

BARNWELL CITY CODE

Chapter 32

UTILITIES*

* **State Law References:** Municipal utilities generally, S.C. Code 1976, § 5-31-610; municipality may purchase or construct utility systems and plants, S.C. Code 1976, § 6-21-50; "system" defined, S.C. Code 1976, § 6-21-40; authority to establish municipal sewerage system, S.C. Code 1976, § 5-31-810; authority to enact relevant ordinances concerning sewerage system, S.C. Code 1976, § 5-31-900; enumerated municipal powers regarding schedule of sewer service and connection fees, S.C. Code 1976, § 5-31-2030.

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ARTICLE I. IN GENERAL

Sec. 32-1. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, 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 standard laboratory procedure, five days at 30 degrees Centigrade, expressed in milligrams per liter and as further defined in standard methods.

Building drain means that part of lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five 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.

EPA means the United States Environmental Protection Agency.

Garbage means solid wastes from the domestic and commercial preparation of cooking and dispensing of food from the handling, storage and sale of produce.

Industrial wastes means the liquid waste from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

Natural outlet means any outlet into watercourse, pond, ditch, lake or other body of surface water or groundwater.

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

Properly shredded garbage means the waste from the preparation of cooking and dispensation of food that has 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 sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Sanitary sewer means a sewer which carries sewage to which stormwater, surface water and groundwater are not intentionally admitted.

Sewage means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Sewage treatment plant means any arrangement of the devices and structures used for treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer surcharge means a charge for sewer service and treatment service for wastes having characteristics different from sanitary wastes and for which additional charges must be assessed in order for the discharges to make compensation for additional expenses incurred in handling these different wastewaters.

Sewerage system or works means all facilities for collecting, pumping, treating and disposing of sewage or industrial wastewaters.

Slug means 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 15 minutes, more than five times the average 24-hour concentration occurring during normal operation.

Standard methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm drain or storm sewer means a sewer which carries stormwaters and surface waters and drainage but excludes sewage and industrial wastes.

Street means streets, avenues, drives, boulevards, roads, alleys, lanes, viaducts and all other public highways in the sanitary area.

Suspended solids means solids that either float on the surface of, or are in suspension, in water, sewage or other liquids which are removable by laboratory filtering and is further defined in standard methods.

Total solids means the sum of suspended matter, settleable matter and dissolved matter, both volatile and nonvolatile, and as further defined in standard methods.

Treatment works means all facilities for collecting, pumping, treating and disposing of sewage or industrial wastewaters.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(b) All other words shall be construed as having the meaning defined in Glossary Water and Sewage Control Engineering, published by the Water Pollution Control Federation, Washington, D.C., or by their general usage if undefined.
(Code 1989, § 17.201)

Sec. 32-2. Systems combined.

The waterworks and sewerage systems of the city are hereby combined into a single system to be known as the waterworks and sewerage systems of the city. The combined systems shall be under the supervision, direction and control of the city council.
(Code 1989, § 17.101)

Sec. 32-3. Applicability of chapter to persons living beyond city limits.

Persons living outside the corporate limits of the city, using the city's water and/or sewer service, shall be subject to the provisions of this chapter.

(Code 1989, § 17.308)

Secs. 32-4--32-24. Reserved.

ARTICLE II. CHARGES; DEPOSITS; SERVICE

Sec. 32-25. Uniform charges for services.

(a) There are hereby established uniform service charges, including penalties and other necessary charges, for water and sewer. The council may, by ordinance modify charges or adopt other rates or requirements. (See article VI of this chapter for rates.)

(b) The service charges, together with penalties and other charges, as may be determined from time to time by council, shall be on file in the clerk's office and are incorporated herein by reference.

(c) The service charges for water, sewer and sanitation shall be combined for billing purposes.
(Code 1989, § 17.301)

Sec. 32-26. Utility deposits.

(a) In addition to all other charges, fees or penalties provided for in this chapter, prior to commencement of water or sewer service, a consumer shall make a deposit with the city as provided in section 32-435.

(b) Deposits shall be refundable only after service has been disconnected and all water bills, sewage bills, city taxes and other debts which are due the city are paid.

(c) Deposits may be transferred from one location to another, provided all bills owing on the former location have been paid.

(d) Deposits shall remain on deposit with the city during continuation of service. In the event service is discontinued for any reason, the deposit may be applied to any indebtedness incurred by the consumer to the city. Service shall not be restored to the consumer, until the deposits shall have been made current.
(Code 1989, § 17.302)

Sec. 32-27. Differential rates for customers inside and outside city.

A differential in water and sewer rates for customers inside city and outside of the city, is expressly recognized, due to problems of maintenance and supply and are set forth in article VI of this chapter.

(Code 1989, § 17.303)

Sec. 32-28. Responsibility of owner when units are vacant.

It shall be the responsibility of the owner of any units to make payment of all water and sewer rates, fees and penalties if service is used when the units are vacant.
(Code 1989, § 17.304)

Sec. 32-29. Restoration of service after discontinuance.

(a) If for any cause, the water and/or sewer service of any consumer shall be cut off, the service shall not be renewed until the consumer shall pay, in advance, all charges due and owing, correct any default existing, pay for any damage incurred, and pay a late or reconnection fee as provided in section 32-434.

(b) If at any time a lock is broken on a water meter by a consumer and it is necessary for the city to remove the meter, the water consumer shall pay a charge, as provided in section 32-25(b), for removal and reinstallation of the meter, before service is renewed. The aforementioned requirement shall be in addition to all other charges, fees or penalties provided in this chapter.
(Code 1989, § 17.305)

Sec. 32-30. Special rates contracts.

The city may modify any water rates established by it by special contract, based on flat rates per month, or on other basis as may be approved by the council. All such contracts shall be in writing.
(Code 1989, § 17.306)

Sec. 32-31. Adoption of further regulations by ordinance.

The council may, by ordinance, adopt any other regulations as may, in its discretion, be considered advisable in the sale or servicing of water and/or sewer.
(Code 1989, § 17.307)

Sec. 32-32. Extension of system.

(a) *Requests for extensions.* Requests for extensions of the water and/or sewer lines of the city's water and sewerage system to property located either within or without the corporate limits shall be subject to approval of the city council.

(b) *Responsibility for construction and cost.* Responsibility for construction and cost of extensions of either water and/or sewer lines, either within or without the corporate limits of the city shall be as follows:

- (1) *Extensions of water and/or sewer lines.* Any person, firm or corporation requesting such extensions to his or its property shall employ a licensed contractor, approved by the city, to install such extensions and shall be responsible for all costs of such extensions; provided, however, that for extensions of water and/or sewer lines of less than 1,000 feet, the city may, in its discretion, install the extensions. The person, firm or corporation requesting such service shall be required to pay for all costs, including labor, materials and equipment.

(2) *Alternate procedure.* Any person, firm or corporation located within a densely populated area may, as an alternate procedure, petition the city council to install and pay for an extension of water and/or sewer lines to serve said area. Such petitions shall be considered by city council when developing capital improvement plans for the water and sewerage system during preparation of the city's annual budget on the basis of the following factors:

- a. City's overall plan of extension.
- b. City's projected growth area plan.
- c. Number of potential customers.
- d. Cost effectiveness.
- e. Engineering feasibility.
- f. Available funding.

(c) *Approval required; subdividers responsible for costs.* Subdividers of land, as defined in the subdivision requirements of the city, when extending water and/or lines within a subdivision, shall be required to have all such extensions installed by a licensed contractor, approved by the city, and shall be responsible for all costs of such extensions.

(d) *Design, plans and specifications.* The design, plans and specifications of all proposed extensions of water and/or sewer lines, and all proposed water and/or sewer lines to be installed within subdivisions shall first be submitted for approval by the city and any other governmental agency having jurisdiction thereof, including DHEC. The plans and specifications in this subsection shall be in compliance with the subdivision regulations, if applicable.

(e) *Acceptance of system by city.* Upon completion of the subdivision water and/or sewerage system, or installation of water and/or sewer lines, the owner or subdivider shall convey the system to the city, together with all necessary easements for access thereto, for purposes of operation and maintenance. The city shall accept the system or lines into the city system and thereafter operate and maintain the system at no further expense to the owner or developer.

(Code 1989, § 17.309)

Sec. 32-33. Mandatory connections.

Every residence or other building which is constructed within 250 feet of any water main or sewer collection line shall be connected thereto and shall utilize the same for water services and wastewater collection services on said premises. Such connections shall be forthwith made and for the purposes of the penal provisions hereof, each day during which such building shall not be connected to such water main or sewer collection line shall be a separate offense and punishable as hereinafter provided.

(Code 1989, § 17.311)

Secs. 32-34--32-54. Reserved.

ARTICLE III. SEWERS

Sec. 32-55. Required facilities.

No surface toilet or privy shall be constructed within the city. All toilets shall be connected with the sewer system of the city or shall be served by a septic tank of a type and design approved by the state board of health.

(Code 1989, § 17.401)

Sec. 32-56. Inspection and approval of septic tanks, etc.

All septic tanks or similar sewage disposal systems located within the city shall be of a type and character approved by the state board of health and shall be subject to inspection at any time by the health department of the city or state.

(Code 1989, § 17.402)

Sec. 32-57. Placement of private sewers to connect with public sewer.

Where there is no sewer in the street, and it is necessary to construct a private sewer to connect with a sewer in an adjacent street or avenue, it shall be laid outside of the curb, under the roadway of the street on which the house fronts, and not, when otherwise practicable, through the yards or under the houses.

(Code 1989, § 17.403)

Sec. 32-58. Unlawful discharge of pollutants.

(a) It shall be unlawful for any person, firm or corporation to discharge into any of the storm drains, storm sewers, ditches, or other drainage facilities of the city, sewage, industrial waste, pollutants or other wastes, as defined in the pollution control act of the state, and further, specifically including, but without limiting the generality, oil, gasoline, petroleum, wastes, pesticides and detergents, whether this matter is discharged directly into the drainage systems, or whether it be discharged onto the street or on private premises in a manner that it ultimately flows into any part of the drainage system.

(b) Each discharge of such materials shall be considered as a separate offense. Each day that a continuing discharge is made, after notice from the director of public works to discontinue the discharge, shall be considered as a separate offense. These criminal provisions are nonexclusive, and the right of the municipality to injunctive relief or abatement of or penalty for a nuisance shall not be affected.

(c) This section is supplemental to the South Carolina Pollution Control Act, is not in conflict therewith and does not limit any right of the municipality under the terms of that state legislation.

(Code 1989, § 17.404)

Sec. 32-59. Service connection requirements; denial or discontinuance of service.

(a) *Connections.* Requirements relating to sewer connections are as follows:

- (1) The city reserves the right to require any owner to install on his service connection a tank, check valve or valves, cock or gate valve, pressure regulator or other appliances apparatus or equipment of such type and design as is approved by the city.
- (2) The city reserves the right to require any change, alteration, substitution or addition to any such tank, etc., as aforesaid. Failure upon the part of the owner to comply with such requirements of the city within ten days after written notice to the owner, or within some agreed extension beyond such ten days also in writing, shall authorize the city, without further notice, to cancel the contract for such service and discontinue the same.
- (3) The city further reserves the right, at its option, and without notice, to discontinue its service to any premises where and when the continuance of the service to such premises will reduce or in any manner affect the efficiency of any of the rest of the city's system.

(b) *Denial or discontinuance of service by city.* Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued. The reasons shall be as follows:

- (1) Without notice in the event of a condition determined by the city to be hazardous or dangerous;
- (2) Without notice in the event of customer use of equipment in such a manner as to affect adversely the city's service to others;
- (3) Without notice in the event of unauthorized use of the city's service;
- (4) For customer-tampering with equipment furnished and owned by the city. The customer shall make every reasonable effort to prevent tampering and shall notify the city immediately of any tampering with, damage to or removal of any equipment;
- (5) For violation of and/or noncompliance with these rules and regulations;
- (6) For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulations by the city;
- (7) For failure of the customer to allow the city reasonable and safe access to its equipment;
- (8) For failure of the customer to provide the city with a deposit, upon demand by the city;
- (9) For failure of the customer to furnish permits, certificates and rights-of-way as necessary to obtain service or in the event such permissions are withdrawn or terminated;

- (10) For illegal and willful misuse of city's services by the customer;
 - (11) For molesting or tampering with any service or sewerage pipe, or for illegally making connection into any sewerage line for the disposal of drainage surface waters;
 - (12) The city shall not be required to furnish its sewerage service to any applicant who, at the time of such application, is indebted under an undisputed bill to the city for water or sewerage service or any other service previously furnished for such applicant or furnished any other member of the applicant's household;
 - (13) The customer's use of the city's service conflict with, or violates, order, ordinances or laws of this state or any subdivision thereof, or the United States Government.
- (c) *Notice to be given.* Before any sewerage service is disconnected, the city shall give ten days' written notice to the customer, with copies forwarded to the county health department. At the expiration of the ten day period, or at the expiration of same agreed extension beyond ten days, the customer's service may be discontinued by the city at any time without further notice. After the physical discontinuance of any sewerage service, the Division of Sanitary Engineering of the South Carolina Department of Health and Environmental Control (DHEC) shall be notified immediately of the action including the name and address of the customer.

(Code 1989, § 17.405)

Secs. 32-60--32-76. Reserved.

ARTICLE IV. WASTEWATER SYSTEM

DIVISION 1. GENERALLY

Sec. 32-77. 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:

Approving authority means the city administrator, mayor or their designated representative.

Biochemical oxygen demand (BOD) means a measure of the degree of pollutorial strength of wastes of any nature. The term "BOD," expressed in parts per million by weight, means the pounds of oxygen required to satisfy the five-day oxygen demand of a million pounds of domestic sewage or industrial wastes, or a combination of both when tested in accordance with 40 CFR 136.

Color means optical density at the visible wave length of maximum absorption.

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

Domestic sewage means liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

Garbage means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastewater means the liquid wastes from commercial and industrial processes and operations, as distinct from domestic sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution and indicates the strength of acidity or alkalinity of a substance. A pH value of 7.0 is considered neutral. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. pH below 7.0 is acid, pH above 7.0 is alkaline.

ppm means parts per million by weight expressed in pounds. One million pounds of water or sewage equals approximately 120,000 gallons.

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

Public sewer means a sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.

Publicly owned treatment works (POTW) means any arrangement of devices and structures owned by the city designed for treating sewage.

Receiving stream means that body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

Sanitary sewer means a sewer which carries sewage or polluted industrial wastes and to which stormwater, surface water and groundwater or unpolluted industrial waste are not intentionally admitted.

Septic tank means a private domestic sewage treatment system consisting of an underground tank, distribution box and drainfield designated and constructed in accordance with any and/or all existing local and state requirements.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be naturally present. The terms "sewage" and "wastewater" shall be considered equivalent terms, and may be used interchangeably.

Sewage treatment plant means any arrangement of devices and structures for treating sewage. The terms "sewage treatment plant" and "wastewater treatment plant" shall be considered equivalent, and may be used interchangeably.

Sewer means a pipe or conduit for carrying sewage.

Sewerage system means all facilities for collecting, conveying, pumping, treating and disposing of sewage. The terms "sewerage system" and "wastewater system" shall be considered equivalent, and may be used interchangeably.

Significant industrial user means any person discharging into the public sewer which:

- (1) Is subject to categorical pretreatment standards under 40 CFR 403.6;
- (2) Contributes a process wastestream which makes up five percent or more of the average dry weather capacity of the city's sewage treatment plant;
- (3) Discharges an average of 25,000 gallons per day or more of process wastewater; or
- (4) Has, in the opinion of the city, a reasonable potential to adversely affect the operation of the city's sewage treatment plant.

Significant noncompliance means a violation of discharge limitations that meet one or more of the following criteria:

- (1) Chronic violations in which 66 percent or more of all of the measurements taken during a six-month period exceed the limitation for the same parameter;

- (2) Technical review criteria (TRC) violation in which 33 percent or more of all the measurements taken during a six-month period exceed limitation by a magnitude of the TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease TRC = 1.2 for all other parameters, except pH);
- (3) Any violation of a discharge limitation which the city believes has caused alone or in combination with other discharges, interference or pass through;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the exercise of the city's emergency authority to halt or prevent such a discharge;
- (5) Any violation by 90 days or more after the scheduled date of any compliance schedule milestone contained in the wastewater discharge permit;
- (6) Failure to provide the required pretreatment program reports within 30 days of the due date;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the city consider to be significant.

Storm sewer or storm drain means a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and polluted wastes.

Subdistrict means any residential subdivision, real estate development, commercial, industrial or institutional complex.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids. All measurements, tests, and analysis shall be done in accordance with 40 CFR 136.

Wastewater means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be naturally present. The terms "wastewater" and "sewage" shall be considered equivalent terms, and may be used interchangeably.

Wastewater system means all facilities for collecting, conveying, pumping, treating and disposing of sewage. The terms "wastewater system" and "sewerage system" shall be considered equivalent, and may be used interchangeably.

Wastewater treatment plant means any arrangement of devices and structures for treating sewage. The terms "wastewater treatment plant" and "sewage treatment plant" shall be considered equivalent, and may be used interchangeably.

(Ord. No. 98-2, § 17.501(101)--(131), 2-2-1998)

Secs. 32-78--32-97. Reserved.

DIVISION 2. PROHIBITED USE OF PUBLIC SEWERS

Sec. 32-98. Pass through and interference prohibited.

No person shall discharge or cause to be discharged into any sewers any stormwater, surface water, uncontaminated groundwater, roof runoff, or subsurface drainage. No person shall discharge or cause to be discharged into any sewer any pollutant that will pass through or cause interference at the wastewater treatment plant.

(Ord. No. 98-2, § 17.502(201), 2-2-1998)

Sec. 32-99. Prohibited discharges; exceptions.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or waste into any public sanitary sewer:

- (1) Any clothing, rags, textile remnants or wastes, cloth, scraps, etc., except fibers, scraps, etc., which will pass through one-quarter-inch mesh screen or its equivalent in screening ability.
- (2) Any liquid or vapor in amounts which will inhibit biological activity at the treatment plant, resulting in interference or causing damage, but in no case in such quantities that the temperature exceeds 150 degrees at the city sewage system or 104 degrees at the treatment plant unless SCDHEC, upon request of the city, approves alternate temperature limits.
- (3) Any waters or wastes containing more than 100 parts per million by weight of fats, oils or grease.
- (4) Any liquids, solids, or gases which by reason of their nature or quality may cause a fire or explosion, hazard in the POTW or collection system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit using test methods specified in 40 CFR 261.21.
- (5) Any liquid wastes in which the suspended solids exceed 400 parts per million by weight, except as hereinafter provided for.
- (6) Any liquid wastes having a BOD of more than 250 parts per million except as hereinafter provided for.
- (7) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewerage system.
- (8) Any waters or wastes containing a poisonous or toxic substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.
- (9) Any waters or wastes containing suspended solids of such character and quantity that unusual

attention or expense will be required to handle such materials in the sewerage system.

- (10) Any garbage that has not been properly shredded.
- (11) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (12) Any materials which form excessive amounts of scum that may interfere with the operation of the sewerage system or cause undue additional labor in connection with its operation.
- (13) Any waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment.
- (14) Any waters or wastes containing lint in such quantities as to be detrimental to the sewerage system.
- (15) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutants concentrated which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24 hour concentration, quantities, or flow during normal operation.
- (16) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (17) Any trucked or hauled pollutants, except at discharge points designated by the approving authority.

(Ord. No. 98-2, § 17.502(202), 2-2-1998)

Sec. 32-100. Approving authority.

The approving authority, without limitation by other provisions of this article, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the city under approved conditions of pretreatment. The approving authority may prohibit entry of particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewerage system. The approving authority may revise or adjust specific discharge limits at any time to correct operational or maintenance problems at the wastewater treatment plant that are caused by the discharge of a particular material or pollutant. The approving authority may develop, implement and enforce discharge limits that may be more stringent than federal or state limits in order to meet the NPDES limits placed upon the wastewater treatment plant.

(Ord. No. 98-2, § 17.502(203), 2-2-1998)

Sec. 32-101. Pretreatment standards.

Upon the promulgation of any federal or state categorical pretreatment standards or individual standard, that standard, if more stringent than limitations imposed under this article shall immediately supersede the limitations imposed under this article.
(Ord. No. 98-2, § 17.502(204), 2-2-1998)

Secs. 32-102--32-130. Reserved.

DIVISION 3. PERMISSIVE USE OF PUBLIC SEWERS

Sec. 32-131. City right to inspect and require tap fee.

The city shall reserve the right to inspect and grant permission for all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any person. The tap fee shall be specified in attachment A of the ordinance from which this article is derived, and shall be periodically revised by necessary amendments.
(Ord. No. 98-2, § 17.503(301), 2-2-1998)

Sec. 32-132. Holding or storage tank for excessive volume of discharge.

Where necessary in the opinion of the approving authority, and whenever the total volume of sewage to be discharged by any person in any one day shall exceed 5,000 gallons, such person shall be required, at no expense to the city to construct holding or storage tanks in order to equalize the discharge over a 24-hour period. Such tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the sewer. The discharge rate shall be set by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the approving authority.
(Ord. No. 98-2, § 17.503(302), 2-2-1998)

Sec. 32-133. Pretreatment requirements.

Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of section 32-99, or where necessary in the opinion of the approving authority, the person discharging sewage shall construct or cause to be constructed at no expense to the city such preliminary handling or treatment as may be required to:

- (1) Reduce the BOD to 250 parts per million by weight, and the suspended solids to 400 parts per million by weight; or
- (2) Change the objectionable characteristics or constituents to come within the maximum limits provided for in section 32-99.

(Ord. No. 98-2, § 17.503(303), 2-2-1998)

Sec. 32-134. Approval required for plans of pretreatment facilities.

Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the approving authority and no construction of such facilities shall be commenced until such approval is obtained in writing. When required, a SCDHEC permit to construct shall be obtained, and a copy of said permit shall be provided to the approving authority. (Ord. No. 98-2, § 17.503(304), 2-2-1998)

Sec. 32-135. Maintenance of pretreatment facilities.

Where the preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the city. (Ord. No. 98-2, § 17.503(305), 2-2-1998)

Sec. 32-136. Sampling may be required.

Any person who is now discharging any sewage into the city public sewers may be required to make written application to the approving authority giving complete information as to the nature and characteristics of the sewage as determined by an analysis of a composite sample of the wastewater made by an independent laboratory. (Ord. No. 98-2, § 17.503(306), 2-2-1998)

Sec. 32-137. Change in nature or quantity of discharge.

Any person having been granted authority by the approving authority to discharge sewage into the city's public sewers and who shall change or cause to be changed the nature or quantity of such sewage, shall before making such change, receive the approval of the approving authority of such change and may be required to furnish the approving authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory. (Ord. No. 98-2, § 17.503(307), 2-2-1998)

Sec. 32-138. Written application required.

Any person who should wish to make such connection and discharge such sewage as described above, shall make written application to the approving authority and may be required to furnish the approving authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other provisions of this article. (Ord. No. 98-2, § 17.503(308), 2-2-1998)

Sec. 32-139. Grease, oil and sand separators or traps.

Grease, oil and sand separators or traps shall be provided when in the opinion of the approving authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private living quarters or dwelling units, but may be required for certain industrial or commercial establishments, public eating places, hospitals, hotels, schools, or other institutions. Such separators shall be readily accessible for inspection by the approving authority. The

separators shall be maintained and cleaned by the sewer user.
(Ord. No. 98-2, § 17.503(309), 2-2-1998)

Sec. 32-140. Control manhole.

Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage or other approved works, or if pretreatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the approving authority so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of the wastewater discharged.

(Ord. No. 98-2, § 17.503(310), 2-2-1998)

Sec. 32-141. Wastewater discharge permit required.

All significant industrial users proposing to connect or discharge to the sewerage system shall obtain a wastewater discharge permit before connecting to or contributing to the system.

(Ord. No. 98-2, § 17.503(311), 2-2-1998)

Sec. 32-142. Contents of permit.

Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge and sampling facilities;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Require the development of compliance schedules for the installation of pretreatment systems by the discharger or compliance with the pretreatment program requirements;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereof;
- (9) Requirements for notification of the city for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being

introduced into the wastewater treatment system;

(10) Requirements for notification of slug discharges;

(11) Other conditions as deemed appropriate by the city to ensure compliance with this article or state and federal pretreatment requirements; and

(12) Permission to discharge uncontaminated cooling water to the storm sewer.

(Ord. No. 98-2, § 17.503(312), 2-2-1998)

Sec. 32-143. Permit transfer.

Wastewater discharge permits are issued to a specific person for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. No. 98-2, § 17.503(313), 2-2-1998)

Sec. 32-144. Slug control plan.

If deemed necessary by the approving authority, the user shall prepare and submit a slug prevention and control program. The need for such a plan shall be evaluated by the city every two years.

(Ord. No. 98-2, § 17.503(314), 2-2-1998)

Sec. 32-145. Bypass.

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

Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. The term "severe property damage" does not mean economic loss caused by delays in production.

(b) *Permitted bypass.* A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.

(c) *Notification required.* Notification procedures as follows:

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the approving authority, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the approving authority of an unanticipated bypass that exceeds

applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The approving authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) *Bypass prohibited; exceptions.*

(1) Bypass is prohibited, and the approving authority may take an enforcement action against a user for a bypass, unless:

a. Bypass was unavoidable in order to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under subsection (c) of this section.

(2) The approving authority may approve an anticipated bypass, after considering its adverse effects, if the approving authority determines that it will meet the three conditions listed in subsection (d)(1) of this section.

(Ord. No. 98-2, § 17.503(315), 2-2-1998)

Secs. 32-146--32-173. Reserved.

DIVISION 4. SEPTIC TANK WASTE AT CITY TREATMENT PLANT

Sec. 32-174. Criteria for acceptance from unincorporated areas of county.

The city will accept septic tank waste generated and pumped from the unincorporated areas of the county upon the following criteria, terms, and conditions:

- (1) *Septic pH.* A representative sample of the septic waste shall have a pH reading between 5.5 and 9.0. This sample shall be measured by a wastewater treatment plant employee prior to disposal;
- (2) *Visible inspection.* A sample of at least one gallon shall be collected and presented by the pump truck hauler for a visual inspection by a wastewater treatment plant employee for verification that the waste does not have excessive grease, stormwater, landfill leachate, industrial waste or any other properties which may be detrimental to the wastewater treatment process. The result of this test is entirely at the discretion of the wastewater treatment plant;
- (3) *Volume verification.* The estimated volume of the waste to be disposed shall be verified by either reading the septic tanker trucks level indicator gauge, estimated based on the manifest tickets, assuming a full load, or other acceptable means the wastewater treatment plant operator deems appropriate;
- (4) *Origin of waste.* The septic hauler shall present load manifests that clearly indicate the location of each septic tank pumped that is part or all of the current load. The location shall be an address located in Barnwell County. The manifest shall also include an estimated volume of septic waste pumped from the respective location.

(Ord. No. 2008-001, § 1, 3-3-2008)

Sec. 32-175. City administrator approval required.

The city administrator is authorized to approve all shipments of septic waste from the unincorporated areas of the county based upon the criteria set forth in section 32-174.

(Ord. No. 2008-001, § 2, 3-3-2008)

Sec. 32-176. City's reserves right to suspend division provisions.

The city reserves the right to suspend this division at any time it deems such suspension to be in the best interest of the city.

(Ord. No. 2008-001, § 3, 3-3-2008)

Sec. 32-177. Waste from other counties or municipalities not accepted.

No septic tank waste will be accepted by the city which is generated outside of the county or generated by any other municipal corporation.

(Ord. No. 2008-001, § 4, 3-3-2008)

Sec. 32-178. Wastewater treatment plant manifest to be completed.

Attached as exhibit "A" to the ordinance from which this division is derived, is the official wastewater treatment plant manifest which must be completed in accordance with its terms before any waste will be accepted by the city.
(Ord. No. 2008-001, § 5, 3-3-2008)

Sec. 32-179. Locations of treatment plant.

The city will accept for disposal septic tank waste only at its wastewater treatment plant located at 356 Seay Street, Barnwell, South Carolina 29812.
(Ord. No. 2008-001, § 6, 3-3-2008)

Sec. 32-180. Maximum daily volume limit.

The city will receive not more than 7,000 gallons per day pursuant to the terms of this division. This disposal limit will be adjusted only upon the recommendation of the wastewater treatment plant operator and upon the written approval of the city administrator. Any volume received in excess of the 7,000 gallon daily limit will be held for disposal the following day.
(Ord. No. 2008-001, § 7, 3-3-2008)

Sec. 32-181. Hours of operation.

Septic waste disposal shall be limited to Monday through Friday between the hours of 9:00 a.m. and 3:00 p.m. The wastewater treatment plant will not accept waste during inclement weather. Therefore, it is recommended to contact the wastewater treatment plant at (803) 259-1476 prior to delivering any load.
(Ord. No. 2008-001, § 8, 3-3-2008)

Sec. 32-182. Application fee.

Septic tank waste disposal haulers shall make an application for a one-time application fee of \$25.00 which shall be valid for the period of one year. The fee is due upon the filing of the application and its approval. The form of the permit is attached as exhibit B to the ordinance from which this division is derived.
(Ord. No. 2008-001, § 9, 3-3-2008)

Sec. 32-183. Disposal fees.

(a) A fee of \$90.00 per 1,000 gallons is hereby imposed, to be billed monthly at the same time of other utility bills. Any partial load of less than 1,000 gallons will be billed at the 1,000 gallon rate.

(b) In addition to the disposal fee, a monthly administration fee of \$10.00 will be added to the monthly invoice.
(Ord. No. 2008-001, § 10, 3-3-2008)

Sec. 32-184. Late payment charge.

A late payment charge of ten percent of the current billing balance due shall be added to the bill in the

event it is not paid within 30 days. Any nonpayment which extends beyond 60 days shall result in the termination of any rights under this division.
(Ord. No. 2008-001, § 11, 3-3-2008)

Sec. 32-185. Restoration of service fee.

A fee of \$40.00 shall be paid when service has been terminated for nonpayment of bills and in the event that the city administrator approves a restoration of service request. The city reserves the right to approve any service restoration.
(Ord. No. 2008-001, § 12, 3-3-2008)

Sec. 32-186. Customer responsibilities.

The city reserves the right to refuse disposal of any permitted septic hauler in the event that said permitted septic hauler fails to follow any of the following conditions:

- (1) The failure to schedule the load with the wastewater treatment plant operator prior to arriving at the facility;
- (2) The failure to advise the wastewater treatment plant operator of the permitted septic hauler;
- (3) The failure of the permitted septic hauler to present a representative sample of the load to be disposed of prior to disposal;
- (4) The failure of the permitted septic hauler to present the required city septic waste disposal manifest prior to disposal;
- (5) The failure to obtain the approval of the wastewater treatment plant operator prior to disposal of septic waste;
- (6) The failure to the permitted septic hauler to connect to the septic disposal station;
- (7) The failure to obtain from the wastewater treatment plant operator verification of the load volume and the authority to initiate disposal of load procedure;
- (8) The failure to obtain from the wastewater treatment plant operator verification that the disposal station has been cleaned and that any spills have been completely moved prior to departure of the permitted septic hauler;
- (9) The failure to sign the certification shown on exhibit C, attached to the ordinance from which this division is required.

(Ord. No. 2008-001, § 13, 3-3-2008)

Secs. 32-187--32-210. Reserved.

DIVISION 5. OPERATIONS AND CONTROL

Sec. 32-211. Approving authority right to inspect.

The approving authority and duly authorized representatives of the city, shall be permitted to enter upon all properties for the purposes of inspecting and copying records, inspection of premises and processes, observation, measurement, sampling and testing in accordance with the provisions of this article. The city shall notify, if available, the person or a representative of the person prior to entering the premises.

(Ord. No. 98-2, § 17.504(401), 2-2-1998)

Sec. 32-212. Protection of system.

In the event of imminent danger to the public health and safety, the approving authority and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to, the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations, or repairs. During such event approving authority will make every effort to minimize inconvenience and return the service to full operation as quickly as possible.

(Ord. No. 98-2, § 17.504(402), 2-2-1998)

Sec. 32-213. Test and analyses standards.

All tests and analyses of the characteristics of sewage to which reference is made in this article shall be made in accordance with the latest amendments to 40 CFR 136, Guidelines Establishing Test Procedures for the Clean Water Act, as promulgated by the U.S. Environmental Protection Agency. Such tests and analyses shall be determined at the control manhole provided for in section 32-140, or at the point of discharge of any sewage at the site of their origin on the premises of any person discharging such sewage into the sewers.

(Ord. No. 98-2, § 17.504(403), 2-2-1998)

Sec. 32-214. System user charges based on water consumption.

(a) The volume of flow used in computing wastewater system user charges and surcharges shall be based upon:

- (1) Metered water consumption as shown in the records of meter reading maintained by the city water department or other water authority; or
- (2) Any means determined acceptable by the city.

(b) Customer may install sewer meter at their own expense to measure flow. In the event that a person discharging wastewater into the sanitary sewer system produces evidence satisfactory to the approving authority that greater than ten percent of his water does not reach the city sanitary sewer, the user may apply to the approving authority for a reduced percentage of total water consumption to be used in computing sewer charges.

(Ord. No. 98-2, § 17.504(404), 2-2-1998)

Sec. 32-215. Water supply from other sources.

Where the person discharging wastewater into the sanitary sewers of the city procures any part, or all, of his water supply from sources other than one recognized and accepted by the approving authority, all or part of which is discharged into the sanitary sewer, the person discharging said wastewater shall install and maintain, at his expense, water meters of a type approved by the approving authority for the purpose of determining the proper volume of flow to be charged. The approving authority has a right to read such private meters. (Ord. No. 98-2, § 17.504(405), 2-2-1998)

Sec. 32-216. Sewer taps requirements.

All sewer taps shall conform to the requirements of the approving authority in location, size, type, materials and method used and shall be accomplished only by a licensed plumber authorized by the approving authority. It shall become the responsibility of each person requesting connection to the public sewer to notify the approving authority and arrange for final inspection of the connection before placing in use. (Ord. No. 98-2, § 17.504(406), 2-2-1998)

Sec. 32-217. User responsible for expenses incurred by damage or stoppage.

Any person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewerage system through the sewer connection of that person and shall be held accountable for all expenses incurred by the city or other property owners as a result of the abuse. (Ord. No. 98-2, § 17.504(407), 2-2-1998)

Sec. 32-218. Usage required upon availability of system.

All sewage disposal shall be by public sewers and sewerage system except that where no public sewer exists within 300 radial feet of a building or where connections are impractical for technical reasons. Once sewer service becomes available, the sewage from this building will be tapped to the available sewer line within 120 days of the date that sewer service was made available and septic tanks will be required to be pumped out and filled with sand. Privies and cesspools are prohibited, and no septic tank effluent shall be discharged to any open drain, ditch, stream or well penetrating water bearing formations. At no time shall any domestic or industrial wastewater be discharged to the storm sewer system. (Ord. No. 98-2, § 17.504(408), 2-2-1998)

Sec. 32-219. Application for connection to system.

Any person desiring connection to be made with the sewerage system shall make application on the appropriate form to the approving authority stating the name of the owner of the property, the location of the lot, and kind of connection desired. Every such application shall be signed by the person making the application and shall be accompanied by the appropriate connection fee. Fees shall be those as periodically adopted by the city council by means of amendments to attachment A to the ordinance from which this article is derived. (Ord. No. 98-2, § 17.504(409), 2-2-1998)

Sec. 32-220. Authority may discontinue service to protect system.

Upon ten days' written notice the approving authority reserves the right to prevent or discontinue sewer connection by any person until such time as the provisions of this article have been fulfilled to the satisfaction of the approving authority. When deemed necessary by the approving authority to protect the sewerage system or the public, the approving authority may discontinue or prevent sewer connection without notice to the person. (Ord. No. 98-2, § 17.504(410), 2-2-1998)

Sec. 32-221. Reconnection prohibited until approval.

It shall be unlawful for any person to reconnect a sewer when the same has been cut off for noncompliance with provisions of this article, or any other reason, until specifically approved in writing by the approving authority. Said approval shall be contingent upon satisfaction of all provisions of this article including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto. (Ord. No. 98-2, § 17.504(411), 2-2-1998)

Sec. 32-222. Application and approval required before connection.

It shall be unlawful for any person to make or undertake to make or cause to be made, any connection to the sewerage system without first having made application, paid fee and received approval. (Ord. No. 98-2, § 17.504(412), 2-2-1998)

Sec. 32-223. Discharge to groundwater, surface water, etc., prohibited.

In no event shall any person be allowed to discharge or cause to be discharged any domestic sewage or industrial wastewater, whether or not treatment has been provided, to the groundwater, surface water, stream, watercourse, ditch, lake, other body of surface water, storm sewers, or storm drains. (Ord. No. 98-2, § 17.504(413), 2-2-1998)

Sec. 32-224. User subject to provisions of article.

Any sewerage discharge within the city located within 300 feet of any public sewer may be considered by the approving authority as a user of the public sewer, and is subject to all provisions of this article. (Ord. No. 98-2, § 17.504(414), 2-2-1998)

Sec. 32-225. Confidential information.

Information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the state and/or state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(Ord. No. 98-2, § 17.504(415), 2-2-1998)

Sec. 32-226. Pretreatment violations.

The city shall annually publish in the largest daily newspaper of local circulation a listing of industrial users who were in significant noncompliance with the pretreatment standards or regulations at least once during the 12 previous months. The notification shall also summarize enforcement actions taken against the person during the same 12 months.

(Ord. No. 98-2, § 17.504(416), 2-2-1998)

Secs. 32-227--32-245. Reserved.

DIVISION 6. SEWER CHARGES AND SURCHARGES

Sec. 32-246. Basis of determination.

The city shall revise periodically the schedule of sewer charges and surcharges, contained within attachment A to the ordinance from which this article is derived, to defray the cost of operating and maintaining the sanitary sewerage system of the city. The costs to be used as a basis of determining charges shall include, but is not necessarily limited to, direct operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements and depreciation.

(Ord. No. 98-2, § 17.505(501), 2-2-1998)

Sec. 32-247. Charges and surcharges to be published.

The sewerage system use charges and surcharges shall be published in a form for public distribution and notice and shall become a part of this article upon adoption and public notification, and shall be based on the cost of treatment per 1,000 gallons of sewage.

(Ord. No. 98-2, § 17.505(502), 2-2-1998)

Sec. 32-248. Monthly sewer user charges.

The approving authority shall levy monthly sewer user charges and said charges shall be due and payable immediately. The user charges shall be based on actual water consumption, when applicable, as obtained from water meter readings as provided under sections 32-214 and 32-215 except where wastewater flow meters are installed. Failure to pay this bill within 15 days shall cause said bill to become delinquent. After 15 days of delinquency, the approving authority may impose a ten percent penalty to the overdue billing. All charges for sewer are due and payable at the collecting office in the city hall building. In the event of a sewer billing overcharge, the customer must apply for refund within six months of date of billing.

(Ord. No. 98-2, § 17.505(503), 2-2-1998)

Sec. 32-249. Additional charges as determined by approving authority.

The approving authority may, at its discretion, allow industrial wastewater which exceeds the limitation of section 32-99(5) and (6) to be discharged into the sewerage system, provided that the person discharging

such waste shall agree to the payment of a surcharge to offset any cost to treat that BOD or suspended solids in excess of allowable limits. This surcharge shall be imposed in addition to any other charges made for sewer service.

(Ord. No. 98-2, § 17.505(504), 2-2-1998)

Sec. 32-250. Surcharge covering cost of treatment.

The surcharge covering the cost of treatment of said industrial wastewater shall be determined at the city's discretion.

(Ord. No. 98-2, § 17.505(505), 2-2-1998)

Sec. 32-251. Tap fees.

Tap fees, cutting of pavement if required, and other such expenses concerning sewer connections shall be as periodically established by the city council, and listed by amendment to attachment A of the ordinance from which this article is derived.

(Ord. No. 98-2, § 17.505(506), 2-2-1998)

Secs. 32-252--32-280. Reserved.

DIVISION 7. DETERMINATION OF CHARACTER AND CONCENTRATION OF WASTES

Sec. 32-281. Periodical inspection as deemed necessary.

The wastewater of each industrial discharger into the city's sewerage system shall be subject to periodical inspection for a determination of character and concentration not less than semiannually or more often as may be deemed necessary by the approving authority. Such inspection and tests may also be made immediately after any approved process change which might affect the quantity or quality of the wastewater discharged.

(Ord. No. 98-2, § 17.506(601), 2-2-1998)

Sec. 32-282. Self-monitoring and reporting requirements.

The wastewater of each industrial user is subject to routine self-monitoring and reporting requirements:

- (1) All sampling and analysis shall be in conformance with section 32-213.
- (2) If any industrial user samples more frequently than required by the approving authority, the results of such sampling shall also be reported to the approving authority.
- (3) If sampling indicates a violation of this article or of any conditions of the wastewater discharge permit, the user must notify the approving authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the analysis to the approving authority within 30 days. In case of accidental discharge or slug loading the approving authority must be notified immediately by telephone, followed by a written report of the incident within five days.

(Ord. No. 98-2, § 17.506(602), 2-2-1998)

Sec. 32-283. Determination of flow and character of industrial waste basis for charges.

The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges and surcharges.

(Ord. No. 98-2, § 17.506(603), 2-2-1998)

Secs. 32-284--32-314. Reserved.

DIVISION 8. PROTECTION FROM DAMAGE

Sec. 32-315. Tampering with city equipment or materials prohibited.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the city. This protection shall also apply to any part of the wastewater system whether city owned or not if it is such as to adversely affect the proper operation and maintenance of the city wastewater system. Any person violating this provision shall be subject to penalties outlined in section 32-335 as well as prosecution if deemed appropriate.

(Ord. No. 98-2, § 17.507(701), 2-2-1998)

Secs. 32-316--32-333. Reserved.

DIVISION 9. ENFORCEMENT AND PENALTIES

Sec. 32-334. Enforcement.

The city may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes the city to violate any condition of its NPDES permit. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permits shall immediately stop or eliminate the contribution. In the event of a failure of any person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sewerage system or endangerment to any individuals. The city shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the person describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

(Ord. No. 98-2, § 17.508(801), 2-2-1998)

Sec. 32-335. Revocation of permit.

Any person who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his their permit revoked:

- (1) Failure to factually report the wastewater constituents and characteristics of their discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the premises for the purpose of inspection or monitoring; or,
- (4) Violation of any conditions of the permit.

(Ord. No. 98-2, § 17.508(802), 2-2-1998)

Sec. 32-336. Legal action.

If any person discharges sewage, industrial wastewater or other wastes into the city's wastewater system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, or a city official, an attorney employed by the city may commence an action for appropriate legal and/or equitable relief in the circuit court of this county.
(Ord. No. 98-2, § 17.508(803), 2-2-1998)

Sec. 32-337. Penalties.

(a) Any person who is found to have violated an order of the city council or who willfully or negligently fails to comply with any provisions of this article, and the orders, rule, regulations and permits issued herein under, may be assessed a penalty in an amount not exceeding \$2,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the order, rule, regulation and permit issued hereunder.

(b) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documentation filed as required to be maintained pursuant to this article, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, upon conviction may be imprisoned or punished by a penalty of not more than \$2,000.00 per offense. Additional penalties are established in the pretreatment program enforcement response guide.
(Ord. No. 98-2, § 17.508(804), 2-2-1998)

Sec. 32-338. Consent orders.

The approving authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to section 32-339 and shall be judicially enforceable.
(Ord. No. 98-2, § 17.508(805), 2-2-1998)

Sec. 32-339. Administrative orders.

When the approving authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the approving authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an administrative order relieve the user of liability for any violation, including any continuing violation. Issuance of an

administrative order shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Ord. No. 98-2, § 17.508(806), 2-2-1998)

Secs. 32-340--32-366. Reserved.

DIVISION 10. SANITARY SEWER EXTENSIONS AND SERVICE CONNECTIONS

Sec. 32-367. Conformance to approving authority specifications required.

Any entity proposing to build local or lateral sewers or extensions to connect directly or indirectly into the city's sewerage system shall conform its plans and specifications to the requirements of the approving authority. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by any and all local, county, and state authorities having jurisdiction.
(Ord. No. 98-2, § 17.509(901), 2-2-1998)

Sec. 32-368. Administrative procedure.

The following administrative procedures shall be followed:

- (1) Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the city's system, and total development.
- (2) Receive preliminary acceptance from the approving authority and other jurisdictional agencies.
- (3) Prepare construction drawings and documents for approving authority acceptance.
- (4) Secure all other necessary agency approvals of construction drawings and contract documents.
- (5) Upon receipt of required approvals, proceed with construction, notifying the approving authority of construction schedules.
- (6) Provide the approving authority with permission for on-site inspection during construction.
- (7) Furnish to the approving authority a certificate of completion, instrument of conveyance and warranty together with such other legal documents as may be required for annexation, reimbursement and similar special provisions.

(Ord. No. 98-2, § 17.509(902), 2-2-1998)

Sec. 32-369. Construction by state licensed contractor.

Construction of the proposed sewerage system shall be accomplished by a registered contractor licensed under the laws of the state who shall have paid all business licenses required by the city.
(Ord. No. 98-2, § 17.509(903), 2-2-1998)

Sec. 32-370. Bids required for parts of system qualifying for reimbursement from city.

Public, or invited bids must be received and tabulated for any portion of the proposed system which qualifies for reimbursement from the city. These tabulated bids must be submitted to and approved by the approving authority before award of construction contracts.
(Ord. No. 98-2, § 17.509(904), 2-2-1998)

Sec. 32-371. Registered engineer inspection after construction.

Upon completion of construction, the registered engineer responsible for the design of the project shall inspect and furnish to the approving authority at no cost to the city, his certificate of completion indicating that the subject sewerage system has been constructed in accordance with the approved plans and specifications, and shall provide four copies of as-constructed drawings.
(Ord. No. 98-2, § 17.509(905), 2-2-1998)

Sec. 32-372. Warranty required.

The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for 12 months. The owner shall further warrant to the approving authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the city harmless in each instance.
(Ord. No. 98-2, § 17.509(906), 2-2-1998)

Sec. 32-373. Sewer taps to be made during construction and recorded.

All known sewer taps shall be made during construction and the location of all taps shall be recorded on the as-constructed drawings.
(Ord. No. 98-2, § 17.509(907), 2-2-1998)

Sec. 32-374. Extensions to be compatible with future plans of city.

All sewerage system extensions must be compatible with present and future plans and needs of the city.
(Ord. No. 98-2, § 17.509(908), 2-2-1998)

Sec. 32-375. Instrument of conveyance after approval.

When all other requirements of this article have been met and approved, the owner shall prepare and submit to the approving authority an instrument of conveyance, conveying the constructed system to the city, at no cost to the city, and the system shall thereafter be owned, operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

(Ord. No. 98-2, § 17.509(909), 2-2-1998)

Sec. 32-376. Building sewers and connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without obtaining a written permit from the city.

(b) There shall be two classes of building sewer permits:

(1) For residential and commercial services; and

(2) For service to establishments producing industrial wastewater.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city. A permit and inspection fee will be required at the time the application is filed.

(c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another 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 sewer may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all requirements of this article.

(f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF, Manual of Practice No. 9, shall apply.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public

sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer unless such connection is approved by the city for purposes of disposal of polluted surface drainage.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF, Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the city before installation. Infiltration will not exceed 100 gal./day/inch diameter/mile.

(j) The applicant for the building sewer permit shall notify the approving authority 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 city.

(k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
(Ord. No. 98-2, § 17.509(910), 2-2-1998)

Secs. 32-377--32-395. Reserved.

ARTICLE V. WATER

Sec. 32-396. Location of certain drains.

No terracotta or earthenware drain shall run near a cistern or well, the water from which may be liable to be used for drinking or cooking purposes.
(Code 1989, § 17.701)

Sec. 32-397. Application for services; tapping permit.

(a) Application for water service shall be made to the city and, on approval of the application, a permit to tap the main at a designated point shall be issued for the use of the applicant to a licensed plumber of the city or to other competent persons. The applicant shall be charged a tap fee as provided in section 32-25, which shall be for service and not for the purchase of the water meter; the meter remaining the property of the city and part of the city water system.

(b) It shall be unlawful for any unauthorized person to tamper with any water meter or any other part of the water system. Any unauthorized person tampering with any water meter, or other part of the water system, shall be prosecuted to the full extent of the law, in addition to paying for any damages incurred.
(Code 1989, § 17.702)

Sec. 32-398. Service piping and meter installation to be at cost of consumer.

Service pipes and water meters for every consumer shall be placed from the supply main to the property line of the customer, at the cost of the consumer. All piping on the property of the customer shall be at the expense of the customer and shall be of a quality and standard as may be approved by the utilities director or the person having active supervision of the water department. In the event the city should provide an extension of the water system for any consumer at the expense of the consumer, and the consumer shall not have made payment for the connection when due, water service for that consumer may be discontinued after ten days from the due date.
(Code 1989, § 17.703)

Sec. 32-399. Separate connections required; exceptions.

A separate connection with a meter from water main to each dwelling or place of consumption shall be made. The owner may, with permission, join two or more apartments in the same house or two or more businesses within the same building, but no such connection shall be made without a written permit. In the event of joint service, the owner of the apartments or businesses so joined shall be responsible for payment of all water rates and fees of the several connected services. These shall include any bills incurred by a renter who has vacated the premises and those incurred while the apartment or business

is vacant. Water charges for multi-units operating from one meter shall be made for each unit. No house or building so connected with the water main shall have a branch line to an adjoining property.
(Code 1989, § 17.704)

Sec. 32-400. Connection of more than one premises to meter.

It shall be unlawful for any person to connect more than one dwelling or business house to one water meter.
(Code 1989, § 17.705)

Secs. 32-401--32-428. Reserved.

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ARTICLE VI. RATES AND CHARGES**Sec. 32-429. Established.**

The following rates and charges shall remain in effect until changed by the city council.
(Code 1989, § 17.801)

Sec. 32-430. Schedule of water rates.

The schedule of water rates is as follows:

| Water Rates (in gallons) | Residential | Commercial |
|--------------------------|-------------|------------|
| Size (in inches) | | |
| Inside City | | |
| ¾ | \$10.00 | \$10.00 |
| 1 | \$20.00 | \$20.00 |
| 1 ½ | \$20.00 | \$20.00 |
| 2 | \$50.00 | \$50.00 |
| 3 | \$100.00 | \$100.00 |
| 4 | \$100.00 | \$100.00 |
| 6 | \$100.00 | \$100.00 |
| | | |
| Rate per 1,000 | \$1.75 | \$1.75 |
| | | |
| Outside City | | |
| ¾ | \$20.00 | \$20.00 |
| 1 | \$40.00 | \$40.00 |
| 1 ½ | \$40.00 | \$40.00 |
| 2 | \$100.00 | \$100.00 |
| 3 | \$200.00 | \$200.00 |
| 4 | \$200.00 | \$200.00 |
| 6 | \$200.00 | \$200.00 |
| Rate per 1,000 | \$3.50 | \$3.50 |

(Code 1989, § 17.802; Ord. No. 2002-2, 9-30-2002; Ord. No. 2006-2, § 1(17.802), 9-11-2006; Ord. No. 2008-5, § 1, 9-15-2008; Ord. No. 2009-5, 9-14-09)

Sec. 32-431. Schedule of sewer rates.

The schedule of sewer rates is as follows:

| | Residential | Commercial |
|------------------|-------------|------------|
| Size (in inches) | | |
| Inside City | | |
| ¾ | \$16.00 | \$16.00 |
| 1 | \$20.00 | \$20.00 |
| 1 ½ | \$20.00 | \$20.00 |
| 2 | \$75.00 | \$75.00 |
| 3 | \$200.00 | \$200.00 |
| 4 | \$200.00 | \$200.00 |
| 6 | \$200.00 | \$200.00 |
| Rate per 1,000 | \$1.90 | \$1.90 |
| Outside City | | |
| ¾ | \$32.00 | \$32.00 |
| 1 | \$40.00 | \$40.00 |
| 1 ½ | \$40.00 | \$40.00 |
| 2 | \$150.00 | \$150.00 |
| 3 | \$400.00 | \$400.00 |
| 4 | \$400.00 | \$400.00 |
| 6 | \$400.00 | \$400.00 |
| Rate per 1,000 | \$3.80 | \$3.80 |

Residential sewer rates will cap at 15,000 gallons.

(Code 1989, § 17.803; Ord. No. 2002-3, 9-30-2002; Ord. No. 2006-2, § 1(17.803), 9-11-2006; Ord. No. 2008-5, § 2, 9-15-2008; Ord. No 2009-6, 9-14-09)

Sec. 32-432. Deleted.

(Code 1989, § 17.804; Ord. No. 2006-2, § 1(17.804), 9-11-2006; Ord. No. 2009-5, 9-14-09)

Sec. 32-433. Tap-in, cutoff fee required.

(a) Each applicant for new domestic water and sewer connection, for the person or firm applying for water service, shall pay a tap-in or cutoff fee. For each connection to the system, the person or firm applying for services shall pay a tapping fee equal to actual cost of making an initial connection from the main to the property line, and the cost of installing a meter, a meter box, and the fittings thereon.

(b) Such payment shall be made prior to the installation of the connection.
(Code 1989, § 17.805)

Sec. 32-434. No free water or sewer service permitted.

As required by the city's water and sewer bond ordinances, no water or sewer service shall be furnished or rendered free of charge to any person, firm or corporation inside or outside the city.
(Code 1989, § 17.806)

Sec. 32-435. Billing monthly; penalty for late payment; discontinued service.

All meters shall be read each month. Each bill shall be mailed at the end of every month and bills shall become due and payable by the 15th day of the following month. If bills are not paid by the 15th day of the following month, a ten percent penalty shall be added; if not paid by the tenth of the third month, together with the bill for the subsequent months plus the penalty on the unpaid bill for the first two months, water service shall be discontinued on the 11th day of said third month. Water service shall remain discontinued until the user shall have paid all bills then in arrears, together with the ten percent penalty, and a disconnection fee for non-payment of \$30.00, which will be added to the existing account.
(Code 1989, § 17.807; Ord. No. 2009-8, 9-14-09)

Sec. 32-436. Deposits required, refunds.

(a) Each new customer obtaining a water and sewer connection shall make a \$45.00 deposit and pay a \$25.00 administrative fee.

(b) Whenever service is discontinued, the amount of said deposit, without interest, shall be returned to the depositor, after first deducting all outstanding bills for water and sewer service.
(Code 1989, § 17.808; Ord. No. 91-5, 8-5-1991; Ord. No. 2009-7, 9-14-09)

Sec. 32-437. Tampering with connections; reconnections; when unlawful.

It shall be unlawful for any person to:

- (1) Tamper with or change any water meter.
- (2) Make any connection to the system without written permission.
- (3) Reconnect service when it has been discontinued for nonpayment of a bill for service, until such bill has been paid in full, including the reconnection fee.

(Code 1989, § 17.809)

Secs. 32-438--32-457. Reserved.

ARTICLE VII. DROUGHT RESPONSE

Sec. 32-458. Ordinance not repealed.

The provisions of the city's drought response ordinance, adopted April 16, 1986, are not repealed by this Code, and the provisions of said ordinance shall remain in full force and effect until amended by city council. (Code 1989, § 17.901)