

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

51. WATER AND SEWER SYSTEM

CHAPTER 50: GARBAGE AND REFUSE

Section

General Provisions

- 50.001 Short title
- 50.002 Purpose
- 50.003 Definitions

Solid Waste Storage

- 50.015 Storage containers required
- 50.016 Manner of solid waste storage
- 50.017 Standards for residential storage containers
- 50.018 Yard wastes
- 50.019 Abandoned or unattended icebox and the like
- 50.020 Storage containers not in compliance

Collection of Solid Waste

- 50.025 Responsibility of city
- 50.026 Compulsory collection; bulky rubbish
- 50.027 Collection points; duties of customers
- 50.028 Right of collectors to enter private property
- 50.029 Frequency of collection
- 50.030 Ownership of solid waste
- 50.031 Responsibility of collector
- 50.032 Use of dumpsters and other containers provided
- 50.033 Prohibitions against certain kinds of wastes

Transportation and Disposal of Solid Waste

- 50.045 Collection vehicle standards
- 50.046 Disposal in approved sites
- 50.047 Hazardous waste disposal

Franchising

- 50.060 Franchise requirement
- 50.061 Establishment
- 50.062 Granting of franchise
- 50.063 Term

- 50.064 Fees charged by grantee
- 50.065 Privileges; obligations of grantee and city
- 50.066 Performance bond
- 50.067 Franchise grantee regulations
- 50.068 Termination of franchise

Rules and Regulations

- 50.080 Setting of rates; classification of customers; scheduling of collection services
- 50.081 Prohibited practices
- 50.082 Notice of violation; nuisance
- 50.083 Abatement of violation; lien claim

Rates and Charges

- 50.095 Solid waste collection service charges and fees
- 50.096 Billing and payment of charges and fees

Collection and Disposal of Recyclable Materials

- 50.105 Permit required; fee
- 50.106 Storage containers
- 50.107 Placement of containers
- 50.108 Days; hours of collection
- 50.109 Transportation vehicles; specifications
- 50.110 Places of deposit
- 50.111 Responsibility of collectors
- 50.112 Violations; hearing

- 50.999 Penalty

GENERAL PROVISIONS

§ 50.001 SHORT TITLE.

This chapter shall be commonly referred to as the “Solid Waste Management Chapter.”

(Ord. 4-4-88, passed 4-4-88)

§ 50.002 PURPOSE.

The purpose of this chapter is to accomplish the regulation, storage, collection, transportation, processing, control, disposal and the containerization of garbage, refuse and other solid waste, and the fees, charges and penalties applicable thereunto in the city.

(Ord. 4-4-88, passed 4-4-88)

§ 50.003 DEFINITIONS.

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

APPROVED INCINERATOR. An incinerator which complies with all current regulations of the responsible local, state and federal Air Pollution Control Agencies.

BULKY RUBBISH. Non-putrescible solid wastes consisting of combustible and/or noncombustible waste material from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

CITY COUNCIL. The duly elected and qualified councilmembers of the city, acting as a body.

COLLECTION. The removal of solid waste from the designated pickup location to the transportation vehicle.

CURBSIDE. That portion of an occupant's property, not inside any building, which is closest to a public curb, street, alley or passway, and not more than 20 feet from same.

CUSTOMER. Any person who alone, or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner, occupant or as a tenant, and which person shall have solid waste, the disposal of which is deemed mandatory or desirable hereunder.

DEMOLITION AND CONSTRUCTION WASTE. Materials from the construction or destruction of residential, industrial or commercial structures or projects.

DISPOSABLE SOLID WASTE CONTAINER. A disposable plastic or paper sack or bag with a capacity of 10 to 35 gallons specifically designed for the storage of solid waste.

DWELLING UNIT. Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used for living, sleeping, cooking and eating, or any combination thereof.

HAZARDOUS WASTE. Any waste or combination of wastes, which is determined by the Kentucky Department for Environmental Protection because of its quantity, concentration, or physical, chemical or infectious characteristics, that may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

MULTIPLE HOUSING FACILITY. A housing facility containing more than one dwelling unit under one roof.

PERSON. Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING. Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste volume is reduced.

RESIDENTIAL CONTAINERS. Containers or bags with the following features:

- (1) Cans or containers constructed of non-rusting metal, rigid plastic or plastic bags;
- (2) Watertight;

- (3) Covers, ties or enclosures that prevent disturbance by animals and/or insects;
- (4) Handles or loose ends of a bag that can be used for lifting the container;
- (5) Not larger than a 35 gallon capacity.

SOLID WASTE. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

(1) **COMMERCIAL SOLID WASTE.** Any solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(2) **RESIDENTIAL SOLID WASTE.** Any solid waste resulting from the maintenance and operation of dwelling units.

(3) **RECYCLABLE MATERIALS.** Any kinds of solid waste or materials which shall be recycled.

SOLID WASTE CONTAINER. Any receptacle used by any person in which to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL. The process of discarding or getting rid of unwanted material, and in particular the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT. The administration of solid waste activities, including, but not necessarily limited to, the storage, collection, source separation, transportation, processing, treatment and disposal of same.

STORAGE. Keeping, maintaining or storing solid waste from the time of its production or creation until the time of its collection.

SUPERINTENDENT. That person duly authorized and empowered by the City Council to act in the capacity as Superintendent of the Solid Waste Management Program.

TRANSPORTATION. The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTE. Grass clippings, leaves and tree trimmings.

(Ord. 4-4-88, passed 4-4-88; Am. Ord. 8- -90, passed 8- -90)

SOLID WASTE STORAGE

§ 50.015 STORAGE CONTAINERS REQUIRED.

The occupant or owner of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment producing solid waste within the city, shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and

construction waste, to serve each such dwelling unit and/or establishment, and shall maintain such solid waste containers at all times in a good state of repair.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.016 MANNER OF SOLID WASTE STORAGE.

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid wastes to be collected in proper solid waste containers as defined herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid wastes shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.017 STANDARDS FOR RESIDENTIAL STORAGE CONTAINERS.

Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons in maximum capacity nor less than ten (10) gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. Permanent solid waste containers may be used which shall be galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather. Disposable solid waste containers with suitable frames, plastic garbage bags or containers as approved by the Superintendent, may also be used for storage of residential solid waste. Any disposable plastic bags must comply with the requirements of a solid waste container as set out in the definitions hereinabove. The use of dumpsters may be authorized from time to time for multiple dwelling units or commercial businesses, and the like by the City Council.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.018 YARD WASTES.

Tree limbs less than four inches in diameter, lumber and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter, if not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds. Other yard wastes shall be stored in containers so constructed and maintained as to prevent the accidental dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual yard waste container and contents shall not exceed seventy-five (75) pounds.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.019 ABANDONED OR UNATTENDED ICEBOX AND THE LIKE.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible to children, any abandoned or unattended icebox refrigerator or other receptacle that has an air-tight door, lid or cover without first removing the door, lid or cover.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.020 STORAGE CONTAINERS NOT IN COMPLIANCE.

Solid waste containers which do not meet the specifications as outlined in this subchapter shall be considered waste and will be collected and disposed of together with their contents.

(Ord. 4-4-88, passed 4-4-88)

COLLECTION OF SOLID WASTE

§ 50.025 RESPONSIBILITY OF CITY.

The city shall provide for the collection and disposal of solid waste as follows:

(A) The city shall provide for the collection of all solid waste in the city, provided, however, that the city may provide the collection and/or disposal service by contracting or franchising with a person, county, or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city.

(B) The city may, at its discretion and with permission of the county, provide solid waste collection and disposal services outside the city limits upon specific application of property owners or persons in charge of the property.

(Ord. 4-4-88, passed 4-4-88)

§ 50.026 COMPULSORY COLLECTION; BULKY RUBBISH.

Collection of all solid waste from premises within the city limits to which services are offered by the city is compulsory, except bulky rubbish as defined herein. Bulky rubbish will be collected or otherwise disposed of in accordance with rules and regulations promulgated by the City Council and in keeping with state law requirements concerning solid waste disposal.

(Ord. 4-4-88, passed 4-4-88)

§ 50.027 COLLECTION POINTS; DUTIES OF CUSTOMERS.

(A) It shall be the duty of all customers to place, or cause to be placed, all solid waste containers, tree limbs and yard wastes, as described and defined herein at the curbside or alley, for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this chapter to be placed at the curbside or alley for collection shall be so placed not more than the number of hours before collection that are specified by the franchise holder and approved by the city. All reusable or permanent containers shall be removed from the curbside or alley within the number of hours after collection that are established by the franchise holder and approved by the city. All solid wastes generated from a customer's premises shall be placed in containers of sufficient size and quantity to properly contain and hold the solid waste unless the solid waste is properly or legally disposed of otherwise.

(B) Residential customers' containers must be maintained in a good state of repair and condition and residential customers shall be limited on a regular basis to five containers per single-family unit. For unusual and infrequent occasions and events, more than five containers may be used. Residential

customers shall place their solid waste containers in the location set forth above in subsection (A) on the days that are, scheduled and assigned to them by the city from time to time.

(C) Any residential customer whose solid waste must be collected at a place other than curbside shall be assessed an additional fee, unless the city deems a particular curbside pick-up to be a hazard or danger to the solid waste collectors or general public, in which case there shall be no extra charge or assessment.

(D) The city may determine that a customer's actions in the disposal of their solid waste, the use of improper containers, or the improper placement of the containers presents a problem for the city and the solid waste collectors. Upon the making of such a determination, the customer shall be notified in writing of the problem and granted a hearing before the city if requested by the customer. At the hearing, or upon the failure of the customer to respond to the written notice or attend the hearing, the city may require the customer to make changes or take action as it deems reasonably necessary to correct the problem.

(Ord. 4-4-88, passed 4-4-88)

§ 50.028 RIGHT OF COLLECTORS TO ENTER PRIVATE PROPERTY.

Solid waste collectors employed by the city, or any solid waste agency and its employees operating under a contract or franchise with the city, are hereby authorized to enter upon private property or the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval of the City Council.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.029 FREQUENCY OF COLLECTION.

All residential and commercial solid waste, other than bulky rubbish, shall be collected according to the schedule agreed upon by the city and the franchise holder. However, such collection must occur at least once per week. All collections shall be made between the hours of 6:00 a.m. and 4:00 p.m.

(Ord. 4-4-88, passed 4-4-88)

§ 50.030 OWNERSHIP OF SOLID WASTE.

All solid waste placed in authorized storage containers and placed at the point of collection defined in § 50.027 shall become the property of the city or its duly authorized agent and no person shall be allowed to separate, carry off or dispose of same without the written permission of the City Council, except as referred to in §§ 50.105 through 50.112 (recyclable materials).

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.031 RESPONSIBILITY OF COLLECTOR.

Solid waste collectors, employed by the city or a solid waste collection agency operating under contract or franchise with the city, shall be responsible for the collection of solid waste from the designated pick-up location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this chapter. Any spillage or blowing of litter caused as a

result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

(Ord. 4-4-88, passed 4-4-88)

§ 50.032 USE OF DUMPSTERS AND OTHER CONTAINERS PROVIDED.

(A) *Request by City or Franchise Holder.* The use of dumpsters by a customer will be encouraged when it is deemed desirable based upon the quantity of the customer's solid waste, the frequency of collection, or other problems encountered with the use of regular containers. When it is believed that a customer should use a dumpster, the same will be requested in writing to the customer stating the reasons therefor.

(B) *Request by Customer.* Any customer may request the use of a dumpster by contacting the City or the franchise holder. The City may approve the use of a dumpster based upon its location and any other condition the city may feel is necessary.

(C) *Use of Dumpsters in General.* If and when a dumpster, or dumpsters, are approved and used by a customer, the dumpsters must conform to the specifications of the franchise holder or be a dumpster provided on a rental basis either by the city or the franchise holder. Only such customer who is approved to use the requested dumpster shall dispose of solid waste in such container.

(D) *Use of Containers provided by the City.* In lieu of customer-provided containers, the City and the franchise holder, may, at City's or the franchise holder's discretion, provide containers for use in the area enclosed by First Alley Street North, First Alley Street South, First Alley Street East, and First Alley Street West; such containers may only be used by commercial customers operating within and physically located in such defined area and only for commercial solid waste generated by and from the commercial customers' business operations therein.

(Ord. 4-4-88, passed 4-4-88, amended ___ - ___ -2014)

§ 50.033 PROHIBITIONS AGAINST CERTAIN KINDS OF WASTES.

(A) The following wastes may not be deposited in solid waste receptacles, solid waste containers or dumpsters:

- (1) Hazardous wastes;
- (2) Liquid wastes;
- (3) Bulky rubbish;
- (4) Major appliances or furniture;
- (5) Tires;
- (6) Demolition or construction wastes;
- (7) Dead animals;
- (8) Any burning or smoldering materials, or any other materials that would create a fire hazard.

(B) No person may remove any item from a solid waste receptacle, container or dumpster, climb into a receptacle or dumpster, or damage a receptacle or dumpster.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

TRANSPORTATION AND DISPOSAL OF SOLID WASTE

§ 50.045 COLLECTION VEHICLE STANDARDS.

All solid waste transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used For transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.046 DISPOSAL IN APPROVED SITES.

Solid wastes shall be deposited at a processing facility, transfer station, pick-up station or disposal area approved by the city and complying with all requirements of the Kentucky Revised Statutes (specifically KRS 224.43-010, 224.40-100 and 224.40-310) and the rules and regulations adopted thereunder. The city may designate the particular processing or disposal facility to be utilized by persons operating under §§ 50.060 through 50.068 of this chapter.

(Ord. 4-4-88, passed 4-4-88)

§ 50.047 HAZARDOUS WASTE DISPOSAL.

Hazardous wastes shall not be disposed of in the same manner as solid wastes. Such wastes shall be disposed of only under certain provisions and will require special handling and shall be disposed of only the manner authorized by state regulations.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

FRANCHISING

§ 50.060 FRANCHISE REQUIREMENT.

No person may engage in the business of solid waste collection or disposal unless he holds a contract or franchise agreement issued by the City Council authorizing the person to collect, transport, and/or dispose of solid waste and describing the area and purposes for which the franchise is issued.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.061 ESTABLISHMENT.

The City Council shall determine the area for which a franchise is granted, and unless specifically set out otherwise, such area shall be the entire incorporated city limits of the city.

(Ord. 4-4-88, passed 4-4-88)

§ 50.062 GRANTING OF FRANCHISE.

Upon the conditions herein set forth and in accordance with sections 163 and 164 of the Constitution of the Commonwealth of Kentucky, the city may grant to one or more grantees an exclusive or a nonexclusive franchise to perform any and/or all of the functions and duties of the city herein, including the duty of disposing of all solid wastes at an approved landfill or other approved disposal method, and receive any and/or all of the benefits and privileges of the city under this chapter, subject to the provisions, conditions, rules and regulations set forth in this chapter.

(A) *Advertisement.* The city shall advertise for sealed bids for any franchise, directing that all bids shall be submitted to the city at such times and places as set out in the advertisement. The advertisement shall request and require the following information:

(1) All bids shall specifically set out whether the services would:

(a) Provide complete pick-up as set out in this chapter and transfer to an approved disposal site; or

(b) Provide a transfer station and then transfer to an approved disposal site;

(2) All bids shall also set out the following information with the understanding and provision that bids may be submitted proposing more than one of the above alternatives or any other alternative services:

(a) A schedule of the kind of, and the frequency of, the services offered;

(b) The kinds of solid waste loads that would be collected, and the restrictions, if any;

(c) If the bid includes a transfer station, then the proposed location of the station, a set of plans for the proposed construction of the station, the kinds of solid waste loads that would be handled or received at a transfer station, the hours of operation of same, and the different fees to be charged by the grantee at the station to persons, firms, businesses or governmental units delivering solid wastes to said station;

(d) The requirements, if any, for receiving loads at any transfer station from different persons, firms, businesses or governmental units;

(3) A schedule of the rates to be charged for services offered, itemized as per the various services and different alternatives;

(4) The amount of the franchise fee to be paid to the city for the granting of a complete operation franchise thereunder, which fee shall be not less than 10% of the gross revenues collected by the grantee in the case of total collection and disposal by the grantee;

(5) The date that the grantee would first provide all of its services;

(6) Specifications as to the make, year and model and number of vehicles and other equipment proposed to be utilized by grantee;

(7) The number of men to be employed in the system, whether complete or simply a transfer station, and their hours on the job of collection and disposal.

(B) *Receipt of Bids.* The city shall publicly receive bids containing the above information for any franchise.

(C) *Award of Bid.* The city shall award the franchise to the highest and best bidder, if awarded, however, the city expressly reserves the right to:

- (1) Award more than one Nonexclusive Franchise;
- (2) Reject any or all bids for an exclusive or a nonexclusive franchise; and
- (3) Withhold the granting of any exclusive or nonexclusive franchise.

(D) *Costs of Awarding Franchise.* The grantees of any franchise agreement shall reimburse the city for the costs of publishing the ordinance and for the advertisement provided for in subsection (A) above, and if there is more than one grantee said costs shall be equally shared.

(Ord. 4-4-88, passed 4-4-88)

§ 50.063 TERM.

The term of any franchise granted hereunder shall be for a period of from five to 20 years and may be renewable.

(Ord. 4-4-88, passed 4-4-88)

§ 50.064 FEES CHARGED BY GRANTEE.

The City Council shall approve all fees charged by the grantee of any franchise. Such fees may be amended only on an annual basis on the anniversary date of any contract, and then only for just cause, and upon request by the grantee and approval of the City Council.

(Ord. 4-4-88, passed 4-4-88)

§ 50.065 PRIVILEGES; OBLIGATIONS OF GRANTEE AND CITY.

(A) *Obligations of City.*

(1) If a franchise is awarded for the collection of solid wastes, or both the collection and disposal of solid wastes, then the city shall be responsible for the collection of all fees and charges from the customers, and the enforcement of the collections. The city shall pay to the grantee his portion of the collections on a monthly basis. The city shall be responsible for payments to the grantee based on collections actually received, rather than on charges and fees billed out. The city may not be held liable by the grantee for failure to collect on any fee or charge for any reason.

(2) The city shall exercise reasonable diligence in the collection of the fees and charges, however, any fees and charges which are over 60 days delinquent shall be assigned to the grantee upon

his request. When fees and charges are assigned to the grantee, the city shall not collect its 10% franchise fee based on those fees and charges.

(B) *Franchise Fees.*

(1) When a franchise is awarded for the collection of solid wastes, or both the collection and disposal of solid wastes, the grantee shall pay to the city a franchise fee equal to 10% of the gross charges to the customers, which the city may deduct from collections otherwise payable to the grantee. The city may deduct its 10% franchise fee for any period of time only for the collections actually received for that period of time.

(2) There shall be no franchise fees due when a franchise is awarded for the installation of a transfer station only, or the disposal of solid waste only.

(Ord. 4-4-88, passed 4-4-88)

§ 50.066 PERFORMANCE BOND.

The grantee of any franchise or contract hereunder shall provide the city with a performance bond with good and sufficient surety in the amount of \$100,000 to assure the city of the grantee's performance under the franchise or contract.

(Ord. 4-4-88, passed 4-4-88)

§ 50.067 FRANCHISE GRANTEE REGULATIONS.

(A) *Liability.*

(1) The grantee shall indemnify and hold the city harmless at all times during the term of any franchise agreement granted hereunder from and against all claims for injury or damages to persons or property both real and personal caused by the operations authorized by the franchise agreement and this authorizing chapter.

(2) The grantee shall defend, fully indemnify and save harmless the city from and against any and all claims and demands whatsoever, arising out of any agreement pursuant to this chapter or any operation of the grantee thereunder during the term of the agreement or any renewal thereof. The grantee shall carry at all times during the term of the franchise:

(a) Insurance to protect the city and its residents from and against any and all claims or injury or damages to persons or property, both real and personal, caused by the operations and the amount of such insurance against liability due to damage to property shall not be less than \$100,000, as to any one person and \$200,000 as to any one accident, and against liability due to injury or death of persons, \$1,000,000 as to any one person or to any one accident.

(b) Workman's Compensation Insurance in compliance with the laws of the state.

(c) Automobile insurance with the limits of not less than \$500,000/\$1,000,000 and property damage insurance with a limit of not less than \$50,000.

(d) All of the insurance coverages shall provide a 30-day notice to the city in the event of material alteration or cancellation of any coverage afforded in the policies prior to the date the material alteration or cancellation shall become effective.

(e) Copies of all policies required hereunder shall be furnished to and filed with the city upon request.

(f) The grantee shall pay and by its acceptance of any franchise granted hereunder specifically agrees that it will pay all expenses incurred by the city in defending itself with regard to all damages, penalties, or other claims resulting from the acts of the grantee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorneys' fees.

(g) Notification of legal action.

1. The city shall promptly notify the grantee, in writing, in the event any claims, demands, suit or other legal action is made against the city on account of any act or omission on the part of the grantee.

2. The grantee, upon receipt of due notice in writing from the city, shall defend at its own expense any action or proceedings against the city in which it is claimed that liability is by reason of the grantee's operations and, in the event of a determination of liability, shall indemnify the city.

(B) *Compliance With All Laws.* The grantee shall comply with all local, state and federal laws in the operation or any franchise business hereunder, including all laws, rules and regulations concerning labor and employment.

(C) *General Operation of Grantee's Franchise.* The grantee shall perform his duties under the franchise without hazard to the public health or damage to the environment in order to preserve the health, comfort, safety and welfare of the residents of the city, and to provide a clean, effective and orderly solid waste management program.

(D) *Inspection.* The city by its authorized agent shall have access at all reasonable hours to the following:

(1) Copies of all rules, regulations, terms and conditions adopted by the grantee for the conduct of its business with any customer in the area. Such rules and regulations shall also be available at all reasonable hours to any customer in the area.

(2) A semiannual summary report showing gross receipts from customers received by the grantee from its operations within the area during the preceding year, for the purpose of evidencing the fee payable to the city under the provisions set out above.

(3) To inspect the grantee's operation, vehicles and equipment in order to assure compliance with this chapter and all other rules, regulations and laws.

(Ord. 4-4-88, passed 4-4-88)

§ 50.068 TERMINATION OF FRANCHISE.

If the grantee shall fail to comply with any of the provisions of any agreement executed as a result of this subchapter, or default in any of its obligations except for causes beyond the reasonable control of the grantee, the city shall have the right to repeal the grantee's Franchise Agreement and its authorizing ordinance and all rights of the grantee thereunder.

(Ord. 4-4-88, passed 4-4-88)

RULES AND REGULATIONS

§ 50.080 SETTING OF RATES; CLASSIFICATION OF CUSTOMERS; SCHEDULING OF COLLECTION SERVICES.

(A) The city, with the advice of the Superintendent, shall list and classify all customers and fix the schedule for the collection of solid waste within the city. In addition, the city may, from time to time, as it deems necessary, make, amend, revoke, and enforce reasonable rules and regulations, governing, but not necessarily limited to the following:

- (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- (2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- (3) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- (4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- (5) Storage of solid waste in solid waste containers.
- (6) Sanitation, maintenance and replacement of solid waste containers.
- (7) Schedules of and routes for collection and transportation of solid waste.
- (8) Collection points of solid waste containers.
- (9) Collection, transportation, processing and disposal of solid waste.
- (10) Processing facilities and fees for the use thereof.
- (11) Disposal facilities and fees for the use thereof.
- (12) Records of quantity and type of wastes received at processing and/or disposal facilities.
- (13) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky rubbish, tires, automobiles, oils, greases, etc.

(B) A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk/Treasurer.

(Ord. 4-4-88, passed 4-4-88)

§ 50.081 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

- (A) Dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the city with or without the consent of the owner of the premises.
- (B) Dump or permit the dumping of garbage, refuse, rubbish, and debris on any property within the city limits.
- (C) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
- (D) Fail to have solid waste collected as provided in this chapter.
- (E) Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city, or those of a solid waste collection agency operating under contract or franchise with the city.
- (F) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.
- (G) Dispose of dead animals in any container to be collected by the city.
- (H) Own or operate a dump.
- (I) Engage in the feeding of food waste to animals for commercial purposes.
- (J) Dispose of solid waste at any facility or location which is not approved by the city and the Kentucky Department for Environmental Protection.
- (K) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city without a contract or franchise with the city, or to operate under an expired or revoked contract or franchise.
- (L) Violate any section or subchapter of this chapter or any other rule or regulation promulgated under the authority of any contract or franchise agreement.

(Ord. 4-4-88, passed 4-4-88) Penalty, *see* § 50.999

§ 50.082 NOTICE OF VIOLATION; NUISANCE.

The city, or its authorized agents and representatives, may serve or cause to be served upon the owner or occupant of any premises on which there is kept or maintained any nuisance created by solid waste or who is in violation of the provisions of this chapter, a notice of such nuisance or violation and to demand the abatement of the nuisance or violation in a period of not less than five days from issuance of said notice.

(Ord. 4-4-88, passed 4-4-88)

§ 50.083 ABATEMENT OF VIOLATION; LIEN CLAIM.

If the person so served with the notice set out above does not abate the nuisance or violation within the time period set in said notice, the city may proceed to abate such nuisance or violation, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant as any other bill for services hereunder. Whenever a bill for such charges remains unpaid for 30 days after it has been rendered to said occupant or owner, the city may file a statement of lien claim against the property.

(Ord. 4-4-88, passed 4-4-88)

RATES AND CHARGES

§ 50.095 SOLID WASTE COLLECTION SERVICE CHARGES AND FEES.

All service charges and fees to be paid by customers for solid waste collection and disposal shall be set by contract between the city and the grantees of solid waste collection and disposal franchises. A copy of each service charge and fee schedule shall be maintained at City Hall and shall be available for public inspection during normal business hours.

§ 50.096 BILLING AND PAYMENT OF CHARGES AND FEES.

(A) *Sewer and Water Bills.* Billings shall be included with the customer's monthly water and sewer bill. The rules, regulations and penalties for the payment of solid waste service charges and fees shall be the same as those applied to the payment of water and sewer bills.

(B) *All Other Billings.* Customers who do not receive a water and sewer bill shall receive a separate monthly billing for solid waste collection and the customer shall pay same by the 20th day of the month following receipt of the bill. Any payments made later than the 20th day of the month following receipt of the bill shall be subject to a penalty in the amount of 10% of the amount of the bill for each month or any part of a month that the payment remains unpaid after the 20th day.

(Ord. 4-4-88, passed 4-4-88)

COLLECTION AND DISPOSAL OF RECYCLABLE MATERIALS.

§ 50.105 PERMIT REQUIRED; FEE.

All solid wastes which are sold, transferred or given for the specific purpose of recycling may be taken by any customer to any recycling center and such materials need not be treated as other solid wastes herein. However, any person in the business of collecting or picking up recyclable materials from the customer's own premises shall have first obtained a permit from the city at a cost of \$150 per year. Such person in the business of collecting recyclable materials shall not be a franchise grantee hereunder however, they shall be bound by the provisions which follow in this subchapter.

(Ord. 4-4-88, passed 4-4-88; Am. Ord. 8- -90, passed 8- -90) Penalty, *see* § 50.999

§ 50.106 STORAGE CONTAINERS.

(A) All customers selling, transferring or giving away recyclable materials within the city shall provide sufficient after adequate containers for the storage of all such materials that are capable of being containerized, and to maintain such containers at all times in a good state of repair.

(B) All customers shall place all recyclable materials capable of being containerized to be collected in proper solid waste containers as defined in § 50.002 of this chapter, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Recyclable materials shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

(C) Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. Permanent containers may be used which shall be galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather. Disposable solid waste containers with suitable frames, plastic garbage bags or containers may also be used for storage of residential solid waste. Any such disposable plastic bags must comply with the requirements of a solid waste container as set out in the definitions in § 50.002.

(D) Solid waste containers which do not meet the specifications as outlined in this subchapter shall be considered waste and will be collected and disposed of along with their contents.

(Ord. 4-4-88, passed 4-4-88; Am. Ord. 8- -90, passed 8- -90) Penalty, *see* § 50.999

§ 50.107 PLACEMENT OF CONTAINERS.

(A) Any recyclable waste containers permitted by this subchapter to be placed at the curbside or alley for collection shall be so placed not more than 18 hours before collection. All reusable or permanent containers shall be removed from their placement within 18 hours after collection. All solid wastes generated from a customer's respective premises shall be placed in containers of sufficient size and quantity to properly contain and hold such solid waste unless such solid waste is properly or legally disposed of otherwise.

(B) Customers' containers must be maintained in a good state of repair and condition. Such customers shall place said containers at the proper placement set out above on such days as are scheduled and assigned to them by the city or the person who has contracted for the collection of their recyclable materials.

(Ord. 8- -90, passed 8- -90) Penalty, *see* § 50.999

§ 50.108 DAYS; HOURS OF COLLECTION.

All collections of recyclable materials at a customer's premises shall be made between the hours of 6:00 a.m. and 5:00 p.m. Monday through Saturday, only.

(Ord, 8- -90, passed 8- -90)

§ 50.109 TRANSPORTATION VEHICLES; SPECIFICATIONS.

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of recyclable materials shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting recyclable materials, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No recyclable materials shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

(Ord. 8- -90, passed 8- -90) Penalty, *see* § 50.999

§ 50.110 PLACES OF DEPOSIT.

Recyclable materials shall be deposited at a processing facility, transfer station, pick-up station or disposal area approved by the city.

(Ord. 8- -90, passed 8- -90)

§ 50.111 RESPONSIBILITY OF COLLECTORS.

Recyclable materials collectors operating under contract or permitted by the city, shall be responsible for any spillage or blowing of litter caused as a result of their operations.

(Ord. 8- -90, passed 8- -90)

§ 50.112 VIOLATIONS; HEARING.

The city may determine that a customer's actions in the disposal of their recyclable materials; the use of improper containers; or the improper placement of the containers presents a problem for the city or the collector of such materials. Upon the making or such a determination, such customer shall be notified in writing of the problem and granted a hearing before the City Council if requested by a customer. At such hearing, or upon the failure of the customer to respond to the written notice or attend such hearing, the city may require such customer to make such changes or take such action as it deems reasonably necessary to correct the problem.

(Ord. 8- -90, passed 8- -90)

§ 50.999 PENALTY.

Any person or other entity failing to comply with any of the provisions of this chapter shall be guilty of a violation punishable by a fine of not less than \$5 nor more than \$100. Each day the violation continues shall be considered a separate offense.

CHAPTER 51: WATER AND SEWER SYSTEM

Section

General Provisions

- 51.001 Definitions
- 51.001(a) Abbreviations
- 51.002 Application for service
- 51.003 Ownership of lines and meters
- 51.004 Restrictions on amendments
- 51.005 Purchase and use of water
- 51.006 Non-sewer facilities prohibited
- 51.007 Property owners required to install toilet facilities.
- 51.008 Sewer installation costs to be borne by property owners
- 51.009 Unsanitary deposit of garbage and discharge of sewage to non-sewer facilities prohibited
- 51.010 Kentucky laws incorporated by reference

Taps and Connections

- 51.025 Water taps and connections
- 51.026 Abutting owners must connect to sewer lines
- 51.027 Sewer connections required for new buildings
- 51.028 Sewer connections to conform to regulations
- 51.029 Storm water drain connections prohibited
- 51.030 Sewer taps to be made only by city
- 51.031 All septic facilities not connected to sewers prohibited

Regulations; Prohibitions; Conditions

- 51.040 Application of provisions
- 51.041 Supervision by Superintendent
- 51.042 Discontinuance of service
- 51.043 Meters
- 51.044 Interruption of service
- 51.045 Liability disclaimed by city
- 51.046 Boilers and pressure vessels
- 51.047 Inspection of premises
- 51.048 Installation and maintenance of equipment
- 51.049 Damage or loss caused by customer
- 51.050 Sale or giving away of water by customer prohibited
- 51.051 Easements & Rights of Way
- 51.052 Water for building or construction purposes
- 51.053 Special uses of water
- 51.054 Extension of water; sewer lines
- 51.055 Depositing inflammable; improper substances in sewer system prohibited
- 51.056 Unusual sewage discharges
- 51.057 Refusal of service
- 51.058 Amending of rules
- 51.059 Use of public and private sewers and drains and discharge of water and waste into the public sewer systems

51.060 Complaints

Rates and Charges

- 51.070 Monthly water rates
 - 51.071 Monthly sewer rates
 - 51.072 Multiple users on one meter
 - 51.073 Meter deposits & tap fees
 - 51.074 Meter readings
 - 51.075 Billing; collection; penalty charge
 - 51.076 Delivery of bills and notices
 - 51.077 Special uses of sewer system
 - 51.078 Special meters for usage not related to water
 - 51.079 Establishment of special classifications
- 51.099 Penalty

GENERAL PROVISIONS

§ 51.001 DEFINITIONS.

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

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 states with an approved State Pretreatment program and the Administrator of the EPA in a non-NPDES state or an 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;
- (B) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or
- (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.

CUSTOMER. A property owner or his agent who has agreed to purchase water and/or sewer service from the city.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the water of the State of Kentucky.

DISCHARGE. Any facility that discharges or causes a discharge to a public sewer.

DOMESTIC WASTEWATER. The water-carried wastes produced from noncommercial or non-industrial activities and which result from normal human living processes.

EFFLUENT. The liquid outflow of any facility designed to treat, convey or retain wastewater.

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.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food in-home kitchens, stores, markets, restaurants, motels, hotels, and other places where food is stored, prepared, or served. Specifically excluded is food processing wastes from canneries, slaughterhouses, packing plants, and similar industries.

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 system 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 tank trucks.

INDIRECT USER. A person who discharges or introduces non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

INDIRECT DISCHARGE. The discharge of the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act and including holding tank wastes discharged into the system.

INDUSTRIAL WASTEWATER. All water-carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

INTERFERENCE. The inhibition or disruption of the POTW treatment processes or operation that contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any State Sludge Management Plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 407(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of Section 407(b) of the Act and 40 CFR, Section 403.5.

NATURAL OUTLET. Any outlet, including storm sewers, into a watercourse, pump, ditch, lake, or other body of surface or ground water.

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such sources, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after date of promulgation of the standard.

ORDINANCE. Unless otherwise specified, this Ordinance.

PERSON. Any individual, partnership, committee, association, corporation, public agency, firm, company, and any other organization or group of persons, public or private.

PH. The reciprocal of the logarithm of the hydrogen ion concentration which is the weight of hydrogen ions in grams per liter of solution.

POLLUTANT. shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POLLUTION. shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

POTW TREATMENT PLANT. A portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction of alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CRF Section 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the City. This definition includes any sewers that convey wastewaters to the POTW treatment plant, but does not include pipes or other conveyances not connected to a facility providing treatment. For the purposes of the Ordinance, "POTW" shall also include any sewer that conveys wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, Users of the City's POTW.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property

line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

SANITARY SEWER. A sewer which carries domestic and/or industrial wastewater and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. Wastewater.

SEWERAGE. Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater, or a pipe or conduit for carrying waste water.

SIGNIFICANT INDUSTRIAL USER. Any user of the City's wastewater disposal system who (1) is subject to a Categorical Pretreatment Standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (2) has a discharge flow of 25,000 gallons or more per average work day; or (3) has a flow greater than 5 percent of the flow in the City's wastewater treatment system; or (4) has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or State statutes and rules; or (5) is found by the City, State Approval Authority or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

SLUDGE DISCHARGE. Any discharge of a non-routine, episodic nature, including, but not limited to, an accident spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flow rate during normal operation and/or adversely affects 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, 1972.

STANDARD METHODS. The current edition of "Standard Methods for the Examination of Water and Wastewater" and as published by the American Public Health Association.

STORM DRAIN or STORM SEWER. A sewer which carries storm and surface waters and drainage, but excludes domestic and industrial wastewaters.

STORM DRAIN SYSTEM. Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT. The Director of Public Works of the City of Greensburg.

SYSTEM. The combined and consolidated water and sewer system of the City, as now or hereafter constituted.

TOTAL SUSPENDED SOLIDS or FILTERABLE RESIDUE. The insoluble solid matter suspended in wastewater that is separable by laboratory filtration in accordance with the procedure described in “Standard Methods.”

TOXIC POLLUTANT. 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) or other acts.

USER. Any person who contributes, causes, or permits the contribution of wastewater into the City’s POTW.

WASTEWATER. The water-carried wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage, or uncontaminated water is not wastewater.

WASTEWATER DISCHARGE PERMIT. (Permit for Industrial Discharge, Permit, etc.) shall mean as set forth in Section 51.059(F) of this Chapter.

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

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, 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.

§ 51.001(a) ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

ASTM	--	American Society for Testing & Materials
BOD	--	Biochemical Oxygen Demand
CFR	--	Code of Federal Regulations
COD	--	Chemical Oxygen Demand
EPA	--	Environmental Protection Agency
l	--	Liter
mg	--	Milligrams
mg/l	--	Milligrams per liter
NPDES	--	National Pollutant Discharge Elimination System
POTW	--	Publicly Owned Treatment Works
SIC	--	Standard Industrial Classification
TSS	--	Total Suspended Solids
WPCF	--	Water Pollution Control Federation

§ 51.002 APPLICATION FOR SERVICE.

Each customer must make written application for water and/or sewer service at the City hall, and the application, including service received thereunder, is not assignable by the customer.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.003 OWNERSHIP OF LINES AND METERS.

The City shall own all lines, meters, and other water and sewer equipment as shall be paid for by the City.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.004 RESTRICTIONS ON AMENDMENTS.

This chapter shall not be amended without the permission of the Farmers Home Administration, United States Department of Agriculture (the "FmHA"), so long as the FmHA is the owner or insurer of any bonds issued by the City and payable from the revenues of the system.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.005 PURCHASE AND USE OF WATER.

(A) Each customer shall be entitled to purchase from the City, pursuant to such agreements as may from time to time be provided and required by the City, such water as the customer may desire, subject, however, to the provisions of this chapter and to such further rules and regulations as may be prescribed by the City, provided, however, that should a customer sell or dispose of a portion of his property or subdivide the same, he, or the new owner of each new tract, may not demand water and taps without paying connection fees for each tract to be served.

(B) In the event that the total water supply shall be insufficient to meet all of the needs of the customers or in the event that there is a shortage of water, the City or its Superintendent may prorate the water available among the various customers, on such basis as is deemed equitable by the City or its manager, and may also prescribe a schedule of hours covering use of water and require adherence thereto or prohibit the use of water for specified purposes, for such appropriate period of time as may be necessary under the circumstances.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.006 NON-SEWER FACILITIES PROHIBITED.

(A) It shall be unlawful for any person to construct or maintain or permit to be constructed or maintained any outdoor toilet, privy, vault, cesspool, septic tank, or other similar contrivance for the reception of sewage on any lands owned by such person, or under his control, which abut upon a sewage collection line in any public street, alley, or other easement or through which a sewage collection line passes or to which a sewage collection line is hereafter available; all such outdoor toilets or privies shall be removed; and all such vaults, cesspools, septic tanks, or other similar contrivances for the reception of sewage shall be closed or filled or otherwise removed from the properties described above within 90 days after the sewage collection service becomes available.

(B) All privies, surface toilets, or other means of casting or depositing sewage into a container above or below the surface of the ground or upon or into the soil or into any running or percolating stream of water or into any cistern or well whereby the soil or any surface or sub-surface waters are contaminated with sewage are hereby declared to constitute a public nuisance and their use or maintenance for a period of

more than 90 days following the availability of a sewage collection line to the property is hereby prohibited.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.007 PROPERTY OWNERS REQUIRED TO INSTALL TOILET FACILITIES.

Each owner of a house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and to which sewer service is made available by the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the available public sewer in accordance with the requirements of this chapter.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.099

§ 51.008 SEWER INSTALLATION COSTS TO BE BORNE BY PROPERTY OWNERS.

All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner, who shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. All connections shall be made under the supervision of the Superintendent of the sewer system or other duly authorized official of the City.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.009 UNSANITARY DEPOSIT OF GARBAGE AND DISCHARGE OF SEWAGE TO NON-SEWER FACILITIES PROHIBITED.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, any garbage or other objectionable waste, or to discharge to any natural outlet within the City, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided under the supervision of the Superintendent or other duly authorized City official.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, see § 51.99

§ 51.010 KENTUCKY LAWS INCORPORATED BY REFERENCE.

All applicable Kentucky Statutes which now or may hereafter exist are incorporated herein and made a part of this chapter, and the City may use any powers therein contained, in addition to those set out in this chapter.

(Ord. 10-23-87, passed 10-23-87(A))

TAPS AND CONNECTIONS

§ 51.025 WATER TAPS AND CONNECTIONS.

Whenever the City shall determine that it is feasible to provide water service to a customer, the City shall install, maintain, and operate a main distribution pipeline or lines from the system's source of water supply and shall further install and maintain, at the City's expense, such portion(s) of the necessary water service lines as may be needed to bring water from a water main to the lot or easement line of a customer; provided, however, that if the necessary water service line from the water main to the water meter of a customer is unusually long, as determined by the Superintendent, within guidelines fixed by

the City, the customer may be required to pay a portion of the cost of such service line. The expense borne by the City in any event shall include the necessary tap, fittings, and shut-off valve, which items shall belong to the City. Each customer shall install and maintain, at his expense, that portion of the service line from said lot or easement line to his premises, including a stop and waste cock at the end of the house site of his service, which items shall belong to the customer. The minimum earth cover of the customer's service shall be 30 inches. The manager shall determine the size and kind of service to be installed.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.026 ABUTTING OWNERS MUST CONNECT TO SEWER LINES.

(A) All owners, tenants, and occupants of dwellings, houses, apartments, hotels, motels, mobile homes, house trailers, mobile home parks, trailer camps, manufacturing or commercial establishments, or any other building of any kind or nature situated on a lot or lots, within the City limits, through which any sewage collection line has been or is hereafter installed, or which abuts upon any street, alley, or easement within the City limits in which there is hereafter installed a sewage collection line, or to which property a sewage collection line is extended, shall, within 90 days following the date on which the sewage collection line is placed in operation, connect therewith all sanitary sewage drain pipes of such dwellings, houses, apartment, hotels, motels, mobile homes, house trailers, mobile-home parks, trailer camps, manufacturing or commercial establishments, or other buildings, with the sanitary sewage collection line, conveying thereby all of the sewage therefrom into the sewer system. All connections shall be made in accordance with such rules and regulations as the City may from time to time duly establish; and the failure to make such connection is hereby declared unlawful and to constitute a nuisance.

(B) Each owner, tenant, and occupant of similar property outside the City limits, who is connected to the city water system and receives water service from the City, shall, within 90 days following the date on which the City sends written notice to such party that a City sewage collection line is available to the property, connect the property to the sewage collection line, in accordance with the adopted rules and regulations. The City shall cut off the water supply to any owner, tenant, and/or occupant failing to make such connection.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, *see* § 51.099

§ 51.027 SEWER CONNECTIONS REQUIRED FOR NEW BUILDINGS.

All architects, contractors, builders, or other persons, before commencing the erection of any building or other improvement capable of emitting liquid wastes or sewage, on any lot or parcel of land abutting on a street, alley, or easement in which there may be hereafter installed and maintained any sewage collection line, or on any lot or parcel of land through which there may be hereafter installed a sewage collection line, or to which a sewage collection line is made available, shall, before erecting or installing the building or improvement, exhibit to the City Council, or to such official as the City Council may designate, satisfactory evidence that a means has been provided or will be provided for connecting the sanitary sewage drain pipes from the building or other improvement with the sewer collection line. No storm water or other surface or sub-surface water drain shall be connected with any sanitary sewer line hereafter constructed, nor shall any storm water, surface, or sub-surface water be otherwise introduced into any sanitary sewage collection line.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.028 SEWER CONNECTIONS TO CONFORM TO REGULATIONS.

All sewer connections shall be made in accordance with the water and sewer regulations adopted by the City. Failure to effect such connection is hereby declared to be unlawful and shall constitute a nuisance.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, *see* § 51.099

§ 51.029 STORM WATER DRAIN CONNECTIONS PROHIBITED.

No storm water drain shall be or remain connected or be connected with any separate sanitary sewer heretofore or hereafter constructed as, or made a part of, the sewer system of the City, nor shall any storm water be otherwise introduced into any separate sanitary sewer.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, *see* § 51.099

§ 51.030 SEWER TAPS TO BE MADE ONLY BY CITY.

No sewer taps (breaking or entering into sewer lines of the City) shall be made by any person, firm, or corporation except the City. The City will, upon application to the City and payment of any tapping or connection fee, as may be prescribed by the City, tap the City sewer and run a lateral to the property line of any applicant where sewers are available, and any and all installations or attachments thereto shall be made by the applicant under the directions and supervision of the City, provided that nothing herein shall be construed as requiring the City to furnish a sewer connection or sewer services to any premises where a City sewer is not available at the time that the application is made.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, *see* § 51.099

§ 51.031 ALL SEPTIC FACILITIES NOT CONNECTED TO SEWERS PROHIBITED.

It shall be unlawful for any person to construct or maintain a privy, well, vault, cesspool, cistern, septic tank, or similar contrivance for the reception of flowable sewage where sewers are available, and all such privies, wells, vaults, cesspools, cisterns, septic tanks, facilities, and similar contrivances shall be removed or disconnected by the owners and the occupants of premises to which sewers are made available in the City as soon as the same are made available to the premises. All such privies, facilities, and other means of casting or depositing sewage into a container above or below the surface of the ground, or upon or into the soil or into any running or percolating stream of water or into any cistern or well, whereby the soil is contaminated with sewage, are hereby declared to be unlawful and to constitute a nuisance.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, *see* § 51.099

REGULATIONS; PROHIBITIONS; CONDITIONS

§ 51.040 APPLICATION OF PROVISIONS.

The regulations, prohibitions and conditions set out in this subchapter shall apply to all customers of the City water and sewer system.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.041 SUPERVISION BY SUPERINTENDENT.

All taps and connections to the water mains and sewer of the City shall be made by and/or under the direction and supervision of the Superintendent.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.042 DISCONTINUANCE OF SERVICE.

(A) Water service may be discontinued by the Superintendent for any violation of any rule, regulation, or condition of service and especially for any of the following reasons:

(1) Misrepresentation in the application or contract as to the property or fixtures to be supplied, or as to additional use of water and/or sewer service, or as to unusual or extraordinary use of sewer facilities.

(2) Failure to report to the City additions to the property or fixtures to be supplied, or of additional use of water and/or sewer service.

(3) Resale or giving away of water.

(4) Waste or misuse of water due to improper or imperfect service pipes and/or failure to keep same in suitable state of repair.

(5) Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.

(6) Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the City.

(7) Nonpayment of bills.

(B) Any customer desiring to discontinue the water and/or sewer service to his premises for any reason must give notice of discontinuance in writing at the City Hall; otherwise, a customer shall remain liable for all water used and water and/or sewer services rendered to such premises by the City unless said notice is received by the City.

(Ord. 10-23-87, passed 10-23-87))

§ 51.043 METERS.

(A) All meters shall be installed, renewed, and maintained at the expense of the City, and the City reserves the right to determine the size and type of meter used.

(B) Upon written request of any customer, the meter serving said customer shall be tested by the City. Such test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test; otherwise, a charge of \$3 will be made and then only if the test indicates meter accuracy within the limits of 2%. If a meter is inaccurate in excess of 2%, adjustments shall be made for the two preceding months prior to such test according to the inaccuracy in excess of 2%.

(C) Where a meter has ceased to register, or meter reading cannot be obtained, the quantity of water consumed will be based upon an average of the prior six months' consumption, considering the conditions of water service prevailing during the period in which the meter fails to register.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.044 INTERRUPTION OF SERVICE.

The City shall make all reasonable efforts to eliminate interruption of service, and, when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. When the service is interrupted, all consumers affected by such interruption will be notified in advance whenever possible.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.045 LIABILITY DISCLAIMED BY CITY.

The City shall in no event be held responsible for any claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the supply of water caused by the failure or breakage of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor for any portion of a payment refunded for any interruption of service which in the opinion of the City may be deemed necessary.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.046 BOILERS AND PRESSURE VESSELS.

Customers having boilers and/or pressure vessels receiving a supply of water from the City must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the City is discontinued or interrupted for any reason, with or without notice.

(Ord. 10-23-87, passed 10-23-87 (A)) Penalty, *see* § 51.099

§ 51.047 INSPECTION OF PREMISES.

The premises receiving a supply of water and all service lines, meters and fixtures, including any fixtures within said premises shall at all reasonable hours be subject to inspection by the duly authorized employees of the City.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, *see* § 51.099

§ 51.048 INSTALLATION AND MAINTENANCE OF EQUIPMENT.

(A) Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the City lines and mains. The customer shall provide a place for metering which is unobstructed and accessible at all times. The customer shall furnish and maintain a cut-off valve on his side of the meter, and the City will furnish a like valve on its side of the meter.

(B) The customer's service lines shall be installed and maintained by the customer at his own expense in a safe and efficient manner and in accordance with the City's rules and regulations and with the regulations of the Department of Health.

(Ord. 10-23-87, passed 10-23-87 (A)) Penalty, *see* § 51.099

§ 51.049 DAMAGE OR LOSS CAUSED BY CUSTOMER.

If any loss or damage to the property of the City or any accident or other injury to persons or property is caused by or results from the negligence or wrongful action of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the City, and any liability otherwise resulting shall be that of the customer.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.050 SALE OR GIVING AWAY OF WATER BY CUSTOMER PROHIBITED.

Water furnished by the City may be used for domestic consumption by the customer, member of his household, and employees only. The customer shall not sell or give the water to any other person.

(Ord. 10-23-87, passed 10-23-87(A)) Penalty, *see* § 51.099

§ 51.051 EASEMENTS & RIGHTS OF WAY.

(A) Each customer shall grant or convey, or shall cause to be granted or conveyed, to the City a perpetual easement and right-of-way across any property owned or controlled by the customer whenever said easement or right-of-way is necessary for the City water and/or sewer facilities and lines so as to enable the City to furnish service to the customer.

(Ord. 10-23-87, passed 10-23-87(A))

(B) The City of Greensburg, Kentucky, its agents, employees, or contractors, is hereby granted permission to lay, construct, install and maintain water and sewer lines and appurtenances over, across, under and/or parallel to the city streets and rights of way. The water and sewer lines shall be constructed in a manner and fashion as may be reasonable in the construction industry and in keeping with the regulations of the Commonwealth of Kentucky.

[Ord. passed 11-15-04].

§ 51.052 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.

(A) Water for building or construction purposes will be furnished by meter measurement, however, no meter deposit will be required until the building or residence is occupied; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

(B) Water so supplied shall be discharged through a hose or pipe directly upon the material to be made wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench; and all use of water by any party other than applicant, or use of water for any purpose or upon any premises not so stated or described in the application, must be prevented by the applicant, or water service may be discontinued to the applicant without notice.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.053 SPECIAL USES OF WATER.

Special terms and conditions may be made where water is used by the City or community for public purposes such as fire extinguishment, public parks, and the like.

(Ord. 10-23-87. passed 10-23-87(A))

§ 51.054 EXTENSION OF WATER; SEWER LINES.

(A) The City will construct extensions to its water and sewer lines to points within its service area, but the City is not required to make any such installation unless the customer pays to the City the entire cost of the installation.

(B) All line extensions shall be evidenced by a contract signed by the City and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies.

(C) If refund of the advance is to be made, the following method shall apply: such refund shall be in an amount equal to 20% of the total gross revenue of water sales per year for each service connected to the new extension prescribed in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

(D) All decisions in connection with the manner of installation of any extension and maintenance thereto shall remain in the exclusive control of the City; such extension shall be the property of the City; and no other person shall have any right, title, or interest therein.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.055 DEPOSITING INFLAMMABLE; IMPROPER SUBSTANCES IN SEWER SYSTEM PROHIBITED.

No substances shall be placed or discharged into the municipal sewer system which will create a combustible, gaseous, explosive, or inflammable condition in said system, nor shall any substances or objects be placed or discharged into the municipal sewer system which will not dissolve and which will thus cause an obstruction and clogging within said system. No petroleum products shall be placed or discharged into the municipal sewer system.

(Ord. 10-23-87, passed 10-23-87(A))

Penalty, *see* §51.099

§ 51.056 UNUSUAL SEWAGE DISCHARGES.

In the event the sewage, water, or other liquid wastes being discharged into the municipal sewer facilities from any building or premises contain unduly high concentrates of any substances which add to the operating costs of the municipal sewer facilities, then special rates, rentals, or charges may be established, charged, and collected as to such building or premises, or the owner or other interested party may be required to specially treat such sewage, water, or other liquid wastes before it is discharged into the municipal sewer facilities.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.057 REFUSAL OF SERVICE.

The City may refuse service to any person, not presently a customer, when in the opinion of the City the capacity of the facilities will not permit such service.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.058 AMENDING OF RULES.

These rules may be changed or amended.

(Ord. 10-23-87, passed 10-23-87(A))

§51.059 USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS AND DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEMS

(A) DEFINITIONS. See §51.001 above.

(B) USE OF PUBLIC SEWERS REQUIRED.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on 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.

(2) It shall be unlawful to discharge to any natural outlet within the City, or in any area the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public 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 public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is determined to be available by the Superintendent.

(5) Land which is within 1,000 feet of existing public sanitary sewers, measured by way of public rights-of-way or public utility easements, is considered to be served by sanitary sewage facilities. Any house, building or property constructed after the effective date of this ordinance and used for human occupancy, employment, recreation or other purpose constructed on property served by public sanitary sewer must be connected to public sanitary sewer.

(C) PRIVATE WASTEWATER DISPOSAL.

(1) Where a public sanitary sewer is not available under the provisions of Section B, Sub-Section 4, the building sewer may be connected to a private wastewater disposal system complying with the requirements of the Green County Health Department and with the provisions of this Section.

(2) Before commencement of construction of a private sewage disposal system, the Owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Twenty-Five Dollars (\$25.00) shall be paid to the City at the time the application is filed.

(3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kentucky. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where it conflicts with Green County Health Department Standards. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days after notification by the City and in compliance with this Ordinance. The private wastewater disposal facilities shall be abandoned and filled with suitable material in accordance with requirements of the Green County Health Department.

(6) The Owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

(7) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Green County Health Department.

(D) BUILDING SEWERS AND CONNECTIONS.

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

(2) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastewater. In either case, the Owner or his agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent and/or City Engineer. A permit and Inspection Fee of Twenty-Five Dollars (\$25.00) for a residential or Commercial Building sewer permit and Fifty Dollars (\$50.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Tapping of public sewer main lines, installation or wyes in the public sanitary sewer lines and extension of wyes in the public sanitary sewer main lines and extension of sewer lateral lines to owner's property, when required, shall be performed by the Greensburg Public Works Department at the owner's expense.

(4) A separate and independent building sewer shall be provided for every building except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(5) Old building sewer service connections may be used for new buildings only when they are found, on examination by the Superintendent, to meet all requirements of this Ordinance, and all applicable laws and regulations.

(6) No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Existing conditions of this type shall be disconnected from discharging into the public sanitary sewer by owner at owner's expense.

(7) All excavations for building sewer installations that extend adjacent to a public right-of-way shall be adequately guarded by the owner with barricades and/or lights so as to protect the public from hazard. Streets, sidewalks, parkways, of the work shall be restored in a manner satisfactory to the City.

(8) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, the testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(9) In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. All such required lifting devices shall be installed, owned and maintained by owner(s) of property being served by the lifting devices.

(10) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(11) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

(12) All costs and expense incident to the maintenance of the building sewer shall be borne by the owner to include removal of any obstructions, except where it can be shown to the satisfaction of the Superintendent that the building sewer has physically collapsed between the owner's property line and the public sanitary sewer. The cost and expense of repairing the collapsed building sewer between the owner's property line and the public sanitary sewer will be borne by the City.

(E) USE OF THE PUBLIC SEWERS.

(1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or storm drains, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm drain or natural outlet.

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

- a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, lubrication oils or cutting oils. In order to protect against fire/explosion hazard, no item can be discharged that creates a closed-cup flashpoint less than 140° F.
- b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- c) Any water or wastes having a pH lower than 6, or higher than 9.0 hr having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system.
- d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage's, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk container, either whole or ground by garbage grinders.
- e) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150° F) or in no case having a temperature which will cause the influent at the treatment plant to be higher than one hundred four degrees (104°F).
- f) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F.
- g) Any garbage that has not been property shredded.
- h) Any water or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- i) Any water or waste containing the following chemical constituents and/or similar objectionable or toxic substances that exceed the following limits:

Constituent	Maximum for Any One Day (mg/1)	Average Daily Value (Weekly Average (mg/1)
-------------	-----------------------------------	--

Cadmium	1.2	.7
Chromium (Total)	7.0	4.0
Copper	4.5	2.7
Cyanide (Total)	1.9	1.0
Total Metals	10.5	6.8
Lead	.6	.4
Nickel	4.1	2.6
Zinc	4.2	2.6
Silver	1.2	.7

It should be noted that these values have been selected based upon information in Volume 1 of the Federal Guidelines for State and Local Pretreatment Programs (EPA-430/9-76-017 A, MCD 43, January 1977) related to the prevention of biological inhibition at a treatment facility.

Based upon the sampling program at the Greensburg Wastewater Treatment Plant, these values may be adjusted to reflect the City's needs; the City shall give public notice of any change proposed for these limits.

- j) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite wastewater to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- k) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- l) Any wastes exerting an excessive chlorine demand to such a degree that any such material received in the composite sewage at the wastewater treatment plant exceeds the limits established by the Superintendent for such materials.
- m) Materials which exist or cause:
 - 1) Unusual concentrations of inert suspended solids (such as, but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2) Excessive discoloration (such as, but not limited to, daily wastes, dye wastes, and vegetable tanning solutions).
 - 3) Unusual BOD, chemical oxygen demand, or Chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
 - 4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

- n) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(4) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under the Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under the Ordinance. The superintendent shall notify all affected Industrial Users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 or 4 of this Section, and which in the judgment of the Superintendent, may have a deleterious effect on the sewerage system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent shall require the discharger to obtain a wastewater discharge permit. The Superintendent, at his/her discretion also may:

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

(6) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installment of the pretreatment plants and equipment shall be subject to review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(7) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards or local limits, the user will be required to submit the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

- a) 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 additional pretreatment required for the user to meet the applicable Pretreatment Standards or local limits (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc).
- b) No increment referred to in paragraph (a) shall exceed nine (9) months.
- c) 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 Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reasons for delay, and the steps being

taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

(8) Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his/her expense.

(9) Grease, Oil and Sand Traps.

- a) Establishments involved in the preparation of food for commercial or public purposes shall provide grease interceptors or traps. Grease, oil and sand interceptors or traps shall be provided by others when necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units.
- b) All interceptors or traps shall be of type and capacity approved by the Health Officer, and the Superintendent, and shall be located so as to be readily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight, and equipped with easily removable covers.
- c) For new or remodeled (food handling) establishments, all wastewater drain piping from food processing equipment; sinks for washing of food equipment and utensils; mop sinks; dishwashers; hand sinks and floor drains in food processing or food preparation areas, shall be separated from other wastewater piping and connected to an approved exterior-type grease trap prior to discharge into the public sanitary sewer. Minimum capacity for an exterior-type grease trap is five hundred (500) gallons, based upon rectangular dimensions that will support a liquid (dept) of at least three (3) feet and six (6) inches depth.
- d) Existing food handling establishments must within two (2) years of written notification, install grease trap(s) on all wastewater drain piping, except floor drains, as listed above. Floor or flush mounted, under the fixture units such as Zurn model Z-1170 or Z1170 LT series grease trap(s) or approved equal will be permitted. Capacity will be determined upon the size, number and types of fixtures utilized by the grease trap. Minimum single-fixture grease trap capacity requirements will be fifty (50) pounds with dishwashers and twenty (20) pounds without.
- e) All grease, oil and sand interceptors or traps shall be maintained by the use in continuously efficient operation at all times at his expense.
- f) Approval of proposed facilities or equipment by the Superintendent does not, in any way guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

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

(11) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods", and shall be determined at the control manhole provided, or on suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents on the sewerage system and to determine the existence of hazards to life, limb, and property.

(12) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Such agreements shall not concern pretreatment standards. Obviously, such agreements cannot be contrary to state or federal laws and regulations.

(F) INDUSTRIAL WASTEWATER.

(1) No person shall discharge or cause to be discharged any industrial wastewater directly or indirectly to sewerage facilities owned by the City without first obtaining a City Permit for Industrial Wastewater Discharge.

The permit for Industrial Wastewater Discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this Ordinance.

No permit for Industrial Wastewater Discharge is transferable without the prior written consent of the Superintendent.

No person shall discharge industrial wastewaters in excess of the quantity of quality limitations set by the Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the Permit should apply to the City for an amended Permit.

(2) Applicants for a Permit for Industrial Wastewater Discharge shall complete an Application for Wastewater Discharge Permit available at the office of the Superintendent.

Upon receipt of the permit fee prescribed in Section D, Sub-Section 2, of this Ordinance and of all required information, the application shall be processed and, upon approval, be signed by the Superintendent and one (1) copy returned to the applicant.

The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the City all required information and if the Superintendent determines that there is adequate capacity in the sewerage facilities to convey, treat, and dispose of the Wastewaters.

Upon approval of the Permit Application, the City of Greensburg will issue a Wastewater Discharger Permit incorporating discharge conditions, monitoring schedules, compliance schedules, etc., tailored to the individual Industrial User. This Wastewater Discharger Permit shall be issued for a specified time period not to exceed five (5) 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 permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the User's existing Permit. The terms and conditions of the Permit may be subject to modification by the City during the term of the Permit as limitations or requirements as identified in Section 3, 4, and 5 are modified or other just cause exists. The User shall be informed of any proposed changes in his Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

(3) All Industrial Users shall submit periodic reports regarding the nature and concentration of all pollutants as outlined in their Wastewater Discharge Permit. In addition, 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 POTW, any User subject to Pretreatment Standards and/or local requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and/or local requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards and/or local requirements. The report shall state whether the applicable Pretreatment Standards and/or local requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards and/or local requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified by a qualified professional.

The Superintendent may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards and/or local requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, all reports shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(4) The Superintendent may suspend a Permit for Industrial Wastewater Discharge for a period of not to exceed sixty (60) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety, or welfare, to the local environment or to the City's sewerage system.

Any discharger notified of a suspension of this Permit shall immediately cease and desist the discharge of such industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Superintendent shall take such steps as are reasonably necessary to insure compliance.

Any suspended discharger may file with the Superintendent a request for a meeting with the Mayor. The Mayor shall meet within thirty (30) days of the receipt by the Superintendent. Reasonable notice of the meeting shall be given to the suspended discharger. At this meeting the suspended discharger may appear personally or through counsel, cross-examine witnesses and present evidence in his own behalf.

In the event that the Mayor fails to meet within the time set forth above or fails to make a determination within a reasonable time after the close of the meeting, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the Superintendent.

The Superintendent shall reinstate the Permit on proof of satisfactory compliance with all discharge requirements of the City.

(5) The Superintendent may revoke a Permit for Industrial Wastewater Discharge on a finding that the discharger has violated any provision of this Ordinance. No revocation shall be ordered until a meeting on the question has been held by the Mayor. At this meeting, the discharger may appear personally or through counsel, cross-examine witnesses, and present evidence in his/her own behalf. Notice of the meeting shall be given to the discharger at least fifteen (15) days prior to the date of the meeting.

Any discharger whose permit has been revoked shall immediately stop all discharge of any liquid carried waste covered by the Permit to any public sewer that is tributary to the sewerage system of the City. The Superintendent may disconnect or permanently block from such public sewer the industrial connection sewer of any discharger whose Permit has been revoked if such action is necessary to insure compliance with the order of revocation.

Before any further discharge of industrial wastewater may be made by the discharger, he/she must apply for a new Permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to the City. Cost incurred by the City in revoking the Permit and disconnecting the industrial connection sewer shall be paid for by the discharger before issuance of a new Permit for Industrial Wastewater Discharge.

(6) The Superintendent may recommend the establishment of an industrial wastewater treatment surcharge based on the average flow quality and flow quantity. Surcharge rates shall be based upon the actual cost for treating wastewater at the wastewater plant, e.g., \$/lb. BOD; \$/lb. T.S.S.; \$/gpd treated; etc.. Charges shall be for wastewater strengths over the average raw wastewater strengths entering the POTW. These charges shall be used to pay for portions of the Industrial Surveillance Program. Industries designated to contribute such surcharges shall be billed on a quarterly basis, the surcharge based upon the average strength of those composite samples taken during the previous quarter and appropriate flow records.

The surcharge parameters will be for high biochemical oxygen demand (BOD5) high suspended solids, high chemical oxygen demand (COD) and high ammonia nitrogen levels in wastewater discharged into the sanitary sewers by a non-residential user. Any wastewater which has characteristics based on a 24 hour composite sample (or a shorter period composite sample it more representative) exceeding the following maximum domestic wastewater parameter concentration shall be subject to surcharge:

<u>Parameter</u>	<u>Maximum Allowable Concentration</u>
BOD ₆	240 mg/l

Suspended Solids	240 mg/1
Ammonia Nitrogen	25 mg/1
Chemical Oxygen Demand (COD)	400 mg/1

Surcharge rates may be revised where necessary to reflect current treatment costs. The excessive strength surcharge shall be calculated based on the following formulas:

$$\text{BOD}_6 \quad (\text{O \& M/Pound}) \times (\text{Strength of Discharge, mg/1-240}) \times \text{Quantity of Discharge}^*, \text{ MG} \times (8.34)$$

$$\text{Suspended Solids} \quad (\text{O \& M/Pound}) \times (\text{Strength of Discharge, Mg/1-240}) \times (\text{Quantity of Discharge}^*, \text{ MG}) \times (8.34)$$

$$\text{Ammonia Nitrogen} \quad (\text{O \& M/Pound}) \times (\text{Strength of Discharge, Mg/1-25}) \times (\text{Quantity of Discharge}^*, \text{ MG}) \times (8.34)$$

$$\text{COD} \quad (\text{O \& M/Pound}) \times (\text{Strength of Discharge, Mg/1-400}) \times (\text{Quantity of Discharge}^*, \text{ MG}) \times (8.34)$$

*Total quantity of wastewater during surcharge period, million gallons.

Surcharge may be assessed for BOD and COD, but not for both parameters simultaneously. No reduction in sewage service charges, fees or taxes shall be permitted because of the fact that certain wastewater discharged to the sanitary sewer contain less than the maximum allowable concentration(s). Unusually high BOD5, suspended solids, ammonia nitrogen and/or COD may be prohibited from discharge to the sanitary sewer until properly pretreated to within the maximum allowable concentration limits. Such pretreatment shall be required in lieu of surcharges when it is found that the existing Wastewater Treatment Facility can no longer adequately treat incoming wastewaters to within NPDES limits due to the excessive strength of the waste.

(7) All Industrial Users shall immediately notify the Superintendent and/or the wastewater treatment plant of an accidental discharge/sludge loading. The notification shall include location of discharge, type of waste, concentrations and volume, and corrective actions.

Within five (5) days following an accidental discharge; the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss or 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 Section or other applicable law.

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of dangerous discharge. Employers shall insure that all

employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Each User shall provide protection from accidental discharge or prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or User's own cost and expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the Superintendent for review, and shall be approved by the Superintendent before construction of the facility.

No User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Superintendent. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance.

(8) All persons owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks and desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, industrial liquid wastes, or other liquid wastes to sewerage facilities of the City or to facilities that discharge directly or indirectly to such sewerage facilities shall first have a valid Trucker's Discharge Permit. Permit fee shall be 10 dollars. All applicants for a Trucker's Discharge Permit shall complete the application form, pay the appropriate fee, receive a copy of the City's regulations governing discharge to sewers of liquid wastes from trucks and shall agree, in writing, to abide by these regulations.

Discharge of septic tank, seepage pit, interceptor or cesspool contents, or other wastes containing no industrial wastes may be made by trucks holding a Permit at manholes designated by the Superintendent for that purpose. Truck transported industrial wastes shall be discharged only at the locations specified by the Superintendent for the specific waste. All applications to disposed industrial waste shall be accompanied by a representative analysis of the waste. The City may require payment for treatment and disposal costs or may refuse permission to discharge certain prohibited wastes.

The Trucker's Discharge Permit shall be valid for one (1) year from date of issuance.

Any person negligently or willfully violating the City's requirements for liquid waste discharges from trucks shall be in violation of this Ordinance and may have his Permit revoked by the Superintendent.

(9) The Superintendent may suspend the wastewater treatment services and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any conditions of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Superintendent shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within fifteen (15) days of the date of occurrence.

(G) PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and be fined not less than \$100.00 nor more than \$500.00 conduct and in addition thereto, shall become liable to the City for any expense, loss, or damage occasioned by the City by such violation.

(H) POWER AND AUTHORITY OF INSPECTORS/CONFIDENTIALITY.

(1) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling (24 hours composite or grab) and testing, as well as to inspect and copy records of wastewater discharge in accordance with the provisions of this Ordinance. The Superintendent or his representatives shall have no authority to inquire into any industrial process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Information and data on a User obtained from reports, questionnaires, permits 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 Mayor that the release of such information would divulge information, processes or methods of reproduction entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State 2 Disposal System permit and/or the Pretreatment Programs, provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a ten (10) day notification is given to the User.

The Superintendent shall annually publish in the local newspaper(s) a list of the Users, which were not in compliance with any Pretreatment Requirements and/or local Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

(2) While performing the necessary work on private properties referred to in Section G above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage

asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section E, Sub-Section 8.

(3) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(I) ENFORCEMENT PROVISIONS.

(1) Notification of Violation (See Section F. Sub-Section 7): When the City finds that a person has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Mayor or his agent may serve upon said User, written notice of the violation. Within ten (10) days from the receipt date of this notice, an explanation of violation and a plan for the satisfactory correction and prevention thereof, to include specific required action, shall be submitted to the Mayor. 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.

(2) Consent Orders: The Mayor is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the non-compliance. Such orders will include specific action to be taken by the User to correct the non-compliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued.

(3) Show Cause Hearing:

- a. The Mayor may order any User, which causes or contributes to violation of this Ordinance or order or wastewater permit issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. In the event a duly notified User does not appear as noticed, immediate enforcement action may be pursued.
- b. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and either audio recorded or stenographically. The transcript, so recorded, will be made available to any party to the hearing, and any member of the public upon payment of the usual charges thereof.

(4) Compliance Order: When the City finds that a User has violated or continues to violate the ordinance of a permit or order issued thereunder, he may issue an order to the 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 non-compliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(5) Cease and Desist Orders: When the City finds that a User has violated or continues to violate this Ordinance or those contained in any permit issued hereunder, the Mayor may issue an order to cease and desist all such violations, and direct those person in non-compliance to:

- a) Comply forthwith;
- b) Comply in accordance with a compliance time schedule set forth in the order;
- c) 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.

(6) Administrative Penalties: Any User who is found to have violated any provision of the Ordinance, or the orders and permits issued hereunder, may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which non-compliance shall occur or continue may be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the City shall have such other collection remedies as it has to collect other service charges. Penalties are in addition to, and not in lieu of, surcharges described herein.

(7) Emergency Suspensions: The Mayor may suspend the wastewater treatment service and/or wastewater permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing any of the following conditions:

- (a) An imminent or substantial endangerment to the health or welfare of persons, or the environment.
- (b) An interference or pass through.
- (c) A violation of any condition of the POTW's NPDES permit.

Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. A hearing will be held within fourteen (14) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the Mayor shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Mayor shall reinstate the wastewater permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

A User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures to prevent any future occurrence to the City prior to the date of the hearing described.

(8) Termination of Permit: Any User who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable or state or federal law, is subject to permit termination:

- a) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- b) Failure to report significant changes operations or wastewater constituent's characteristics.
- c) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.
- d) Intentional violation of permit conditions.

(9) JUDICIAL REMEDIES (SEE SUBSECTION 10 BELOW)

If any person discharges sewage, industrial wastes, or other wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the Mayor, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Green County.

- a) Injunctive Relief: Whenever an industrial User has violated or continues to violate the provisions of this Ordinance or an order or permit issued hereunder, the Mayor through the City Attorney, 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 User. In the event the Mayor chooses to correct the violation himself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The City shall have such remedies to collect these fees, as it has to collect other sewer service charges.
- b) Civil Penalties: Any User who has violated and/or continues to violate this Ordinance or any order or permit issued hereunder shall be liable to the City for a civil penalty of not more than \$5,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation(s) continues. In addition to the above described penalty and damages, the City may recover reasonable attorney's fees, court costs, surcharges, and other expenses his such as enforcement activities including special sampling and monitoring expenses.
- c) Any User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

(10) ADDITIONAL ENFORCEMENT ACTION

- a) Annual Publication of Significant Violations: The Superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Users who are found to be in significant violation, as defined

by this Ordinance, with any provisions of this Ordinance of any order or permit issued hereunder during the period since the previous publication.

- b) Performance Bonds: The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Ordinance of any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Mayor to be necessary to achieve consistent compliance.

(J) LEGAL ACTION.

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 Mayor may direct the City Attorney to commence an action for appropriate legal/and/or equitable relief in the Court of Green County.

(K) FEES.

It is the purpose of this Article to provide for the recovery of costs from Users of the City's wastewater disposal system for the implementation of the Pretreatment Program established herein and for other costs associated with the monitoring and treating of wastewaters within the City. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees. The City may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- (2) Fees for monitoring, inspection, and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards;
- (7) Other fees as the City may deem necessary to carry out the requirements contained herein (e.g., see Article 6, Section F).

A minimum fee will be charged to all customer based upon water consumption or metered flow.

These fees relate solely to the matters covered by Ordinance and are separate from all other fees chargeable by the City.

(L) VALIDITY.

- (1) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

(M) SUPPLEMENTAL REGULATIONS.

(1) New Sources: Categorical standards are based on existing source industries and new source industries. The term “New Source” shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commence after the publication of proposed Pretreatment Standards provided that:

- a) The building, structure of facility or installation is constructed at a site which no other source is located; or
- b) It totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c) The production or wastewater generating processes are substantially independent of an existing source at the same site.

New sources shall install and have in operating condition and shall “start-up” all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed ninety (90) days), new sources must meet all applicable Pretreatment Standards.

(2) Conversion of mass Limits to Concentration Limits: When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed as effluent concentration limits.

(3) Dilution: Except where expressly authorized, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a substitute for adequate treatment to achieve compliance.

(4) Monitoring Combined Water Streams: Where a treated regulated process waste stream is combined prior to treatment with waste streams not regulated, the Industrial User may monitor either the segregated waste stream, or the combined waste streams using the combined waste stream formula. The Industrial User may change monitoring points only with prior approval from the Superintendent and not for purposes of dilution in order to achieve compliance.

(5) Violation Notification: If sampling performed by an Industrial User indicates a violation, the user shall notify the Superintendent within 24-hours. The user shall repeat the sampling and analysis and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the City performs sampling within the same time period for the same pollutant in question.

(Ord. passed 4-7-03)

§ 51.060 COMPLAINTS.

Complaints may be made to the Superintendent of the system, whose decision may be appealed to the governing body of the City within ten days; otherwise, the Superintendent's decision will be final.

(Ord. 10-23-87, passed 10-23-87(A))

RATES AND CHARGES

§ 51.070 MONTHLY WATER RATES.

(A) The rates and charges for water services furnished by the City are hereby fixed and established on a monthly basis as follows:

Gallons	Inside City Water Rates	*Outside City Water Rates
First 2,000 gallons	\$11.48 + 7.5% after Sept. 2011**	\$16.80+ 7.5% after Sept. 2011**
Next 3,000 gallons	4.69	6.95
Next 5,000 gallons	4.22	5.50
Next 10,000 gallons	3.83	3.40
Next 25,000 gallons	3.50	3.40
Next 45,000 gallons	2.70	3.40

*The monthly water rates for customers outside the boundaries of the city limits of the City of Greensburg shall be and are hereby set at the same rate charged by the Green-Taylor Water District to its customers and said rates shall be subject to change and amendment as said Water District's rates are changed and amended from time to time. (Ord passed 7-6-09)

**3% to allow for the cost of inflation;4 ½% pursuant to Rural Development regulation

(Ord. Amended 8-1-11)

(B) All water rates for usage over and above the first 2,000 gallons per month shall be applied and billed in increments of 100 gallons. (Ord. Amended 8-1-11)

(C) Having not been adjusted since 2004, the water usage rate contracted by Green-Taylor Water District is hereby adjusted accordingly from \$1.838 per 1000 gallons used to \$2.206 per gallons effective August 1, 2009. [Ord amended 7-6-09]

(D) Subject to prior approval by resolution of the Greensburg City Council, the approved tables of charges adopted by this ordinance shall be adjusted annually beginning August 1st, 2010 by a nationally recognized and published municipal inflation cost factor.

(E) The water usage rates set out herein shall not apply to water sold to Green-Taylor Water District; however, the City of Greensburg is processing documents to increase the wholesale rate per 1000 gallons to Green-Taylor at the rate of _____per 1000 gallons. If said increase is uncontested, the wholesale rate shall take effect August 1, 2009. (Ord amended 7-6-09)

§ 51.071 MONTHLY SEWER RATES.

(A) The rates and charges for sewer services furnished by the City are hereby fixed and established on a monthly basis as follows:

Gallons	Sewer Rates
First 2,000 gallons	\$12.29 Minimum + 7.5% after Sept. 2011*

Next 3,000 gallons	5.52 per 1000 gallons
Next 5,000 gallons	4.98 per 1000 gallons
Next 10,000 gallons	4.50 per 1000 gallons
Next 25,000 gallons	4.12 per 1000 gallons
Next 45,000 gallons	3.49 per 1000 gallons

*3% to allow for the cost of inflation; 4 ½% pursuant to Rural Development regulation

[Ord amended 8-1-11]

(B) All sewer rates for usage over and above the first 2,000 gallons of water used per month shall be applied and billed in increments of 100 gallons. (Ord amended 8-1-11)

(C) Subject to prior approval by resolution of the Greensburg City Council, the approved tables of charges adopted by this ordinance shall be adjusted annually beginning August 1st, 2010 by a nationally recognized and published municipal inflation cost factor. (Ord amended 7-6-09)

(D) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

(Ord. Amended 7-6-09 and 8-1-11)

§ 51.072 MULTIPLE USERS ON ONE METER.

Where two or more tenants or occupants (of different rental units) of property, including duplexes, apartment houses, mobile home parks, trailer parks, or other multi-unit premises, are serviced by a single water meter, the water and sewer rates and charges to each tenant or occupant shall be computed by multiplying the number of units by the minimum rates for water use and for sewer use (as stipulated in §§ 51.070 and 51.071 above) to arrive at the minimum billing amount. If more than the minimum number of gallons of water is used, the tenant or occupant will also be billed for this excess. In no event shall the monthly bill applicable to each tenant or occupant be less than the minimum water and sewer rates stipulated in §§ 51.070 and 51.071 above.

(Ord. 10-23-87, passed 10-23-87(B))

§ 51.073 METER DEPOSITS & TAP FEES.

(1) The Meter Deposit Fee of \$100.00 for all new customers applying for service from the Greensburg utility system shall be eliminated. All current customers shall continue to have their meter deposits held in a separate account and applied as under the current Water and Sewer Use Ordinance dated March 6, 1997.

(2) A non-refundable Service Activation Fee of \$100.00 shall be required of all new customers of the Greensburg Municipal Water and Sewerworks System. These funds shall be maintained in the Water and Sewer Operation and Maintenance accounts and devoted to the ongoing maintenance of the utility system.

Service Description	Amount

5/8 to 3/4 inch water tap	\$250.00 plus cost of material and labor
1" water tap	\$350.00 plus cost of material and labor
1 1/2" water tap	\$500 plus cost of material and labor
2" water tap	\$800 plus cost of material and labor
6" water tap	\$1,050.00 plus cost of material and labor
Sewer tap	\$400 plus cost of material and labor

(3) Tap Fees shall be set as follows:

(4) Services and Reconnection Fees shall be set as follows:

Service	Amount
Cut Off and Reconnection Fee for Non-Payment (Additional \$35.00 applied after business hours)	\$40.00
Emergency Cut Off and Reconnection Fee (Additional \$35.00 applied after business hours)	\$20.00
Additional Meter Reading Request Fee (Following Conditions will apply – Each utility customer will be allowed one free request per year and the fee will not be assessed if an error is found)	\$10.00
Meter Tampering Fee (Due to unauthorized tampering and/or damage to meter and/or setter)	\$50.00 plus cost of labor and materials

(5) Sewer Tap Reconstruction Fee – In the event it is determined that an existing sewer tap needs to be reconstructed the following policy shall apply. Whereas it has been the policy of the Greensburg Sewer System that the property owner is responsible for the service line up to the connection with the main sewer transmission line and realizing that in some cases that requires encroachment upon City streets and rights of way, the following policy and fees shall apply. All construction within the City rights-of-way shall be conducted either by or with the approval and supervision of the Greensburg Public Works Director or their appointed designee. Construction completed by Greensburg Utility System personnel shall be billed to the property owner or owners on the basis of cost of material and labor only which shall not exceed \$1,000. Such reconstruction can not take place unless the new tap connects to an approved PVC line or comparable material equipped with the appropriate clean out or waste cock device as determined by the Greensburg Public Works Director.

[Ord. amended 2-18-08]

§ 51.074 METER READINGS.

Meters will be read monthly between the 15th and 20th of each month.

(Ord. 10-23-87, passed 10-23-87(B))

§ 51.075 BILLING; COLLECTION; PENALTY CHARGE.

The water and sewer rates or charges shall be billed monthly, on statements which shall be issued on or about the first of each month, and all bills for such service shall be considered due and payable within 20 days after the date of issue. If a bill is not paid by the 20th day of the month following the date of issue, the bill shall be considered delinquent and there shall be imposed a penalty on each bill not so paid in an amount equal to 10% of the charges (other than sales tax) shown on the face amount of such delinquent bill. The City may serve a customer written notice of his delinquency and of the fact that the customer is entitled, upon written request, to a hearing on the question of termination of service. If the bill is not paid by the 26th day of the month following date of issue, and if no hearing is requested, or if a hearing is requested and timely held and the customer's delinquency is thereby established, the City may disconnect the water service of the customer without further notice. If water service is disconnected by the City by reason of delinquency in the payment of any water and/or sewer bill, there shall be an additional charge to the customer in the amount of \$10, and reconnection of the service shall not be made until the owner or user pays all charges and penalties owed, plus the amount of \$10 as a disconnection fee and the amount of \$10 as a reconnection charge. If any deadline date falls on a Sunday or legal holiday, the deadline shall not expire until the next secular day thereafter.

(Ord. 10-23-87, passed 10-23-87 (B))

§ 51.076 DELIVERY OF BILLS AND NOTICES.

Bills and notices relating to the conduct of the business of the City will be mailed to the customer at the address listed on the application unless a change of address has been made in writing with the City; and the City shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from the payment of any bill or any performance required in said notice.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.077 SPECIAL USES OF SEWER SYSTEM.

In the event that a building or premises discharging sewage, water, or other wastes into the municipal sewer facilities uses water supplied on other than a metered basis from either a private or public water supply, then in each such case the owner or occupant may be required to cause a water meter or other measuring device to be installed, acceptable to the Superintendent.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.078 SPECIAL METERS FOR USAGE NOT RELATED TO WATER.

In the event any building or premises uses water in excess of 10,000 gallons per month as shown by the water meter readings for two consecutive months, and it can be shown that a substantial portion of the water as so measured does not and cannot enter the municipal sewer facilities, then the Superintendent

may determine, in such manner as may be found practicable, the amount of water entering the sewers, in which event the sewer rate or charge shall be based thereon, or the Superintendent may require or permit the installation of additional meters or measuring devices in such manner as to determine the quantity of water or sewage actually entering the municipal sewer facilities, in which case the sewer rate or charge shall be based thereon.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.079 ESTABLISHMENT OF SPECIAL CLASSIFICATIONS.

Whenever it is determined by the Superintendent to be necessary to classify any commercial institutions or industries by reason of the unusual purpose for which water is used, or by reason of the character of the sewage, water, or other liquid wastes discharged therefrom, or whenever the established schedules of rates and charges for any reason are not applicable, then special rates or other charges may be established by the governing body of the City, and any person, firm, or corporation being dissatisfied with the established schedules of rates and charges by reason of peculiar or unusual use of occupancy of any premises, and consequently alleging peculiar or unusual uses of water, may file application with the governing body of the City or with any other board or body of said City which may be in charge and control of the municipal waterworks and sewer systems, for special classification rates and charges.

(Ord. 10-23-87, passed 10-23-87(A))

§ 51.099 PENALTY.

Where an act or omission is prohibited or declared unlawful in this chapter, and no penalty or fine or imprisonment is otherwise provided, the offender shall be guilty of a misdemeanor and fined not more than \$500 for each offense. See also §51.075.

(Ord. 10-23-87, passed 10-23-87)