

TITLE 16

SEWER USE ORDINANCE

CHAPTER 1 – DEFINITIONS

CHAPTER 2 – USE OF PUBLIC SEWER REQUIRED

- 16-201 Authority to Establish and Maintain a Sewage System
- 16-202 Declaration of Necessity
- 16-203 Application for Sewer Service Required
- 16-204 Permit for Connection; Tapping Charge

CHAPTER 3 – CONNECTION TO PUBLIC SEWERS

- 16-301 Tapping or Opening Sewer Without Permit
- 16-302 Sewer Taps Only by Authorized Persons
- 16-303 Sewer Tap Construction (Parts A-H)
- 16-304 Approval of Connections by Town Inspector
- 16-305 Unauthorized Connections Prohibited; Penalty Fee Provided
- 16-306 Establishment of Schedule of Rates and Charges; Use of Water Meters
- 16-307 Established Rates Applicable to Premises Subsequently Served
- 16-308 Town Subject to Established Rates or Charges
- 16-309 Authority Vested in Council for Billing and Collection
- 16-310 Lien for Enforcement of Collection of Billed Rates or Charges
- 16-311 Industrial Use of Sewers
- 16-312 Duration of Liability for Sewer Service
- 16-313 User's Responsibility to Keep Sewer Clean
- 16-314 Leaks
- 16-315 Town Not Liable for Damage
- 16-316 Tampering With Sewer Appurtenances
- 16-317 Entering Sewer
- 16-318 Injury to Sewer

CHAPTER 4 – DISCHARGE INTO PUBLIC SEWERS

- 16-401 Unpolluted Discharge
- 16-402 Storm Water
- 16-403 Flammable, Explosive or Hazardous Substances and Foreign Matter
- 16-404 Toxic Substances
- 16-405 Conditional Service
- 16-406 Grease, Oil and Sand Separators
- 16-407 Pretreatment
- 16-408 Metering and Sampling Devices
- 16-409 Design Data on Connection
- 16-410 Measurements, Tests and Analyses

16-411 Disclaimer

CHAPTER 5 – POWERS AND AUTHORITY OF INSPECTORS

- 16-501 Right of Entry for Purpose of Discharge Inspection
- 16-502 Collection of Information
- 16-503 Required Safety Procedures
- 16-504 Right of Entry To and From All Negotiated Easements

CHAPTER 6 – AMENDMENTS TO AND PRECEDENCE OF THE SEWER USE ORDINANCE

- 16-601 Amendments to the Sewer Use Ordinance
- 16-602 Precedence of Past and Present Ordinance
- 16-603 Precedence of the Sewer Use Ordinance and Other Codes

CHAPTER 7 – CONFLICT CLAUSE

- 16-701
- 16-702

ADMINISTRATIVE ACTION

An Ordinance relating to the construction, acquisition, operation and maintenance of a sewage collection and disposal system in the Town of Pratt and to establish said Ordinance to comply with federal and state regulations governing the sewage system in the Town of Pratt and this Ordinance and subsequent amendments hereto shall be called the Town of Pratt Sewer Use Ordinance.

WHEREAS, it is the desire of the Town of Pratt to establish an ordinance controlling the constructions, acquisition, operation and maintenance of the sewage collection and disposal system of the Town of Pratt or areas being serviced by said system to include such terminology as is necessary to bring applicable codes pertinent to the Town of Pratt sewage collection and disposal system into compliance with federal and state regulations. It is further the intent of this ordinance to charge the responsibility of updating and amending this ordinance to comply with future changes or expansions of the rules and regulations governing said system to the Town Council of the Town of Pratt, and that this update shall be performed on an annual basis commencing from the date of passage of the Sewer Use Ordinance, and all such amendments shall be a part of the Sewer Use Ordinance upon final action of the Town Council of the Town of Pratt.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PRATT;

CHAPTER 1 – DEFINITIONS

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

“BIOCHEMICAL OXYGEN DEMAND (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

“COUNCIL” shall mean the Mayor and fellow Council Members, of the Town of Pratt, West Virginia, as constituting the governing body of said TOWN.

“BUILDING DRAIN” shall mean 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 (1.5 meters) outside the inner face of the building wall.

“BUILDING SEWER” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

“COMBINED SEWER” shall mean a sewer intended to receive both wastewater and storm or surface water.

“EASEMENT” shall mean an acquired legal right for the specific use of land owned by others.

“FLOATABLE OIL” is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

“GARBAGE” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and service of foods.

“INDUSTRIAL WASTE” shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary strength wastes.

“NATURAL OUTLET” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

“MAY” is permissive (see, “shall”, in this section).

“PERSON” shall mean any individual, firm, company, association, society, corporation or group.

“pH” shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ion, in grams, per liter of solution. Neutral water, for example, has a PH value of 7 and a hydrogen-ion concentration of 10 to the negative seventh power.

“PROPERTY SHREDDED GARBAGE” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

“PUBLIC SEWER” shall mean a common sewer controlled by a governmental agency or public utility.

“SANITARY SEWER” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm or surface waters that are not admitted intentionally.

“SEWAGE” is the spent water of a community. The preferred term is “wastewater”, this section.

“SEWER” shall mean a pipe or conduit that carries wastewater or drainage water.

“SHALL” is mandatory (see “MAY”. in this section).

“SLUG” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works.

“STORM DRAIN” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

“MANAGER” shall mean the duly appointed representative of the Town of Pratt who is charged with the responsibility of the day to day operations of the wastewater facilities or his/her authorized deputy, agent or representative.

“SUSPENDED SOLIDS” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

“UNPOLLUTED WATER” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

“WASTEWATER” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water than may be present.

“WASTEWATER FACILITIES” shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

“WASTEWATER TREATMENT WORKS” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

“WATERCOURSE” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

CHAPTER 2 – USE OF PUBLIC SEWERS REQUIRED

SECTION 16-201 AUTHORITY TO ESTABLISH AND MAINTAIN A SEWER

For state law as to authority of Town to establish and maintain a sewer system and sewage treatment and disposal system and to acquire property necessary therefore, see W. Va. Code, 16-13-1 through 16-13-24. As to authority of Town to make “low cost improvement”, including the construction, renewing and preparing of storm, sanitary and combined sewers, see W. Va. Code 16-13-2. As to authority of Town to levy assessments for sewer improvements, and to regulate sewer connections, see W. Va. Code 16-13-16. As to Sewage Works of Municipal Corporations and Sanitary Districts, see W. Va. 16-13-1 at seq. As to acquisition by condemnation or purchase for purposes of this chapter, see W. Va. Code 16-13-7. As to requirement that method of drainage and system for excreta disposal conform to plans, specifications and instructions of State Department of Health, see W. Va. Code 16-1-9.

SECTION 16-202 DECLARATION OF NECESSITY

The use of the sewer system of the Town is determined and declared to be essential for the protection and preservation of the public health, comfort, safety, economy and general welfare of the inhabitants of the Town and of the area served thereby.

The owner, tenant or occupant of premises which abut on a street, easement or other public way containing a sewer service, or which, in the judgment of the Council, is located within such a distance thereof that sewer service is reasonably available thereto and upon which premises a building or other inhabitable structure has been or shall be erected for residential, commercial, or industrial use, or where persons are employed or congregate or are intended to be employed or congregate, shall be required to connect the

building or structure to the sewer system or to such part of the sewer system as may from time to time be extended or become reasonably available, and shall thereafter refrain from using or cease to use any other method in place of the sewer services which are now, or may hereafter become available; and shall thereafter pay all the charges, rates or fees as herein, or may hereafter be, provided for. All such connections shall be in accordance with the rules and regulations, which shall be adopted from time to time by the Council, and such rules and regulations may provide for reasonable charges, fees or deposits required for making such connections.

For provisions as to authority of Council to compel owners, etc., of property abutting on or near the street in which public sewer is laid and upon which any building, etc, to connect such property to the sewer; see W. Va. Code 16-13-16.

SECTION 16-203 APPLICATION FOR SEWER SERVICE REQUIRED

It shall be unlawful for any person, including public bodies as well as natural persons, to make an initial cut-in or connection with the Town sewer system and use that system without first making written application for such connection and service to the Council and paying all costs, charges, fees and deposits incident thereto. Such application shall be made on forms prescribed and furnished by the Council, and shall constitute an agreement by the applicant with the Town to abide by all regulations of the Council in regard to the use of the sewer system. Such application for service by firms, partnerships, associations and corporations shall be submitted only by their duly authorized agent, and the official title of such agent shall be signed to the application.

The application shall grant or cause to be granted to the Town, without cost, all rights, easements, permits and privileges which are necessary for the rendering of sewer service. Duly authorized employees of the Council shall have access at all reasonable hours to the premises of the applicant for the purpose of installing or removing any of its property, examining pipes or fixtures, or for any purpose incidental to the rendering of sewer service.

SECTION 16-204 PERMIT FOR CONNECTION; TAPPING CHARGE

It shall be unlawful for any person, whether property owner, drain-layer or otherwise, to connect with or tap a Town sewer, either directly or indirectly, without first having a permit from the Council and having paid the tapping or maintenance charge fixed by law. In all cases, the tapping and maintenance charges for tapping a Town sewer shall be as specified from time to time by the Council in an appropriate schedule, which shall be maintained on file in the office of the Town; and until such a schedule is prescribed by the Council pursuant to the foregoing provision of this section the tapping and maintenance charges for Town sewers shall be those in effect immediately prior to the effective date of this Ordinance.

CHAPTER 3 – CONNECTION TO PUBLIC SEWERS

SECTION 16-301 TAPPING OR OPENING SEWER WITHOUT PERMIT

No person shall cut, break, pierce or tap any public sewer or appurtenances thereof, or introduce any tube, pipe, trough, or conduit into any public sewer or appurtenance thereof without a written permit from the Council.

SECTION 16-302 SEWER TAPS ONLY BY AUTHORIZED PERSONS

No person, except those persons duly employed or authorized by the Town or by the Council for such purpose, shall tap the Town's sewer mains.

SECTION 16-303 SEWER TAP CONSTRUCTION

- (a) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town for many loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (b) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one building sewer; but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned,
- (c) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Manager, to meet all requirements of this ordinance.
- (d) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the material and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- (e) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Manager for the purposes of disposal of polluted surface drainage, subject to penalty fees provided in Section 16-305.
- (f) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.
- (g) The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Manager or his representative.
- (h) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

SECTION 16-304 APPROVAL OF CONNECTIONS BY TOWN INSPECTOR

No sewer service shall be connected until plumbing and connections incident thereto shall have been inspected and approved by an inspector of the Council.

No sewer service line shall be connected to the sanitary sewer system if that service line will contain flows other than sanitary wastewater. Roof drains, yard and area drains, footer drains or any line other than that which serves a sanitary plumbing system are prohibited from connection to the Town system.

SECTION 16-305 UNAUTHORIZED CONNECTIONS PROHIBITED, PENALTY FEE PROVIDED

No person shall connect to or turn on any sewer service, or cut-in, interconnect, tap or make any alterations to any main or distribution or collection pipe of the Town's sewer system or permit any connection or tapping to be made to the sewer system on his premises or the premises occupied by him, or knowingly use the sewer service from connections in violation of any of the provisions of this article or any rules or regulations adopted by the Council with respect thereto.

Roof drains, yard and area drains, footer and foundation drains, areaway drains or any line carrying flow other than exclusively sanitary wastewater are prohibited from connection to the sanitary sewer system.

Penalty: As a means to deter prohibited connections where surface or ground water is introduced into the sanitary system, the utility may add a penalty charge to the customer's sewer bill where evidence of a violation exists. The penalty shall be authorized by a separate schedule to the utility's sewer tariff filed pursuant to the Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carriers by Motor Vehicles, but the utility need not file revenue, expense, or other financial data unless otherwise ordered by the Commission.

The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system will be calculated by the formula or rate clearly stated in the tariff, and will not be cumulative to any metered rate for sewer service. The penalty charge will not be imposed unless and until the customer is notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or surface water is being introduced into the sanitary sewer, and that the customer has thirty (30) days to divert that water from the sanitary sewer.

The sewage customer is responsible for notifying the Manager or his representative that the violation has been remedied within the thirty (30) day period. Upon expiration of this thirty (30) day period, if the sewage customer has not remedied the violation, a penalty of twenty dollars (\$20.00) per month will be added to that sewage customer's sewer bill. After penalty charges are imposed, the sewage customer continues to be responsible for notifying the Manager or his representative at the time the violation is remedied. After the Manager or his representative verify this remedy using approved methods of testing, the penalty charge will be removed from the sewage customer's sewer bill beginning with the following month's bill.

SECTION 16-306 ESTABLISHMENT OF SCHEDULE OF RATES AND CHARGES; USE OF WATER METERS

For the payment of the proper and reasonable expense of operation, repair, replacement, improvements, additions, betterments, extensions and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as they become due, the Council shall enact and may from time to time amend a schedule or just and equitable rates or charges for the use of and service rendered by the municipal sewer system and works of the Town of Pratt, which schedule of rates or charges shall be based upon the metered amount of water supplied the premises; and each schedule shall be maintained on file in the office of the Town while it is in effect.

Until such time as the Council adopts a schedule of rates or charges pursuant to the foregoing provisions of this section, the rates and charges in effect immediately prior to the effective date of this Ordinance shall continue in full force and effect.

**SECTION 16-307 ESTABLISHED RATES APPLICABLE TO PREMISE
SUBSEQUENTLY SERVED**

The rates or charges so established for any class of users or property served shall be extended to cover any additional premises hereafter served which fall within the same class without the necessity of any hearing or notice.

**SECTION 16-308 TOWN SUBJECT TO ESTABLISHED RATES OR
CHARGES**

The Town shall be subject to the established charges and rates, or to charges and rates established in harmony therewith, for services rendered the Town and shall pay such rates or charges when due from corporate funds, which shall be deemed to be a part of the revenues of the sewage system and works and be applied as provided for the application of such revenues.

**SECTION 16-309 AUTHORITY VESTED IN COUNCIL FOR BILLING AND
COLLECTION**

All rates or charges provided for by this article shall be billed and collected monthly by the Council or by persons or agencies authorized by the Council. All bills shall be considered due and payable on or before the tenth day following the date rendered.

**SECTION 16-310 LIEN ENFORCEMENT OF COLLECTION OF BILLED
RATES OR CHARGES**

All such rates or charges, if not paid when due, shall be a lien upon the premises served by such system or works, and if such rates or charges not paid within thirty days after due, than the amount thereof, together with a penalty of ten percent and a reasonable attorney's fee, may be recovered by the Council in a civil action in the name of the Town. In connection with such action, such lien may be foreclosed against such lot, parcel of land or building, in accordance with the laws relating thereto.

SECTION 16-311 INDUSTRIAL USE OF SEWERS

Where the character of sewage from any manufacturing or industrial plant, building or premises is such that it imposes a burden upon the sewer system in addition to the burden imposed by the average sewage entering the sewer system, such additional charge shall be made therefore as the Council shall deem to be fair and equitable to meet the additional cost of collection, treatment and disposal of such sewage; and the council may; if it deems advisable to do so; compel the owner, tenant or occupant of such

manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the Council before discharging into the sewer system.

SECTION 16-312 DURATION OF LIABILITY FOR SEWER SERVICE

Liability for service shall begin for a user on the date of connection to the sewer system; and such liability shall continue thereafter unless such premises are disconnected from the sewer system with the approval of the Council. After such liability begins, no allowance shall be made for vacant houses unless request in writing to have the sewer system shut off is received by the Council, nor will any allowance be made for any shut off period, which is less than thirty days.

SECTION 16-313 USER'S RESPONSIBILITY TO KEEP SEWER CLEAN

The owner, tenant or occupant of the property shall be continuously responsible for maintaining and keeping the sewer pipe leading to and between the plumbing system of his premises to the Town's connecting sewer clean and free from obstruction, and shall not cause, suffer or permit any article or thing, liquid as well as solid, to be introduced into the pipe which causes a stoppage thereof. In the event of any such obstructions or stoppage, the Council shall have the right to cut off the water connection, which shall not be reconnected until such sewer pipe is cleaned and maintained properly; and in further event of the failure of such user to remedy such obstruction or stoppage, the Council shall have the right to enter upon said premises and make necessary repairs, the costs and expenses of which shall be included as part of the charges against such premises.

SECTION 16-314 LEAKS

No allowance or adjustment of any sewer bill shall be made for water leaks of any nature occurring on the user's side of the meter if the water so leaked enters the sewer.

SECTION 16-315 TOWN NOT LIABLE FOR DAMAGE

Neither the Town nor the Council shall be liable for any damage resulting from bursting of any sewer main, service pipe or valve or from disconnecting the operation of its sewer collection, treatment and disposal facilities for repairs, extensions or connections, or from the accidental failure of the sewage collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency, the Council shall have the right to restrict the use of its sewage collection, treatment and disposal facilities in any reasonable manner for the protection of the Town and its sewer system.

SECTION 16-316 TAMPERING WITH SEWER APPURTENANCES

No person shall turn, lift, remove, raise or tamper with any cover or any manhole, basin, inlet or other appurtenance of any public sanitary and/or storm sewer without a written permit from the Town, or of any combined sewer or sanitary sewer without a written permit from the Council.

SECTION 16-317 ENTERING SEWER

No person, other than one employed by the Town while on duty, shall enter any public sanitary and/or storm sewer or appurtenance thereof without a written permit from the Town, or shall enter any public combined sewer or sanitary sewer without a written permit from the Council.

SECTION 16-318 INJURY TO SEWER

No person shall break or damage any public sewer or appurtenance of part thereof.

CHAPTER 4 – DISCHARGE INTO PUBLIC SEWERS

SECTION 16-401 UNPOLLUTED DISCHARGE

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer, except storm water runoff from limited area, which storm water may be polluted at times, may be discharged to the sanitary sewer without permission of the Manager and the necessary permit obtained.

SECTION 16-402 STORM WATER

Storm water other than that exempted under Section I, Article 5, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or to a natural outlet approved by the Manager and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Manager to a storm sewer, combined sewer or natural outlet.

SECTION 16-403 FLAMMABLE, EXPLOSIVE OR HAZARDOUS SUBSTANCES AND FOREIGN MATTER

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Any waters containing toxic or poisonous solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.

- (c) Any waters or wastes having a pH lower or higher than that normally encountered in the system, or having any other corrosive property capable of causing damage or hazard to structures, equipment/operation and personnel of the wastewater works without a permit to do so.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SECTION 16-404 TOXIC SUBSTANCES

The following described substances, materials, waters or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Manager may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treat-ability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer, which shall not be violated without approval of the Manager are as follows:

- (a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius)
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat or grease.
- (d) Any garbage that has been properly shredded (see Article I, Section 14). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any material received in

the composite wastewater at the wastewater treatment works exceeds the limits established by the Manager for such materials.

- (f) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Manager.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations or both which constitute a “slug” as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

SECTION 16-405 CONDITIONAL SERVICE

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 16-404 of this Article, and which in the judgment of the Manager may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to public sewers.
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 16-410 of this Article.

When considering the above alternatives, the Manager shall give consideration to the economic impact of each alternative on the discharge. If the Manager permits the

pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager.

SECTION 16-406 GREASE, OIL AND SAND SEPARATORS

Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 16-404(c), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Manager. Any removal and hauling of the collected materials, not performed by owner(s) personnel, must be performed by currently licensed waste disposal firms.

SECTION 16-407 PRETREATMENT

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

SECTION 16-408 METERING AND SAMPLING DEVICES

When required by the Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Manager. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

SECTION 16-409 DESIGN DATA ON CONNECTION

The Manager may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (a) Wastewater discharge peak rate and volume over a specified time period.
- (b) Chemical analyses of wastewaters.
- (c) Information on raw materials, processes and products affecting wastewater volume and quality.

- (d) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

SECTION 16-410 MEASUREMENTS, TESTS AND ANALYSES

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Manager.

SECTION 16-411 DISCLAIMER

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment.

CHAPTER 5 – POWERS AND AUTHORITY OF INSPECTORS

SECTION 16-501 RIGHT OF ENTRY FOR PURPOSE OF DISCHARGE INSPECTION

The Manager and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

SECTION 16-502 COLLECTION OF INFORMATION

The Manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

SECTION 16-503 REQUIRED SAFETY PROCEDURES

While performing the necessary work on private properties referred to in Chapter 5, Section 16-501, above, the Manager or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused negligence or failure of the company to maintain safe conditions as required in Chapter 4, Section 16-408.

SECTION 16-504 RIGHT OF ENTRY TO AND FROM ALL NEGOTIATED EASEMENTS

The Manager and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town 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 wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

CHAPTER 6 – AMENDMENTS TO AND PRECEDENCE OF THE SEWER USE ORDINANCE

SECTION 16-601 AMENDMENTS TO THE SEWER USE ORDINANCE

The Council shall, upon an annual basis, or as deemed necessary from time to time between annual reviews, review and cause to be enacted such amendments to the Sewer Use Ordinance as are necessary to bring the ordinance into compliance with applicable federal and state regulations and changes thereto. All such amendments shall clearly delineate Chapter and Section to be altered or expanded.

SECTION 16-602 PRECEDENCE OF PAST AND PRESENT ORDINANCES

It shall be the responsibility of the Council to review and render a decision as to a precedence involving a present or past ordinance to insure compliance with applicable statutes prior to rendering such precedence. Upon resolution of the discrepancy and the precedence set, an amendment to the Sewer Use Ordinance shall be enacted as stated in Chapter 6, Section 16-601.

SECTION 16-603 PRECEDENCE OF THE SEWER USE ORDINANCE AND OTHER CODES

Procedures shall be as outlined in Chapter 6, Section 16-602.

CHAPTER 7 – CONFLICT CAUSE

SECTION 16-701

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 16-702

The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any part of this ordinance, which can be given effect without such invalid part or parts.