to be furnished by the clerk.

Section 11.3 **Inspection of Consumer's Equipment.**

The officers responsible for the utility services furnished by the city, or their agents and assistants, may enter the premises of any consumer at any reasonable time to examine the pipes, fixtures and apparatus, the quantity and the manner of use thereof; and in case of any fraudulent representation on the part of the consumer, or unnecessary waste of service, the payment will be forfeited and service stopped.

Section 11.4 **Payment of Charges; Penalty for Late Payment.**

- a. Utility service fees shall be paid on or before the due date at the office of the city clerk.
- b. Bills to customers for utility services shall be paid on or before the 20th day of the month following the month for which service was billed. If not paid by such date a penalty to be determined by the city council from time to time, shall be added thereto and paid therewith. If such charges are not paid by the 24th day of the month, service shall be discontinued on the 25th.

Section 11.5 **Service Charges; Transfer Fee.**

- a. Service charges for utility service will be determined from time to time by the city council.
- b. Service charges are nonrefundable and a transfer fee set by the city council may

be charged for customers with city utility services who move from one location to another with the same services.

Section 11.6 **Adjustment of Charges.**

a. If the consumer believes his bill to be in error, he shall present this claim in person at city hall before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as provided in this article. The consumer may pay such bill under protest and the payment shall not prejudice his claim.

b. The city will make a special water meter reading at the request of a consumer for a fee set by the city council from time to time; provided, however, that if such special reading discloses that the meter was over-read, no charge will be made.

c. Water meters will be tested at the request of the consumer upon payment to the city of the actual costs of making the test; provided, however, that if the meter is found to over-register beyond three percent of the correct volume, no charge will be made.

d. If the seal of a meter is broken by other than the city's representative or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his previous bills and/or from other proper data.

Section 11.7 **Deposits.**

a. Deposits for utility service will be set by the city council from time to time.

b. There will be no waiver of deposits by the city. Deposits will apply to the final bill or a check remitted to the customer at termination of utility services.

c. In case any customer who has made the deposit provided for in paragraph (a) of this Section fails to pay any water charges when due, then the charges due the city shall be deducted from the deposit and such customer shall be disconnected from service unless the required deposit has been restored to the required amount, and, in such event, the unused portion of the deposit shall be returned to the customer upon application if the customer does not desire to restore the deposit and secure connection and service.

Section 11.8 **Reconnection Charge after Cutoff for Nonpayment of Charges.**

The charge for reconnection after cutoff for nonpayment of a utility account shall be set by the city council from time to time.

Section 11.9 **Meter Tampering Charges.**

Meter tampering charges will be set by the city council from time to time and provide for

a first and second offense penalty.

Section 11.10 **Utility Payment Extensions.**

a. *Payment extension request.* Customers may receive two extensions for payment during each calendar year. Each payment extension request is to be filed, in person, by the customer on a form available at the office of the city clerk. Each payment extension request must be filed at the office of the city clerk no later than the payment due date.

b. *Failure to submit payment.* Utility extensions shall be payable no later than 14 calendar days after the due date. At that time, the customer shall be required to submit payment, in full, for all outstanding payment balances. Failure to submit payment, in full, will result in disconnection of utility services.

Section 11.11 **Temporary Utility Service.**

Temporary utility service shall be made available for the purposes of new construction, remodeling, and/or premise clean-up. Each temporary utility service request is to be filed, in person, by the owner, agent or contractor for the owner on a form available at the office of the city clerk. Temporary utility service charges are due and payable at the time of the request. Temporary service charges shall be set by resolution of the city council.

Section 11.12 **Same Day Service.**

Applications for the provision of sanitation, utility services must be completed with all fees paid by 1:30 p.m. for same day service. Same day service is provided Monday through Friday, excluding holidays, nights, and weekends. After-hour service may be available at the rate set by resolution of the city council.

Section 11.13 **Deceased Persons.**

Utility services shall not be activated or continued in the name of the deceased person. Accounts in the names of deceased persons shall be terminated by the city and deposits returned, if applicable, to the deceased person's estate minus payment for outstanding utility charges.

Section 11.14 **Reserved.**

Section 11.15 **Connection to Water System, Sewer System and Utilities Before**

a. No structure in the City of Coolidge may be inhabited without first connecting that structure to the City of Coolidge water system or providing utility services in a manner approved by the Thomas County Health Department and consistent with the ordinances of the City of Coolidge.

b. Notwithstanding that any structure or property within the City may be rented or

leased to the occupant, the owner shall be responsible for the providing of water and sanitary sewers and shall require that such services are provided prior to the occupation by a renter or lessee of the structure.

Sections 11.16 - 11.30

Reserved.

ARTICLE II. WATER AND SEWER SERVICE.

Section 11.31 **Connection Fee.**

Each consumer subscribing to use the water and sewer service of the city shall pay a water and sewer connection fee set by the city council from time to time.

Section 11.32 **Service for Each Lot.**

Water furnished for a given lot shall be used on that lot only and, except for fire protection, the city shall not under any conditions furnish water free of charge to anyone.

Section 11.33 **Responsibilities of City.**

a. *Installation of service line.* the city shall run a service line from its distribution line to the property line where the distribution line exists or is to be constructed and runs immediately adjacent and parallel to the property to be served. No service charge, other than the connection fee referred to in section 11-31, will be made for a five-eighths-inch by three-fourths-inch meter. A proportionately greater charge will be made for a meter of larger dimensions.

b. *Extensions.* The city may make connections to service other properties not adjacent to its lines upon payment of reasonable costs for the extensions of its distribution lines as may be required to render such service.

c. *Installation of meter.* The city may install its meter at or near the property line or, at the city's option, on the consumer's property within three feet of the property line.

d. *Cross connection control.* The city reserves the right to refuse service unless the consumer's lines or pipings are installed in such a manner as to prevent cross connections or backflow.

e. *Notice of anticipated interruptions of service.* Under normal conditions, the consumer will be notified of any anticipated interruptions of service by the city.

Section 11.34 **Responsibilities of Consumer.**

a. *Use of water.* Water furnished by the city shall be used for consumption by the consumer, members of his household and employees only. The consumer shall not sell water to any person or permit any other person to use such water. Water shall not be used for irrigation, fire protection, or other purposes except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard for this rule shall be sufficient cause for refusal and/or discontinuance of service.

b. *Access to meter.* Where a meter or meter box is placed on the premises of a consumer, a suitable place shall be provided by the consumer therefor, unobstructed and

accessible at all times to the meter reader.

c. *Cutoff valve.* The consumer shall furnish and maintain a private cutoff valve on the consumer's side of the meter.

d. *Consumer's piping and apparatus.* The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with the sanitary regulations of the state department of natural resources.

e. *Agreement regarding private wells.* In order to be received as a consumer and entitled to receive water from the city's water system, all applicants must offer proof that any private wells located on their property are not physically connected to the liens of the city's water system, and all applicants by becoming consumers of the city covenant and agree that so long as they continue to be consumers of the city they will not permit the connection of any private wells on their property to the city's water system.

Section 11.35 **Access to Premises.**

a. Duly authorized agents of the city shall have access at all hours to the premises of the consumer for the purpose of installing or removing city property, inspecting piping, reading and testing meters, or any other purpose in connection with the water service and its facilities, and the sewer service and its facilities.

b. Extensions to the system shall be made only when the consumer shall grant or convey, or shall cause to be granted or conveyed, to the city a permanent easement of right-of-way across any property traversed by the water and sewer lines.

Section 11.36 **Change of Occupancy.**

Not less than three days' notice must be given, in person or in writing, at the city hall to discontinue water and sewer service or to change occupancy. The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer. The new occupant shall apply for water service within 48 hours after occupying the premises, and failure to do so will make him liable for paying for the water consumed since the last meter reading.

Section 11.37 **Right of City to Suspend Service Without Notice.**

The city reserves the right to discontinue its water or sewer service without notice for the following additional reasons:

1. To prevent fraud or abuse.
2. Consumer's willful disregard of the city's rules.

3. Emergency repairs.
4. Insufficiency of water supply due to circumstances beyond the city's control.
5. Legal processes.
6. Direction of public authorities.
7. Strike, riot, fire, flood, or unavoidable accident.

Section 11.38 **Water Meter Required; Installation.**

a. No person shall be furnished with water for any purpose from the city unless such person shall have and pay for such water meter as shall be prescribed and provided by the mayor and council for the purpose of measuring the quantity of water used by such person on his premises.

b. All meters shall be of the make and kind as shall be prescribed by the mayor and council and shall be connected at the place and in the manner prescribed by rule of the mayor and council.

Section 11.39 **Cutoff Between Meter and Premises.**

A cutoff shall be installed between the meter and the premises served, by the customer.

Section 11.40 **Tap Fees and Service Charges.**

The amount for each of the following rates and other charges will be set from time to time by the city council. These charges shall apply to customers of the city who use water and/or sewer services provided by the city.

1. *Water tap fees plus backflow prevention costs.* The city council shall set fees and costs for each of the following tap sizes: three-fourths inch, one inch, one and one-half inches, and two inches.
2. *Water rates inside city limits.* The city council shall set the following rates from time to time. The rates apply to all residential and commercial customers who reside inside the city limits.
 - (a) Residential customers:
 - (1) Monthly service charge.
 - (2) All water consumption (per 1,000 gallons).

- (b) Commercial customers:
 - (1) Monthly service charge.
 - (2) All water consumption (per 1,000 gallons).

3. *Sewer rates inside city limits.* Sewer rates will be calculated on the basis of water consumed by users, and the following rates will be established by the city council from time to time:

- (a) Residential customers:
 - (1) Zero to 2,000 gallons per month.
 - (2) All over 2,000 gallons (per 1,000 gallons).
- (b) Commercial customers:
 - (1) Zero to 2,000 gallons per month.
 - (2) All over 2,000 gallons (per 1,000 gallons).

Notwithstanding whether or not there is a connection to the city water system any lot upon which a structure is located shall be charged an access fee no greater than the minimum charge for water as adopted by the Mayor and Council from time to time.

4. *Water rates outside city limits.* The city council shall set the following rates from time to time. The rates will apply to all residential and commercial customers who reside outside the city limits. Sewer rates do not apply.

- (a) Residential customers:
 - (1) Monthly service charge.
 - (2) All water consumption (per 1,000 gallons).
- (b) Commercial customers:
 - (1) Monthly service charge.
 - (2) All water consumption (per 1,000 gallons).

5. *Sewer tap fees.* The city council will establish sewer tap fees from time to time.

Section 11.41 **Industrial Sewer Users.**

a. Where industrial waste and process waste is domestic in nature and all water is purchased from the city, the industry will pretreat waste as required by the state department of natural resources and Article III of this chapter. A flowmeter will not be required if water meter readings are used, but a manhole and automatic sampler will be installed by the industry the cost of sampling and testing will be borne by the industry.

b. Where industrial waste and process waste is domestic in nature and no water or only a portion of the water used is purchased from the city, the industry will pretreat waste as required by the state department of natural resources and article III of this chapter. A manhole, flowmeter and automatic sampler will be installed by the owner.

c. Special cases must meet the requirements of the state department of natural resources and Article III of this chapter. Rates will be negotiated.

Section 11.42 **Use of Water Without Permission.**

It shall be unlawful for any person, not a regular consumer of water from the city or acting under direction or permission of a regular consumer, to obtain or use, for any purpose whatsoever, save for the extinguishment of fire, water from the faucets, pipes or fixtures placed in or on any lot or building for the use of a regular consumer.

Section 11.43 **Private Resale of Water.**

The private sale of water by a consumer shall be and is hereby prohibited.

Section 11.44 **Multiple Use Water Taps Prohibited.**

No multiple use water taps are permitted in the city.

Section 11.45 **Fire Protection Pipes.**

Pipes erected in buildings for fire protection must have their outlets sealed. As no charge is made for the use of water in extinguishing fires, whenever the seals of such outlets have been broken, the consumer must notify the city, so that the seal can be renewed.

Sections 11.46 - 11.70 **Reserved.**

ARTICLE III. WASTEWATER DISPOSAL; SEWER USE

Division 1. Generally.

Section 11.71 Definitions.

The following words, terms and phrases, when used in this article, 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 Environmental Protection Agency approved laboratory procedure in five days at 20 degrees 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 the 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 taps 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 such system. Such term shall include 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 director of the county board of health or other person designated by the county board of commissioners and their duly appointed assistants.

Industrial wastes means the wastewater from industrial processes, 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 operation of the water and sanitary sewer system 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 or surface of groundwater.

Normal wastewater means wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids is not more than 350 milligrams per liter, BOD₅ is not more than 300 milligrams per liter, total phosphorous is not more than 15 milligrams per liter, total Kjeldahl nitrogen is not more than 20 milligrams per liter, and 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 a hinged flytight seat and lid.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch 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 or filtered.

Sewage means the spent water of a community. The equivalent term is “wastewater,” as defined in this section.

Sewage works and *sewerage* mean all facilities for collection, 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 or flow during normal operation and which adversely affects the collection system and/or performance of the wastewater facilities.

Storm drain and *storm sewer* mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source and which excludes sewage and industrial wastes other than unpolluted cooling water.

Superintendent means the public works department head or his authorized deputy, agent or representative.

Suspended solids mean 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 Environmental Protection Agency, and is 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.

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

Section 11.72 **Penalty; Additional Remedies; Order to Correct Violation.**

a. *Penalty; liability for expenses or damages.* Violations of this article shall be a misdemeanor punishable under section 1-10. Each day of continuing violation shall be considered a separate offense. Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of violation.

b. *Notice of violation; order to correct violation.* In the event of violation of this

article, 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 the notice or order shall be prima facie evidence thereof and failure of the owner or owners to receive the notice or order shall in no way affect the validity of any proceedings conducted pursuant to this article.

c. *Failure to comply with order.* Failure to comply with any written order duly issued by the health officer or the city pursuant to this article will constitute a separate misdemeanor and, upon conviction thereof, shall be punishable as provided by section 1-10. Compliance with this article is required notwithstanding the fact that a written order might not have been issued.

d. *Additional remedies.* The violation of any provisions of this article 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. *Right to hearing; conduct of hearing.* Upon receipt of a notice of a violation of this article and/or an order of the city requiring an act or thing to be done or to cease, the owner of any premises then in question may, in writing, demand a hearing to present the evidence challenging the validity of the city's order. The owner may appear in person, by agent, or by attorney. Such demand must be filed with the city clerk 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 the hearing, to be not less than 21 days from the date of filing of the demand. The hearing provided for in this subsection shall apply to any customer's complaint, dispute, or challenge of the city's rules, regulations, resolutions, ordinances, or policies. Upon a customer's written complaint filed with the city clerk, the municipality shall set a hearing as provided in this subsection or at a time agreed upon by the parties.

f. *Evidence at hearings.* Evidence before the city at 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 evidentiary purposes.

g. *Conflicts between decision of city and health officer.* For the purpose of this article, the decisions of the city will prevail in any instance in which there is a conflict between it and the health officer on any issue of sanitation, or lack of it, and its effect on human health or well-being.

Section 11.73

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 purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer system in accordance with the provisions of this article.

b. While performing the necessary work on private properties referred to in this section, 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 such 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 article.

c. Duly authorized employees or agents of 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 facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 11.74

Compliance with State and Federal Regulations.

The provisions of this article shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to PL 95-217, the federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, shall be considered as a part of this article upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in 40 CFR 403.

Section 11.75

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 municipality any wastewater or other polluted water, 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 the provisions of this article.

d. Except as provided in this article, 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 in the future be located a public sanitary sewer of the municipality, are hereby required at the owner's 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 article, within 30 days after the date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

f. All sinks, dishwashing machines, lavatories, basins, shower-baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided that, where no sewer is available, septic tanks or other private subsurface disposal facilities approved by the health officer may be used.

g. No building shall be constructed without provisions for and connection to the public sewer at the owner's sole expense.

Section 11.76 **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 processes 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 domestic 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 shall be made by notification deposited in the United States mail.

Section 11.77 **Damaging or Tampering with Wastewater Facilities.**

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 the charge of disorderly conduct.

Section 11.78 **Discharge to Treatment Works under Jurisdiction of Other Governing Authority.**

If a wastewater discharge is made to a publicly owned treatment works under the jurisdiction of an approved sewer use ordinance for another governing authority, the more restrictive requirement shall prevail.

Sections 11.79 - 11.100 **Reserved.**

Division 2. Private Wastewater Disposal Facilities.

Section 11.101 **Use Required When Public Sewer Is Not Available.**

Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the city and the state Department of Public Health.

Section 11.102 **General Standards for Septic Tanks.**

Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the health officer. Septic tanks shall be maintained in sanitary working order.

Section 11.103 **Permit.**

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.

Section 11.104 **Specifications.**

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the state department of natural resources. 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 permitted under state law. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 11.105 **Use Restricted.**

No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, or in any place where the health officer deems the use of such facility to be a menace to human health or well-being.

Section 11.106 **Abandonment and Connection to Public Sewer.**

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. Any septic tanks, cesspools and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.

Section 11.107 **Responsibility for Operation and Maintenance.**

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

Section 11.108 **Location.**

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.

Section 11.109 **Flush Toilets.**

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.

Section 11.110 **Pit Privies.**

- a. No pit privy shall be installed within the city limits.
- b. No pit privy shall be maintained within the city limits.

Section 11.111 **Discharge of Contents of Septic Tanks into Sewer System.**

a. *Restricted.* It shall be unlawful to empty, dump, throw or otherwise discharge into any manhole, catchbasin, or other opening into the sewer system, or any system connected with and discharging into the sewer system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided in subsection (b) of this section.

b. *Permit.* 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.

c. *Fee.* A charge shall be made for the privilege of dumping the contents of septic tanks, as established by the city council from time to time. 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.

Section 11.112 **Correction of Unsanitary Conditions.**

Any premises having 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 the system is not functioning in a sanitary manner and ordering that the system be corrected.

Section 11.113 **Premises with Private Water Systems.**

Premises with private water systems shall not be connected with the public sewer system.

Section 11.114 **Additional Requirements.**

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer.

Sections 11.115 - 11.130 **Reserved.**

Division 3. Building Sewers and Connections.

Section 11.131 **Permit Required for Work Involving Public Sewers.**

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.

Section 11.132 **Application for Connection.**

The owner or his agent shall make application for connection to the public sewer on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other inspection fee as established by the city council from time to time shall be paid at the time the application is filed.

Section 11.133 **Payment of Costs.**

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 municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 11.134 **Separate Building Sewer Required for Each Building; Exception.**

A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the municipality does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

Section 11.135 **Use of Old Building Sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Director of Public Works, to meet all requirements of this article.

Section 11.136 **Specifications for Building Sewer.**

The size, slope, alignment, and 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 codes 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 Environment Federation (WEF) Manual of Practice No. 9 shall apply. Additionally, the following materials and methods shall apply to building sewers within municipality supervision:

1. The building sewer shall be cast iron soil pipe, ASTM Specification A47, 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 Specification D3034, latest revision. All joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe or ductile iron pipe with bolted

mechanical joints which may 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 Specification C, 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 in accordance with the requirements of ASTM C-564. Push-on joints for ductile iron pipe shall also have neoprene gaskets and be installed according to the manufacturer's recommendations. PVC pipe joint material shall be 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 gaskets 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.

Section 11.137 **Elevation of Building Sewer.**

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.

Section 11.138 **Connection of Source of Surface Runoff or Groundwater to Sanitary Sewer.**

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.

Section 11.139 **Supervision and Testing of Connection.**

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

Section 11.140 **Excavations.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Section 11.141 **Definition of Sewer Availability and Establishment of Fees and Costs.**

The city will define the availability of sewers and any costs associated with sewer permits or construction.

Section 11.142 **Specifications for Connection.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city of the procedures set forth in appropriate specifications of the American Society for Testing

and Materials (ASTM) and Water Environment Federation (WEF) 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.

Section 11.143 **Infiltration and Inflow Control.**

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.

Sections 11.144 - 11.160 **Reserved.**

Division 4. Restricted Use of Public Sewers.

Section 11.161 **Discharge of Unpolluted Water to Sanitary Sewer.**

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.

Section 11.162 **Discharge of Sanitary Wastewater to Storm Sewer.**

No person shall discharge or cause to be discharged any sanitary wastewater into a storm sewer system.

Section 11.163 **Prohibited Discharges.**

No person shall discharge or cause to be discharged any of the following described water or waste 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, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 11.164 **Restricted Discharges.**

a. The following described substances, material, waters, or waste 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 at the publicly owned treatment works 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 products 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 (zero 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. Any waters or waste containing taste or odor producing substances exceeding limits which may be established by the city.

6. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.
7. Quantities of flow, concentrations, or both which constitute a slug.
8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable 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.
9. Any water or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
10. 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 milligrams per liter), chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the sewage treatment plant.

b. All industrial discharges to the city sewer system must comply with the federal industrial pretreatment standards (40 CFR part 403) and those industrial pretreatment standards developed by the state environmental protection division.

Section 11.165 **Acceptance of Restricted Wastes.**

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 section 11-163 and which in the judgement of the city may have 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 to the public sewers;
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.

Section 11.166 **Grease, Oil and Sand Interceptors.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors, the owners shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

Section 11.167 **Sampling Facilities.**

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.

Section 11.168 **Information to Be Provided by Industrial Users.**

Industrial users may be required to provide information needed to determine compliance with this article. 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 on the user's property showing sewer and pretreatment facility locations;
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.

Section 11.169 **Pretreatment of Wastes.**

a. Persons discharging industrial wastes into the sewer 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 regulations referred to in this section at all times.
2. *Equalization.* Holding tanks or equalization basins shall be required ahead of the receiving manhole of the city sewer system when deemed necessary by the superintendent to prevent peak flows that exceed the capacity of the system or that result in operational problems.

b. All pretreatment facilities shall be operated and maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 11.170 **Waiver of Requirements; Dilution of Wastewater.**

a. There shall be no provision for the granting of variances for discharge of incompatible wastes. If a user begins to violate any of the provisions of this division, it shall be his responsibility to apply to the public works department head, who may 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 permit and compliance schedule.

b. 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 article.

Section 11.171 **Discontinuance of Service for Noncompliance.**

Failure to comply with the provisions of this article shall be cause for the discontinuance of sewer or water services 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 waste which violate the city ordinances. If 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 such notice 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.

Section 11.172 **Responsibilities of Person Discharging Waste.**

Control manhole. It shall be the responsibility of the person discharging industrial waste into the city sewer 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 sewer 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. If 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. *Notification of changes in operation.* Contact the superintendent prior to operation changes which will materially alter the characteristics of the waste from the last prior sampling.
3. *Payment of surcharges.* Make timely, periodic payments to the city of surcharges for excessive loadings as detailed in the city user charge system.

Sections 11.173 -11.200 **Reserved.**

ARTICLE IV. WATER AND SEWER PROVISION AND LINE EXTENSIONS

Division 1.

Section 11.201 **Purpose.**

The purpose of this article is to provide uniform policies and procedures for the provision and extension of water and sanitary sewer service within and outside the corporate limits of Coolidge.

Section 11.202 **Water Main Extension.**

a. *Evaluation of extension request.* All applications for industrial/commercial water service that require the extension of a water main will be evaluated by the city or its consultant to determine the estimated cost of the proposed extension for submittal to the city manager for consideration. Based upon the availability of funds, the city manager shall make a recommendation to the city council to approve or disapprove any industrial/commercial application for water service that requires a water main extension. A water main extension evaluation fee as set by resolution of the city council shall be required of the applicant at the time of application for water service requiring a water main extension. This fee is to defray the costs associated with the development of the estimated costs of the extension. The fee will be applied to the costs of the extension should it be undertaken; otherwise, the fee shall be forfeited. Cost estimates shall not be binding upon the city. Water main extension evaluations shall be considered for industrial and commercial projects with extraordinary economic development impact. Residential projects shall not be considered for water main extension by the city.

b. *Extension inside corporate limits.* Within the corporate limits, the city may extend the water main to the developer's property line or a distance of 300 feet or less at no cost to the developer. For extensions in excess of 300 feet, the developer shall be required to extend the water main at his own expense with his own forces to his property. The developer shall be responsible for 100 percent of the costs of the water main extension including all planning, engineering, and construction costs. The city shall not make provision or conduct any water infrastructure work inside the developer's property. Residential projects shall not be considered for water main extension by the city.

c. *Extension outside corporate limits.* Outside the corporate limits of the city, the developer is responsible for 100 percent of the costs of the water main extension including all planning, engineering, and construction costs. Construction of the water main extension shall be done by a licensed contractor in strict accordance with city standards for design, construction, material and workmanship. The work will be inspected by the city before being accepted into the city for perpetual maintenance. The city manager may approve an exception to this policy based upon the developer's binding agreement to have his property annexed in the city at the city's convenience, at which case the provisions of subsection (b) hereof shall apply. Residential

projects shall not be considered for water main extension by the city.

d. *Basin specific fee.* If the city undertakes, at its expense, a water system project to provide service for any existing and un-served residential area, the city manager shall require a basin specific fee to be assessed against each new customer who connects to the system to recoup the total costs of the project. The fee shall be based upon the number of equivalent residential units (ERU) the project is designed to serve and shall recover 100 percent of the cost of the water system improvement project.

e. *Other related costs.* All costs of easements, jacking, and/or boring, fire hydrants and other related costs which may be required for the water main extension are the responsibility of the developer. The city shall have no obligation or responsibility for the costs on any on-site facilities either inside or outside the corporate limits.

f. *Installation of fire hydrants.* All water main extensions shall include the installation of fire hydrants at a distance of not more than 500 feet apart. The cost of the hydrants and related appurtenances shall be paid for by the developer in accordance with the provisions herein and applicable resolutions of the city council.

g. *Minimum main size.* All water main extensions shall be a minimum of eight inches. The city may, at its discretion, require the installation of water mains larger than eight inches, in which case, the city will be responsible for any additional costs of the extension, directly related to the requirement for increased capacity.

h. *Developer pays required costs.* Prior to any application being approved by the city manager and the work authorized, the developer shall pay all estimated costs required under the provisions of these regulations. Any differences between the estimated and actual costs shall be reconciled as necessary upon project completion.

i. *Proportionate share.* If a water main extension project provides water capacity to other property owners abutting said extension, such other property owners shall be required to pay the city their proportionate share, if any, of the costs of the extension borne by the original developer on a front footage basis before connection to said extension. The charges collected, will be refunded by the city to the original developer, but in no case will refunds exceed the amount paid by the original developer. Any refunds due to the original developer will be paid without interest, on or about February 1 and on or about October 1, as appropriate.

j. *Liability for refunds.* All liability for payment of refunds by the city shall cease seven years from the date of payment by the developer for water main extension. The assignment by the developer of any money due under the provisions of this refund policy without the written consent of the city is prohibited.

k. *Connection Charge.* If a water main is extended, either inside or outside the corporate limits, the costs of which is paid in part or in full by the city or dedicated to the city, developers who wish to connect to the main shall be required to pay a connection charge in

addition to the meter installation fee as referenced in the fee schedule. The connection charge shall be the developer's proportionate share on a footage basis, of the cost of the extension. If the water main installation is larger than eight inches, the developer shall be required to pay only its proportionate share of the cost of an eight-inch main.

l. *Ownership and maintenance.* All water mains extended under the provisions of these regulations, whether inside or outside the corporate limits, shall become the sole property of the city upon connection with the city water system and shall thenceforth be maintained by the city.

m. *Best interest of the city.* Anything in these regulations to the contrary notwithstanding, the city at its sole discretion, shall have the right to disapprove any application for water service when it determines that it is not in its best interest to do so based on monetary or manpower constraints or on other consideration such as the availability of water supply. Furthermore, the city reserves the right to extend its water system on a planned basis in the best interest of orderly growth.

Sections 11.203 -11.220 **Reserved.**

Division 2.

Section 11.221 **Sanitary Sewer Main Extension.**

a. *Evaluation of extension request.* All application for industrial/commercial sanitary sewer service that require the extension of a sanitary sewer will be evaluated by the city or its consultant to determine the estimated cost of the proposed extension for submittal to the city manager for his consideration. Based upon the availability of funds, the city manager shall make a recommendation to the city council to approve or disapprove any industrial/commercial application for sanitary sewer service that requires a sewer main extension. This fee is to defray the costs associated with the development of the estimated costs of extension. The fee will be applied to the costs of the extension should it be undertaken; otherwise, the fee shall be forfeited. Cost estimates shall not be binding upon the city. Sewer main extension evaluations shall be considered for industrial and/or commercial projects with extraordinary economic development impact. Residential projects shall not be considered for sewer main extension by the city.

b. *Basin specific fee.* If the city undertakes, at its expense, a sanitary sewer system project to provide service for any existing and un-served residential area, the city manager shall require a basin specific fee to be assessed against each new customer who connects to the system to recoup the total costs of the project. The fee shall be based upon the number of equivalent residential units (ERU) the project is designed to serve and shall recover 100 percent the cost of the sanitary sewer system improvement project.

c. *Extension inside corporate limits.* Within the corporate limits, the city may extend the sewer to the developer's property line or a distance of 300 feet or less, at no cost to the developer. For extensions in excess of 300 feet, the developer shall be required to pay the

costs of the additional sanitary line extension to his property. The developer shall be responsible for 100 percent of the costs of the sanitary sewer extension including all planning, engineering, material, labor, equipment and pavement costs. The city shall not make provisions or conduct any sanitary sewer work inside the developer's property. Construction of the sewer extension shall be done by a licensed contractor in strict accordance with city standards. The work will be inspected by the city before acceptance into the city system. Residential projects shall not be considered for sewer main extension by the city.

d. *Extension outside the corporate limits.* Outside the corporate limits of the city, the developer shall be responsible for 100 percent of the costs of the sanitary sewer extension including all planning, engineering, material, labor, equipment and pavement costs. Construction of the sewer extension shall be done by a licensed contractor in strict accordance with the city standards. The work will be inspected by the city before acceptance into the city system. The city manager may approve an exception to this policy based upon the developer's binding agreement to have his/her property annexed into the city at its convenience, in which case the provisions of subsection (d) shall apply. Residential projects shall not be considered for sewer main extension by the city.

e. *Related costs.* All costs of easements, jacking, and/or boring, pump stations or other related costs which may be required for the sanitary sewer extension shall be the responsibility of the developer. The city shall have no obligation or responsibility for the costs of any on-site facilities either inside or outside the corporate limits.

f. *Minimum main size.* All sanitary sewer extensions shall be a minimum of eight inches. The city shall not participate in sanitary sewer extensions that require sewer lines less than eight inches in diameter. The city may, at its discretion, require the installation of a sanitary sewer line larger than eight inches, in which case the city will be responsible for the additional costs resulting from the increased line capacity.

g. *Developer pays required costs.* Prior to the application being approved by the city manager and the work authorized, the developer shall pay all estimated costs required under the provisions of these regulations. Any difference between actual and estimated costs of the extension, either upward or downward, shall be reconciled as necessary upon project completion.

h. *Proportionate share.* If a sanitary sewer extension makes sewer available to other property owners abutting said extension, such other property owners shall be required to pay to the city their proportionate share, if any, of the cost of the extension borne by the original developer on a front foot basis before permission is granted to connect to said extension. The charges collected will be refunded by the city to the original developer, but on no case will the refunds exceed the amount paid by the original developer.

i. *Liability for refunds.* All liability for payment of refunds by the city shall cease seven years from the date of payment by the developer for sanitary sewer extension. The assignment by the developer of any money due under the provisions of this refund policy without the written consent of the city is prohibited.

j. *Connection charge.* If a sanitary sewer is extended, either inside or outside the corporate limits, and if the costs of which is paid in part or in full by the city or dedicated to the city, applicants who wish to connect to the sewer shall be required to pay a connection charge in addition to the sanitary sewer installed is larger than eight inches, the applicant shall be required to pay only its proportionate share of the cost of an eight-inch sewer.

k. *Sewer tap fee required.* At the time of application for sanitary sewer service, the applicant shall also pay a sewer tap fee in accordance with rates set by resolution of the city council. All sanitary sewer connections made to a sanitary sewer larger than eight inches shall be made only at a manhole. If a suitable manhole is not available, the cost of a new manhole shall be required of the applicant in addition to the sewer tap fee stated above.

l. *Ownership and maintenance.* All sanitary sewer mains extended under the provisions of these regulations, whether inside or outside the city shall become the sole property of the city upon the connection with the city sewer system and shall thereafter be maintained by the city.

m. *Best interest of the city.* Anything in these regulations to the contrary notwithstanding, the city in its sole discretion, shall have the right to disapprove any application for sanitary sewer when it determines that it is not in its best interest to do based on monetary or manpower constraints or on other considerations such as inadequate wastewater treatment capacity. Furthermore, the city reserves the right to extend its sanitary sewer system on a planned basis in the best interest of orderly growth.

Sections 11.222 - 11.230

Reserved.

ARTICLE V. OUTDOOR WATER USE.

Section 11.231 **Definitions**

"*Address*" means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes a physical location of a specific property. "Even numbered address" means a house number ending with the number 0, 2, 4, 6, 8, or no house number. "Odd numbered address" means a house number ending with the number 1, 3, 5, 7, or 9.

"*Declared drought response level*" means one of four levels of drought that can be declared based on the severity of drought conditions, with one being the least severe and four being the most severe.

Section 11.232 **Outdoor Irrigation during Non-drought Periods**

Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 P.M. and 10:00 A.M.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- a. Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, turkeys, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apian productions or as otherwise defined in O.C.G.A. § 1-3-3;
- b. Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;
- c. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- d. Use of reclaimed waste water by a designated user from a system permitted by the Environmental Production Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- e. Watering personal food gardens;
- f. Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of thirty (30) days immediately following the date of installation;

- g. Drip irrigation or irrigation using soaker hoses;
- h. Hand watering with a hose with automatic cutoff or handheld container;
- i. Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- j. Watering horticultural crops held for sale, resale, or installation;
- k. Watering athletic fields, golf courses, or public turf grass recreational areas;
- l. Installation, maintenance, or calibration of irrigation systems; or
- m. Hydroseeding.

Section 11.233 **Outdoor Non-Irrigation Use Schedule During Non-drought Periods**

Except as provided in section 11.232 above regarding outdoor irrigation activities, and except as exempted in section 11.235 below, outdoor water use shall occur only as follows:

- a. Odd-numbered addresses: outdoor water use is allowed on Tuesday, Thursdays and Sundays.
- b. Even-numbered addresses: outdoor water use is allowed on Mondays, Wednesdays and Saturdays.

Section 11.234 **Outdoor Water Use Schedule During Declared Drought Response Levels**

The City shall enforce Drought Response Levels as declared by the Director of the Environmental Protection Division.

- a. *Declared Drought Response Level One.* Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m. and 4:00 p.m. to 12:00 midnight.
 - 1. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays and Sundays.
 - 2. Scheduled days for even-numbered addresses are Mondays, Wednesdays and Saturdays.
 - 3. Use of hydrants for any purpose other than firefighting, public health, safety or flushing is prohibited.

b.. *Declared Drought Response Level Two.* Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m.

1. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays and Sundays.
2. Scheduled days for even-numbered addresses and golf course fairways are Mondays, Wednesdays and Saturdays.
3. The following uses are prohibited:
 - (a) Using hydrants for any purpose other than firefighting, public health, safety or flushing.
 - (b) Washing hard surfaces, such as streets, gutters, sidewalks and driveways except when necessary for public health and safety.

c. *Declared Drought Response Level Three.* Outdoor water use may occur on the scheduled day within the hours of 12:00 midnight to 10:00 a.m.

1. The scheduled day for odd-numbered addresses is Sunday.
2. The scheduled day for even-numbered addresses and golf course fairways is Saturday.
3. The following uses are prohibited:
 - (a) Using hydrants for any purpose other than firefighting, public health, safety or flushing.
 - (b) Washing hard surfaces such as streets, gutters, sidewalks, driveways, except when necessary for public health and safety.
 - (c) Filling installed swimming pools except when necessary for health care or structural integrity.
 - (d) Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, golf carts.
 - (e) Washing buildings or structures except for immediate fire protection.
 - (f) Non-commercial fund-raisers, such as car washes.
 - (g) Using water for ornamental purposes, such as fountains, reflecting

pools, and waterfalls except when necessary to support aquatic life.

d. *Declared Drought Response Level Four.* No outdoor water use is allowed, other than for activities exempted in section 11.235 below, or as the EPD Director may order.

Section 11.235 **Exceptions to the rules in 11.234.**

a. The rules set forth in section 11.234 above shall not apply to the following outdoor water uses:

1. Capture and re-use of cooling system condensate or storm water in compliance with applicable local ordinances.
2. Re-use of gray water in compliance with applicable local ordinances.

b. The following established landscape water uses are exempt from the outdoor water use schedules of the rules set forth in section 11.234 above.

1. Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.
2. Irrigation of personal food gardens.

c. With respect to the rules set forth in section 11.234 above, newly (in place less than 30 days) installed landscapes are subject to the following:

1. Irrigation of newly installed landscapes is allowed any day of the week, but only during allowed hours for the drought response level in effect, for a period of 30 days following installation. No watering is allowed during Drought Response Level Four.
2. For new landscapes installed by certified or licensed professionals, commercial exemptions apply.

d. The following golf course outdoor water uses are exempt from the outdoor water use schedules of the rules set forth in section 11.234 above:

1. Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.
2. Irrigation of fairways during times of non-drought and Declared Drought Response Level One.
3. Irrigation of tees during times of non-drought and Declared Drought Response Levels One, Two and Three.

4. Irrigation of greens.

e. The following commercial outdoor water uses are exempt from the outdoor water use schedules of the rules set forth in section 11.234 above:

1. Professionally certified or licensed landscapers, golf course contractors, and sports turf landscapers: during installation and 30 days following installation only. Professional landscapers must be certified or licensed for commercial exemptions to apply.
2. Irrigation contractors: during installation and as needed for proper maintenance and adjustments only.
3. Sod producers.
4. Ornamental growers.
5. Fruit and vegetable growers.
6. Retail garden centers.
7. Hydro-seeding.
8. Power-washing.
9. Construction sites.
10. Producers of food and fiber.
11. Car washes.
12. Other activities essential to daily business.
13. Watering-in of pesticides and herbicides on turf.

Section 11.236 **Severability.**

The paragraphs, sentences, clauses and phrases of this article are severable. Should any section, paragraph, sentence, clause or phrase of this article be rendered invalid by any Court of law, the remaining paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by the City.

Section 11.237 **Enforcement.**

a. No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this article.

b. The City shall be the enforcement authority for this section. The Mayor or City Manager may also authorize other departments as may be deemed necessary to support enforcement.

c. Any violation of this section may also be enforced by a citation or accusation returnable to the Magistrate Court or by any other legal means set forth in this Code of Ordinances.

Sections 11.238 - 11.240 **Reserved.**