

## CHAPTER 52: SEWERS

### Section

#### *Public and Private Sewers*

- 52.01 Rules and regulations
- 52.02 Definitions
- 52.03 Unlawful to discharge sewage to any natural outlet
- 52.04 Privy, septic tank, and the like prohibited
- 52.05 Connection to public sewer
- 52.06 Private sewage disposal
- 52.07 Future extensions to public sewer system
- 52.08 Discharge of storm water, drain water, and the like to any sanitary sewer
- 52.09 Toxic wastes shall not be discharged to public sewers
- 52.10 Preliminary treatment at owner's expense
- 52.11 Manhole; when required
- 52.12 Grease, oil, and sand interceptors
- 52.13 Damaging sewer system
- 52.14 Authority to enter property to inspect

#### *User Charge System*

- 52.25 Purpose
- 52.26 Definitions
- 52.27 User charge accounts
- 52.28 User charge rates
- 52.29 Billing; when due
- 52.30 City to review user charge system

#### *Cross-Connection Control*

- 52.45 General policy
- 52.46 Definitions
- 52.47 Cross-connections prohibited
- 52.48 Survey and investigations
- 52.49 Type of protection required
- 52.50 Where protection is required
- 52.51 Backflow prevention assemblies
- 52.52 Installation

- 52.53 Inspection and maintenance
- 52.54 Violations
- 52.55 Types of facilities representing cross-connection hazards
  
- 52.99 Penalty

## ***PUBLIC AND PRIVATE SEWERS***

### **§ 52.01 RULES AND REGULATIONS.**

The following rules and regulations are hereby adopted to govern the sewer services furnished by the municipality in a uniform manner for the benefit of the municipality and its sewer users. They are subject to change from time to time. All such changes must be approved by the State Director of the Farmers Home Administration, United States Department of Agriculture, or his or her successor, so long as the municipality has unpaid obligations which are held by or insured by the United States of America. If any portion of these rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

(Prior Code, § 710.010) (Ord. 204A, passed 8-9-1983)

### **§ 52.02 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOD (BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter by weight.

***BUILDING DRAIN.*** The 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 the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

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

***CITY.*** The City of Otterville, Missouri, or any representative or employee of the city, or duly authorized deputy or agent thereof.

***COMBINED SEWER.*** A sewer receiving both surface runoff and sewage.

**COOLING WATER.** The water discharged from any system of condensation, air-conditioning, cooling, refrigeration, or similar system. Such **WATER** shall be free from odor and oil, and shall contain no polluting substance which would produce BOD or suspended solids in excess of ten milligrams per liter.

**DRAINAGE CHANNEL.** Any artificially constructed open channel, ditch, swale, or flume, whether lined or unlined for the drainage of storm, surface, or ground water.

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

**INDUSTRIAL WASTE.** The liquid wastes from industrial processes, as distinct from sanitary sewage.

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

**MAY.** Is permissive

**NATURAL OUTLET.** Any outlet into a watercourse, stream, creek, river, pond, lake, or any body of surface or ground water.

**pH.** The logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution.

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

**POLLUTED WASTE or WASTE.** Any water or waste containing free or emulsified grease or oil; acid or alkali; phenols or other substances imparting tastes or odors in receiving waters; toxic or poisonous substances in suspension, colloidal state, or solution; noxious or odorous gases; dissolved solids in greater concentration than 10,000 milligrams per liter; BOD or suspended solids in concentration greater than ten milligrams per liter; or color in excess of 50 units.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER.** A sewer controlled by the city.

**SANITARY SEWAGE.** Sewage discharged from the sanitary convenience of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, and industrial wastes.

**SANITARY SEWER.** A sewer designed and intended to receive and convey only sewage as defined herein, together with such ground water infiltration as cannot be avoided.

**SEWAGE.** The waterborne wastes from residences, business buildings, institutions, and industrial establishments, singly or in combination, together with such ground and surface waters as cannot be avoided.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating, and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage and other waste liquids.

**SEWER TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SHALL.** Is mandatory.

**SLUG.** Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

**STATE DIRECTOR.** The State Director of the Farmers Home Administration for Missouri, United States Department of Agriculture, or his or her successor.

**STORM SEWER or STORM DRAIN.** A pipe or conduit designed and intended to receive and convey only storm or unpolluted waters.

**STORM WATER.** Any water resulting from precipitation mixed with the accumulation of dirt, soil, and other debris or substances collected from the surfaces on which precipitation falls or flows.

**SUPERINTENDENT.** The Superintendent of the Municipal Sewer Works of the City of Otterville, Missouri, or his or her authorized deputy, agent, or representative.

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

**WATERCOURSE.** A natural surface drainage channel for storm, ground, or surface water in which a flow of water occurs, either continuously or intermittently.  
(Prior Code, § 710.020) (Ord. 204A, passed 8-9-1983)

### § 52.03 UNLAWFUL TO DISCHARGE SEWAGE TO ANY NATURAL OUTLET.

It shall not be permitted to discharge or deposit into any natural outlet, drainage channel, or watercourse within the city, any sewage, industrial waste, garbage, polluted water, or any other substances which constitute a nuisance or hazard to the public health or welfare, except the effluent from

a properly designed and approved sewage treatment facility or device which has been provided in accordance with the provisions of this chapter.

(Prior Code, § 710.030) (Ord. 204A, passed 8-9-1983)

#### **§ 52.04 PRIVY, SEPTIC TANK, AND THE LIKE PROHIBITED.**

Except as hereinafter provided, it shall not be permitted to install any privy, cesspool, septic tank, or other facility intended or used for the disposal of sewage.

(Prior Code, § 710.040) (Ord. 204A, passed 8-9-1983) Penalty, see § 52.99

#### **§ 52.05 CONNECTION TO PUBLIC SEWER.**

(A) At such time as a public sanitary sewer becomes available to a property, a direct connection shall be made to the public sewer, and any privy, cesspool, septic tank, or other similar sewage disposal or treatment facility shall be abandoned and filled with suitable material. A public sewer shall be considered to be available to the property if it is within 150 feet of any part of the property to be connected to the sewer.

(B) At the time of the public sewer connection is made, a connection fee of \$400 shall be paid to the city.

(Prior Code, § 710.050) (Ord. 204A, passed 8-9-1983; Ord. 371, passed 4-7-2007)

#### **§ 52.06 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to an approved sewage disposal system or sewerage treatment facility complying fully with the provisions included hereinafter.

(B) The type, capacity, location, and layout of any sewage disposal or treatment facility shall comply fully with all recommendations of the state's Water Pollution Board (Clean Water Commission).

(C) No sewage disposal or treatment facility shall be constructed within the city before the owner obtains written approval from the city and the state's Water Pollution Board. The owner shall submit complete plans, specifications, and any other data requested for such facilities. All plans and specifications shall be prepared by a professional engineer duly registered in the State of Missouri. The city shall have the right to inspect the construction of such facilities at any stage. The owner shall not place such facilities in operation until the city has inspected and approved the completed works.

(D) The owner shall maintain and operate the sewage disposal or treatment facilities in an efficient and satisfactory manner at all times, at no expense to the city. Such facilities shall be subject to inspection by the city at all times.

(Prior Code, § 710.060) (Ord. 204A, passed 8-9-1983)

**§ 52.07 FUTURE EXTENSIONS TO PUBLIC SEWER SYSTEM.**

In the event that it is necessary to extend the public sewer system for future development or service, the owner or owners of the property to be served shall petition the Board of Aldermen for said extension to be made. Upon approval of said future extension, the owner or owners involved shall have plans and specifications prepared by a professional engineer duly registered in the State of Missouri; shall obtain all necessary permits and easements for said extension; shall cause said extension to be constructed in compliance with all laws, rules, and regulations; in the event a lift station is required, it cannot be used but must be new equipment. The cost of said extension shall be entirely borne by the owner or owners. After said extension is completed and approved by the city, the extension shall be dedicated to the city as a public sewer and shall be the responsibility of the city to maintain said extension as of that time. (Prior Code, § 710.070) (Ord. 343, passed 6-4-2005)

**§ 52.08 DISCHARGE OF STORM WATER, DRAIN WATER, AND THE LIKE TO ANY SANITARY SEWER.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted process water into any sanitary sewer. Any connection, drain, or arrangement which will permit any such waters to enter any sanitary sewer shall be deemed to be a violation of this chapter. Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designed as storm sewers, or to a drainage channel or natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city, to a storm sewer, drainage channel, or natural outlet. It shall not be permitted for any plumber, contractor, or any other person constructing a house or building sewer or industrial sewer connected to a sanitary sewer to leave such connection open, unsealed, or incomplete in such manner that will permit storm or surface water to enter any sanitary sewer within the city. All such openings shall be tightly sealed at all points whenever work is not actually in progress on such sewer or connection. All new house or building sewers will comply with the requirements of the BOCA Basic Plumbing Code and current revisions thereof. (Prior Code, § 710.080) (Ord. 204A, passed 8-9-1983) Penalty, see § 52.99

**§ 52.09 TOXIC WASTES SHALL NOT BE DISCHARGED TO PUBLIC SEWERS.**

(A) No person shall discharge or cause to be discharged to any public sewers any of the following substances, materials, water, or wastes:

- (1) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas;
- (2) Any water or waste that contain more than ten milligrams per liter of gases such as hydrogen sulphide, sulfur dioxide, or nitrous oxide;

(3) Any garbage that has not been properly ground or shredded to a degree that all particles will be carried freely under the flow conditions of the sewer and with no particle greater than one-half inch in any dimension;

(4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, blood, lime slurry, lime residues, chemical residues, paint residues, cannery waste bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer system or sewage treatment facilities;

(5) Any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into the public sewers for their maintenance or repair; or

(6) Any water or wastes containing in excess of two milligrams per liter of cyanides as CN.

(B) Unless written approval has been obtained from the city, no person shall discharge or cause to be discharged to any public sewers any of the following:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste, acidic or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel. Free acids and alkalies in such wastes must be neutralized, at all times, within a permissible range of pH between 5.5 and 10.0;

(3) Any water or wastes containing a toxic or poisonous substance or of high chlorine requirement in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or storm water overflows or treatment plant effluents;

(4) Waters and wastes containing metallic ions such as copper, zinc, and chromium. Such wastes shall be subject to the control of the city as to volume and concentration of wastes from individual establishments;

(5) Any water or wastes containing strong acids, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

(6) Any radioactive wastes. The introduction of radioactive wastes in the city sewers shall be permitted only if a special permit is obtained prior to introducing such wastes. In general, the policy of the city will be in accordance with the regulations of the state's Division of Health;

(7) Concentrated dye wastes, spent tanning solutions, or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids, or composition, as for example in total suspended solids of inert nature (such as Fuller's earth) and/or in total dissolved solids (such as calcium

chloride, sodium chloride, or sodium sulfate) or unusual in BOD. Such wastes shall be subject to special review by the city as to:

- (a) Approval or rejection of admission to the public sewers;
- (b) Modification at the point of origin to permit admission; or
- (c) Pretreatment by the owner to permit admission.

(8) Any water or waste which by interaction with other waste or waste in the public sewer system releases obnoxious gases; or develops color of undesirable intensity; or forms suspended solids in objectionable concentration; or creates any other condition deleterious to structures and sewage treatment processes. Such waters and wastes shall be subject to control or shall be barred from the public sewer system as determined by the city;

(9) Any water or waste containing emulsified oil and/or grease exceeding an average of 100 milligrams per liter of either soluble matter; or

(10) Any water or waste containing phenols or other materials which would cause taste or odors in water supplies.

(Prior Code, § 710.090) (Ord. 204A, passed 8-9-1983)

#### **§ 52.10 PRELIMINARY TREATMENT AT OWNER'S EXPENSE.**

Where necessary, in the opinion of the city, the owner shall provide at his or her expense, such preliminary treatment as may be necessary to treat wastes prior to discharge to the public sewer system. Plans, specifications, and any other pertinent information relating to such pretreatment facilities shall be submitted for the approval of the city and the state's Water Pollution Board (Clean Water Commission), and no construction of such facilities shall be commenced until said approval is obtained in writing. Where pretreatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Prior Code, § 710.100) (Ord. 204A, passed 8-9-1983)

#### **§ 52.11 MANHOLE; WHEN REQUIRED.**

When required by the city, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his or her expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests, and analyses of the characteristics of the wastes shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes and shall be determined at the control manhole or upon samples taken at the control manhole. In the event that no special control

manhole has been 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.  
(Prior Code, § 710.110) (Ord. 204A, passed 8-9-1983)

#### **§ 52.12 GREASE, OIL, AND SAND INTERCEPTORS.**

Grease, oil, or sand interceptors shall be provided when, in the opinion of the city, they are necessary for the protection of the public sewer system from wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his or her expense, in continuously effective operation at all times.  
(Prior Code, § 710.120) (Ord. 204A, passed 8-9-1983)

#### **§ 52.13 DAMAGING SEWER SYSTEM.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the municipal sewer system.  
(Prior Code, § 710.130) (Ord. 204A, passed 8-9-1983)

#### **§ 52.14 AUTHORITY TO ENTER PROPERTY TO INSPECT.**

Any duly authorized representative of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.  
(Prior Code, § 710.140) (Ord. 204A, passed 8-9-1983)

### ***USER CHARGE SYSTEM***

#### **§ 52.25 PURPOSE.**

(A) It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the city, to collect charges from all users who are connected to and contribute waste water to the city's treatment works, or to whom service is available and are not connected to the treatment works.

(B) Sewer service shall be considered available if a sewer, which ultimately discharges waste water into the city treatment works, is within 150 feet of any part of the property on which a residential, commercial, industrial, or governmental establishment exists.

(C) The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public waste water treatment works.  
(Prior Code, § 715.010) (Ord. 222, passed 2-21-1984)

## § 52.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DENOTING BIOCHEMICAL OXYGEN DEMAND (BOD).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/l).

***MAY.*** Is permissive.

***MULTI DWELLING UNIT (MDU or MULTI-FAMILY UNIT).*** A classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. ***UNITS*** can be next to each other (side-by-side units), or stacked on top of each other (top and bottom units). A common form is an apartment building. Many intentional communities incorporate multi-family residences, such as in co-housing projects.

***NORMAL DOMESTIC WASTE WATER.*** Waste water that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 300 mg/l.

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

***REPLACEMENT.*** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term ***OPERATION AND MAINTENANCE*** includes ***REPLACEMENT***.

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

***SHALL.*** Is mandatory.

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

***TREATMENT WORKS.*** Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include

intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

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

**USER CHARGE.** The portion of the total waste water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the waste water treatment works.

**WATER METER.** A water volume measuring and recording device furnished and/or installed by the city or furnished and/or installed by a user and approved by the city.  
(Prior Code, § 715.020) (Ord. 222, passed 2-21-1984; Ord. 455, passed 10-14-2020)

## § 52.27 USER CHARGE ACCOUNTS.

(A) The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this chapter.

(B) That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes, as established in § 52.28, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance, and Replacement Fund and will be kept in two primary accounts as follows:

(1) An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account); and

(2) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the Replacement Account shall be made annually from the operation, maintenance, and replacement revenue in the amount of \$4,752 annually.

(C) Fiscal year-end balances in the Operation and Maintenance Account and in the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance, and Replacement Fund shall

be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

(Prior Code, § 715.030) (Ord. 222, passed 2-21-1984)

#### § 52.28 USER CHARGE RATES.

(A) *Customers to pay for services.* Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meters acceptable to the city.

(B) *Basis for user charges.*

(1) For residential contributors, monthly user charges will be based on average monthly water usage during the months of January, February, and March. If a residential contributor has not established a January, February, and March average, his or her monthly user charge shall be the median charge of all other residential contributors.

(2) For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the waste water collection system, the user charge for that contributor may be based on a waste water meter or separate water meter installed and maintained on a waste water meter or separate water meter installed and maintained at the contributor's expense, and in a manner acceptable to the city.

(C) *Minimum charges.*

(1) The minimum charge per month for any user of the wastewater treatment works shall be \$48.20, this includes the first 1,000 gallons of usage. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of \$3.09 per 1,000 gallons of water used or fraction thereof.

(2) The minimum charge per month per unit of a MDU for use of the wastewater treatment works shall be \$48.20, this includes the first 1,000 gallons of usage per unit. In addition, each unit of a MDU shall pay a user charge rate for operation and maintenance including replacement of \$3.09 per 1,000 gallons of water per unit within the MDU used or fraction thereof.

(D) *Surcharge for strong wastes.* For those contributors who contribute waste water, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement is:

(1) Eighteen cents per pound BOD;

(2) Fifteen cents per pound SS; and

(3) An amount as required by the Board of Aldermen.

(E) *Costs of managing discharges.* Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the City Council.

(F) *Application.* The user charge rates established in this section apply to all users, regardless of their location, of the city's treatment works.

(Prior Code, § 715.040) (Ord. 222, passed 2-21-1984; Ord. 329, passed 4-3-2004; Ord. 453, passed 10-14-2020)

**Cross-reference:**

*Appendix A to Ord. 222 adopted 2-21-84, is on file in the office of the City Clerk*

**§ 52.29 BILLING; WHEN DUE.**

(A) All users shall be billed monthly. Billing for the use for the prior month shall be billed as close to the first business day of the following month as is reasonably possible.

*S. Steerth*  
*Ord 449*  
(B) Water bills are due by the tenth of each month and the bill shall be considered delinquent on the eleventh of each month with a late fee of \$25 being assessed. Failure to make payment of bill in full by the eighteenth of the month will result in disconnection of service. If a water user shall fail to pay their water bill as of the eleventh of the month, notice shall be mailed to each user as close to the eleventh of the month as is reasonably possible, informing them their water bill has not been paid, a late fee is being assessed and notifying the user that failure to make payment of bill in full by the eighteenth of the month will result in disconnection. Under no circumstance shall water service be discontinued due to failure to make payment without first sending notice to the user at the user's last known address.

(Prior Code, § 715.050) (Ord. 395, passed 1-6-2010)

*Hang notice  
not mail*

*S. Steerth*

**§ 52.30 CITY TO REVIEW USER CHARGE SYSTEM.**

(A) The Budget Committee of the city shall review the user charge system of the city at least annually. In the event the review will result in a recommendation of a change in the user charge rate as necessary to ensure that the system generates adequate revenues to pay the cost of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs among users, then the budget committee shall provide that recommendation to the Board of Aldermen who may then authorize by a motion or resolution a change in the user charge rates. Nothing stated herein shall preclude the Board of Aldermen from conducting its own independent review of the user charge system without use of the Budget Committee in making its own determination as to the need to pass a motion or resolution to revise user charge rates due to the above stated circumstances.

(B) Written notice in conjunction with a regular bill shall be provided to each user as to any change of the user charge rate and the effective date of that change.  
(Prior Code, § 715.060) (Ord. 395, passed 1-6-2010)

### ***CROSS-CONNECTION CONTROL***

#### **§ 52.45 GENERAL POLICY.**

(A) *Purpose.* The purpose of this subchapter is:

(1) To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system;

(2) To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems; and

(3) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(B) *Application.* This subchapter shall apply to all premises served by the public potable water system of the city.

(C) *Policy.*

(1) This subchapter will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

(2) The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

(3) If, in the judgement of the water purveyor or his or her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his or her own expense; and failure, refusal, or inability

on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.  
(Ord. 327, passed - -2004)

## § 52.46 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIR GAP SEPARATION.** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

**AUXILIARY WATER SUPPLY.** Any water source or system, other than the public water supply, that may be available in the building or premises.

**BACKFLOW.** The flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

**BACKFLOW PREVENTION ASSEMBLY.** Any double check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

**CONSUMER.** The owner or person in control of any premises supplied by, or in any manner connected to, a public water system.

**CONTAINMENT.** Protection of the public water supply by installing a backflow prevention assembly or air gap separation on the main service line to a facility.

**CONTAMINATION.** An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

**CROSS-CONNECTION.** Any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

**HAZARD, DEGREE OF.** An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

(1) **HAZARD, HEALTH.** Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well being of the water consumer.

(2) **HAZARD, PLUMBING.** A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation, or backflow prevention assembly.

(3) **HAZARD, POLLUTIONAL.** An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

(4) **HAZARD, SYSTEM.** An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

**INDUSTRIAL PROCESS SYSTEM.** Any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into a potable water supply.

**ISOLATION.** Protection of a facility's internal plumbing system by installing a backflow prevention assembly, air gap separation, or other backflow prevention device on an individual fixture, appurtenance, or system.

**POLLUTION.** The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

**PUBLIC POTABLE WATER SYSTEM.** Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the state's Department of Natural Resources.

**SERVICE CONNECTION.** The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the **SERVICE CONNECTION** means the downstream end of the meter.

**WATER PURVEYOR.** The owner, operator, or individual in responsible charge of a public water system.

(Ord. 327, passed - -2004)

## § 52.47 CROSS-CONNECTIONS PROHIBITED.

(A) No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the state's Department of Natural Resources.

(B) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the state's Department of Natural Resources.

(C) No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety. (Ord. 327, passed - -2004)

#### **§ 52.48 SURVEY AND INVESTIGATIONS.**

(A) The consumer's premises shall be open at all reasonable times to the water purveyor, or his or her authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.

(B) On request by the water purveyor or his or her authorized representative, the consumer shall furnish information on water use practices within his or her premises.

(C) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his or her premises to determine whether there are actual or potential cross-connections to his or her water system, through which contaminants or pollutants could backflow into his or her or the public potable water system.

(Ord. 327, passed - -2004)

#### **§ 52.49 TYPE OF PROTECTION REQUIRED.**

The type of protection required by this subchapter shall depend on the degree of hazard which exists, as follows.

(A) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

(B) An approved air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.

(C) An approved air gap separation or an approved reduced-pressure principle backflow prevention assembly or an approved-double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health. (Ord. 327, passed - -2004)

**§ 52.50 WHERE PROTECTION IS REQUIRED.**

(A) An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgement of the water purveyor or the state's Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.

(B) An approved air gap separation or reduced pressure principle-backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgement of the water purveyor or the state's Department of Natural Resources, the nature and extent of activities on the premises or the materials used in connection with the activities, or materials stored on the premises would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:

- (1) Premises having an auxiliary water supply unless the quality of the auxiliary supply is acceptable to the water purveyor and the state's Department of Natural Resources;
- (2) Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;
- (3) Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist;
- (4) Premises having a repeated history of cross-connections being established or reestablished;
- (5) Premises which, due to the nature or the enterprise therein, are subject to recurring modification or expansion;
- (6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters; or
- (7) Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.

(C) The types of facilities listed in § 52.55 fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention assembly is required by the water purveyor and the state's Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the state's Department of Natural Resources.

(Ord. 327, passed - 2004)

### § 52.51 BACKFLOW PREVENTION ASSEMBLIES.

(A) Any backflow prevention assembly required to protect the facilities listed in § 52.55 shall be of a model or construction approved by the water purveyor and the state's Department of Natural Resources.

(1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

(2) A double check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the water purveyor, and shall appear on the current list of approved backflow prevention assemblies established by the state's Department of Natural Resources.

(B) Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this subchapter so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this subchapter.

(Ord. 327, passed - -2004)

### § 52.52 INSTALLATION.

(A) Backflow prevention assemblies required by this subchapter shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.

(B) Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

(C) Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid.

(Ord. 327, passed - -2004)

### § 52.53 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this subchapter are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.

(1) Air-gap separations shall be inspected at the time of installation and at least every 12 months thereafter.

(2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter.

(3) Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter.

(B) Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a state certified backflow prevention assembly tester.

(C) Whenever backflow prevention assemblies required by this subchapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

(D) The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.

(E) Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective.

(Ord. 327, passed - -2004)

#### **§ 52.54 VIOLATIONS.**

(A) The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this subchapter is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this subchapter to the satisfaction of the water purveyor.

(Ord. 327, passed - -2004)

#### **§ 52.55 TYPES OF FACILITIES REPRESENTING CROSS-CONNECTION HAZARDS.**

Facilities representing cross-connection hazards include:

(A) Aircraft and missile manufacturing plants;

- (B) Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles, and construction and agricultural equipment;
- (C) Potable water dispensing stations which are served by a public water system;
- (D) Beverage bottling plants including dairies and breweries;
- (E) Canneries, packing houses, and reduction plants;
- (F) Car washes;
- (G) Chemical, biological, and radiological laboratories, including those in high schools, trade schools, colleges, universities, and research institutions;
- (H) Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries, and other medical facilities;
- (I) Metal or plastic manufacturing, fabrication, cleaning, plating, or processing facilities;
- (J) Plants manufacturing paper and paper products;
- (K) Plants manufacturing, refining, compounding, or processing fertilizers, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials, or any chemical which would be a contaminant to the public water system;
- (L) Commercial facilities that use herbicides, pesticides, fertilizers, or any chemical which would be a contaminant to the public water system;
- (M) Plants processing, blending, or refining animal, vegetable, or mineral oils;
- (N) Commercial laundries and dye works;
- (O) Sewage, storm water, and industrial waste treatment plants and pumping stations;
- (P) Waterfront facilities including piers, docks, marinas, and shipyards;
- (Q) Industrial facilities which recycle water;
- (R) Restricted or classified facilities or other facilities closed to the supplier of water or the department;
- (S) Fire sprinkler systems using any chemical additives;
- (T) Auxiliary water systems;

(U) Irrigation systems with facilities for injection of pesticides, herbicides, or other chemicals or with provisions for creating back pressure;

(V) Portable tanks for transporting water taken from a public water system; and

(W) Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

(Ord. 327, passed - -2004)

### § 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person found to be violating any provision of §§ 52.01 to 52.14 shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for said person to cease violation and/or abate or correct the condition or conditions causing the same.

(2) The notice provided for in division (A) above may be served by any law enforcement officer or city employee. The person serving the notice shall make a written return on a copy thereof, subscribing his or her name thereto, and return the same to the City Clerk. The return shall state how, when, where, and on whom the notice was served. Such notice may be served by delivering the same to the parties to be notified, or by leaving a copy thereof at the usual place of abode of the person with a member of the family over the age of 15 years, or by leaving a copy thereof with any person in charge of the office of any partnership, firm, corporation, or government agency to whom said notice shall be directed.

(3) Any person or persons, including every officer, agent, or employee of any partnership, firm, government agency, or corporation, who shall violate or shall cause, maintain, and allow any violation of §§ 52.01 to 52.14 and who shall fail to cease said violation of §§ 52.01 to 52.14, or abate and correct the cause of said violation within the time specified in a written notice to cease said violation, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 and each day such violations are continued shall be deemed a separate and distinct offense punishable by a like fine.

(Prior Code, § 710.150) (Ord. 204A, passed 8-9-1983)