

outline is defined and used in this document

TITLE VII. PUBLIC UTILITIES

CHAPTER 700: WATER REGULATIONS

ARTICLE I. WATER SERVICE

SECTION 700.010: DEFINITIONS

As used in this Article, the following terms shall have these meanings:

COMMERCIAL USER: The registered consumer and all other persons using water from any water tap on said premises with or without the consent of the registered consumer, in all cases in which the City water tap is located on premises used for business or commercial purposes or partly for business and commercial purposes or on premises not used exclusively as a dwelling house.

REGISTERED CONSUMER: Any person in whose name the City water meter is registered in the records of the City and any person who is listed as a purchaser of water on a minimum charge basis on the records of the City.

RESIDENTIAL USER: The registered consumer and all other persons using water from any water tap on said premises with or without the consent of the registered consumer, in all cases in which the City water tap is located on premises occupied and used exclusively as a dwelling house. (CC 1996 §665.020(A))

SECTION 700.020: LIMITATIONS ON USE

- A. The sale, use and consumption of water in the City from the City water mains and system shall be limited and restricted on behalf of all residential and commercial users of water in said City whenever an emergency exists which shall curtail and lessen the quantity of water in said City available for use and consumption to the extent that it shall endanger the health or safety or general welfare of the citizens of said City.
- B. The Mayor of the City, after consultation with the City Services Director and acting with the advice and consent of the President of the Board of Aldermen of said City, is hereby vested with full power and authority to determine and declare by proclamation that a state of emergency exists in said City with respect to the quantity of water available for consumption and use whenever in the judgment of said Mayor it shall appear that the health or safety or general welfare of the citizens of said City is endangered or impaired due to a shortage in the supply of water available for consumption and use.

Said proclamation shall further implement the following plan until it can be determined that the emergency no longer exists. Depending on the expected severity of the problem, it is possible that stages 2 and 3 as hereinafter set out might be implemented immediately.

Requests for public cooperation shall be made through the news media.

This Section will affect only those citizens and commercial entities who receive water service from the New Franklin Water Department.

[The next page is 829]

- C. Stage One of the water conservation plan shall request voluntary conservation and compliance with the following restrictions:
 - 1. No washing of sidewalks, driveways, parking areas, patios or other paved areas.
 - 2. No refilling of swimming pools with water furnished by the City.
 - 3. No washing of cars, other motor vehicles, trailers or boats.
 - 4. No water to be used for dust control.
 - 5. No flushing of mains, except to alleviate specific complaints.
 - 6. Commercial and industrial users to conserve water as much as possible.
 - 7. Restriction on watering lawns and gardens except in off peak hours to be determined by the Mayor or Board of Aldermen.

- D. If, after the initiation of State One, weather conditions, expected trends in demand or other factors indicate that the threat of a shortage will continue, the following additional provisions of Stage Two will be implemented.

Stage One restrictions would remain in effect plus the following:

- 1. No use of water from a fire hydrant except for fighting fires.
- 2. Watering of any lawn, garden, tree or other plants is prohibited, except from a hand-held container.
- 3. Commercial/industrial users to reduce usage by thirty percent (30%).

- E. If, after initiation of Stage Two, it appears that the shortage will continue or worsen, the following mandatory measures of Stage Three would be implemented.

Stage Two restrictions would remain in effect plus the following:

- 1. All restrictions listed in this Section would become mandatory.
- 2. All commercial and industrial users would be required to adopt previously submitted water conservation plans.

- F. Any person or persons who shall violate any of the mandatory provisions of the plan or any commercial or industrial user who fails to submit a water conservation plan acceptable to the Board of Aldermen of the City of New Franklin within one hundred twenty (120) days of the passage of this Section shall be guilty of a misdemeanor and upon conviction in addition to the penalties called for in the revised ordinances of the City of New Franklin shall be subject to termination of water service. (CC 1996 §665.020(B))

SECTION 700.030:

RULES AND REGULATIONS

[The next page is 829]

Rules and regulations shall be as follows:

[The next page is 829]

1. Hereafter, water shall be supplied by the City to consumers, only under the terms and conditions, rules and regulations prescribed by or authorized by this Chapter.
2. The City shall have the right of civil action to recover all claims for delinquent water rates and fees.
3. The Director of City Services shall read or cause to be read, as near the end of each calendar month as practicable, all meters used by consumers who are being charged for water used by them at meter rates.
4. Persons desiring to be supplied with water from the waterworks system shall pay all the costs for tapping the water main, installing the service pipe, curb cock and any other costs of expense incident to the installation and maintenance of such connection or service pipe except meters.
 - a. A fee of twenty-five dollars (\$25.00) shall be paid for the replacement of a water meter box.
 - b. A fee of three hundred seventy-five dollars (\$375.00) shall be paid for any new installation of water service. This fee shall be for installation of a three-fourths ($\frac{3}{4}$) inch line to the property of a private residence. The fee for installation of a larger line and water meter shall be three hundred seventy-five dollars (\$375.00) plus the cost of additional time and material which may be necessary.
 - c. Meter deposit for homeowners shall be one hundred dollars (\$100.00).

Meter deposit for renters shall be one hundred dollars (\$100.00).
5. Consumers shall be charged for water service from the time the water is turned on at their request and until they give notice to the Director of City Services to discontinue service.
6. When a meter is found to be not correctly registering the quantity of water used by any consumer, the Director of City Services shall estimate the amount of water used by the consumer from the date such meter failed to correctly register the amount of water passing through it and such consumer shall base the same upon the amount of water consumed by the patron during a like period or upon some reasonable basis.
7. If any leak is found in the service pipe, such consumer shall immediately and without notice from the Director of City Services cause such leak to be stopped or repaired and the Director of City Services is authorized to cut off the water supply of any consumer whose service pipe is found to be leaking, until such leak shall have been repaired.
8. Any consumer applying for or using water from the water system of said City shall do so subject to the rights of the City to shut off such water supply at any time for the purpose of making repairs or improvements in its waterworks plant or mains or for any other purpose deemed necessary or advisable by the Director of City Services or by the Mayor and Board of Aldermen.
9. Any person violating any of the provisions of this Section shall, upon conviction thereof, be fined for the first (1st) offense not less than five dollars (\$5.00) and for the subsequent offenses not less than ten dollars (\$10.00). The Director of City Services is hereby authorized and

directed to shut off the water supply of any consumer found by him/her to be violating any of

[The next page is 829]

the provisions of this Section and to refuse to again supply such consumer with water authorized or permitted to do so by resolution of the Board of Aldermen.

10. The City shall furnish, install and maintain one (1) meter for each consumer.
11. No person shall, without authorization from the Director of City Services, the Board of Aldermen or the Mayor, break the seal on any water meter used in or connected with the City water system or belonging to the City or set, regulate or in any way tamper with any meter, water main, pipe or pump belonging to the City or used in or connected with the City water system.
12. No person, firm or corporation shall tap or connect his, her or its premises with the waterworks system of the City without first procuring from the Director of the City Services a permit for such connections and agreeing to abide by such regulations governing such connections as shall be prescribed by the Director of City Services. (CC 1996 §665.020(C); Ord. No. 632 §§1-2, 1-11-99; Ord. No. 654 §1, 2-26-01; Ord. No. 733 §1, 8-10-09)

SECTION 700.040:**RATES TO BE CHARGED**

- A. From and after the first (1st) day of the first (1st) month following the passing of this Section, August 10, 2009, the monthly rates required and which shall be charged and collected by the City of New Franklin, Missouri, for water service shall be as follows:
 1. For the first one thousand (1,000) gallons or fraction thereof, a minimum charge of twelve dollars (\$12.00).
 2. For every one thousand (1,000) gallons or fraction thereof after the first one thousand (1,000) gallons, a charge of six dollars forty-nine cents (\$6.49).
- B. The Governing Body of the City of New Franklin, Missouri, hereby finds and determines that the rates, fees and charges for the use and services of the combined waterworks and sewage system of the City are necessary and adequate at this time to meet the requirements of Sections 250.010 to 250.250, RSMo.
- C. All water meters shall be read and bills for water and sewage services shall be rendered monthly as such services accrue. The City Collector or other officer or representative of the City designated to prepare and render bills for water and sewage services shall calculate monthly the amount of each bill for water service and shall add thereto the amount to each of such customer's bill for sewage service and shall render monthly to each customer a combined bill for such water and sewage services. All such bills shall be due and payable at the office of the City Collector during the regular hours of business from and after the date of the rendition thereof.
- D. If any bill for water and sewage services, or for either water service or sewage service (if any customer shall receive one (1) service but not both), shall remain due and unpaid after ten (10) days from the date of the rendition thereof, an additional charge of ten percent (10%) thereof shall be added thereto.
- E. If any bill for water and sewerage services, or for either water or sewer service (if any customer shall receive one (1) service but not both), shall be and remain unpaid for as long as twenty (20)

[The next page is 829]

days, service to such customer shall be discontinued and shall not be reconnected until all past due bills are paid in full together with a reconnection charge of sixty dollars (\$60.00).

- F. Application for water and sewage services shall be made to the City Collector or other person designated by the Board of Aldermen by the owner or occupant of the property to be served and upon the approval of such application, such applicant shall have the right to connect with the City's combined waterworks and sewage system, all costs of such connection to be borne by such applicant. The Board of Aldermen may hereafter prescribe a connection charge to be paid by any such applicant at the time of his/her application.
- G. The occupant and user of the premises receiving water and sewage services, or either of them, and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have the power to sue the occupant or the owner, or both, of such real estate in a civil action to receive any sums due for such services plus a reasonable attorney's fee to be fixed by the court.
- H. Water services shall be supplied only through water meters installed and meeting the City's specifications. No free water service or sewage service shall be furnished to any premises or the owner or occupant thereof, except to the City itself and in the event that revenues derived by the City from its combined waterworks and sewage system shall at any time prove insufficient to pay the cost of maintenance and operation thereof and to pay the interest on and principal of the combined waterworks and sewage system revenue bonds of the City issued to improve and extend such system or any part thereof and to establish and maintain reasonable reserves as provided in the ordinance authorizing the issuance of such bonds, then the City will thereafter pay a fair and reasonable charge for all water and sewage services furnished the City or any of its departments by the combined waterworks and sewage system, and such payments will continue so long as the same may be necessary in order to prevent any default in the payment of the interest on or principal of the combined waterworks and sewage system revenue bonds of the City or while any such default shall exist.
- I. It shall be a misdemeanor for any person or persons to tamper with any water main, water meter or sewage line or to make any connection to the combined waterworks and sewage system of the City without written permission from the City or to reconnect service when service has been disconnected for non-payment of a bill for service until such bill, including the reconnection charge, has been paid in full. Upon conviction, there shall be imposed a fine of not less than ten dollars (\$10.00). (CC 1996 §665.020(D); Ord. No. 654 §2, 2-26-01; Ord. No. 686 §I, 7-26-04; Ord. No. 731, 8-10-09)

SECTION 700.050:**PRIMACY FEE**

- A. The Missouri State "primacy fee" will be collected annually in the month of December. This fee will be stated separately on the customer's water bill as a "State fee".
- B. The charged assessed against each customer of the City utility as established by the State is determined on the basis of meter size as stated below. The City shall use its records to determine the initial fee, which unless challenged within thirty (30) days after the date the fee becomes delinquent shall be conclusively presumed to be accurate:

For customers with a meter of 1 inch or smaller

§ 700.050

New Franklin City Code

§ 700.070

Meter size more than 1 and less than 2 inches

\$7.44/ye

Meter size more than 2 less than 4 inches

\$41.16/year

Meter size more than 4 inches

\$82.44/year

- C. The City Administrator is directed to obtain the necessary services and supplies to comply with this decision, including new State billing forms and computer programming services as required. (CC 1996 §665.030)

ARTICLE II. CROSS-CONNECTION CONTROL

SECTION 700.060:

CROSS-CONNECTION CONTROL

This Article shall apply to all premises served by the public water system of the City of New Franklin. (CC 1996 §665.050(A))

SECTION 700.070:

DEFINITIONS

As used in this Article, the following terms shall have these meanings:

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 (1) 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 DEVICE: Any device, method or type of construction intended to prevent backflow into a potable water system.

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 cross-connection device 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 waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

[The next page is 829]

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.

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.

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 device.

HAZARD, POLLUTIONAL: An actual or potential threat to the physical properties of the water system or to the potability of the public 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.

HAZARD, SYSTEM: An actual or potential threat of severe damage to physical properties of the public 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: The protection of a facility service line by installing a cross-connection control device or air-gap separation 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 public 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 Missouri 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 who is the responsible charge of a public water system. (CC 1996 §665.050(B))

SECTION 700.080:**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 Missouri 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 Missouri 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. (CC 1996 §665.050(C))

SECTION 700.090:**SURVEY AND INVESTIGATIONS**

- A. The consumer's premises shall be open at all reasonable times to the Water Purveyor or his/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/her authorized representative, the consumer shall furnish information on water use practices within his/her premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system. (CC 1996 §665.050(D))

SECTION 700.100:**TYPE OF PROTECTION REQUIRED**

- 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 reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
- C. An approved air-gap separation or an approved reduced pressure principle backflow prevention device 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 polluttional hazard not dangerous to health. (CC 1996 §665.050(E))

[The next page is 829]

SECTION 700.110:

WHERE PROTECTION IS REQUIRED

- A. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Water Purveyor or the Missouri 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 device shall be installed at the service connection or within any premises where, in the judgment of the Water Purveyor or the Missouri 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 Missouri 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 re-established.
 5. Premises which, due to the nature of 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.
 7. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or back pressure should occur, a serious health hazard may result.
- C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention device is required by the Water Purveyor and the Missouri 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 Missouri Department of Natural Resources:
1. Aircraft and missile plants;
 2. Automotive plants;
 3. Auxiliary water systems;

4. Beverage bottling plants;

[The next page is 829]

5. Canneries, packing houses and reduction plants;
6. Car washing facilities;
7. Chemical manufacturing, processing, compounding or treatment plants;
8. Film laboratories;
9. Fire protection systems;
10. Hazardous waste storage and disposal sites;
11. Hospitals, mortuaries, clinics;
12. Irrigation and sprinkler systems;
13. Laundries and dye works;
14. Metal manufacturing, cleaning, processing and fabricating plants;
15. Oil and gas production, storage or transmission properties;
16. Paper and paper products plants;
17. Plating plants;
18. Power plants;
19. Printing and publishing facilities;
20. Radioactive material processing plants or nuclear reactors;
21. Research and analytical laboratories;
22. Rubber plants, natural and synthetic;
23. Sewage and storm drainage facilities—pumping stations; and
24. Waterfront facilities and industries. (CC 1996 §665.050(F))

SECTION 700.120:**BACKFLOW PREVENTION DEVICES**

- A. Any backflow prevention device required by this Article shall be of a model or construction approved by the Water Purveyor and the Missouri 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 (1) inch.
 2. A double-check valve assembly or a reduced pressure principle backflow prevention device
- [The next page is 829]

shall be approved by the Water Purveyor and shall appear on the current "list of approved backflow prevention devices" established by the Missouri Department of Natural Resources.

purchase to retirement. This shall include a comprehensive listing that includes a record of all tests,

[The next page is 829]

inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the Water Purveyor upon request.

- E. Backflow prevention devices shall not be by-passed, made inoperative, removed or otherwise made ineffective without specific authorization by the Water Purveyor. (CC 1996 §665.050(I))

SECTION 700.150: 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 device required by this Article is not installed, tested or maintained in a manner acceptable to the Water Purveyor or if tested and maintained in a manner acceptable to the Water Purveyor or if it is found that the backflow prevention device has been removed or by-passed 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 Article to the satisfaction of the Water Purveyor. (CC 1996 §665.050(J))

**ARTICLE III. OTHER WATER PROVISIONS
AND REGULATIONS**

SECTION 700.160: FLUORIDE

- A. The City Water Company of New Franklin is hereby authorized and directed to provide the means and to proceed with the introduction of fluoride into the public water supply of New Franklin, Missouri, in such quantities as are required to provide throughout the pipe distribution system a fluoride concentration of approximately one (1) part fluoride per million parts of water.
- B. The City Water Company shall keep an accurate record of the amount of fluoride-bearing chemical applied to the quantities of the water treated and caused such analytical tests to be made for fluoride (in terms of the element F) in the untreated and treated water as it shall be directed to do by the Missouri Division of Health. (CC 1996 §665.040)

**SECTION 700.170: LEAD BAN IN PUBLIC AND PRIVATE DRINKING
WATER PLUMBING**

- A. *Lead Ban—General Policy.*

1. *Purpose.* The purpose of this policy is:

- a. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
- b. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.

[The next page is 829]

[The next page is 829]

2. *Application.* This Section shall apply to all premises served by the public drinking water system of the City of New Franklin, Missouri.
3. *Policy.* This Section shall be reasonably interpreted by the Water Purveyor. It is the purveyor's intent to ban the use of lead based material in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgment of the Water Purveyor or his/her authorized representative, lead based materials have been used in new construction or modifications after October 1, 1996, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead based materials removed from the plumbing system and replaced with lead-free materials. If the lead based materials are not removed from the plumbing system, the Water Purveyor shall have the right to discontinue water service to the premises.

- B. *Definitions.* The following definitions shall apply in the interpretation and enforcement of this Section:

LEAD BASED MATERIALS: Any material containing lead in excess of the quantities specified in the definition of "Lead Free" below.

LEAD FREE:

1. When used with respect to solder and flux, refers to solders and flux containing not more than two-tenths percent (0.2%) lead; and
2. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than eight percent (8.0%) lead.

- C. *Lead Banned From Drinking Water Plumbing.*

1. No water service connection shall be installed or maintained to any premises where lead materials were used in new construction or modifications of the drinking water plumbing after October 1, 1996.
2. If a premises is found to be in violation of Subparagraph (1) above, water service shall be discontinued until such time that the drinking water plumbing is lead free. (CC 1996 §665.055; Ord. No. 606 §§I–III, 9-23-96)

[The next page is 829]

CHAPTER 705: SEWERS AND SEWAGE

DISPOSAL

ARTICLE I. IN GENERAL

**SECTION 705.010: MANAGEMENT OF SEWERAGE SYSTEM—RULES
AND
REGULATIONS OF CITY BOARD OF ALDERMEN**

- A. The complete sewerage system of the City shall be and remain under the management, supervision and control of the Board who may employ or designate such person or persons in such capacity or capacities as they deem advisable to carry out the efficient management and operation of the system. The Board may make such rules, orders or regulations as deemed advisable and necessary to assure the efficient management and operation of the system.
- B. The Board may make such rules and regulations governing the operation of the sewerage system and the collection of the service charges as it shall deem necessary. Such rules, regulations and bylaws shall have the same force and effect as ordinances. (CC 1996 §675.010)

SECTION 705.020: SEWER CONNECTION PERMIT

No person shall make or cause to be made any connection to any sewer constructed or maintained by the City without first obtaining a permit therefor from the City Board of Aldermen; nor shall any person make or cause to be made any such connection in any manner or at any time or place except as specified in such permit. (CC 1996 §675.020)

SECTION 705.030: INSPECTION AND RIGHT OF ENTRY

- A. The approving authority and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- B. The approving authority or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the property owner. The owner shall be held harmless for injury or death to any City employee and the City shall indemnify the owner against loss or damage to his/her property by any City employee and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of inspection or maintenance operation except as such may be caused by negligence or failure of the owner to maintain safe conditions on his/her property. (CC 1996 §675.030)

SECTION 705.040: LIABILITY FOR OBSTRUCTION OF OR DAMAGE

[The next page is 829]

TO PUBLIC SEWER SYSTEM

If a public sewer or treatment unit becomes obstructed or damaged because of any substances improperly discharged thereto or action by the owner or his/her agent, the person responsible for

such discharge and/or damage shall be billed and shall pay for the expenses incurred by the City in cleaning out, repairing or rebuilding the facility. Such payment shall not preclude prosecution for violation of any provision of this Code. (CC 1996 §675.040)

SECTION 705.050:**VIOLATION OF ARTICLE**

- A. Any person found to be violating any provision of this Article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond such time limit shall be deemed guilty of a misdemeanor.
- B. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (CC 1996 §675.050)

ARTICLE II. SEWER FEES**SECTION 705.060:****ANNUAL STATE SEWER FEES ESTABLISHED**

- A. The Missouri State "sewer fee" will be collected annually in the first (1st) quarter of the calendar year.
- B. The charge assessed against each customer of the City utilities as established by the State is determined on the basis of the system.
- C. For sewer systems that serve equal to or less than one thousand (1,000) customers, eighty cents (\$.0.80) per residential customer as defined by the provider of said sewer service until such time as the Commission promulgates rules defining the billing procedure.
- D. Ten dollars (\$10.00) per water service connection for all other customers with water service connections of one (1) or more than one (1) inch, but less than or equal to four (4) inches, excluding taps for fire suppression and irrigation systems.
- E. Twenty-five dollars (\$25.00) per water service connection for all other customers with water service connections of more than four (4) inches, excluding taps for fire suppression and irrigation systems.
- F. Three dollars (\$3.00) per water service connection for all other customers with water service connections of less than or equal to one (1) inch, excluding taps for fire suppression and irrigation systems.
- G. Five percent (5%) of the fee revenue collected shall be retained by the City as reimbursement of billing and collection expenses. (Ord. No. 655 §§1-7, 2-26-01)

ARTICLE III. SEWER LATERALS

SECTION 705.070: "LATERAL" DEFINED

The word "*lateral*", as used in this Article, means the sewer pipe running from the public sewerage unit to the building drain which ends five (5) feet outside the inner face of the building wall. This may also be referred to as the "*building sewer*". (CC 1996 §675.110)

SECTION 705.080: LATERALS TO BE LAID IN COMPLIANCE WITH CODES

All laterals shall be laid in compliance with the provisions of the City Plumbing Code and this Code. (CC 1996 §675.120)

SECTION 705.090: CONSTRUCTION, ALTERATION OR REPAIR PRIOR TO PAVING—ORDER BY BOARD OF ALDERMEN

The Board may, by resolution, before laying any pavement, order constructed, raised, lowered, relaid or repaired any lateral whenever a change in grade or a new lateral is required. (CC 1996 §675.130)

SECTION 705.100: CONSTRUCTION, ALTERATION OR REPAIR PRIOR TO PAVING—NOTICE TO OWNER OR OCCUPANCY OF PROPERTY IN FRONT OF OR CONTIGUOUS TO PROPOSED IMPROVEMENT—RESOLUTION FIXING TIME FOR HEARING, ETC.

- A. The Board shall give to the owner, agent or occupant of any parcel of land in front of or contiguous to a lateral to be constructed, raised, lowered, relaid or repaired, notice of not less than fourteen (14) days of the time when the Board will meet for the purposed of hearing such owner, agent or occupant relative to such work. The Board shall, by resolution, fix the time for such hearing and the time when such work shall be done. Such resolution shall also provide that in the event the owner, agent or occupant of such parcel of land fails to make such proposed improvement, the same shall be done by the City and the expense thereof shall be assessed as a special assessment. The Board shall keep and file a copy of such notice, with the proper return of service thereon, and file the same with the City Clerk.
- B. For the purpose of serving the notice provided for in this Section, the party to whom the lot or premises is assessed shall be deemed the owner thereof and in case it is assessed "owner unknown", and the name of the owner cannot be ascertained, upon proof of the fact filed with the Board, the Board shall publish such notice in a newspaper published and in general circulation in the City not less than three (3) weeks in succession and upon filing of the affidavit of such publication with the Board, the same proceedings shall thereafter be had as if there had been personal service. When the owner is known, but resides outside of the City, service may be made by registered mail. Upon the filing of proof of receipt of such notice by registered mail, the same proceedings shall be had as though personal service had been made. (CC 1996 §675.140)

[The next page is 829]

SECTION 705.110: CONSTRUCTION, ALTERATION OR REPAIR PRIOR TO PAVING—FAILURE OF OWNER OR OCCUPANT TO COMPLY WITH NOTICE

Any owner, agent or occupant of any premises in front of or contiguous to a lateral to be constructed, raised, lowered, relaid or repaired, as the case may be, who refuses to cause such work to be done within the time specified in the notice served upon him/her personally under Section 705.100, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in a sum not to exceed one hundred dollars (\$100.00) and the costs of prosecution. (CC 1996 §675.150)

SECTION 705.120: CONSTRUCTION, ALTERATION OR REPAIR PRIOR TO PAVING—WORK BY CITY

- A. If the person against whom an improvement is to be assessed pursuant to a resolution adopted under Section 705.100 shall refuse or neglect to construct, repair, raise, lower or relay such lateral within the time specified in the notice given him/her, the Board shall then, by resolution, cause such work to be done according to the resolution authorizing the same and the cost and expense thereof shall be a lien upon the premises in front of or contiguous to such lateral. The same shall be assessed, levied and collected in the same manner and be included in the amount raised for sewer purposes as other taxes.
- B. The Board shall keep or cause to be kept an itemized account of the total cost of work done under this Section, verify the same and file it with the City Clerk. The amount so verified shall be the amount assessed and collected against such premises and the cost shall be paid out of the contingent fund and upon receipt of such sum from the taxpayer, it shall be credited to the contingent fund. (CC 1996 §675.160)

ARTICLE IV. SEWAGE DISPOSAL AND SEWER USE STANDARDS

SECTION 705.130: DEFINITIONS

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

BOD: Biochemical oxygen demand or the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C) expressed in milligrams per liter.

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

BUILDING SEWER OR LATERAL: The extension from the building drain to the public sewerage system or other place of disposal.

[The next page is 829]

CAPITAL CHARGE: That portion of the total charges for sewage service which are levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance and replacement costs.

CITY: The City of New Franklin, Missouri.

COMBINED SEWER: Any sewer receiving both stormwater and sewage.

COMMERCIAL WASTES: The liquid or water-carried wastes from commercial establishments or those concerns engaged in buying, selling or exchanging goods or services.

DIRECTOR: The Director of Sewer Utilities of the City or his/her authorized deputy, agent or representative as appointed by the Board.

GARBAGE: The waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM: Includes every means of disposing of industrial, commercial, household, domestic or other water-carried waste or sewage, other than a public sanitary sewerage system.

INDUSTRIAL WASTES: The liquid or water-carried wastes from industrial processes as distinct from sanitary sewage.

LATERAL: The extension of the building drain to the public sewerage system or other place of disposal, also called "building sewer".

MG/L: Milligrams per liter.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL DOMESTIC WASTEWATER: Wastewater that has a BOD concentration of not more than two hundred fifty (250) mg/l and a suspended solids concentration of not more than three hundred (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.

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

PROPERLY SHREDDED GARBAGE: Garbage that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in the public sanitary sewer, with no particle larger than one-half (1/2) inch in any dimension.

PUBLIC SEWERAGE SYSTEM: A sewer line and/or treatment unit that is controlled by the City.

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 "operating 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.

SANITARY SEWAGE: The liquid or water-carried waste discharged from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institutions.

SANITARY SEWER: A sewer line to which stormwaters are not intentionally admitted.

SEWAGE: Any liquid or water-carried waste from residences, business buildings, institutions, laboratories and industrial and commercial establishments, together with such stormwater as may be present.

SEWAGE SERVICE CHARGE: The total monthly charge for sewage service based upon the amount and strength of sewage determined to be discharged into the sewage system of the City.

SEWER: A pipe or conduit for carrying sewage.

SEWERAGE SYSTEM OR SYSTEM: The complete sewerage system of the City and shall be construed to include all treatment plants, works, pumps, valves, mains and lateral sewers, instrumentalities and properties, now or hereafter existing, used or useful in connection with the collecting, pumping, disposal and treatment of wastewater as now or hereafter added to, expanded or improved.

SHALL, MAY: The word "*shall*" is mandatory; the word "*may*" is permissive.

SLUG: Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

STANDARD METHODS: 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 Waterworks Association and the Water Pollution Control Federation.

STORM DRAIN OR STORM SEWER: Any drain or sewer, either natural or artificial, which is intended expressly for the conveyance of stormwater and uncontaminated industrial wastes.

STORMWATER: That part of precipitation which reaches the sewers as runoff from the natural land surface, building roofs or pavements or as ground water infiltration.

SURCHARGE: The assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

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

TOXIC POLLUTANTS: Any pollutants, gaseous, liquid or solid, which when discharged into the sewage system may tend to interfere with any waste treatment process or to constitute a hazard to human beings or animals or to inhibit aquatic life or to create a hazard to recreation in the receiving water of the effluent from the sewage treatment plant.

[The next page is 829]

[The next page is 829]

TREATMENT WORKS: Any devices and systems for the transporting, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial waste. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extension improvement, 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 stormwater and sanitary sewer systems.

UNCONTAMINATED INDUSTRIAL WASTES: Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

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

USER CHARGE: That portion of the total charges for sewage service which are levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the sewage system and is also called "sewage service charge".

WASTEWATER: Includes commercial wastes, industrial wastes, sanitary sewage and uncontaminated industrial wastes.

WASTEWATER TREATMENT PLANT: Any arrangement of devices and structures used for treating wastewater.

WATERCOURSE: An open, natural channel in which a flow of water occurs either continuously or intermittently.

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. (CC 1996 §675.210)

SECTION 705.140: PURPOSE OF ARTICLE—VIOLATIONS AS NUISANCE—EXEMPTIONS

The standards and regulations established in this Article are deemed to be consistent with the preservation of the public health and safety and to fulfill the obligations of the City with respect to State and Federal law and all rules and regulations adopted pursuant thereto. The discharge into any sewer in the City of any substance which exceeds the limitations set forth in this Article or in any manner fails to conform to this Article is hereby declared to be a public nuisance and a violation of this Code. Any waste discharge to an open watercourse by a commercial, industrial or other entity that is regulated by or under order of an agency of the State of Missouri will be exempt from the provisions of this Article, if such regulations or orders are being met. (CC 1996 §675.220)

SECTION 705.150: MANDATORY SEWER CONNECTION—SEPTIC TANKS—DENIAL OF RIGHT TO CONNECT

- A. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which

[The next page is 829]

SECTION 705.180: PROHIBITED DEPOSITS IN SANITARY SEWERAGE SYSTEM

A. Except as otherwise specifically provided, no person shall discharge or cause to be discharged any of the following described matter, material or wastes into a sanitary sewerage system:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (sixty-five degrees Celsius (65°C)).
2. Any waters or wastes which may contain more than fifty (50) mg/l of animal or vegetable fat, oil or grease.
3. Any gasoline, benzine, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
4. Any grease, oil or other substance that will become solid or viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred twenty degrees Fahrenheit (120°F).
5. Any garbage that has not been properly shredded.
6. Any mineral, oil or grease, ashes, cinders, sand, mud, plastics, wood, whole blood, paunch manure, hair, fleshings, entrails, straw, shavings, metal, glass, rags, paper, feathers, asphalt, tar, manure 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 sewerage system.
7. Any waters or wastes having a pH lower than five and one-half (5.5) or higher than nine and one-half (9.5) or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the treatment works.
8. Any waste flow or batch discharge in excess of:

| | |
|--|---------------------------------------|
| Copper | 1 mg/l as Cu. |
| Chromium | 1 mg/l as total Cr. |
| Cyanide | 1 mg/l as CN. |
| Zinc | 5 mg/l as Zn. |
| Cadmium | 1 mg/l as Cd. |
| Aluminum | 2 mg/l as Al. |
| Phenol | .02 mg/l |
| Nuclear | As per State and national regulations |
| Others such as lead, arsenic, chlorine, chlorides, nickel or iron may be controlled by order of the Board. | |

9. Any discharge of phosphorous, ammonia, nitrates, sugars or other nutrients or wastewaters

containing them shall be limited to the extent necessary to prevent adverse effects on treatment processes or the stimulation of growths of algae, weeds and slimes which are or may become injurious to water supply, recreational use of water, fish, wildlife and other aquatic life.

10. Any paints, oils, lacquers, thinners or solvents including any waste containing a toxic or deleterious substance in sufficient quantity to impair the sewage treatment process or constitute a hazard to employees working in the sewerage system and treatment plant.
 11. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 12. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at a wastewater treatment unit, the final plant or by the sewer line maintenance division.
 13. Any excessive discoloration such as, but not limited to, dye wastes or any vegetable tanning solutions or any unusual chemical oxygen demand, chlorides, sulfates or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 14. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State or Federal regulations.
 15. Wastes from any individual sewage disposal system.
 16. Any sludge, precipitate or congealed substance resulting from an industrial or commercial process or resulting from the pretreatment of the person's wastewater or air pollutants.
- B. The City may waive such prohibitions above provided:
1. Such is not in conflict with Federal and State rules and regulations on discharge to a sewage treatment plant.
 2. Such discharges are monitored to assure that the specific quantities and qualities are known. (CC 1996 §675.260)

SECTION 705.190:**GREASE, OIL AND SAND INTERCEPTORS**

- A. Grease, oil and sand interceptors shall be provided for the handling of liquid wastes containing grease or oil in excessive amounts, any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.
- B. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his/her expense, in continuously efficient operation at all times and shall be subject to inspection by the City. (CC 1996 §675.270)

[The next page is 829]

SECTION 705.210: MAINTENANCE OF PRETREATMENT FACILITIES

Where pretreatment facilities are provided for any wastes or waters, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense. Any person required to utilize pretreatment facilities shall, upon the request of the Board, submit records of samplings taken from waste discharges. (CC 1996 §675.290)

SECTION 705.220: CONTROL MANHOLES TO FACILITATE OBSERVATION, SAMPLING AND MEASUREMENT OF INDUSTRIAL AND COMMERCIAL WASTES

When required by the Board, the owner of any property served by a building sewer carrying industrial wastes or commercial wastes shall install one (1) or more suitable control manholes in the building sewer to facilitate observation, sampling and measurement of wastes. Such manholes, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Board. The manholes shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

SECTION 705.230: MEASUREMENTS AND TESTS

Any and all non-residential and non-commercial wastewater discharged to the public sanitary sewerage system must be metered either as water used or as wastewater discharged. Where applicable, an existing water meter will be used. If for any reason of separation, evaporation, usage in product, ground water infiltration or the use of water other than metered water, the discharge of wastewater to the sanitary sewer is other than recorded on the water meter, then other metering will be required which will more accurately determine the volume of wastewater so discharged. The cost of such special metering devices and their installation and maintenance shall be paid by the customer. All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater" and shall be determined at the control manhole provided for in Section 705.220 or upon suitable samples taken at such control manhole. In the event that no special 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. (CC 1996 §675.310)

SECTION 705.240: SPECIAL AGREEMENTS FOR TREATMENT OF WASTE OF UNUSUAL STRENGTH

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any person whereby any waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the person receiving the service. (CC 1996 §675.320)

SECTION 705.250: CORRECTIVE TREATMENT TO BE ACCOMPLISHED BEFORE WASTE REACHES SANITARY SEWER

All the preceding specific conditions of this Article are to apply at the point where wastes are
[The next page is 829]

discharged into a public sanitary sewer and all chemical or mechanical corrective treatment must be accomplished to practical completion before this point is reached. (CC 1996 §675.330)

[The next page is 829]

SECTION 705.260: DAMAGING, INTERFERING WITH, ETC., SEWERAGE SYSTEM PROPERTY

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage system. (CC 1996 §675.340)

SECTION 705.270: RIGHT OF ENTRY TO ENFORCE ARTICLE—STATEMENT AND REPORTS MAY BE REQUIRED FROM SEWER USERS

The Board and duly authorized employees 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 Article. Any person who applies for or receives sewer services from the City shall be deemed to have consented to inspections pursuant to this Section, including entrance upon that person's property at reasonable times to make such inspections. The Board also may require any person who applies for or receives sewer service to file a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the waste. The Board may also require any person receiving sewer service to sample, test and file reports of the same on schedule and according to methods approved by them. (CC 1996 §675.350)

SECTION 705.280: GENERAL PENALTY FOR VIOLATION OF ARTICLE

Any person violating any provision of this Article, for which no specific penalty is provided, shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day of violation and the costs of prosecution. (CC 1996 §675.360)

SECTION 705.290: CIVIL REMEDIES FOR ENFORCEMENT OF ARTICLE

In addition to the penalties provided in Section 705.280, the Board is hereby authorized to bring any appropriate action in the name of the City either at law or in chancery, as may be necessary or desirable, to restrain or enjoin any public nuisance and to enforce any provision of this Article and in general to carry out the intent and purpose of this Article. The Board is also hereby authorized to recover from any person violating the provisions of this Article all damages to the sewerage system resulting from such violation, together with all costs incurred by the City in the treatment, cleaning or repair of the sewerage system caused by such violation, which damages and costs, when determined, may be assessed against the property of the person so violating the provisions of this Article. (CC 1996 §675.370)

ARTICLE V. SEWER USE CHARGES

SECTION 705.300:

DEFINITION

In this Article, the term "*system*" means the particular sewage disposal system including sewers, the

sewage disposal plant and other incidentals, together with all appurtenances and extensions thereto utilized by the town. (CC 1996 §675.410)

SECTION 705.310: BASIS OF CHARGE

- A. The user charge system shall generate adequate annual revenues to pay the costs for operation and maintenance including a set-aside for replacement and cost associated with debt retirement of borrowed capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. Those portions of the total user charge which are designated for operation and maintenance including replacement of the treatment works shall be established by this Article.
- B. The fee for sewer connection shall be fifty dollars (\$50.00). (CC 1996 §675.420; Ord. No. 600 §1, 8-26-96)

SECTION 705.320: SEPARATION OF FUNDS

That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in three (3) 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). Operational costs shall include the costs of treatment. Costs associated with debt retirement of borrowed capital for the treatment works may also be included in this account.
2. Two (2) accounts designated for the specific purpose of insuring replacement needs over the useful life of the treatment works and sewer system (replacement accounts). Deposits in the replacement accounts shall be made annually from the operation, maintenance and replacement revenue in the amount of two thousand seven hundred seventy-nine dollars (\$2,779.00) to the treatment works account and two thousand dollars (\$2,000.00) annually to the sewer account.
3. Fiscal year-end balances in the various accounts 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 and maintenance account and the replacement accounts shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed. (CC 1996 §675.430)

SECTION 705.330: CLASSIFICATION OF USERS

- A. Each user shall pay for the services provided by the City based on his/her use of the treatment works as determined by water meter(s) acceptable to the City.

B. For residential contributors, monthly user charges will be based on monthly water usage.

- C. 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 wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the City.
- D. A monthly charge of eight dollars fifty cents (\$8.50) which covers costs of billing and collection, debt retirement of borrowed capital and replacement of sewers only shall be included as the minimum charge per month as set by the City. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of two dollars seventy-five cents (\$2.75) per one thousand (1,000) gallons of water as determined in the following Sections.
- E. For those contributors who contribute wastewater, 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:
 - \$.035 per pound BOD
 - \$.174 per pound SS
- F. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent from the City's treatment works or any user which discharges any substances 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 such user shall be as determined by the responsible plant operating personnel and approved by the Board.
- G. The user charge rates established by ordinance shall apply to all users in the City regardless of their location. (CC 1996 §675.440; Ord. No. 636 §675.440, 3-8-99; Ord. No. 732, 8-10-09; Ord. No. 742, 8-10-10)

SECTION 705.340: SERVICE OUTSIDE CITY

Service to units located outside of the corporate limits of the City shall be at the discretion of the Board. (CC 1996 §675.450; Ord. No. 636 §675.450, 3-8-99)

SECTION 705.350: CHARGES CONSTITUTE LIEN

Charges prescribed by this Article shall constitute a lien on the property served by the sewer connection and if not paid within ninety (90) days may be collected in the same manner as general town taxes. (CC 1996 §675.460; Ord. No. 636 §675.460, 3-8-99)

SECTION 705.360: ACTUAL USE RATE STRUCTURE

The schedule which represents the methodology to be used in calculating user charge rates and surcharges in accordance with Section 705.330 and illustrates the calculations followed in arriving at the first (1st) year's user charges and surcharges is on file in the City offices.

[The next page is 829]

[The next page is 829]

[The next page is 829]