

CHAPTER 29

SEWERS AND SEWAGE DISPOSAL<sup>1</sup>

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## ARTICLE I. GENERALLY

### Sec. 29-1. Definitions and abbreviations.

For the purposes of this Chapter, and unless the context specifically indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Approval authority. The Director in an NPDES state with an approved state pretreatment program and the appropriate regional administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- A. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Availability of sewers. An owner or occupant of property shall have sewers available whenever the property or premises is located in a sewer district established by the ordinance of the city, or whenever public sewers are available to the property or premises and the city has notified the owner or occupant of the property to connect his premises to same.

Biochemical Oxygen Demand (B.O.D.) The quantity of dissolved oxygen required for biochemical oxidation of organic matter under standard laboratory procedure, in a period of five (5) days at a temperature of twenty degrees centigrade (20°), expressed in milligrams per liter (Mg/L) by weight and concentration. Such B.O.D. shall be determined as described under the heading "Biochemical Oxygen Demand" in the Standard Methods for the Examination of Water and Wastewater as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Building sewer. A sewer conveying wastewater from the premises of a user to the POTW, or other place of disposal.

Categorical standards. National Categorical Pretreatment Standards or Pretreatment Standard.

Combined sewer. A sewer receiving both surface runoff and wastewater.

Commercial or industrial establishment. Any building, structure or property used or occupied for any purpose other than human residential occupancy, except such building, structure or property used or occupied for any purpose defined by this section as a "governmental establishment."

Compatible pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus additional pollutants identified in the publicly-owned treatment works NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants and in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

Control authority. The term "control authority" shall refer to the "approval authority" defined hereinabove; or the Director of Community Development if the city has an approved pretreatment program under the provisions of 40 CFR 403.11. (Ord. No. 13301, 11-5-2001)

Cooling water. The water discharge from any use such as air conditioning cooling or refrigeration; or to which the only pollutant added is heat.

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Missouri.

Director of Community Development. The executive of the Community Development Department, who directs the wastewater utilities superintendent, having supervision of maintenance and operation of the POTW of the city, or his authorized deputy, agent, or representative. (Ord. No. 13301, 11-5-2001)

Domestic waste. Any combination of waters from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, household garbage grinders, bars, soda fountains, cuspidors, refrigerator, dryers, drinking fountains and all other liquid and water carried wastes except industrial wastes and cooling water.

Drainage channel. Shall mean any natural or artificially constructed open channel, ditch, swale, or flume, whether lined or unlined for the drainage of storm, surface or ground water.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Fundamentally different factors. Factors relating to a User which are different from those factors considered during development of a categorical pretreatment standard as defined in 40 CFR 403.13.

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

Governmental establishment. Any building, structure or property owned, used or occupied by any agency, branch, bureau, commission, department, division, office, unit or instrumentality of the government of the United States of America or of the state, or of any municipality or any county or any other political subdivision or political corporation of any kind whatsoever.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump vehicles.

Incompatible pollutant. All pollutants other than compatible pollutants as defined elsewhere in this section.

Indirect discharge. The discharge or the introduction of pollutants from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

Industrial user. Shall mean a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).

Interference. The inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use of disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean  
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Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

- A. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by federal, state or local law;
- B. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or
- C. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 403.5.

National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

Natural Outlet. Any outlet into a watercourse, stream, creek, river, pond, lake, or any other body of surface or ground water.

New Source

- 1. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - b) the building, structure, facility or installation totally replaces the process discharge of pollutants at an existing source; or
  - c) the production or wastewater generating processes of the building, structure facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this section but otherwise alters, replaces or adds to existing process or production equipment.
- 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun or caused to begin as part of a continuous onsite construction program:

- a) Any placement, assembly or installation of facilities or equipment; or
- b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- c) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(Ord. 13198, §1, 5-21-2001)

Nondomestic wastewater. All discharges other than cooling water and domestic waste.

Pass through. The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). An Industrial user significantly contributes to such permit violation where it:

- A. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State, or local law;
- B. Discharges wastewater which substantially differs in nature and constituents from the User's average Discharge;
- C. Knows or has reason to know that its Discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or
- D. Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's Discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

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

Pollutant. Anything causing pollution.

Pollution The man-made or man-induced alteration of chemical, physical, biological, and radiological integrity of water.

Pretreatment. Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR, Section 403.6 (d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR, Section 403.6 (e).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Private well. Any well owned by any person for his private use.

Properly shredded garbage. Garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW with no particle greater than one-half

inch in any dimension.

Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act, which is owned in this instance by the City of Jefferson. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. For the purposes of this section, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city limits of Jefferson City who are by contract or agreement with the city, users of a city POTW, even though the sewers may not have been constructed or may not be maintained by the city.

POTW treatment plant. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Records. Such term includes books, documents, papers, apparatus, data, readings, records of analysis, plans and graphs.

Residential establishment. Any building, structure or property designed, constructed or used for human residential occupancy on a housekeeping or light housekeeping basis, except such building, structure or property used or occupied for any purpose defined by this chapter as a "governmental establishment."

Sanitary sewer. Shall mean a sewer designed and intended to receive and convey only wastewater as defined herein, together with such ground water infiltration as cannot be avoided.

Significant industrial user. All dischargers subject to categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N; and any industrial user of the city's wastewater disposal system who:

- A. Has a discharge flow of 25,000 gallons or more per average work day, or
- B. Has a flow greater than 5% of the flow in the city's wastewater treatment system, or
- C. Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of Missouri Statutes and rules or
- D. Is found by the city, state department of natural resources or the U.S. Environmental Protection Agency (EPA) to have significant impact either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system. However, the City need not designate as Significant any noncategorical Industrial User that, in the opinion of the City and with the agreement of the Approval Authority, has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Any noncategorical Industrial User designated as Significant may petition the City to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

(Ord. No. 13192, §2, 5-21-2001)

Significant Non-Compliant Industrial User. An industrial user that meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;
- B. Violations in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH;
- C. Any other violation of a pretreatment effluent limit, (daily maximum or longer term-average) that the

- Control Authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
  - E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
  - F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - G. Failure to accurately report noncompliance;
  - H. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 13198, §3, 5-21-2001)

Slug Discharge. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow causes interference with the operation and performance of the POTW.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Storm drain or storm sewer. A pipe or conduit which carries storm water, surface water, drainage and cooling water, but excludes wastewater.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent The person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Suspended solids. The dry weights of the solids physically suspended in a flow of water or wastewater, as determined by the method of determining suspended matter described under the heading "Suspended Matter" in the Standard Methods for the Examination of Water and Wastewater as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and expressed in parts per million by weight.

Toxic Pollutants. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) of the Act or other Acts.

Unpolluted water 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 benefitted by discharge to the POTW.

User. The owner or occupant of property or premises that is connected directly or indirectly or has available to said property or premises the facilities of the POTW of the City of Jefferson.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions together with any groundwater, surface water and storm water that may be present whether treated or untreated, which is contributed into or permitted to enter the POTW,

Water utility The water utility operated by the Capital City Water Company, a Public Water Supply District, or any private water company operating within the city.

Waters of the state All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

The following abbreviations shall have the designated meanings.

B.O.D.	Biochemical oxygen demand
C.F.R.	Code of Federal Regulations
C.O.D.	Chemical oxygen demand
E.P.A.	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
S.I.C.	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C., 6901 et. seq.
U.S.C.	United States Code
T.S.S.	Total suspended solids

(Ord. No. 9979, § 2(32-1), 6-6-83; Ord. No. 10013, § 1(32-1), 8-1-83; Ord. No. 10957, § 1, 11-16-87)

**Sec. 29-2. Purpose.**

The purpose of this Chapter is to provide for the maximum possible beneficial public use of the City's wastewater facilities through regulations of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the city's POTW; and to provide procedures for complying with the requirements contained herein.

(Ord. No. 9979, § 2(32-2.1(a)), 6-6-83)

**Sec. 29-3. Scope.**

The provisions of this chapter shall apply to the discharge of all wastewater into the POTW. This chapter provides for use of the city's wastewater facilities, regulations of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing capacity will not be preempted, approval of sewer construction plans, issuance of wastewater discharge permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this chapter. This chapter shall apply within the city and to persons outside the city who are users of the city's POTW.

(Ord. No. 9979, § 2(32-2.1(b)), 6-6-83)

**Sec. 29-4. Establishment and composition of general sewer system.**

- A. The city council shall establish a general sewer system in this city, which shall embrace the following four (4) classes of sewers: public, district, joint district and private sewers. In determining the limits of any sewer district, all matters of drainage, surface water, area and connection shall be carefully considered. Any such district may be subdivided, enlarged or changed by ordinance at any time, previous to the construction of the sewer therein.
- B. All such sewers shall be established, constructed and paid for according to the provisions of Chapter 88 of the Revised Statutes of Missouri applicable thereto.

(Code 1977, § 32-2)

**State law reference** - Municipal authority to establish general sewer system, RSMo. § 88.832.

**Sec. 29-5. Enforcement agency.**

Except as otherwise provided, this chapter shall be enforced, implemented and administered by the Director of Community Development.

(Ord. No. 9979, § 2(32-2.1(a)), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-6. Inspections.**

The Director of Community Development shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that the discharge to the city's POTW is in accordance with the provisions of the chapter.

(Ord. No. 9979, § 2(32-2.1(g)), 6-6-83)

**Sec. 29-7. Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director of Community Development, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the users. Upon approval of the Director of Community Development, the portions of a report which might disclose trade secrets, secret processes, or methods of production shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any federal agency in judicial or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. The City possesses the authority to inspect and copy records maintained by industrial users, as required of Control Authorities by 40 CFR 403.12(1) (2). The Control Authority shall have the right to inquire and evaluate only those industrial processes which could have an impact, influence or effect on the POTW.

*Rev. 12/31/2010*

(Ord. No. 9979, § 2(32-2.1(i)), 6-6-83; Ord. 13198, §4, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Sec. 29-8. Falsifying information.**

No person shall knowingly make any false statements representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, nor falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.  
(Ord. No. 9979, § 2(32-2.1(j)), 6-6-83)

**Sec. 29-9. Damage to or destruction of sewer system structures, appurtenances, etc.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city's POTW.  
(Ord. No. 9979, § 2(32-2.1(h)), 6-6-83)

**Sec. 29-10. Violations.**

- A. When the Director of Community Development finds any person in violations of this chapter or any requirements of a permit issued hereunder, he may post a notice upon the property where the violation exists to abate or correct the violation, stating in such notice the time in which the same is to be done and shall also direct a copy of such notice, by certified mail, to the last address of the violator known to the Director of Community Development.
- B. If the Director of Community Development finds that an emergency exists, he may immediately cause the violations to be abated or corrected.
- C. When the Director of Community Development shall have caused any violation to be abated or corrected pursuant to this article, he shall certify the costs thereof to the director of finance, and the owner of the property on which such violation was abated or corrected shall be civilly liable to the city for the costs of such abatement or correction.
- D. Any person who continues to violate any discharge provisions of this chapter beyond the time limit provided in paragraph a above, may be penalized in accordance with Article IV of this Chapter or may be subject to such punishment and disconnection from the city POTW.
- E. The Director of Community Development shall at least annually publish in the largest local daily newspaper a list of the users who, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards. (See Sec. 29-1 for the definition of Significant Non-Compliant Industrial User).

(Ord. No. 9979, § 2(32-2.1(d), (e), (k)), 6-6-83; Ord. 13198, §5, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Secs. 29-11 - 29-15. Reserved.**

## ARTICLE II. SEWER CONSTRUCTION AND CONNECTIONS

### DIVISION 1. GENERALLY

#### **Sec. 29-16. Compliance.**

All sewers and drains which connect with or discharge into any public, district, joint district or private sewer shall be made and constructed in accordance with the provisions of this article, and in conformity with the plans, specifications, rules and regulations of the Department of Community Development, which department shall have general supervision of all such work.

(Code 1977, § 32-9; Ord. No. 13301, 11-5-2001)

#### **Sec. 29-17. Petition to construct private sewer; council to pass ordinance authorizing construction, etc.**

Persons desiring to construct private sewers shall file with the city council a petition signed by the interested parties, and if the council and mayor act favorably upon such petition, an ordinance shall be passed defining the courses, streets, alleys and roadways along which such private sewer shall be constructed, defining the materials and the manner in which such private sewer shall be constructed, providing regulation as to the disposition of the sewage of such private sewer and providing other regulations insuring the construction in accordance with the provisions of such ordinance.

(Code 1977, § 32-39)

#### **Sec. 29-18. Connections to public sewer required.**

The owner of all houses, buildings, or properties which are used for human occupancy, employment, recreation, or other purposes and abutting on any street, alley, or right-of-way in which there now is located or may in the future be located a sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this chapter within ninety days after the date of official notice to do so; provided that such sanitary sewer is within one hundred and fifty feet (150) of the property line.

(Ord. No. 9979, § 2(32-45.4), 6-6-83)

#### **Sec. 29-19. Storm sewer connection permit.**

- A. It shall be unlawful for any person to make any connection with or to a surface water storm sewer on any city right-of-way, without first securing a permit from the Director of Community Development to do so.
- B. The Director of Community Development shall not issue a permit to any person to allow a connection to or with a surface water storm sewer on a city right-of-way, unless the applicant uses a storm sewer pipe of the same dimensions and specifications as the pipe installed by the city on its right-of-way for the full length of such connection pipe. Such connection and laying of the connecting pipe shall be done under the supervision of the Director of Community Development.

(Code 1977, §§ 32-11, 32-12; Ord. No. 13301, 11-5-2001)

#### **Sec. 29-20. Special permit for connection by owner of property not included in sewer district.**

Whenever the owner of any property not included in any sewer district in the city shall desire to make connection therewith, and such connection is or would be practicable, he may make application to the Department of Community Development for a permit to make such connections, and upon the issuance of such permit, shall in lieu of the regular fee, pay to the city such sums as would represent his proportionate or pro rata share of the cost of original construction of the district with which such connection is to be made. Such permit shall describe the area by metes and bounds thus and thereby added to such district by the permit. The applicant for such permit shall pay all costs of excavations and laying of the pipes or connections necessary in the building of such sewer and making connection with the main sewer as is provided in such permit.  
(Code 1977, § 32-20; Ord. No. 13301, 11-5-2001; Ord. No. 13301, 11-5-2001)

**Sec. 29-21. Connection with private sewers located in street.**

Whenever any person shall desire to connect with and use a sewer which has been built by private parties and is located in any public street, alley or highway, he shall first obtain the written consent of the person owning or controlling the premises drained by such sewer, or the written consent of his authorized agent. He shall then make written application to the Department of Community Development, in the same manner as is provided for permits to connect with the public or district sewers, at the same time presenting the written consent of the owners of the sewer, which shall be left on file in the office of the department. The owners of any property so sewered shall be considered and held to be petitioners to the city council for the construction of district or joint district sewers in such sewer district, whenever any other property owners within such district shall petition the city council for such construction.  
(Code 1977, § 32-21; Ord. No. 13301, 11-5-2001)

**Sec. 29-22. Separate connections required.**

Every building shall have a separate and independent sewer connection with a public, district, joint district or private sewer, when such sewer is accessible.  
(Code 1977, § 33-23)

**Sec. 29-23. Inspection of drains and attachments; repairs to be made when necessary.**

Authorized agents of the city shall have the right to enter upon the premises drained and connected with any public, district, joint district or private sewer, at all reasonable hours, to ascertain whether the provisions of this article have been complied with. If such inspector shall find that such drain or its attachments do not conform thereto, he shall notify the owner of the premises or his agent of this fact. It shall thereupon be the duty of such owner or agent to cause such drain or its attachments to be so altered, repaired or reconstructed as to make such drain or attachments conform to the requirements of law in regard thereto, within fifteen (15) days from the time of receiving such notice.  
(Code 1977, § 32-24)

**Sec. 29-24. Supervision, inspections, etc.**

All connections with the public, district or joint district sewer and the laying and backfilling of private sewers, as well as all other requirements of this article, shall be done under the supervision and subject to the inspection and acceptance of the city.  
(Code 1977, § 32-26)

**Sec. 29-25. Disconnection of nonconforming sewer.**

Any work done without a permit as provided by this article, or which was done without inspection by the authorized agent of the city shall be treated as defective work, and may be uncovered and disconnected from the public, district, joint district or private sewer, or if the authorized agent of the city so elects, reconstructed at the expense of the owner of the property drained. Any unpaid assessments against the property for district or joint district sewers may be considered as a part of the damage done and may be collected by suit in the name of the city against the owner of the property.  
(Code 1977, § 32-18)

**Sec. 29-30. Backwater Valves Installation Rebate Program.**

- A. The City hereby establishes a rebate program for owners of residential property within the City who meet all the following criteria:
1. The building shall have experienced at least one prior sewer backup.
  2. The owner has had installed a device to prevent backups.
  3. The building was not previously required to have had installed a similar device by any applicable code.
  4. Building has not previously participated in the rebate program.
  5. Owner submits an itemized invoice or receipt for the purchase and installation of the device after June 1, 1993.
- B. The amount of the rebate shall be \$500.00 or the amount submitted, whichever is less.  
(Ord. No. 12016, § 1, 1-10-94; Ord. 14109, §1, 10-16-2006)

**Sec. 29-31. Connection to system, approval, fee.**

No person shall connect, or tap in to any City sewer line or treatment facility or to continue to maintain such a connection, without the express written approval of the Director of Community Development, or his designee (hereinafter referred to as the Director) nor without paying the applicable connection fee. Such approval may be obtained by submitting a request in writing to the Director. If appropriate the Director may request, and the applicant shall provide, such additional information regarding the connection as the Director of Community Development, or his designee, may deem relevant to his decision regarding approval.

**Sec. 29-32. Connections outside corporate limits prohibited.**

- A. No property shall be connected to the municipal sewer system, nor shall the Director permit any such connection, unless:
1. said property is wholly within the city boundaries, or
  2. the owners sign an irrevocable agreement, binding on their successors and assigns, to be annexed whenever the property becomes eligible for annexation in a form approved by the City, or
  3. the property is exempt as provided in Subsection E, below.

- B. The provisions of subsection A(2) of this section notwithstanding, The Director may refuse to issue a permit to connect to the City wastewater system for a property outside the City boundaries where the Director, in his sole discretion, believes that it is in the City's best interest to require multiple properties to consent to annexation at the same time.
- C. Connections to properties outside the city boundaries which existed prior to the enactment of this section may be maintained, however such connections may not be expanded nor may any additional connections be added.
- D. Nothing in this section shall require the City to allow a connection to the City system where, in the opinion of the Director such connection would exceed the capacity of the existing collection or treatment system, where such connection would be detrimental to the system or any part thereof, or where such connection would otherwise be disallowed.
- E. Exception from Requirement to Annex:
  - 1 If the property is, or is part of, a platted subdivision which plat had been finally approved by the County Planning Commission prior to July 14, 2004, annexation will not be required.
  - 2 If the property is part of one of the following subdivisions which submitted a plat for preliminary approval prior to July 14, 2004, annexation will not be required. The number of lots excepted is listed next to each subdivision. Copies of the preliminary plats of these subdivisions on file with the County Planner as of July 14, 2004, shall govern which lots this exception applies to in the event of a dispute.
    - Deer Creek Subdivision (26 lots)
    - Natchez Trace Subdivision Phase II (64 lots)
    - Parkview Meadows (10 lots)
    - Pioneer Estates (82 lots)
    - Pioneer Terrace (29 lots)
    - Heritage Hollow Subdivision Phase II (34 lots)
    - Pleasant Ridge Subdivision Phase II (30 lots)
  - 3. Connections to properties outside the city boundaries which existed prior July 14, 2004 may be maintained. Subject to the other provisions of the Code.
  - 4. Lots which are not in a platted subdivision, and which were connected as of July 14, 2004, will not be required to annex. If a non-platted lot is subdivided a signed agreement will be required, except that any newly created parcel which contains a structure that had been actually connected prior to the lot split will be exempt.
  - 5 If a platted subdivision is replatted, the replatted portions will be treated as a new subdivision.
- F. The City Administrator is hereby authorized to negotiate and execute on behalf of the City the agreements called for in this section so long as the City is not thereby obligated in an amount on any one agreement in excess of \$25,000.

**Secs. 29-33 - 29-36. Reserved.**

## **DIVISION 2. CONSTRUCTION PERMIT**

### **Sec. 29-37. Required; display; bond required.**

No person shall excavate around or under any public, district, joint district or private sewer or drain, or construct or repair any sewer or drain on any public street, alley or highway, except under and in accordance with the terms and conditions of a permit to do so, issued by or with authority of an authorized agent of the city. Such permit must be at all times on the grounds where and while the work is in progress, and be shown to any policemen or other person who asks to see such permit. Such permit will be issued only to such persons as have given bond fully indemnifying and saving the city harmless from all damages arising from such work.

(Code 1977, § 32-13)

### **Sec. 29-38. Application; issuance.**

Applications for sewer construction permits shall be made on blank forms furnished by the authorized agent of the city, and be written in ink. Such application must give a clear description of the property to be drained, the name of the owner, the name of the person employed to do the work and a list of the water closets, sinks, soil pipes and other fixtures to be connected thereto. If the authorized agent of the city shall deem it necessary, he may require a plan and profile of the proposed sewers, and all such plans and profiles and descriptions, or copies thereof, shall be left on file in his office. If the proposed sewers are in accordance with the provisions of this chapter, and the plans and specifications thereof are approved by the authorized agent of the city, he shall issue a permit for their construction, which shall contain or be accompanied by the rules and regulations and conditions under which the work is to be done.

(Code 1977, § 32-14)

### **Sec. 29-39. Payment of previous assessments for district or joint district sewers prerequisite to issuance.**

No permit for sewer construction under this division shall be issued, if the property to be drained by the proposed sewer, or any part thereof, has ever been assessed for the construction of district or joint district sewers, until such assessment has been paid, but in any case where direct evidence of such payment cannot be produced, a permit may be issued, if the owner of the property executes and files with the city clerk a good and sufficient bond for twice the amount of the assessment securing the payment of such assessment without contest, upon the presentation of the original special tax bills.

(Code 1977, § 32-15)

### **Sec. 29-40. Applicant to assume risk of and prevent back-settling.**

All permits for sewer connections granted under this division shall be subject to the condition that the property owners take all risk or damage that may result from water settling back into their premises from the public, district or joint district sewers. To prevent such settling back, the owner shall be required at his own cost to put in a self-acting valve in all cases where a backflow from the public sewers may be apprehended, and it shall be the duty of the owner to keep the valve in condition for service at all times. The authorized agent of the city shall furnish all information in the possession of his department as to the position, depth and grade of sewers and the position of "Y" branches.

(Code 1977, § 32-16)

### **Sec. 29-41. Compliance of permittee with rules, regulations, instructions, etc.; correction of defective work, damages due to violations, etc.**

Every person receiving a permit pursuant to this division shall faithfully and fully comply with all rules and regulations and instructions of the authorized agent of the city in reference to such work, and with all the requirements of this article. Such permittee shall enforce such regulations upon his employees and be held responsible for their acts. In case any work under a permit shall be improperly done and in violation of the conditions or in violation of this chapter, or in case of any damage to a public district or joint district sewer caused by the violation, either on the part of the person to whom such permit is issued, or his employees, the authorized agent of the city shall have the right to revoke and annul such permit and stop such work, or to reconstruct such defective work and repair such damage, and the whole cost thereof, together with the cost of suit, shall be recovered by the city by action in court.  
(Code 1977, § 32-17)

**Sec. 29-42. Fee; special sewer fund.**

Every applicant for a permit under the provisions of this division shall, upon the issuance of such permit, pay to the city the amount established by section 29-109 for such permit. All sums collected under the provisions of this chapter shall be turned over to the city treasurer, who shall issue a receipt therefor and place all sums so collected in a special fund to be known as the special sewer fund, which shall be paid out only upon warrants drawn upon that fund, to be used for the cleaning, repair and maintenance of the sewer system of the city and for the payment of the salary or per diem of inspectors or authorized agents of the city.  
(Code 1977, § 32-19)

**Secs. 29-43 - 29-53. Reserved.**

### DIVISION 3. PUBLIC SEWER CONSTRUCTION

#### **Sec. 29-54. Tax authorized; special public sewer tax fund.**

In the construction, reconstruction and repairing of public sewers, the city council, in order to pay therefor, may by ordinance levy a tax on all property made taxable for state purposes over the whole city. Such tax when collected, shall be placed in a separate fund to be known as the special public sewer tax fund and shall be appropriated from time to time as may be required for the construction, reconstruction and repairing of the public sewers of the city and for no other purpose.

(Code 1977, § 32-27)

**State law reference** - Tax authorized, RSMo. § 88.832.

#### **Sec. 29-55. Contributions of city toward joint sewer districts.**

Where a joint sewer district is established by ordinance, containing two (2) or more sewer districts united in the one joint sewer district, and a sewer is ordered to be constructed therein, the same shall be done in all respects as is provided herein for district sewers; except, that it may be provided by such ordinance creating such joint district that the city shall pay a certain specified sum, to be named in such ordinance, toward the payment of such joint district sewer, in which event the sum so paid by the city shall be deducted from the total cost of construction or reconstruction of such joint district sewer, and the remaining sums due after such payment on the price of construction of such sewer shall be apportioned and assessed against all the property in the district and paid in special tax bills the same as is provided by law and this chapter in the case of district sewers.

(Code 1977, § 32-34)

#### **Sec. 29-56. Authority to petition for construction; city council to authorize construction.**

Whenever a majority of the property owners or residents within any sewer district shall petition for the construction of a district or joint district sewer, or whenever the city council shall deem any such sewer necessary for sanitary or other purposes, whether the same have been petitioned for or not, the council shall cause such district or joint district sewer to be constructed. Such sewer shall be of such dimensions and materials as may be prescribed by ordinance, may be changed, enlarged or extended and shall have all necessary laterals, inlets, catch basins, manholes and other appurtenances.

(Code 1977, § 32-28)

#### **Sec. 29-57. Estimate of cost; plans; etc.**

Whenever the city council shall order the construction of any district or joint district sewer as contemplated by section 29-56, it shall direct the Director of Community Development to make an estimate of the cost of the construction of such sewer district and to report to the council such estimate, together with the required dimensions of such sewer and detailed plans and complete specifications for the construction thereof. The plans and specifications shall be filed with the city clerk and shall become a part of any contract which the city may enter into for the construction of the district or joint district sewer.

(Code 1977, § 32-29; Ord. No. 13301, 11-5-2001)

#### **Sec. 29-58. Advertisements for construction bids.**

Upon the approval and filing of the report and estimate required by section 29-57, the Director of Community Development shall advertise for one week in some newspaper published in the city for bids for the construction of such sewer. Such advertisement shall advise bidders of the time and place when bids will be opened, that the work will be paid for in special tax bills issued in the manner provided by law, and at the expense of the contractor, that a bond equal to the estimate of the Director of Community Development will be required, with sufficient security, and that the right is reserved to reject bids. Such advertisement shall refer bidders to the detailed plans and specifications, and no bid shall be received which is in excess of the estimate of the Director of Community Development.

(Code 1977, § 32-30; Ord. No. 13301, 11-5-2001)

**Sec. 29-59. Construction contract; bond.**

Contracts for the construction of district and joint district sewers shall be entered into by ordinance, and the successful bidder will be required to file a written acceptance of the provisions of such ordinance forthwith upon its passage and approval by the mayor. Such successful bidder shall also file a bond, with two (2) or more good and sufficient securities to be approved by the council, in a sum equal to the estimate of the Director of Community Development, conditioned upon a faithful compliance with all the terms of the contract, in the manner and within the time specified in such ordinance and holding the city harmless from any claim of damage occasioned by the performance of such contract.

(Code 1977, § 32-31; Ord. No. 13301, 11-5-2001)

**Sec. 29-60. City to supervise construction; assessment of special tax; special tax bills.**

The construction of district and joint district sewers shall be under the supervision of the Director of Community Development and any committee that the city council may designate for such purpose. Upon completion of such district or joint district sewer, it shall be thoroughly inspected and tested by such committee and the Director of Community Development, and if the same shall be found to be in full compliance with all the terms and provisions specified in the contracting ordinance therefor, such committee and Director of Community Development shall so report to the city council, and thereupon the council shall assess by ordinance the contract price of such sewer as a special tax upon all the lots and pieces of land without regard to improvements within the sewer district and apportion such special tax against the respective lots therein in proportion to the whole district, exclusive of public highways. Thereupon, the city clerk shall issue certified special tax bills, each in the name of the respective owners of the lots and tracts of land to be assessed, against each of such lots and tracts of land so assessed in the proper amount and cause them to be signed by the mayor. When so signed the city clerk shall deliver such bills to the contractor in payment for the work. Such tax bills shall be under the seal of the city and shall be regarded and released by the city clerk in the same manner and under the same provisions as provided by this Code for the recording and releasing of special tax bills for street improvements. Such tax bills shall be collected in the manner provided by law, but in no event shall the city be liable for any part of the principal sum expressed in such tax bill, nor interest thereon, nor costs or expenses in the collection thereof, nor shall the city be liable as guarantor of the validity of such tax bills or liable for any work or material used in the construction of such sewers.

(Code 1977, § 32-32; Ord. No. 13301, 11-5-2001)

**Sec. 29-61. Lien.**

Every certified tax bill as provided for in section 29-60 shall be a lien against the lot or tract of land described therein and shall bear interest at the rate of eight (8) percent per annum from thirty (30) days after the issue thereof, unless sooner offered to be paid, and each such tax bill in any action brought to recover the amount thereof shall be prima facie evidence of the validity of the charges against the property therein described and of the liability of the person therein named as the owner of such property. The provisions of this division shall be deemed and taken to be a part of any contract let for the construction of any district or joint district sewer.

(Code 1977, § 32-33)

**Sec. 29-62. Payment for repair, maintenance, cleaning, etc.**

The repair, maintenance, cleaning and other incidental expenses in connection with district or joint district sewers shall be met and paid for by the city out of the general appropriation for that purpose. Nothing in this division shall be construed to make the city liable for the construction, maintenance, repairing or cleaning of any private sewer.

(Code 1977, § 32-35)

**Secs. 29-63 - 29-73. Reserved.**

## DIVISION 4. PRIVATE WASTE TREATMENT FACILITIES

### **Sec. 29-74. Generally.**

- A. It shall be unlawful to construct or maintain any privy, privy vault, cesspool or other facility, except septic tanks as provided by this chapter, intended or used for disposal of wastewater, provided that approved type privies may be temporarily erected and maintained on construction sites with the approval of the Director of Community Development. (Ord. No. 13301, 11-5-2001)
- B. In lieu of introducing untreated or partially treated wastewater into the POTW of the city, the owner of the premises producing such waste may construct and operate at his expense, private waste treatment facilities with the effluent discharged to the waters of the state.  
(Ord. No. 9979, § 2(32-45.3(a), (b)), 6-6-83)

### **Sec. 29-75. Construction and approval.**

- A. The design and operation of private waste treatment facilities shall continuously produce an effluent which is in compliance with standards that may be imposed by the Director of Community Development and/or the state. Such facilities shall be operated and maintained in a satisfactory and effective manner by the owner at his expense. Such facilities shall be subject to inspection by the Director of Community Development at reasonable times.
- B. Construction drawings, specifications, and other pertinent information relating to such proposed treatment facilities shall be prepared by the owner, at his expense, and shall be submitted to the Director of Community Development and the state. Construction shall be in accordance with such approved plans and shall not commence until such approvals are obtained in writing and appropriate permits are obtained and charges or fees are paid.  
(Ord. No. 9979, § 2(32-45.3(b)), 6-6-83; Ord. No. 13301, 11-5-2001)

### **Sec. 29-76. Operation and maintenance.**

The owner shall maintain and operate the private waste treatment facilities in an efficient and satisfactory manner at all times, at no expense to the city. Such facilities shall be subject to inspection by the Director of Community Development, at reasonable times.  
(Ord. No. 9979, § 2(32-45.3(b)), 6-6-83; Ord. No. 13301, 11-5-2001)

### **Secs. 29-77 - 29-88. Reserved.**

## **ARTICLE III. DISCHARGE OF WASTES**

### **Sec. 29-89. Generally.**

- A. It shall be unlawful for any person to place, deposit, cause, or permit to be deposited in any unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
- B. No person shall discharge stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water to the POTW. Any connection, drain, or arrangement which will permit any such waters to enter the POTW shall be deemed to be a violation of this article. Stormwater and all other unpolluted waters shall be discharged to storm sewers or waters of the state.
- C. It shall be unlawful for any person:
  - 1. To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;
  - 2. To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by this chapter.
  - 3. To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into the waters of the state which exceed effluent regulations or permit provisions.
  - 4. To discharge any radiological, chemical or biological warfare agent or high-level radioactive waste into the waters of the state.

(Ord. No. 9979, § 2(32-45.1, 32-45.2, 32-46.1), 6-6-83; ord. No. 10013, § 2(32-45.2(b)), 8-1-83)

### **Sec. 29-90. Limitation on point of discharge**

No person shall discharge any substance directly into a manhole or other opening of the POTW, other than through an approved building sewer, unless he shall have been given written permission to do so by the Director of Community Development.

(Ord. No. 9979, § 2(32-45.5), 6-6-83; Ord. No. 13301, 11-5-2001)

### **Sec. 29-91. Discharges of trucked or hauled waste.**

The discharge of any trucked or hauled pollutants, except at discharge points designated by the Department of Public Works, is prohibited. The discharge of trucked or hauled pollutants, including septage, shall not occur until written permission for such a discharge has been granted by the Director of Community Development. The director shall designate the location and times where such discharges shall be made and may refuse to accept such waste in his absolute discretion where it appears that the waste could cause damage to or interfere with the effective operation of the POTW or appurtenance thereto. A person wishing to discharge the above-mentioned wastes shall pay any applicable charges or fees therefor, and shall comply with all conditions set forth by the Director of Community Development concerning such discharges.

(Ord. No. 9979, § 2(32-45.6), 6-6-83; Ord. 13198, §6, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Sec. 29-92. Discharges from other holding tanks wastes.**

No person shall discharge any other holding tank waste into the POTW unless he has received written permission from the Director of Community Development. In granting permission to discharge such waste to the POTW, the Director of Community Development shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with all conditions set forth by the Director of Community Development concerning such discharges. However, no such written permission will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(Ord. No. 9979, § 2(32-45.7), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-93. Sale of process residues from POTW.**

The Director of Community Development shall dispose of all treated sludges and other by-products of the POTW of the city. The Director may sell such sludges and other by-products to such persons or companies as may desire to purchase the same, and shall determine a schedule of charges and provide for the collection of such charges. All revenues derived from the sale of such sludges or by-products shall be deposited into the Sewer Revenue Fund.

(Ord. No. 9979, § 2(32-45.8), 6-6-83; Ord. 13198, §7, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Sec. 29-94. Interceptors.**

Grease, oil and sand interceptors shall be provided at the user's expense when, in the opinion of the Director of Community Development, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and 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 Director of Community Development and shall be so located as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when butted in place shall be gas-tight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his expense, in continuously efficient operations.

(Ord. No. 9979, § 2(32-45.9), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-95. Discharge of certain effluences prohibited.**

- A. The following general restrictions apply to all such users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements:
- B. No person shall contribute or cause to be contributed, directly or indirectly any pollutant or wastewater which acting alone or in conjunction with other substances present in the POTW interfere with the operation or performance of the POTW. A person shall not contribute substances to the POTW which may:
  - 1. Create a fire or explosion hazard including, but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids or gases.

2. Cause corrosive damage or hazard to structures, equipment or personnel of the POTW. In no case shall the discharges have a pH lower than 5.5 or higher than 10.5.
3. Cause obstruction to the flow in the POTW or other interference with the operation of the wastewater facilities due to accumulation of solid or viscous material such as but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, rags, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishings wastes.
4. Constitute a rate of discharge sufficient to cause interference with the operation and performance of the POTW.
5. Contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the sanitary sewer or inhibit biological activity in the POTW Treatment Plant. In no case shall the temperature of the discharge waste exceed 150°F or the temperature of the influent to the POTW Treatment Plant to exceed 104°F.
6. Contain any garbage that has not been properly shredded.
7. Contain more than one hundred parts per million of fat, oil, or grease.
8. Contain any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or to cause entry into the sewers for maintenance and repair to be hazardous.
9. Contain radioactive waste or isotopes of such half life or concentration as may exceed limits defined by applicable state and federal regulations.
10. Any waste stream with a closed cup flashpoint of less than 140° F.
11. Any oil (petroleum-based, biodegradable, cutting oil, products of mineral oil origin) in amounts causing pass through or interference.
12. Trucked or hauled waste except when discharged at a designated discharge point.
13. Discharges with temperatures above 104° F (40°C) when they reach the POTW, or hot enough to interfere with biological treatment processes at the POTW. (Ord. No. 13198, §8, 5-21-2001)
14. Contain any odor, or color producing substances exceeding concentration limits which may be established by the Director of Community Development for the purpose of meeting the city's NPDES permit.
15. Contain any substances which may cause the POTW's effluent or any product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program.
16. Contain toxic pollutants in sufficient quantity to injure or interfere with the wastewater treatment process, constitute a hazard to humans or animals or create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in an applicable categorical pretreatment standard.
17. Contain suspended solids of such quantity that unusual attention or expense is required to handle such materials at the POTW treatment plant.

(Ord. No. 9979, § 2(32-46.2), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-96. Specific pollutant limitations.**

- A. The Biochemical Oxygen Demand (BOD) and the Total Suspended Solids discharged to the City's POTW shall not exceed 450 mg/l. Any discharges(s) in excess of the limit shall enter into an agreement with the City for an exception and/or implementation of an approved pretreatment program.
- B. No person shall discharge or cause to be discharged wastewater to the POTW containing concentrations in excess of the limitations as set forth for the following substances:

<u>Pollutant</u>	Daily Maximum <u>(mg/l)</u>
Arsenic	0.10
Cadmium	0.50
Chromium	10.00
Copper	5.00
Lead	0.10
Mercury	0.10
Nickel	4.00
Zinc	5.00
Cyanide	1.30
Phenols	0.50
Iron	1.00
Manganese	1.00
Molybdenum	1.00
Selenium	0.50
Silver	0.50
Benzene	0.05
BTEX	0.75

(Ord. No. 9979, § 2(32-46.3), 6-6-83; Ord. No. 10444, § 1, 7-1-85; Ord. 10957, § 2, 11-17-87; Ord. 13198, §9, 5-21-2001; Ord. 14288, §1, 12-3-2007)

**Sec. 29-97. Federal categorical pretreatment standards.**

No person shall discharge or cause to be discharged to the City's facilities, wastewater containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed unless otherwise provided in this section.

(Ord. No. 9979, § 2(32-46.4), 6-6-83; Ord. No. 10444, § 3, 7-1-85)

**Sec. 29-98. Special agreements.**

Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the city and any user of the POTW whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable; provided, however, that under no circumstances will a wastewater containing priority pollutants in excess of federal, state, or local standards be allowed to be discharged into the POTW.

(Ord. No. 9979, § 2(32-46.5), 6-6-83; Ord. No. 10444, § 4, 7-1-85)

**Sec. 29-99. Water and energy conservation.**

The conservation of water and energy shall be encouraged by the Director of Community Development. In establishing discharge restrictions upon users he shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the Director of Community Development, each user will provide the Director of Community Development with pretreatment information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Director of Community Development he shall make adjustments to discharge restrictions, which have been based on concentration limits, to reflect the conservation steps. (Ord. No. 9979, § 2(32-46.6), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-100. Excessive discharges.**

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in applicable federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the city and state except as approved by the Director of Community Development. (Ord. No. 9979, § 2(32.46-7), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-101. Accidental discharges.**

- A. Each user shall provide protection from accidental discharge of restricted materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of restricted materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director of Community Development for review and shall be approved by the Director of Community Development before the construction of the facility. All existing users shall complete such a plan as required by permit. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the Director of Community Development. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. In the case of an accidental discharge, all categorical and non-categorical Industrial Users shall notify the wastewater treatment plant immediately of all discharges that could violate the standards and prohibitions included in Sections 29-95, 29-96 and 29-97 of the City Code. The notification shall include location of discharge, type of waste concentration and volume, and corrective action. (Ord. 13198, §10, 5-21-2001; Ord. No. 13301, 11-5-2001)
- B. Within five (5) days following an accidental discharge the user shall submit to the Director of Community Development a detailed written report describing the cause of the discharge and the measure to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
- C. A notice shall be permanently posted on the user's premises advising employees whom to call in the event of a dangerous discharge. The employee shall insure that all employees who may cause, or allow such a dangerous discharge to occur, are advised of the emergency notification procedure. (Ord. No. 9979, § 2(32-46.8), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-101.1. Records, information, etc., from industrial users.**

- A. When required by the Director of Community Development industrial users shall have on file with the City, wastewater information deemed necessary for determination of compliance with this chapter, the city's NPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Director of Community Development and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the User as confidential is subject to the conditions of confidentiality as set out in section 29-7.
1. Any Industrial User and POTW subject to the reporting requirements established in this Chapter shall maintain records of all information resulting from any monitoring activities required by this Chapter. Such records shall include for all samples:
    - a. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
    - b. The dates analysis were performed;
    - c. Who performed the analysis;
    - d. The analytical techniques/methods use; and
    - e. The results of such analyses.
  2. Any Industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of 5 years any records of monitoring activities and results (whether or not such monitoring activities are required by this Chapter) and shall make such records available for inspection and copying by the Director of Community Development. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.
- B. Where a person owns, operates or occupies properties designated as an industrial user at more than one location, separate information submittals shall be made for each location as may be required by the Director of Community Development.
- C. The Director of Community Development shall implement measures to insure the confidentiality of information provided by a user pursuant to this chapter.  
(Ord. No. 9979, § 2(32-47.1), 6-6-83; Ord. 13198, §10, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Sec. 29-101.2. Provisions for monitoring.**

- A. When required by the Director of Community Development, users of the city's POTW shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater discharge. Such access and/or appurtenances shall be in a safely accessible location and shall be provided in accordance with plans approved by the Director of Community Development. The access and all appurtenances shall be provided and maintained at the owner's expense so as to be safe and accessible at all times.
- B. The Director of Community Development shall consider such factors as the volume and strength of the discharge, quantities of toxic materials in the discharge, rate of discharge, POTW removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring wastewater discharge shall be required.

- C. Where the Director of Community Development determines access and equipment for monitoring or measuring wastewater discharge to the POTW are not practicable, reliable or cost effective, the Director of Community Development may specify alternative methods of determining the characteristics of the wastewater discharge which will in the Director of Community Development judgement, provide an equitable measurement of such characteristics.

(Ord. No. 9979, § 2(32-47.2), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-101.3. Determination of wastewater characteristics.**

- A. Measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this chapter shall be determined in accordance with procedures contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Director of Community Development. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Director of Community Development. The user shall have the option to use, at his own expense, additional sampling methods, locations, times, durations, and frequencies than specified by the Director of Community Development.
- B. Measurements, tests, and analyses of the characteristics of wastewater required by this Article shall be performed by a laboratory approved by the Director of Community Development. When such analyses are required of a user, the User may, with the approval of the Director of Community Development, make arrangements with a qualified laboratory, including that of the user, to perform such analyses.
- C. Monitoring of wastewater characteristics necessary for determination of compliance with this chapter shall be conducted at least semi-annually unless more frequent monitoring is required by the Director of Community Development when, in his judgment, characteristics of the specific discharge warrant a different monitoring frequency.
- D. The City reserves the option to administer fees to recover the costs for any given measurement, test, or analysis of wastewater required by this Chapter and performed by the City. The fees per analysis shall be the same for all users and shall reflect only direct costs. If the City chooses to recover industrial monitoring costs, the cost of analysis performed by an independent laboratory at the option of the discharger shall be borne directly by the user.

(Ord. No. 9979, § 2(32-47.3), 6-6-83; Ord. 13198, §13, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Sec. 29-101.4. Wastewater contribution permits.**

- A. When required by the Director of Community Development, users proposing to connect or contribute to the POTW of the city shall obtain a wastewater contribution permit before connecting or contributing to the POTW. All existing users, so designated by the Director of Community Development shall obtain a wastewater contribution permit in accordance with this chapter.
- B. Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the City and accompanied by the required fee. Existing users, so designated by the Director of Community Development, shall apply for a wastewater contribution permit on or before December 5, 1983. In support of and with the application, the user shall submit in units and terms appropriate for evaluation, the following:
1. Name, address, and location (if different from the address) of the users.
  2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget.
  3. Wastewater constituents and characteristics including, but not limited to those mentioned in section 29-96 of this Code as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to

section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

4. Time and duration of contribution.
  5. Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
  6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
  7. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged to the POTW.
  8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet pretreatment standards.
  9. Each product produced by type, amount, processes and rate of production including daily, monthly and seasonal variations if any.
  10. Type and amount of raw materials processed (average and maximum per day).
  11. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
  12. Such additional information as is deemed applicable to evaluate the permit application and the Director of Community Development may allow additional time in which to submit the additional information.
- C. Within 9 months after the promulgation of a categorical pretreatment standard, the wastewater discharge permit of users affected by the standard, shall be revised to require compliance with the standard. When a user is required to apply for a wastewater contribution permit for the first time because of a new categorical pretreatment standard, the user shall apply for the permit within 180 days after the promulgation of the new standard.
- D. Wastewater contribution permits shall be issued for a period of three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for reissuance of the permit not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit. The terms and conditions of the permit may be modified by the Director of Community Development during the term of the permit. The user shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change.
- E. Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director of Community Development.

(Ord. No. 9979, § 2(32-48.1, 32-48.2, 32-48.5 - 32-48.7, 6-6-83; Ord. No. 13301, 11-5-2001)

#### **Sec. 29-101.5. Compliance schedules.**

- A. If additional pretreatment and/or operation and maintenance techniques will be required to meet discharge limitations as prescribed by the Director of Community Development, state or federal laws, the user shall implement the shortest schedule which will provide the additional pretreatment. The Director of Community Development shall establish the completion date, which shall be no longer than three (3) years from the date of application to discharge such wastes to the POTW.

- B. The following conditions shall apply to compliance schedules:
1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of such additional treatment as required for the user to meet applicable limitations (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, placing facility into operation, etc.). No increment in the schedule shall exceed nine (9) months.
  2. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director of Community Development including, as a minimum, whether or not it complied with this increment of progress, the reason for any delay, and the steps being taken by the user to return to the established schedule. In no event shall more than (nine) 9 months elapse between such progress reports to the Director of Community Development.

(Ord. No. 9979, § 2(32-48.3, 32-48.4), 6-6-83; Ord. No. 13301, 11-5-2001)

**Sec. 29-102. Reporting requirements.**

- A. **Baseline Report.** Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR, 403.6(a)(4), whichever is later, existing Industrial users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Community Development Director a report which contains the information listed in paragraphs (b)(1)-(7) in 40 CFR 403.12. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Community Development Director a report which contains information such as listed in paragraphs (b)(1)-(5) of 40 CFR 403.12. New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.
- B. **90-Day Compliance Report.** Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Director of Community Development a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user.
- C. **Periodic Reports on Continued Compliance.** Any user subject to a pretreatment standard after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director of Community Development during the months of June and December unless required more frequently in the pretreatment standard or by the Director of Community Development, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in the permit application. At the discretion of the Director of Community Development and in consideration of such factors as high or low flow rates, holidays, budget cycles, etc., the Director of Community Development may agree to alter the months during which the above reports are to be submitted.

- D. The Director of Community Development may establish mass limitations. In such cases the report required by subsection (b) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. The report shall contain the results of sampling and analysis of the discharge including the flow, nature and concentration, or production and mass where requested by the Director of Community Development, of pollutants contained therein which are limited by the applicable pretreatment standards. Sampling shall be performed in accordance with the techniques approved by the approval authority.
- E. If sampling performed by an Industrial User indicates a violation, the user shall notify the Director of Community Development within 24 hours of becoming aware of the violation. The user shall also report the sampling and analysis and submit the results of the repeat analysis to the Community Development Director within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:
1. The City performs sampling at the Industrial User at a frequency of at least once per month, or
  2. The City performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.
- F. Hazardous Waste Discharge Notification. The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and the State of Missouri hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW , the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements in paragraphs A, B, and C of this section.
- G. Notification of Changed Discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph F of this section.
- H. Signatory requirements for reports. All applications, reports, or information submitted to the City of Jefferson must contain the following certification statement:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
- This statement must be signed by the principal executive officer or director having responsibility for the overall operation of the discharging facility. A duly authorized representative may be designated to sign if approved in writing by the principal executive officer or director.

(Ord. No. 9979, § 2(32-48.8, 32-48.9), 6-6-83; Ord. 13198, §16, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Secs. 29-103 - 29-107. Reserved.**

**ARTICLE IV. ENFORCEMENT**  
**DIVISION 1. ADMINISTRATIVE ENFORCEMENT REMEDIES**

**Sec. 29-108. Notification of Violation**

Whenever the City finds that any User has violated or is violating this Chapter, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 10 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the User. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

**Sec. 29-109. Consent Orders**

The Community Development Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to Section 29-111. (Ord. No. 13301, 11-5-2001)

**Sec. 29-110. Show Cause Hearing**

The Community Development Director may order any User which causes or contributes to violation of this Chapter or wastewater permit or order issued hereunder, to show cause why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of the meeting, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued. (Ord. No. 13301, 11-5-2001)

**Sec. 29-111. Compliance Order**

When the Community Development Director finds that an industrial user has violated or continues to violate this Chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices. (Ord. No. 13301, 11-5-2001)

**Sec. 29-112. Cease and Desist Orders.**

When the Community Development Director finds that an industrial user has violated or continues to violate this Chapter or any permit or order issued hereunder, the Community Development Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- A. Comply forthwith

- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.  
(Ord. No. 13301, 11-5-2001)

### **Sec. 29-113. Administrative Fines**

Notwithstanding any other article of this Chapter, any user who is found to have violated any provision of this Chapter, or permits and orders issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the Community Development Director shall have such other collection remedies as he/she has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the Community Development Director to reconsider the fine within 10 days of being notified of the fine. Where the Community Development Director believes a request has merit, he/she shall convene a hearing on the matter within 15 days of receiving the request from the industrial user. (Ord. No. 13301, 11-5-2001)

### **Sec. 29-114. Emergency Suspensions**

- A. The Community Development Director may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- B. Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Community Development Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize the damage to the POTW, its receiving stream, or endangerment to any individuals. The Community Development Director shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Section 29-115 of this Division are initiated against the user.
- C. An industrial user which is responsible, in whole or in part for imminent endangerment shall submit to the Community Development Director, a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of the hearing described in paragraph (B) above.

(Ord. No. 13301, 11-5-2001)

### **Sec. 29-115. Termination of Permit**

Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the City. Any user who violates the conditions of a wastewater discharge permit, or Section 21 of this Ordinance, or an order, or any applicable or State and Federal law, is subject to permit termination. Noncompliant industrial users will be notified of the proposed terminations of their wastewater permit and be offered an opportunity to show cause under Section 29.103 (c) of this Ordinance why the proposed action should not be taken.

## DIVISION 2. JUDICIAL REMEDIES

### **Sec. 29-116. Generally.**

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this county.

### **Sec. 29-117. Injunctive Relief**

Whenever an industrial user has violated or continues to violate the provisions of this Ordinance or permit or order issued hereunder, the Community Development Director, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The Community Development Director shall have such remedies to collect these fees as it has to collect other service charges. (Ord. No. 13301, 11-5-2001)

### **Sec. 29-118. Civil Penalties**

- A. Any User who is found to have violated an Order of the City Council who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations, and permits issued hereunder, shall be liable to the Community Development Director for a civil penalty of not more than \$10,000 but at least \$1000 per day for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable sampling and monitoring costs, attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law.
- B. The Community Development Director shall petition the Court to impose, assess, and recover such sums. In determining the amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial users's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires. (Ord. No. 13301, 11-5-2001)

### **Sec. 29-119. Criminal Prosecution**

- A. Violations - General
1. Any industrial user who willfully or negligently violates any provision of the Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by fine not to exceed \$1000.00 per violation per day or imprisonment for not more than 3 months or both.
  2. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3000 per violation per day or imprisonment for not more than 3 years or both.
- B. Falsifying Information
1. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1000 per violation

per day or by imprisonment for not more than three (3) months or by both.

2. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3000 per violation per day or imprisonment for not more than 3 years or both.

**NOTE:** The City's ability to assess civil and criminal fines and penalties under Article 4 of this Code is dependent on current law in the State of Missouri.

DIVISION 3. AFFIRMATIVE DEFENSES

**Sec. 29-120. Treatment Upsets**

- A. Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Community Development Director thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:
1. A description of the upset, its cause(s), and impact on the dischargers compliance status.
  2. The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonable expected to be restored
  3. All steps or taken or planned to reduce, eliminate, and prevent recurrence of such an upset.
- B. An industrial user which complies with the notification provisions of this Section in a timely manner shall have an affirmative defense to any enforcement action brought by the Community Development Director for any noncompliance with this Ordinance, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.  
(Ord. No. 13301, 11-5-2001)

**Sec. 29-121. Treatment Bypasses.**

- A. A bypass of the treatment system is prohibited unless all of the following conditions are met:
1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater ; and
  3. The industrial user properly notified the Community Development Director as described in paragraph (B) below.
- B. Industrial users must provide immediate notice to the Community Development Director upon discovery of an unanticipated bypass. If necessary, the Community Development Director may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its occurrence
- C. An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the Community Development Director at least 10 days in advance. The Community Development Director may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph (A) above.

(Ord. 13198, §18, 5-21-2001; Ord. No. 13301, 11-5-2001)

**Secs. 29-122 - 29-129. Reserved.**

**ARTICLE V. RATES AND CHARGES**  
**DIVISION 1. GENERALLY**

**Sec. 29-130. General provisions.**

All fees and charges payable under provision of this chapter shall be paid to the city. Such fees and charges shall be as set forth herein. All fees and charges under the provisions of this chapter are due and payable upon receipt of notice of charges. Unpaid charges shall be delinquent and shall be subject to penalty and interest charges.

(Ord. No. 9979, § 2(32-2.1(f), 6-6-83)

**Sec. 29-131. Connection and extension charges.**

A. Connection Charges. In addition to any other charges a sewer connection charge in the amount of three hundred dollars (\$300.00) is hereby levied against any person connecting, or causing to be connected, a private sewer lateral to a public sewer at any time subsequent to July 1, 2003.

(Code 1977, § 32-62; Ord. No. 9519, 10-6-80)

B. Extension Fee. In addition to any other charges an extension fee of six thousand dollars (\$6000.00) is hereby levied against any person desiring to have an extension of the City sewerage system constructed by the City built to provide service to any property. The extension fee shall only apply if the City undertakes the project. Any proposed project utilizing this section shall meet the following criteria and are subject to the express limitations:

1. The project will involve at least a density of one (1) connection for every one hundred (100) feet of main constructed.
2. The fee shall be assessed on a per lot equivalent, defined as an area adjacent to the proposed extension containing 22,000 square feet or portion of line frontage in two hundred feet increments.
3. At least five (5) separate independent entities will be served by the requested extension.
4. All requests for extensions will be considered and evaluated based on stated criteria, availability of funds, cost/benefit analysis of the project and the system, and other considerations. Priority shall be given to projects within the corporate limits.
5. Upon request and subject to Council approval, extension fees may be tax billed as provided by law.

C. The wastewater system connection charges and extension fees imposed by this section are in addition to plumbing permit fees and all other fees and charges imposed by the City.

D. A plumbing permit to connect to the wastewater system shall not be issued until any connection charges and extension fees have been paid.

(Code 1977, § 32-62; Ord. No. 9519, 10-6-80; Ord. No. 13501, §1, 2-3-2003)

**Sec. 29-132. Disbursal of funds.**

All revenues derived from the operation of the sewerage system, as collected, shall be deposited in the sewer revenue fund, and shall be held, handled, and disbursed in accordance with the terms of any bond ordinance for issuance of sewage revenue bonds authorized and issued by the city. The amount of one hundred twenty thousand dollars (\$120,000) annually until an amount of \$2,000,000 which has been calculated as the needed replacement capital to be collected annually, shall be deposited in the replacement account as prescribed in the bond ordinance and shall be used only for the replacement as set forth in Attachment A to Ordinance No. 9647.

(Code 1977, § 32-65; Ord. No. 9519, 10-6-80; Ord. No. 9647, § 3, 7-6-81; Ord. No. 13257, §2, 9-4-2001)

**Sec. 29-133. Rules and regulations.**

The mayor, or such other city official or employee designated by the mayor, shall make and enforce all rules and regulations as may be deemed necessary for the safe, economical and efficient management, operation and protection of the city's treatment works, for the construction and use of private sewer laterals and connections to the sewage system, and for the regulation and collection of charges for sewer services.

(Code 1977, § 32-64; Ord. No. 9519, 10-6-80)

**Secs. 29-134 - 29-139. Reserved.**

DIVISION 2. SERVICE CHARGES

**Sec. 29-140. Generally.**

Sewer service charges are hereby levied, according to the rate recommendation documented in the 1983 Burns and McDonnell rate study and hereby incorporated by reference as Appendix 1, against every residential, commercial, industrial and governmental establishment connected to public sewers and against all such establishments which are not connected to public sewers but for which sewer service is available. Sewer service shall be considered available if a sewer, which ultimately discharges into the city treatment works, is within one hundred fifty (150) feet of any part of the property on which a residential, commercial, industrial or governmental establishment exists. The proceeds of such charges so derived will be used for the purpose of operation, maintaining and replacing the sewer system and equipment, and for the purpose of retiring the debt for the public wastewater treatment works. (Code 1977, § 32-53; Ord. No. 9519, 10-6-80; Ord. No. 10090, § 1(32-53), 10-31-83; Ord. No. 13257, § 1, 9-4-2001)

**Sec. 29-141. Rates and surcharges.**

- A. All residential, commercial, industrial and governmental establishments shall be charged for sewer service in accordance with the following rate table. The sewer service charge shall consist of a monthly fixed minimum charge plus a charge based upon the cubic feet of water used per month. The charges shall become effective on the dates listed in the table, and shall be applicable through the subsequent years until changed.

RATE TABLE I

EFFECTIVE DATE	FIXED MINIMUM CHARGE PER MONTH CHARGE	VOLUME PER 100 CU. FT.
June 1, 2010	\$ 7.48	\$ 2.36
June 1, 2011	7.85	2.48
June 1, 2012	8.25	2.60
June 1, 2013	8.66	2.73
June 1, 2014	9.09	2.87
June 1, 2015	9.64	3.04
June 1, 2016	10.22	3.22
June 1, 2017	10.83	3.42

(Ord. No. 13155, §1, 1-2-2001; Ord. 14754, §1, 12-20-2010)

- B. A surcharge rate is established for any wastewater discharged into the city treatment works which contains more than three hundred (300) milligrams per liter of suspended solids, or more than two hundred fifty (250) milligrams per liter biochemical oxygen demand as defined and determined by analytical methods published in Standard Methods for the Examination of Water and Wastewater. Surcharges for suspended solids and BOD shall be paid at the rates established in Rate Table II, and shall be paid in addition to the normally established rates listed in Rate Table I. The charges shall become effective on the dates listed in the table, and shall be applicable through the subsequent year. The rate effective on November 1, 1987, shall be effective thereafter until changed.

RATE TABLE II

<u>Effective Date</u>	<u>BOD Surcharge Rate Per Pound</u>	<u>SS Surcharge Rate Per Pound</u>
November 1, 1983	\$0.072	\$0.13
November 1, 1984	\$0.080	\$0.14
November 1, 1985	\$0.089	\$0.155
November 1, 1986	\$0.097	\$0.168
November 1, 1987	\$0.106	\$0.185

(Code 1977, § § 32-54(a); Ord. No. 9519, 10-6-80; Ord. No. 9647, § 1, 7-6-81; Ord. No. 10090, § 1(32-54(a), (c)), 10-31-83; Ord. No. 10312, § 1, 10-29-84; Ord. No. 14557, §1, 7-6-2009)

**Sec. 29-142. Additional charge for users outside city.**

All users outside the corporate limits of the city shall be required to pay an additional charge for use of that part of the system which serves their respective area, and shall be triple the fixed rate. The additional revenue derived from this charge shall be applied to the debt service portion of the sewer budget.

(Code 1977, § § 32-55(d); Ord. No. 9647, § 2, 7-6-81)

**Sec. 29-143. Basis for computation.**

- A. Sewer service charges for residential establishments having an average monthly water consumption for the months of January, February and March of one thousand five hundred (1,500) cubic feet or less shall be billed monthly for the twelve-month period beginning in June of each year on the basis of said average monthly water consumption for the immediately preceding months of January, February and March. If a residential establishment is served by a Water District that provides the City with water usage data, which is not based on a calendar month, the City may use the data that most closely approximates usage in the months of January, February, and March, rather than the residential establishment's actual usage for January, February, and March, in determining monthly water consumption.
  
- B. Sewer service charges for all residential establishments having an average monthly water consumption for the months of January, February and March of more than one thousand five hundred (1,500) cubic feet and sewer service charges for all commercial or industrial establishments and governmental establishments shall be billed monthly for the twelve-month period beginning in June of each year on the basis of actual quantity of monthly water consumption of such establishments. If a residential establishment is served by a Water District that provides the City with water usage data, which is not based on a calendar month, the City may use the data that most closely approximates usage in the months of January, February, and March, rather than the residential establishment's actual usage for January, February, and March, in determining monthly water consumption.

(Ord. No. 13497, §1, 2-3-2003)

- C. When a residential establishment is initially occupied and such establishment has no previous record of water consumption, or if a change of occupancy occurs in a residential establishment, the sewer service charge shall be billed monthly on the basis of the actual monthly water consumption until such time as the rate of charges for such establishment may be determined

under the provisions of subsections (A) and (B) of this section; provided, however, that in the event the initial or new occupant of such residential establishment has previously established a record of water consumption under the provisions of this division, the rate of charges for such establishment may be based on such previous record until such time as the rate of charge for such establishment may be determined under the provisions of subsections (A) and (B) of this section.

(Code 1977, § 32-55(a) - (c); Ord. No. 9519, 10-6-80)

- D. For those residences served by a Water District where a residential establishment is initially occupied and such establishment has no previous record of water consumption, or if a change of occupancy occurs in a residential establishment, the City may bill the residence for its monthly sewer service charges based upon the average monthly charges from the last rate study performed by the City, for a residence with 3 members or the actual number of members in a residence if the user provides the same. If, at the time of the next rate study, it is determined that the residential establishment has not paid the correct amount based on actual water usage, the residential establishment will be refunded any overpayment or be billed for any underpayment.
- E. For those residences served by a private water service the City may bill the residence for its monthly sewer service charges based upon the average monthly charges from the last rate study performed by the City, for a residence with 3 members or the actual number of members in a residence if the user provides the same. If such user can provide proof of the actual amount of water used, the City shall bill based upon actual waters usage.

(Ord. 14408, §1, 9-15-2008)

**Sec. 29-144. Measurement of water consumption.**

- A. The metered water consumption records of the Capital City Water Company, or its successor, as shown by its monthly water bills, shall be used to determine the amount of water consumption of all residential, commercial or industrial establishments and governmental establishments supplied with water by the Capital City Water Company, or its successor, for the purpose of computing sewer service charges under the provisions of this division.
- B. All residential, commercial or industrial, and governmental establishments supplied with water from sources other than the Capital City Water Company, or its successor, shall furnish evidence satisfactory to the city, of the monthly quantity of water consumption by such establishments from such other sources and in such cases the monthly sewer service charges shall be based upon such evidence; otherwise the city shall estimate the monthly water consumption of such establishments, and such computation shall constitute the basis for the monthly sewer service charge for such establishments.

(Code 1977, § 32-56; Ord. No. 9519, 10-6-80)

**Sec. 29-145. Adjustments.**

- A. Low Usage. When any residential, commercial or industrial, or governmental establishment, using in excess of one thousand five hundred (1,500) cubic feet of water per month, furnishes the city with evidence satisfactory to the city that such establishment actually discharged into the public sewers in the preceding calendar year less than ninety (90) percent of the water used by such establishment, the city may adjust the sewer service charges of such establishment for the next subsequent calendar year by computing same either on the basis of water discharged into the public sewers or by flat rate rather than on the amount of water consumption of such establishment.

(Code 1977, § 32-57; Ord. No. 9519, 10-6-80)

- B. Flooding. When any residential, commercial industrial, or governmental establishment furnishes the city with evidence that it has been inundated or had a sewer backup caused by area flooding lasting more than fourteen (14) consecutive days after January 1, 1995, the city may adjust any bill on a pro-rated basis for the time sewer service was not available. The establishment must demonstrate that it has or will take steps to prevent sewer back flows due to flooding. Any request for adjustment must be filed within one year of the bill sought to be adjusted.

(Ord. No. 12416, § 1, 2-19-96)

**Sec. 29-146. Billing and collection procedures.**

- A. All sewer service charges shall be paid to the city, or its authorized agent, at the location or locations designated by the city. Sewer service charges shall be paid within fifteen (15) days of the date of their billing.
- B. Every sewer service charge specified in this section remaining unpaid for thirty (30) days after the date of its billing may be increased by ten (10) percent, and thereafter such sewer service charge may be increased an additional one and one-half (1½) percent for each thirty-day period such charge remains unpaid after the expiration of thirty (30) days from the date of its billing. (Ord. 13205, §1, 6-4-2001; Ord. No. 14668, §1, 5-17-2010)
- C. Sewer services shall be deemed to be furnished to both the occupant and owner of all residential, commercial or industrial, and governmental establishments receiving sewer service, and the occupant and owner of such establishments shall be severally and jointly liable to the city for payment of the charges for such service rendered on or to premises upon which such establishments are located. If any bill for such service is not paid within fifteen (15) days from the date of such bill, the city may sue the occupant, the owner, or both, of the establishments receiving such service, or for which such service has been made available, and receive any sums due for such services plus a reasonable attorney's fees to be fixed by the court and the costs of such suit. Such suit shall be instituted by the city counselor upon the order of the mayor of the city. In addition, the city may use such other means now or hereafter available to it under the statutes of Missouri and the ordinances of the city to effect the collection of any bill for sewer service remaining unpaid upon the expiration of fifteen (15) days from the date of such bill.
- D. In the event either the occupant or owner of property which receives sewer service furnished by the City has reason to dispute the amount or nature of any bill, the recipient shall be permitted to make payment under protest, provided that the recipient of service provide to the city at the time of payment the following information:
1. The period of time for which the service is disputed
  2. The reason for the dispute
  3. The requested remedy

Nothing contained herein shall in any way forgive or avoid any payment to the City as outlined in this chapter for sewer services. Upon receipt of any such payment under protest, the Department of Public Works shall respond in writing to the recipient of the service with a response to their complaint and a copy shall be forwarded to the city administrator, the chairman of the Public Works Committee, the City Council, and a reply shall be forthcoming within a reasonable amount of time.

(Code 1977, § §§ 32-54(b), 32-58, 32-59; Ord. No. 9519, 10-6-80; Ord. No. 10090, § 1(32-54(b)), 10-31-83)

**State law reference** - Chapter 250, RSMo. § 250.140, 250.234; Chapter 204, RSMo. § 204.455

**Sec. 29-147. Annual review and revision.**

The city shall review annually the schedules of rates for sewer service charges, and revise the rates, if necessary, to generate adequate revenues to pay the costs of operation and maintenance, to promptly pay the principal of and interest on all bonds issued by the city which by their terms are payable solely from the revenues of the treatment works, and to maintain any special accounts created and established by the bond ordinance pursuant to which the bonds are issued.

(Code 1977, § 32-61; Ord. No. 9519, 10-6-80; Ord. No. 10090, § 1(32-61), 10-31-83)

**Sec. 29-148. Collection agent.**

The city may contract, for a stated period of time and for a stated consideration and under such terms and conditions agreeable to the city, with any person for the preparation, mailing and collection, or for the mailing or collection, of bills for sewer service charges.

(Code 1977, § 32-63; Ord. No. 9519, 10-6-80)

**Section 29-149. Security Deposit**

- (1) Each sewer service customer beginning or restarting service after December 31, 2006 shall be required to make a security deposit as a condition of receiving sewer service.
- (2) Customers requesting service to a one-family dwelling or a one-family unit of a larger residential building, when the customer owns said dwelling or unit, shall deposit \$30.00 before receiving sewer service.
- (3) Customers requesting service to a one-family dwelling or a one-family unit of a larger residential building, when the customer does not own said dwelling or unit, shall deposit \$90.00 before receiving sewer service.
- (4) Customer requesting service for all dwellings which are not a one-family dwelling or one-family unit of a larger residential building shall deposit \$120.00 before receiving sewer service.
- (5) Service deposits may be transferred or applied to a new residence or business location if the customer moves. Adjustment shall be made if the amount of deposit is inadequate or excessive.
- (6) The City of Jefferson may require an additional security deposit as a condition of continued service, if in an unauthorized manner, the customer interferes with or diverts the sewer service situated on or about or delivered to the customer's premises. Said amount not be in excess of twice the amount identified in Section 29-149(2) of the Code of the City of Jefferson, Missouri if service is to be continued to a one-family dwelling or a one-family unit of a larger residential building, or twice the amount identified in section 29-149 (3) of the Code of the City of Jefferson, Missouri if service is to be continued to a dwelling which is not a one-family dwelling or a one-family unit of a larger residential building.
- (7) The City of Jefferson may require an additional security deposit from any customer giving false information to access sewer service. Said amount not to be in excess of twice the amount identified in section 29-149 (2) of the Code of the City of Jefferson, Missouri if service is for a one-family dwelling or a one-family unit of a larger residential building, or twice the amount identified in section 29-149 (3) of the Code of the City of Jefferson, Missouri if service is for a dwelling which is not a one-family dwelling or a one-family unit of a larger residential building.
- (8) Upon termination of service the deposit shall be credited to the final bill and the balance, if any, shall be returned to the customer.

- (9) Each customer posting a security deposit shall receive in writing at the time of the tender of the deposit a receipt as evidence of the deposit. The receipt will contain at least the name of the customer, the place of payment, the date of payment and the amount of payment for fees and deposits.
- (10) No customer receiving service at the time of enactment of this ordinance who is current on his or her monthly bill shall be required to post a security deposit for the customer's current dwelling if said dwelling is receiving sewer services at the time of enactment of this ordinance and so long as the customer remains current on the customer's monthly service charges for sewer services provided to the customer's dwelling. If said customer requests sewer services for any other dwelling or location other than the customer's current dwelling or location, that customer shall be considered a new customer and subject to the security deposit requirement.
- (11) If any customer not required to post a security deposit due to the provisions of subsection (10) herein becomes more than 60 days in arrears on any payment to City, that customer shall immediately become subject to the security deposit requirement and shall post the appropriate deposit within 30 days of the date the account becomes in arrears.
- (12) The City Administrator may review the amounts listed herein and adjust the amounts for inflation on an annual basis if he deems the same necessary in his sole discretion.

(Ord. 14130, §1, 12-4-2006)

**Sec. 29-150. Limitation on New or Transferred accounts.**

No person shall be allowed to open a new sewer account or transfer a sewer account from another residence if that person, or any persons residing in the residence for which the new or transferred account has been requested, has any outstanding debt or fee owed to the City.

(Ord. 14214, §1, 6-18-2007)

**Sec. 29-151. Charge for Notice of Intent to disconnect. .**

Any residential, commercial, industrial, or governmental establishments which has received a notice of intent to disconnect water service which has been personally delivered to the establishment shall be charged a service fee, which shall be placed in Appendix Y. (Ord. No. 14668, §2, 5-17-2010)

## NOTES

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1. **Cross references** - Definitions and rules of construction generally, § 1-2; buildings and building regulations, Ch. 8; health and sanitation, Ch. 15.

**State law reference** - Sewers generally, RSMo. § 88.832 et seq.