

CHAPTER 52: SEWERS

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SANITARY SEWER SYSTEM

§ 52.001 PURPOSE.

The purpose of the subchapter of this code of ordinances pertaining to sanitary sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the city in order to protect the public health, safety and welfare.

(1999 Code, § 95.01)

§ 52.002 DEFINITIONS.

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

BOD or ***BIOCHEMICAL OXYGEN DEMAND***. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20°C, usually expressed as a concentration (e.g., mg/l).

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

BUILDING SEWER. The part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

COD or ***CHEMICAL OXYGEN DEMAND***. The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

COMBINED SEWER. A sewer originally designed and currently designated to receive both surface water run-off and sewage.

CUSTOMER. Any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the city's sewer system.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage or sale of produce, meat, fish, fowl and condemned food.

INDUSTRIAL WASTES. The solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources, including cooling water and the discharge from sewage pretreatment facilities.

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

LEACHATE. Free liquid that derives from the decomposition of wastes or water that has come in contact with refuse from landfills.

ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM. All equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.

OTHER WASTES. Other substances except sewage and industrial wastes.

PERSON. Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit or group.

pH. A measure of the acidity or alkalinity of a solution expressed in standard units.

PROCESS WATER. Any water used in the manufacturing, preparation or production of goods, materials or food.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWAGE. Sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water and industrial waste.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with the ground, surface and storm waters as may be present.

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

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

SEWER. A pipe or conduit for carrying sewage.

SEWER SERVICE CHARGES. Any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of the customers by the sewer system.

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

STORM DRAIN or **STORM SEWER.** A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Water Quality Superintendent of the city or any authorized deputy, agent or representative.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes or any substances which render water unclean or noxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use or to livestock, wild animals, birds, fish or other aquatic life.

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

§ 52.003 SUPERINTENDENT.

The Superintendent shall exercise the following powers and duties:

(A) *Operation and maintenance.* Operate and maintain the city sewage system;

(B) *Inspection and tests.* Conduct necessary inspections and tests to assure compliance with the provisions of this sewer chapter; and

(C) *Records.* Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

(Iowa Code § 372.13(4)) (1999 Code, § 95.03)

§ 52.004 PROHIBITED ACTS.

No person shall do, or allow, any of the following:

(A) *Damage sewer system.* Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system;

(Iowa Code § 716.1)

(B) *Downspouts.* Connect a roof downspout, exterior foundation drain, areaway drain or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer;

(C) *Manholes.* Open or enter any manhole of the sewer system, except by authority of the Superintendent;

(D) *Objectionable wastes.* Place or deposit 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;

(E) *Septic tanks.* Construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage except as provided in these chapters; and

(Iowa Code § 364.12(3)(f))

(F) *Untreated discharge.* Discharge to any natural outlet within the city, or in any area under its jurisdiction, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Iowa Code § 364.12(3)(f))

(1999 Code, § 95.04) Penalty, see § 52.999

§ 52.005 SEWER CONNECTION REQUIRED.

The owner of any building or property which is located within the city, or in any area under the jurisdiction of the city and from which sewage is discharged is required to connect to a public sewer at the owner's expense within 90 days after service of official notice to do so, provided that the public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner is required to install at the same time toilet facilities in accordance with the State Building Code and other ordinances of the city. The official notice shall be given by the Council or its designated agent and shall be served upon the owner personally or by certified mail. In the event a building or property owner fails to connect to a public sewer in compliance with a notice given under this section, the city may undertake to have the connection made and shall assess the cost thereof to the property owner. The assessment shall be collected with and in the same manner as general property taxes.

(Iowa Code § 364.12(3)(f)) (1999 Code, § 95.05) Penalty, see § 52.999

§ 52.006 SERVICE OUTSIDE THE CITY.

The owners of property outside the corporate limits of the city so situated that it may be served by the city sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

(Iowa Code §§ 364.4(2), 364.4(3)) (1999 Code, § 95.06)

§ 52.007 RIGHT OF ENTRY.

The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this sewer chapter. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(1999 Code, § 95.07) Penalty, see § 52.999

§ 52.008 OWNER'S LIABILITY LIMITED.

While performing the necessary work on private property, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for injury or death to city employees and the city shall indemnify the owner or occupant against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

(1999 Code, § 95.08)

§ 52.009 USE OF EASEMENTS.

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 purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(1999 Code, § 95.09)

§ 52.010 CITY CONSTRUCTION OR APPROVAL.

No sanitary or storm sewers shall be constructed in the city (except house or building service sewers) except by the city or by others in accordance with plans and specifications approved by the city and subject to inspection during construction by engineers and employees of the city. No sewers shall be considered to be a part of the public sewer system unless accepted by resolution of the Council. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the city.

(1999 Code, § 95.10) Penalty, see § 52.999

BUILDING SEWERS AND CONNECTIONS

§ 52.025 PERMIT.

Before any person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance

thereof a written permit must be obtained from the city. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications or other information considered pertinent. The permit shall require that construction and connection of the building sewer to the public sewer be completed within 60 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, the time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters. A connection permit shall not be issued to any person except a licensed sewer and drain layer.

(1999 Code, § 96.01) Penalty, see § 52.999

§ 52.026 CONNECTION CHARGE.

If the property described in the permit application has not been previously assessed for the cost of construction of the sewer to which connection is made, a connection charge may be collected before the permit is issued. The connection charge shall be as determined by the Council, taking into consideration the cost of the sewer line providing service, the benefits to the user and any special circumstances existing which reasonably affect the determination of an equitable charge to the user.

(1999 Code, § 96.02) Penalty, see § 52.999

§ 52.027 INTERCEPTOR SEWER.

(A) An interceptor sewer is designated to be established in the following location:

Commencing at the location of the city disposal plant located in the northwest quarter of Section 23, Township 81 North, Range 6 East of the 5th P.M., thence a 36-inch sewer in a northwesterly and northerly direction to the intersection of Harrison Drive and South Twenty-First Street; thence a 30-inch sewer in South Twenty-First Street to Manufacturing Drive; thence a 27-inch sewer in Manufacturing Drive to Thirteenth Avenue South to South Fourteenth Street; thence a 24-inch sewer in Thirteenth Avenue South to South Twelfth Street; thence a 24-inch sewer in South Twelfth Street to Lincoln Boulevard; thence a 24-inch sewer in Lincoln Boulevard to Eighth Avenue South.

(B) No permit shall be issued for the connection with the interceptor sewer until a fee in the amount of \$200 is first paid to the city. No connection shall be made with the interceptor sewer by any person except a qualified, registered and licensed sewer and drain layer.

(1999 Code, § 96.03) Penalty, see § 52.999

§ 52.028 CONFORMANCE TO CODES.

The size, slope, alignment and materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building 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 *Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9* and applicable American Society for Testing and Materials (A.S.T.M.) standards shall apply.

(1999 Code, § 96.04) Penalty, see § 52.999

§ 52.029 CONNECTION REQUIREMENTS.

(A) The installation of the building sewer and connection to the public sewer shall be made by a sewer and drain layer licensed by the city.

(B) The connection shall be made under the direct supervision of the Superintendent and in accordance with the following.

(1) *Old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this subchapter.

(2) *Separate building sewers.* A separate and independent building sewer shall be provided for every building; except where one 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. In those cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the city shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each shall contribute.

(3) *Connection.* The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the city, or the procedures set forth in *W.P.C.F. Manual of Practice No. 9* and the A.S.T.M. standards. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent or a representative of the Superintendent before installation.

(4) *Depth.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

(5) *Sewage lifts.* In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by approved artificial means and discharged to the building sewer.

(1999 Code, § 96.05) Penalty, see § 52.999

§ 52.030 [RESERVED.]

§ 52.031 SEWER TAP.

Connection of the building sewer into the public sewer shall be made at the "Y" branch, if the branch is available at a suitable location. If no properly located "Y" branch is available, a "Y" saddle shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued and attached with stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if the connection is approved.

(1999 Code, § 96.07) Penalty, see § 52.999

§ 52.032 INSPECTION REQUIRED.

All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

(1999 Code, § 96.08) Penalty, see § 52.999

§ 52.033 PROPERTY OWNER'S RESPONSIBILITY.

All costs and expenses incident to the installation, connection and maintenance 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.

(1999 Code, § 96.09) Penalty, see § 52.999

§ 52.034 ABATEMENT OF VIOLATIONS.

Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-

way, which construction or maintenance is in violation of any of the requirements of this subchapter, shall be corrected, at the owner's expense, within 30 days after date of official notice from the Council of the violation. If not made within the time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. The assessment shall be collected with and in the same manner as general property taxes.

(Iowa Code § 364.12(3)) (1999 Code, § 96.10) Penalty, see § 52.999

FATS, OILS AND GREASE (FOG)

§ 52.035 FATS, OILS AND GREASE INTERCEPTORS; PURPOSE AND POLICY.

This sets forth uniform requirements for users of the City of Clinton Publicly Owned Treatment Works (POTW) to capture and dispose of fats, oils and grease (FOG) and enables the city to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C., §§ 1251 *et seq.*; and the General Pretreatment Regulations, Title 40 C.F.R. Part 403. The objectives of this subchapter are:

- (A) To prevent the introduction of FOG into the Publicly Owned Treatment Works that will interfere with its operation;
- (B) To prevent the introduction of FOG into the Publicly Owned Treatment Works that could pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (C) To prevent sanitary sewer overflow (SSO), where sewer water flows out of a manhole cover and along the ground. These overflows can then contaminate the ground, local water bodies and any property that the sewerage comes into contact with.
- (D) To promote the reuse and recycling of waste grease (FOG) from the Publicly Owned Treatment Works;
- (E) To enable the city to comply with federal, state and local pollutant discharge limits.

(Ord. 2473, passed 6-12-2012)

§ 52.036 APPLICABILITY AND PROHIBITIONS.

- (A) This subchapter shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in § 52.037.
- (B) Grease interceptors shall not be required for residential users.
- (C) The subchapter shall apply to both new and existing facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service. The facilities shall install, use, and maintain appropriate grease interceptors as required in § 52.038. These facilities include but are not limited to restaurants, food manufacturers, food processors, commercial kitchens, hospitals, schools, hotels and motels, prisons, nursing homes, care facilities, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- (D) No user may intentionally or unintentionally allow the direct or indirect discharge of any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

(Ord. 2473, passed 6-12-2012)

§ 52.037 DEFINITIONS.

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

ACT. Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

BOD. The value of the five-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

COD. The value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

EPA. The United States Environmental Protection Agency.

FATS, OILS, AND GREASES (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases." A wide range of food preparation activities including, but not limited to the following, can generate fats, oils and grease: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbequing or other food preparation activity that produces a food product in or on receptacles that require washing and/or cleaning.

FOG DISPOSAL SYSTEM. A grease interceptor that reduces non-petroleum fats, oils, and grease (FOG) in effluent by separation, and mass and volume reduction.

GENERATOR. Any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

GREASE INTERCEPTOR. An appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils and grease (FOG) from a wastewater. There are two types of grease interceptors: gravity grease interceptors and hydromechanical grease interceptors.

GREASE INTERCEPTOR, GRAVITY.

GRAVITY GREASE INTERCEPTOR. A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases (FOG) from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation. These interceptors are designed by a registered professional engineer. Gravity grease interceptors are generally installed outside.

GREASE INTERCEPTOR, HYDROMECHANICAL.

HYDROMECHANICAL GREASE INTERCEPTOR. A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydro mechanical separation, interior baffling, and/or barriers in combination or separately, and an external flow control, with air intake (vent).

GREASE REMOVAL DEVICE (GRD). Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oils and grease (FOG) from the interceptor, the control of which are either automatic or manually initiated.

GREASE WASTE. Material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

INDIRECT DISCHARGE or DISCHARGE. The introduction of pollutants into a POTW from any non-domestic source.

INTERFERENCE. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's NPDES permit.

pH. The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

POTW or PUBLICLY OWNED TREATMENT WORKS. A treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this subchapter, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

TRANSPORTER. A person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment

sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with current regulations.

TSS. The value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

USER. Any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

(Ord. 2473, passed 6-12-2012)

§ 52.038 INSTALLATION AND MAINTENANCE REQUIREMENTS.

(A) Installations.

(1) *New facilities.* Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(2) *Existing facilities.* Existing grease interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Model Standards, unless specified in writing and approved by the POTW.

(3) All grease interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(B) Cleaning and maintenance.

(1) Grease interceptors shall be maintained in an efficient operating condition at all times.

(2) Each grease interceptor when cleaned shall be fully evacuated.

(C) Self-cleaning; hydro-mechanical grease interceptors only.

(1) Grease interceptor self-cleaning operators must receive approval from the POTW to remove grease from their own grease hydro-mechanical grease interceptors. The following conditions shall apply:

(a) The grease interceptor is no more than 100 GPM size;

(b) Proper on-site material disposal methods are implemented (e.g. absorb liquid into solid form and dispose into trash);

(c) The local solid waste authority allows such practices;

(d) Grease waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and

(e) Detailed records on these activities are maintained.

(2) Grease interceptor self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:

(a) Business name and street address;

(b) Grease interceptor operator name, title, and phone number;

(c) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease interceptor; and

(d) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

(3) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this subchapter. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

(a) Date the grease trap/interceptor was serviced;

(b) Name of the person or company servicing the grease trap/interceptor;

(c) Waste disposal method used;

(d) Gallons of grease removed and disposed of;

(e) Waste oil added to grease interceptor waste; and

(f) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

(4) Violations incurred by grease interceptors self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(D) *Cleaning schedules.*

(1) Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

(2) Grease interceptors shall be completely evacuated a minimum of every 30 days, or more frequently when:

(a) Twenty-five percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

(b) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or

(c) If there is a history of non-compliance.

(3) Any person who owns or operates a grease interceptor may submit to the POTW a request in writing for an exception to the 30 day cleaning frequency of their grease interceptor. The POTW may grant an extension for required cleaning frequency and establish a specific cleaning schedule on a case-by-case basis when:

(a) The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW, or

(b) Less than 25% of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(E) *Manifest requirements.*

(1) Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record keeping purposes.

(2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

(a) Name, address, telephone, and registration number of transporter;

(b) Name, signature, address, and phone number of the person who generated the waste and the date collected;

(c) Type and amount(s) of waste collected or transported;

(d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;

(e) Date and place where the waste was deposited;

(f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;

(g) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;

(h) The volume of the grease waste received; and

(i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

(3) Manifests shall be divided into five parts and records shall be maintained as follows.

(a) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(b) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.

(c) One part of the manifest shall go to the receiving facility.

(d) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

(e) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

(f) One part of the manifest shall go to the local authority.

(g) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

(F) *Bioremediation.* Bioremediation media shall only be used with approved FOG Disposal Systems. The generator must submit a request to utilize bioremediation media and receive written permission from the POTW before implementation of bioremediation media. The request must demonstrate that the generator has an appropriate FOG system in place.

(G) *Compliance and penalties.* All testing designed to satisfy the criteria set forth in § 52.038(F) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

(H) *Prohibited practices.* No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, and other solvents.

(I) *Compliance monitoring.*

(1) *Right of entry.* The POTW shall have the right to enter the premises of any user or potential user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the POTW ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the POTW will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The POTW shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The POTW may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices. The facility's monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the POTW and shall not be replaced. The costs of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the POTW access to the user's premises shall be a violation of this subchapter.

(2) *Search warrants.* If the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, then the POTW may seek issuance of a search warrant.

(Ord. 2473, passed 6-12-2012)

§ 52.039 SCHEDULE OF PENALTIES.

(A) If the POTW determines that a generator is responsible for a blockage of a collection system line, the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of services.

(B) Any person violating any of the provisions of this subchapter shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service as per § 52.040.

(Ord. 2473, passed 6-12-2012)

§ 52.040 JUDICIAL ENFORCEMENT AND REMEDIES.

Injunctive relief. When the POTW finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the POTW may petition the District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The POTW may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

(Ord. 2473, passed 6-12-2012)

USE OF PUBLIC SEWERS

§ 52.045 STORMWATER.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer or combined sewer.

(B) Stormwater and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the Council. The Council may also approve discharge of unpolluted water into a natural outlet or a combined sewer, provided the discharge complies with applicable state and federal regulations.

(C) The Superintendent is authorized to grant an exemption from the provisions of this section to permit the connection of downspouts into a combined sewer or to permit any water to be discharged into a combined sewer after written application is made for an exemption. A written permit shall be issued granting the exemption if, in the opinion of the Superintendent:

(1) A reasonably available absorption area is not present for the water;

(2) Allowing the downspout to discharge onto the ground, sidewalk, street or alley will create a hazardous or unsatisfactory condition or the failure to permit the discharge of water as applied for would create a hazardous or unsatisfactory condition; or

(3) Disconnection from the sewer would require major structural alteration.

(1999 Code, § 97.01) Penalty, see § 52.999

§ 52.046 ILLEGALLY DISCHARGED STORMWATER.

(A) In the event it is determined that stormwater, surface water, water from downspouts or any water is illegally discharged into any sanitary sewer or combined sewer in violation of § 52.045, the city shall serve a written notice upon the owner and/or tenant, ordering the removal of the illegal connection or discharge. The notice shall be signed by the Superintendent or an authorized representative and shall allow 15 days for the removal of the illegal connection or discharge. The notice shall provide for a right to a hearing before the Council on the order to remove, providing the party requesting the hearing submits a written request for it to the

Superintendent within 15 days after receipt of the order to remove. The removal of the illegal connection or discharge requires the disconnection of any pipe carrying the prohibited discharge to the sewer system either at ground level or underground and the capping or blocking of the remaining pipe so as to prevent any water from entering the sewer system. The Superintendent has the right to inspect and approve any removal.

(B) (1) In the event the owner does not remove the illegal connection or discharge and does not receive an exemption, the owner shall be charged a surcharge based on roof area as set forth in the following schedule:

<i>Roof Area</i>	<i>Quarterly Surcharge</i>
Less than 3,000 square feet	\$15
3,000 square feet to 4,999 square feet	\$30
5,000 square feet to 9,999 square feet	\$50
10,000 square feet and up	\$65

(2) There shall be one surcharge per property, regardless of the number of downspout connections. The Superintendent shall provide the Clerk with a current list of buildings with downspout connections. The surcharge shall be part of the sewer service bill and collected in the same manner.

(1999 Code, § 97.02) Penalty, see § 52.999

§ 52.047 PROHIBITED DISCHARGES.

No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewers:

(A) *Flammable or explosive material.* Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(B) *Solid or viscous substances.* Solid or viscous substances, either whole or ground, in quantities or of the size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cutting or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, other paper products, beer or distillery slops, residues, chemical or point residues, cannery wastes and bulk solids;

(C) *Excessive BOD, solids or flow.*

(1) Any waters or wastes having:

(a) A five day biochemical oxygen demand greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million by weight of suspended solids; or

(c) Having an average daily flow greater than 2% of the average sewage flow of the city, shall be subject to the review of the Superintendent.

(2) Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, the preliminary treatment as may be necessary to:

(a) Reduce the biochemical oxygen demand to 300 parts per million by weight;

(b) Reduce the suspended solids to 350 parts per million by weight; or

(c) Control the quantities and rates of discharge of waters or wastes.

(3) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of the facilities shall be commenced until the approvals are obtained in writing;

(D) *Noxious or malodorous gases.* Any noxious or malodorous liquid, gas or other substance which either singly or by interaction with other wastes is sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into sewers for their maintenance and repair; and

(E) *Excessive ammonia.* Any waters or wastes having an ammonia concentration of greater than 50 mg/l shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, the preliminary treatment as may be necessary to reduce the ammonia concentrations to no greater than 25 mg/l. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of the facilities shall be commenced until the approvals are obtained in writing.

(1999 Code, § 97.03) (Ord. 2289, passed 4-12-2005) Penalty, see § 52.999

§ 52.048 RESTRICTED DISCHARGES.

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to factors such as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

(B) The substances restricted are:

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

(2) *Fat, oil, grease.* Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l;

(3) *Viscous substances.* Water or wastes containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0° to 65°C);

(4) *Acids.* Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not;

(5) *Toxic or objectionable wastes.* Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant. The following are the maximum loadings/pounds per day acceptable for discharge into the city's sewage system:

<i>Toxic Pollutant</i>	<i>Loading (lbs/day)</i>
Arsenic	0.31
Cadmium	0.23
Total Chromium	9.3
Copper	1.3
Cyanide	2.0
Lead	1.4

<i>Toxic Pollutant</i>	<i>Loading (lbs/day)</i>
Mercury	0.059
Molybdenum	0.76
Nickel	3.6
Silver	2.8
Selenium	0.33
Zinc	8.3

(6) *Odor or taste.* Any waters or wastes containing phenols or other taste-producing or odor-producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which prevent sewage treatment which meets the requirements of the state and federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant;

(7) *Unusual wastes.* Materials which exert or cause:

(a) 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);

(b) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions);

(c) Unusual B.O.D., chemical oxygen demand or chlorine requirements in quantities as to constitute a significant load on the sewage treatment works; and

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(8) *Damaging substances.* Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

(9) *Maximum Allowable Industrial Loading (MAIL) limits.* The Maximum Allowable Industrial Loading (MAIL) limits for the following discharges shall be:

<i>Biochemical Oxygen Demand (BOD)</i>	
Monthly average	5,730 lbs/day
Daily maximum	10,580 lbs/day
<i>Total Suspended Solids</i>	
Monthly average	9,150 lbs/day
Daily maximum	11,130 lbs/day
<i>Ammonia Nitrogen</i>	
Monthly average	310 lbs/day
Daily maximum	390 lbs/day

(C) All discharges shall be in compliance with prohibited discharge and waste limitation requirements of the NPDES permit and any other prohibitions or limitations mandated by state or federal regulations.

(1999 Code, § 97.04) (Ord. 2396, passed 12-18-2008; Ord. 2443, passed 4-26-2011) Penalty, see § 52.999

§ 52.049 RESTRICTED DISCHARGES; POWERS.

If any waters or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 52.048 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (A) *Rejection.* Reject the wastes by requiring disconnection from the public sewage system;
- (B) *Pretreatment.* Require pretreatment to an acceptable condition for discharge to the public sewers;
- (C) *Controls imposed.* Require control over the quantities and rates of discharge; and/or
- (D) *Special charges.* Require payment to cover the added cost of handling and treating the wastes.

(1999 Code, § 97.05) Penalty, see § 52.999

§ 52.050 SPECIAL FACILITIES.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(1999 Code, § 97.06) Penalty, see § 52.999

§ 52.051 CONTROL STRUCTURES.

When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the city and shall be maintained by the owner so as to be safe and accessible at all times.

(1999 Code, § 97.07) Penalty, see § 52.999

§ 52.052 TESTING OF WASTES.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this sewer chapter shall be determined in accordance with 40 C.F.R. Part 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants*, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples).

(1999 Code, § 97.08) Penalty, see § 52.999

§ 52.053 RIGHT OF ENTRY.

The city may conduct tests as are necessary to enforce this sewer chapter and employees of the city may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the city for the purpose of checking to determine if a previously found violation of these chapters has been corrected, the cost of the tests shall be charged to the customer and added to the customer's sewer charge. In those cases where the city determines that the nature or

volume of a particular customer's sewage requires more frequent than normal testing, the city may charge the customer for the tests, after giving the customer ten days' written notice of its intention to do so, and the cost thereof shall be added to the customer's sewer charge. In any case where industrial wastes are discharged to a public sewer, the city may require the customer, at the customer's own expense, to test discharges on a regular basis and to report the test results to the Council within a reasonable time. All tests shall be as ordered by the city and shall be conducted by qualified personnel and in accordance with the standards set out in this subchapter. The city shall also be reimbursed for all inspections made, all testing costs and readings required by city personnel. All meters used by an industry to determine discharge volume and content shall be certified annually by an independent authority with the Superintendent to be notified thereof. Each industrial customer shall further notify the Superintendent of its sampling schedule and obtain the Superintendent's approval thereto.

(1999 Code, § 97.09) Penalty, see § 52.999

§ 52.054 REPORT OF ACCIDENTAL DISCHARGE OF PROHIBITED WASTE.

Accidental discharges of prohibited waste into the sewage works, directly or through another disposal system, or to any place from which the waste may enter the sewage works, shall be reported to the Superintendent by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of the discharge.

(1999 Code, § 97.10) Penalty, see § 52.999

ON-SITE WASTEWATER SYSTEMS

§ 52.065 WHEN PROHIBITED.

Except as otherwise provided in this subchapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

(Iowa Code § 364.12(3)(f)) (1999 Code, § 98.01) Penalty, see § 52.999

§ 52.066 WHEN REQUIRED.

When a public sanitary sewer is not available under the provisions of § 52.005, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this subchapter.

(I.A.C. 567-69.1(3)) (1999 Code, § 98.02) Penalty, see § 52.999

§ 52.067 COMPLIANCE WITH REGULATIONS.

The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the I.A.C. 567, Chapter 69, and with additional requirements as are prescribed by the regulations of the County Board of Health.

(I.A.C. 567-69.1(3), 567-69.1(4)) (1999 Code, § 98.03) Penalty, see § 52.999

§ 52.068 PERMIT REQUIRED.

No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

(1999 Code, § 98.04) Penalty, see § 52.999

§ 52.069 DISCHARGE RESTRICTIONS.

It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(I.A.C. 567-69.1(3)) (1999 Code, § 98.05) Penalty, see § 52.999

§ 52.070 MAINTENANCE OF SYSTEM.

The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the city.

(1999 Code, § 98.06) Penalty, see § 52.999

§ 52.071 SYSTEMS ABANDONED.

At the time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in § 52.005, a direct connection shall be made to the public sewer in compliance with this sewer chapter and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

(Iowa Code § 364.12(3)(f)) (1999 Code, § 98.07) Penalty, see § 52.999

§ 52.072 DISPOSAL OF SEPTAGE.

No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

(1999 Code, § 98.08) Penalty, see § 52.999

§ 52.073 MINIMUM LOT AREA.

No on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities shall be constructed where the area of the lot is less than two acres per dwelling unit, unless the owner presents evidence to the Council demonstrating that special conditions exist and which assures the system will meet the minimum standards of the state. This restriction shall only apply to lots or parcels created after the effective date of this subchapter.

(1999 Code, § 98.09) (Ord. 2116, passed 5-23-2000) Penalty, see § 52.999

SEWER USE CHARGE

§ 52.085 PURPOSE.

It is the purpose of this subchapter to recover from users of the sewage works and facilities, on an equitable basis, the share of the sewage works and facilities' costs attributable to the users, and to provide funds for the operation and maintenance, debt service, replacement and improvements of the sewage works and facilities.

(1999 Code, § 99.01)

§ 52.086 APPLICATION.

The fees, rates and charges for using the city sewage works and facilities shall be upon the conditions and in the amounts set forth in this subchapter, except where this subchapter is declared inapplicable for a particular user by a written contract providing for alternative charges between the user and the city.

§ 52.087 DEFINITIONS.

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

BILLABLE FLOW. The total number of gallons utilized to determine the unit cost for billing for sewage works and facilities services.

CAPITAL COSTS. All reasonable and necessary costs and expenses incurred by the city in planning, designing, financing and constructing the sewage works and facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approval and grants for design and construction, fees for legal and consulting services and acquisition.

COMMERCIAL USER. All users of the system classified as industrial users in the *Standard Industrial Classification Manual*, 1987, U.S. Office of Management and Budget, as amended and supplemented, under Divisions C, F, G, H and K and under Divisions A, B, D, E and I, but who are excluded from the definition for the purposes of this subchapter because they discharge primarily segregated domestic wastes or wastes from sanitary conveniences, except that the classification does not include exempted users who are otherwise classified in this subchapter as domestic users, governmental users or institutional users.

CONTRACT USER. Any user who has a written contract with the city to use the sewage works and facilities.

DEBT SERVICE. The principal and interest necessary to pay bonded indebtedness.

DOMESTIC USER. Those establishments of which its related occupations, if any, are usually considered as domestic service and whose discharge consists solely of sanitary wastes.

FLOW. The quantity of billable flow expressed in gallons or cubic feet per 24 hours.

GENERAL MUNICIPAL FLOW. The total sewage flow discharged to the sewage works and facilities, minus the flows from industrial users, other municipalities and contract users. **GENERAL MUNICIPAL FLOW** includes flow from domestic users, commercial users, institutional users and governmental users. **GENERAL MUNICIPAL FLOW**, based on the design of the sewage treatment facilities, is further defined as flows containing five-day BOD concentrations no greater than 212 mg/l and suspended solids and concentrations no greater than 210 mg/l.

GENERAL MUNICIPAL USER.

(1) Any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users. This category of user includes as subcategories:

(a) Domestic users; and

(b) Commercial users (with representative users, but not limited to):

1. Class 1. Domestic strength taverns and private clubs without kitchens;

2. Class 2. Bakeries, taverns and private clubs with kitchens, Laundromats, car washes;

3. Class 3. Restaurants, butcher shops, grocery or convenience stores with pizza preparation or delicatessens, veterinary clinics and animal kennels, dry cleaners, industrial and commercial laundries.

(c) The billing factor times the Class 1 rate for each commercial customer class shall be:

Class 1 1.0

Class 2 1.3

Class 3 1.7

(2) A commercial user may receive separate billing for domestic classified use from within their commercial establishment. Said separation shall be accomplished by the installation of a second water meter downstream of the primary meter which shall record only that water usage which may be classified as domestic use. The installation shall be inspected by the Public Works Director, or

designee, for compliance and certification before use. **DOMESTIC USE** shall mean use from restroom facilities, ice makers, soft drink dispensers, water station or other similar areas approved by the Public Works Director, or designee, and shall not include any usage from any food prep, kitchen or dishwashing area or station that would add food particles, food disposal and waste, or FOG (fats, oils and grease) to the waste stream.

GOVERNMENTAL USER. Includes those establishments whose function is the administration and/or execution of governmental programs as well as the office of executives, legislative bodies and agencies which provide general support services for government.

INDUSTRIAL USER.

(1) Any nongovernmental user of the sewage works and facilities identified in the *Standard Industrial Classification Manual*, 1987, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (a) Agriculture, forestry and fishing (Div. A);
- (b) Mining (Div. B);
- (c) Manufacturing (Div. D);
- (d) Transportation, communication, electric, gas and sanitary services (Div. E); and
- (e) Services (Div. I).

(2) A user in the divisions listed may be excluded and treated as a commercial user if the Council determines it will primarily introduce domestic wastes or wastes from sanitary conveniences. For industrial users with sewage containing BOD and suspended solids concentrations less than the concentrations as defined for general municipal flow, charges shall be based on concentrations as defined for general municipal flow.

INSTITUTIONAL USER. Those establishments engaged in activities of a noneconomic nature, frequently being the performance of services for the general public (health, educational, social), and not classified as a governmental or commercial user in this subchapter.

LOAD. Quantities of sewage characteristics such as BOD, SS or other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours.

SIGNIFICANT INDUSTRIAL USER. Any industrial user who discharges sewage which constitutes greater than 10% of the design flow or design pollutant loading of the sewage treatment plant.

USER. Any person, firm, corporation or other entity, whether municipal or otherwise, discharging sewage into the sewage works and facilities.

(1999 Code, § 99.03) (Ord. 2289, passed 4-12-2005; Ord. 2440, passed 2-22-2011; Ord. 2476, passed 6-26-2012)

§ 52.088 UNIT COST PROCEDURE.

The Council shall annually determine and fix the unit costs for use of the sewage works and facilities on the basis of flow and determine surcharge unit costs for BOD, SS and any other pollutant, taking into consideration the cost of treatment of sewage, and may increase or decrease the unit cost as often and in amounts as may reasonably be required to accomplish the purposes of this subchapter. The cost to be fixed by the Council shall be determined and allocated in each of the following categories:

- (A) *Category A.* Includes debt service for bond issues for existing and proposed sewage works and facilities and any desired or required coverage for debt service; and
- (B) *Category B.* Includes operation and maintenance of existing and proposed sewage works and facilities.

(1999 Code, § 99.04)

§ 52.089 UNIT COST DETERMINATION.

(A) (1) The unit cost for users of the sewage works and facilities shall be determined by adding the total annual cost of Categories A and B and dividing by billable flow to determine a unit charge per 1,000 gallons of billable flow.

(2) Billable flow will be determined annually by the sum of the following:

(a) Measured industrial flow discharged to the sewer system;

(b) Flow discharged to sewer system as determined by metered water, minus metered water to measured industries;

(c) Flow discharged to sewer system as determined by meters or estimates of well water supplies, minus well water from measured industries.

(3) The formula for this calculation of unit cost is as follows:

$$\text{Sum of cost in } \S 52.088 \div \text{estimated billable flow in 1,000 gallons} = \text{dollars per 1,000 gallons}$$

(B) The charges to users of the sewage works and facilities shall be the product of the unit cost determined in accordance with division (A) above and that portion of the billable flow attributed to each domestic, commercial, institutional, governmental and industrial user. The formula for this calculation is as follows:

$$\text{Unit cost per 1,000 gallons} \times \text{users billable flow in gallons} = \text{user charge}$$

(C) (1) The users surcharges for BOD and SS loading discharged to the sewage works and facilities in excess of those concentrations defined in § 52.087 shall be determined as follows: unit costs for BOD and SS shall be calculated by apportioning the total Category A and B cost associated with that year, 30% to BOD and 20% to SS and then dividing each cost so apportioned by the total estimated BOD and SS to be received at the sewage treatment plant in that year.

$$\text{BOD: Category A and B cost} \times .30 \div \text{estimated annual BOD in 100 lbs.}$$

$$\text{SS: Category A and B cost} \times .20 \div \text{estimated annual SS in 100 lbs.}$$

(2) The BOD and SS loads in excess of the allowable concentrations shall be utilized to determine the surcharge. The excess BOD and SS load shall be calculated by subtracting the allowable BOD and SS concentrations from the actual concentration discharged and then determining the excess pounds of BOD and SS. The formula for this calculation is as follows:

$$\text{Excess BOD: (Actual mg/l - 212 mg/l BOD)} \times (\text{users billable flow in mg}) \times 8.34 \text{ lbs. BOD}$$

$$\text{Excess SS: (Actual mg/l - 210 mg/l SS)} \times (\text{users billable flow in mg}) \times 8.34 \text{ lbs. SS}$$

(3) The surcharge shall be calculated by multiplying the excess pounds of BOD and SS by the appropriate unit cost. The formula for this calculation is as follows:

$$\text{BOD: } (\$ \text{ per 100 lbs. BOD}) \times (\text{excess BOD per billing period in 100 lbs.}) = \$\$$$

$$\text{SS: } (\$ \text{ per } 100 \text{ lbs. SS}) \times (\text{excess SS per billing period in } 100 \text{ lbs.}) = \$\$$$

(1999 Code, § 99.05) Penalty, see § 52.999

§ 52.090 SEWER USE CHARGE.

The sewer use charge is as follows:

(A) Effective July 1, 2010.

(1) The unit costs for users of the sewage works and facilities is \$6.17 per 100 cubic feet or \$8.26 per 1,000 gallons, based on metered water usage.

(2) User surcharges are \$65.27 per 100 pounds of five-day BOD in excess of the BOD load that would result from a concentration of 212 mg/l in the user's wastewater; and \$71.24 per 100 pounds of suspended solids in excess of the suspended solids load that would result from a concentration of 210 mg/l in user's wastewater.

(3) User surcharges are \$209.75 per 100 pounds of NH₃ in excess of the NH₃ load that would result from a concentration of 25 mg/l in user's wastewater.

(4) The minimum volume to be billed for each user shall be 500 cubic feet per quarter.

(5) The City Council may, by resolution, grant an exemption from the payment of sewer use charges for those owners who have the sanitary sewer available but are not connected thereto, provided good reason exists for the failure to connect.

(6) In addition, for users in the commercial customer classification, in lieu of the BOD surcharge and SS surcharge, there is a surcharge for higher strength wastewater discharged by those customers in that classification. The commercial classification surcharge is the factor times Class 1 rate based on the following table. The BOD and SS concentrations are listed for typical commercial customers. If an individual customer feels the strength of their discharge is different from the typical for that category, the appropriate class can be determined by testing representative samples of wastewater from the user. The city will coordinate the sampling for a given period at a charge to the customer.

(B) Effective at the start of the first full billing cycle after July 1, 2011.

(1) The unit costs for users of the sewage works and facilities is \$6.79 per 100 cubic feet or \$9.09 per 1,000 gallons, based on metered water usage.

(2) User surcharges are \$71.80 per 100 pounds of five-day BOD in excess of the BOD load that would result from a concentration of 212 mg/l in the user's wastewater; and \$78.36 per 100 pounds of suspended solids in excess of the suspended solids load that would result from a concentration of 210 mg/l in user's wastewater.

(3) User surcharges are \$230.73 per 100 pounds of NH₃ in excess of the NH₃ load that would result from a concentration of 25 mg/l in user's wastewater.

(4) The minimum volume to be billed for each user shall be 100 cubic feet per month (300 cubic feet per quarter). Said minimum volume change shall be effective at the start of the first full billing cycle after the date of July 1, 2011.

(5) The City Council may, by resolution, grant an exemption from the payment of sewer use charges for those owners who have the sanitary sewer available but are not connected thereto, provided good reason exists for the failure to connect.

(6) In addition, for users in the commercial customer classification, in lieu of the BOD surcharge and SS surcharge, there is a surcharge for higher strength wastewater discharged by those customers in that classification. The commercial classification surcharge is the factor times Class 1 rate based on the following table. The BOD and SS concentrations are listed for typical commercial customers. If an individual customer feels the strength of their discharge is different from the typical for that category, the appropriate class can be determined by testing representative samples of wastewater from the user. The city will coordinate the sampling for a given period at a charge to the customer.

(C) Effective on the first full billing cycle after the date of July 1, 2013.

(1) The unit costs for domestic users of the sewage works and facilities shall be \$8.96 per 100 cubic feet, based on metered water usage.

(2) In addition, for users in the commercial customer classification, in lieu of the BOD surcharge and SS surcharge, there is a surcharge for higher strength wastewater discharged by those customers in that classification. The commercial classification surcharge is the factor times Class 1 rate with the new rate set forth in the following table. If an individual customer feels the strength of their discharge is different from the typical for that category, the appropriate class can be determined by testing representative samples of wastewater from the user. The city will coordinate the sampling for a given period at a charge to the customer.

(a) The unit costs for the commercial classes as defined in § 52.087, General Municipal User, shall be as follows:

Class 1 \$8.96 per 100 cubic feet

Class 2 \$11.648 per 100 cubic feet

Class 3 \$15.232 per 100 cubic feet

(3) User surcharges are \$86.66 per 100 pounds of five-day BOD in excess of the BOD load that would result from a concentration of 212 mg/l in the user's wastewater.

(4) User surcharges are \$94.58 per 100 pounds of suspended solids in excess of the suspended solids load that would result from a concentration of 210 mg/l in user's wastewater.

(5) User surcharges are \$278.49 per 100 pounds of NH₃ in excess of the NH₃ load that would result from a concentration of 25 mg/l in user's wastewater.

(6) The minimum volume to be billed for each user shall be 100 cubic feet per month.

(7) The City Council may, by resolution, grant an exemption from the payment of sewer use charges for those owners who have the sanitary sewer available but are not connected thereto, provided good reason exists for the failure to connect.

(1999 Code, § 99.06) (Ord. 2289, passed 4-12-2005; Ord. 2298, passed 8-23-2005; Ord. 2365, passed 4-8-2008; Ord. 2395, passed 12-9-2008; Ord. 2457, passed 8-9-2011; Ord. 2466, passed 10-11-2011; Ord. 2472, passed 6-12-2012; Ord. 2486, passed 11-27-2012; Ord. 2493, passed 5-28-2013) Penalty, see § 52.999

§ 52.091 BILLING FOR SEWER SERVICE.

Billing and payment for sewer service shall be in accordance with the following.

(A) *Bills issued.* The Clerk shall prepare, date and issue bills for sewer service. Bills shall be deemed issued as of the date indicated on the bills.

(B) *Bills payable.* Bills for sewer service are due and payable at the office of the Clerk within 20 days of the date of issue.

(C) *Late payment penalty.* Bills not paid when due shall be considered delinquent. A late payment penalty of 1.5% compounded monthly shall be added to the delinquent bill.

(D) *Payment plans authorized.* The Finance Director is hereby authorized to establish payment plans for customers who qualify under guidelines established by the Finance Director.

(1999 Code, § 99.07) (Ord. 2298, passed 8-23-2005; Ord. 2397, passed 12-18-2008) Penalty, see § 52.999

§ 52.092 LIEN FOR NONPAYMENT.

The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes. A lien filing fee of \$5 shall be added to each utility charge certified to the County Treasurer.

(Iowa Code § 384.84) (1999 Code, § 99.08) (Ord. 2298, passed 8-23-2005) Penalty, see § 52.999

§ 52.092A DISCONNECTION OF WATER SERVICE FOR NONPAYMENT.

(A) *Notice.* The Finance Department shall notify each delinquent customer that service will be discontinued if payment of the sewer account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer 14 days' notice to request a hearing prior to the discontinuance. Failure of a customer to request a hearing within the allotted time shall constitute a forfeiture of the right to a hearing.

(B) *Notice to Landlords.* If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

(C) *Hearing.* If a hearing is requested within the 14 day timeframe referenced in division (A), the Finance Director shall schedule, within five calendar days after the request, or as soon thereafter as practicable, an informal hearing at which the customer may submit relevant evidence concerning the amounts owed. Testimony and documentation submitted by the customer may be limited to evidence concerning any alleged errors in the amount owed and the identity of the person owing the billed amounts. All hearings will be audio recorded. If the Finance Director finds that disconnection is supported by the evidence, then such disconnection shall be made, unless payment has been received.

(D) *Fees.* Fees for disconnection of water service and reconnection of said service shall be established through a resolution of the City Council in accordance with an agreement with Iowa American Water for the discontinuation of water services for a delinquent account.

(Ord. 2522, passed 8-25-2015)

Statutory reference:

Similar state law, see Iowa Code §§ 384.84 and 476.20

§ 52.093 LIEN NOTICE.

A lien for delinquent sewer service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than ten days prior to certification of the lien to the County Treasurer.

(Iowa Code § 384.84) (1999 Code, § 99.09) Penalty, see § 52.999

§ 52.093A SUSPENSION OF CERTIFICATE OF OCCUPANCY.

(A) In addition to any other recourse as may be utilized by the city for the collection of delinquent sewer service charges the city may suspend the property owner's or business owner's Certificate of Occupancy upon certification of the City Administrator to the following:

- (1) A delinquent sewer service charge which is 120 days past due, and/or
- (2) A delinquent sewer service charge in excess of \$2,500.

(B) Notice shall be sent by certified letter, service of process complete upon mailing, to the delinquent property owner or account holder stating that if the delinquency is not cured and brought current within 14 days that any Certificate of Occupancy for the premises shall be revoked and withdrawn. If after 14 days the account is not cured and brought current the building shall be placarded by the Building and Neighborhood Services Department declaring the Certificate of Occupancy is revoked and withdrawn and that the building shall not be occupied for any purpose.

(C) The Certificate of Occupancy may only be re-issued after payment of any outstanding sums owed for sewer service and only after passing a re-inspection by the Building and Neighborhood Services Department.

(D) This section shall not apply to single family owner occupied residential dwellings.

(Ord. 2495, passed 6-11-2013)

§ 52.093B PENALTY FOR VIOLATION OF SUMMER WATERING PROGRAM.

In addition to any other recourse as may be utilized by the city, either by seeking alternate relief through the courts or for the collection of delinquent sewer service charges the city may issue a civil citation to any person or entity who violates the terms and qualifications for use of a the Summer Watering Program as established by council resolution and if found guilty shall be subject to a fine in the amount of \$500 and revocation of their Summer Watering Application.

(Ord. 2496, passed - -2013)

§ 52.094 SEWER REVENUE FUND.

All revenue of the system from every source shall be designated and accounted for as a separate accounting fund known as the Sewer Revenue Fund of the city. Money in this revenue fund is required to be set aside each month into each of the accounts or funds created in this subchapter. These accounts together with the monthly amounts to be credited thereto are respectively set out hereinafter in the order in which the credits are to be made. All credits shall be as of the last business day of each month and shall include all receipts to the end of the immediately preceding month.

(A) *Operating, maintenance and billing account.* This account shall be credited with all revenues received from the operation of the sewer system. Expenses for operations, maintenance and billing shall be paid from this account.

(B) *Sewer Construction Fund.* A Sewer Construction Fund is hereby established. A deposit shall be made to this fund from the Sewer Revenue Fund each month. The amount of the deposit may be raised by resolution of the Council. Money in this fund shall first be used to provide an adequate allowance for depreciation, the amount thereof to be determined from time to time by the Council, then for extraordinary repairs or replacements or for improvements and extensions to the system. At any time the balance of the Sewer Construction Fund may be transferred to other city accounts and used for any lawful city purpose by resolution of the Council.

(1999 Code, § 99.10)

§ 52.095 INVESTMENT OF FUNDS.

Any money in the above listed account or funds may be invested in interest-bearing demand or time deposits (including certificates of deposit) in amounts that are fully insured by the FDIC or the FSLIC (or successor corporations) or in direct or fully guaranteed obligations of the United States maturing not later than the earliest date on which the moneys in the respective accounts are estimated to be needed, but in no event later than five years from the date of any investment. The securities shall be sold whenever funds are needed. Earnings of any funds invested shall be credited in the account for which the investment was made. Uninvested money on hand shall at all times be deposited in banks selected by the city. Money in the Sewer Revenue Fund and the Sewer Construction Fund must be maintained in separate accounting records.

(1999 Code, § 99.11)

§ 52.096 SEWAGE MONITORING DEVICES.

When required by the city, each user shall install a suitable measuring, sampling and analyzing device. The city may not require installation of the devices where the city determines that the industrial user has concentrations of BOD and suspended solids no greater than the concentration of the constituents in the general municipal flow and a satisfactory method and access exist for sampling and determining the total daily sewage flow. In these cases, the charges to those industrial users shall be based on the flow rate as determined and on BOD and SS loads equal to the average load of the general municipal flow. Each industrial user required by the city to install and maintain sewage monitoring facilities shall submit to the city a monthly report of daily flow, BOD and SS on a form approved by the city. This report shall be used for billing purposes and shall be submitted prior to the fifteenth day of the subsequent month. The city has the right, periodically or continuously, to inspect the monitoring facilities, to measure, sample and analyze the user's flow and to analyze the samples obtained by the industrial user. In the event of any discrepancy between the flows or loads determined by the city and the industrial user, the values determined by the city shall be used for billing purposes.

(1999 Code, § 99.12) Penalty, see § 52.999

§ 52.097 SPECIAL REQUIREMENT FOR SIGNIFICANT INDUSTRIAL USERS.

A significant industrial user must comply with all provisions of this subchapter applicable to industrial users and, in addition, as a condition precedent to using or continuing to use the sewage works and facilities, must sign a letter of intent with the city to pay that portion of the grant amount allocable to the treatment of its wastes. Each letter shall also include a statement of the intended period of use of the treatment works.

(1999 Code, § 99.13) Penalty, see § 52.999

INDUSTRIAL COST RECOVERY

§ 52.110 DEFINITIONS.

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

BILLABLE FLOW. The total number of gallons utilized to determine the unit cost for billing for sewage works and facilities.

CAPITAL COSTS. All reasonable and necessary costs and expenses incurred by the city in planning, designing, financing and constructing the sewage works and facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction, fees for legal and consulting services and acquisition.

COMMERCIAL USER. All users of the system classified in the *Standard Industrial Classification Manual*, 1987, U.S. Office of Management and Budget, as amended and supplemented, under Division C, F, G, H and K. For the purposes of this subchapter, users under Divisions A, B, D, E and I shall be included in this definition if they discharge primarily segregated domestic wastes or wastes from sanitary conveniences. This classification shall not include users who are otherwise classified in this subchapter as domestic users, governmental users and institutional users.

CONTRACT USER. Any user who has a written contract with the city to use the sewage works and facilities.

DOMESTIC USER. Those establishments of which its related occupations, if any, are usually considered as domestic service and whose discharge consists solely of sanitary wastes.

FLOW. The quantity of "billable flow" expressed in gallons or cubic feet per 24 hours.

GENERAL MUNICIPAL FLOW. The total sewage flow discharged to the sewage works and facilities, minus the flows from industrial users, other municipalities and contract users. **GENERAL MUNICIPAL FLOW** includes flow from domestic users, commercial users, institutional users and governmental users. **GENERAL MUNICIPAL FLOW**, based on the design of the sewage treatment facilities, is further defined as flows containing five-day BOD concentrations no greater than 212 mg/l and suspended solids concentrations no greater than 210 mg/l.

GENERAL MUNICIPAL USER. Any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users. This category of user includes as subcategories:

- (1) Domestic users;
- (2) Commercial users;
- (3) Institutional users; and
- (4) Governmental users which are not contract users.

GOVERNMENTAL USER. Includes those establishments whose function is the administration and/or execution of legislative bodies and agencies which provide general support services for government.

INDUSTRIAL COST RECOVERY. The portion of the cost of the sewage works and facilities attributable to industrial users which was defrayed by federal grant and which must be recovered pursuant to § 204(b) of the Federal Water Pollution Control Act, being 33 U.S.C. § 1284, in accordance with the *United States Environmental Protection Agency Industrial Cost Recovery Regulations* as published in the February 11, 1974, Federal Register (40 C.F.R. Part 35) as amended and supplemented.

INDUSTRIAL USER.

(1) Any nongovernmental user of the sewage works and facilities identified in the *Standard Industrial Classification Manual*, 1987, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (a) Agriculture, forestry and fishing (Div. A);
- (b) Mining (Div. B);
- (c) Manufacturing (Div. D);
- (d) Transportation, communication, electric, gas and sanitary services (Div. E); and
- (e) Services (Div. I).

(2) A user in the divisions listed may be excluded and treated as a commercial user if the Council determines it will primarily introduce domestic wastes or wastes from sanitary conveniences. For industrial users with sewage containing BOD and suspended solids concentrations less than the concentrations as defined for general municipal flow, charges shall be based on concentrations as defined for general municipal flow.

INSTITUTIONAL USER. Those establishments engaged in activities of a noneconomic nature, frequently being the performance of services for the general public (health, educational, social), and not classified as a governmental or commercial user in this subchapter.

LOAD. Quantities of sewage characteristics such as BOD, SS or other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours.

SIGNIFICANT INDUSTRIAL USER. Any industrial user who discharges sewage which constitutes greater than 10% of the design flow or design pollutant loading of the sewage treatment plant.

USER. Any person, firm, corporation or other entity, whether municipal or otherwise, discharging sewage into the sewage works and facilities.

(1999 Code, § 100.01)

§ 52.111 UNIT CHARGES.

The unit charges for establishing the industrial cost recovery of the federal grant to be collected by the city from the industrial users of the city sewage works and facilities shall be upon the conditions and in the amounts set forth in the subchapter.

(1999 Code, § 100.02)

§ 52.112 LEVY OF CHARGES.

It is the purpose of this subchapter to recover from industrial users of the sewage works and facilities the share of the sewage works and facilities' costs attributable to the industrial users. The industrial cost recovery charges provided for in this subchapter are levied against all industrial users of the sewage works and facilities. The Council shall annually determine and fix the unit costs for recovery of that portion of the federal grant attributable to industry on the basis of flow, BOD and SS.

(1999 Code, § 100.03)

§ 52.113 PAYMENT OF CHARGES.

The city shall compute the amount due for industrial cost recovery and issue bills therefor at periodic intervals. All industrial cost recovery charges are due and payable under the same terms and conditions provided for payment of sewer service as contained in § 52.091 of this code of ordinances and the provisions contained in §§ 52.092 and 52.093 relating to liens shall also apply in the event of a delinquent account.

(1999 Code, § 100.04)

§ 52.114 INDUSTRIAL COST RECOVERY UNIT COSTS.

The portion of the federal grant amount (75% of the eligible capital cost) shall be recovered from industrial users of the sewage works and facilities.

(A) The total actual daily flow, BOD and SS from all industries for the billing period shall be summated and divided by the design flow, BOD and SS respectively to calculate the percent of plant utilized by industry.

(B) The federal grant amount for flow, BOD and SS shall be calculated by apportioning the federal grant 32% to flow, 48% to BOD and 20% to SS and dividing each by a 20-year recovery period.

(C) To calculate industrial unit cost recovery charges, divide the recoverable amounts determined above by the total annual industrial flow, BOD and SS.

(D) The cost recovery charges to the individual industries shall be calculated by multiplying the unit cost as determined above by the industrial user's actual flow, BOD and SS for the billing period.

(E) In addition to the charges provided for herein, the city may impose a surcharge on any industrial user based on some other pollutant loading factor which requires special treatment at the sewage works.

(1999 Code, § 100.05) Penalty, see § 52.999

§ 52.115 ACCOUNTS ESTABLISHED.

The industrial cost recovery amounts received by the city shall be deposited initially into a special account which will be called the Clinton Industrial Cost Recovery Account 100. The city shall retain 50% of the amounts recovered from industrial users. Eighty percent of these amounts retained by the city will be deposited annually into a special city account which will be called the Clinton Industrial Cost Recovery Account 80. The remaining 20% of the funds will be deposited annually into another special city account which will be called the Clinton Special Projects Account 20. The remaining 50% of the amounts recovered from industrial users, together with any interest earned thereon, shall be returned to the U.S. Treasury, through the U.S. Environmental Protection Agency, on an annual basis.

(1999 Code, § 100.06)

§ 52.116 USE OF INDUSTRIAL COST RECOVERY ACCOUNT 80.

The amounts deposited in the Industrial Cost Recovery Account 80, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the U.S. Environmental Protection Agency. The city shall obtain the written approval of the Regional Administrator of the U.S. EPA prior to commitment of these retained amounts for any expansion or reconstruction. Pending use, the amounts deposited into the Industrial Cost Recovery Account 80 will be invested by the city in a local financial institution whose deposits are insured by the FDIC.

(1999 Code, § 100.07)

§ 52.117 USE OF SPECIAL PROJECTS ACCOUNT 20.

The amounts deposited into the Special Projects Account 20 shall be used as the city desires. However, these funds cannot be used to reduce the sewer use charge to any person or firm.

(1999 Code, § 100.08)

§ 52.118 MEASUREMENT OF STRENGTH AND VOLUME.

When required by the city, each industrial user shall install suitable measuring, sampling and analyzing devices. The city may not require installation of the devices where the city determines that the industrial user has concentrations of BOD, suspended solids and

NH₃ no greater than the concentration of the constituents in the general municipal flow and a satisfactory method of access exists for sampling and determining the total daily sewage flow. In these cases, the charges to those industrial users shall be based on the flow rate as determined and on BOD, SS loads and NH₃ equal to the average load of the general municipal flow. Each industrial user required by the city to install and maintain sewage monitoring facilities shall submit to the city a monthly report of daily flow, BOD, SS and NH₃ on a form approved by the city. This report shall be used for billing purposes and shall be submitted prior to the fifteenth day of the subsequent month. There shall be a minimum fee of \$100 a month for all significant industrial users as defined under the city's pretreatment program. The city has the right, periodically or continuously, to inspect the monitoring facilities, to measure, sample and analyze the user's flow and to analyze the samples obtained by the industrial user. In the event of any discrepancy between the flows or loads determined by the city and the industrial user, the values determined by the city shall be used for billing purposes.

(1999 Code, § 100.09) (Ord. 2289, passed 4-12-2005) Penalty, see § 52.999

§ 52.119 SIGNIFICANT INDUSTRIAL USERS.

A significant industrial user must comply with all provisions of this subchapter applicable to industrial users and, in addition, as a condition precedent to using or continuing to use the sewage works and facilities, must sign a letter of intent with the city to pay that portion of the grant amount allocable to the treatment of its wastes. Each letter shall also include a statement of the intended period of use of the treatment works.

(1999 Code, § 100.10)

SEWAGE PRETREATMENT PROGRAM

§ 52.130 PURPOSE AND POLICY.

(A) This subchapter sets forth uniform requirements for direct and indirect dischargers into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 C.F.R. Part 403). The objectives of this subchapter are to:

- (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) Improve the opportunity to recycle and reclaim wastewater and sludges from the system;
- (4) Provide for equitable distribution of the operation and maintenance cost of the city's implementation of the industrial pretreatment program; and
- (5) Protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

(B) This subchapter provides for the regulation of direct and indirect dischargers to the city's wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This subchapter applies to the city and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. Except as otherwise provided herein, the Superintendent of the city's POTW shall administer, implement and enforce the provisions of this subchapter.

(1999 Code, § 101.01)

§ 52.131 DEFINITIONS.

For the purpose of this subchapter, 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 of the Iowa Department of Natural Resources.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. May be:

- (1) A principal executive officer of at least the level of Vice President, if the industrial user is a corporation;
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

CATEGORICAL STANDARDS. National categorical pretreatment standards.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the state.

DISCHARGE. The releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a pollutant into the waters of the state or onto the land or into wells from which the pollutant might flow or drain into the waters, and includes the release of any pollutant into a POTW.

DOMESTIC WASTEWATER. The liquid waste or liquid borne waste resulting from the noncommercial preparation, cooking and handling of food and/or consisting of human excrement and similar wastes from sanitary facilities.

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 the agency.

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

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDIRECT DISCHARGE. The discharge or the introduction of pollutants from any source regulated under § 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER. A person who discharges, causes or permits the discharge of pollutants from nondomestic sources into the POTW and is a source of indirect discharge.

INTERFERENCE. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation). The term includes prevention of wastewater sludge use or disposal by the POTW in accordance with § 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 Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

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

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of § 307(b) of the Act and 40 C.F.R. § 403.5.

NEW SOURCE.

(1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to the source if the standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility or installation 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 of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (1)(b) and (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined in this division has commenced if the owner or operator has begun or caused to begin, as part of a continuous on-site construction program:

(a) Any placement, assembly or installation of facilities or equipment;

(b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(c) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this division.

NONCONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PERSON. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, association, society or group or any other legal entity or any legal representatives, agents or assigns of the same.

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

POLLUTION. The manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

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 the pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 C.F.R. § 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS or POTW. A treatment works as defined by § 212 of the Act, being 33. U.S.C. § 1292, including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The terms also includes the municipality as defined in § 502(4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

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

SIGNIFICANT INDUSTRIAL USER.

(1) Except as provided in division (2) below of this division:

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. § 403.6 and 40 C.F.R. Chapter I,

(b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater) or contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 C.F.R. § 403.8(f)(6)).

(2) Upon a finding that an industrial user meeting the criteria in division (1) above of this definition has no reasonable potential for adversely affecting the POTW'S operation or for violating any pretreatment standard or requirement, the POTW may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 C.F.R. § 403.8(f)(6), determine that the industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE (SNC).

(1) Chronic violations of wastewater discharge limits, defined herein as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined herein as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC. (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or passthrough (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this subchapter to halt or prevent a discharge;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG DISCHARGE. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

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, 1987.

SUPERINTENDENT. The Superintendent of the POTW treatment plant of the city or a duly authorized deputy, agent or representative.

TOXIC POLLUTANT. Any pollutant or combination of pollutants identified as toxic pursuant to § 307(a) of the Federal Water Pollution Control Act, being 33 U.S.C. § 1317(a), or other federal statutes or in regulations promulgated by the state under state law.

USER. Any person who contributes, causes or permits the discharge of wastewater into the city's POTW.

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.

§ 52.132 GENERAL DISCHARGE PROHIBITIONS.

(A) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the city's POTW. These general prohibitions apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the substances listed in § 52.047 of this code of ordinances or the following substances to the city's POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 C.F.R. § 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter;

(2) Any wastewater containing any pollutants in sufficient quantity or released in a discharge at a flow rate and/or pollutant concentration, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317(a);

(3) Any wastewater which imparts colors that cannot be removed by the treatment process;

(4) Any wastewater containing radioactive wastes or isotopes;

(5) Detergents, surface-active agents or substances which may cause excessive foaming in the POTW;

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act, being 33 U.S.C. § 1345, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6941 *et seq.*, the Clean Air Act, being 42 U.S.C. 7401 *et seq.*, the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 *et seq.*, or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

(8) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the waste treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash. No garbage grinder equipped with a motor of three-fourths horsepower or greater shall be installed in any building which is connected directly or indirectly to a public sewer, without prior approval of the Council. The Council shall not approve any garbage grinder which does not grind garbage to a degree so that no particle is greater than one-half inch in any dimension and shall be empowered to order that any garbage grinder, regardless of its size or when it was installed, which does not grind garbage to a degree so as to make it acceptable under this subchapter, not be used to grind garbage which is thereafter directly or indirectly discharged into a public sewer;

(9) Any wastewater having a pH less than 5.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;

(10) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F);

(11) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or passthrough;

(12) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

(13) No trucked or hauled pollutants will be accepted.

(B) When the Superintendent determines that a user is contributing to the POTW any of the above enumerated substances or substances listed in § 52.047 in amounts as to interfere with the operation of the POTW, the Superintendent may:

(1) Advise the user of the impact of the contribution on the POTW; and

(2) Develop effluent limitations for the user to correct the interference with the POTW.

(C) A discharge violation by a user will subject the user to some type of enforcement action, regardless of whether or not the city advises the user of the impact of the contribution on the POTW or develops appropriate effluent limits.

(1999 Code, § 101.03) Penalty, see § 52.999

§ 52.133 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

The National Categorical Pretreatment Standards located in 40 C.F.R. Chapter 1, Subchapter N, Parts 405 through 471, are hereby incorporated into this subchapter by reference. Upon the promulgation of new categorical pretreatment standards for a particular industrial subcategory, the new categorical pretreatment standards, if more stringent than limitations imposed under this code of ordinances for sources in that subcategory shall immediately supersede the limitations imposed under this code of ordinances. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12.

(1999 Code, § 101.04) Penalty, see § 52.999

§ 52.134 MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by categorical pretreatment standards, the city may apply to the approval authority for modification of specific limits in the categorical pretreatment standards. **CONSISTENT REMOVAL** means reduction in the amount of a pollutant or alteration of the nature of the pollutant in the influent to the POTW to a less toxic or harmless state in the effluent which is achieved by the POTW in samples taken when measured according to the procedures set forth in 40 C.F.R. § 403.7(d)(2) promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the categorical pretreatment standards if the requirements contained in 40 C.F.R. § 403.7 are fulfilled and prior approval from the approval authority is obtained.

(1999 Code, § 101.05)

§ 52.135 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this code of ordinances.

(1999 Code, § 101.06)

§ 52.136 CITY'S RIGHT OF REVISION.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 52.130 of this subchapter.

(1999 Code, § 101.07)

§ 52.137 EXCESSIVE DISCHARGE.

(A) No industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state.

(B) Blending may be an acceptable means of complying with some of the prohibitions set forth herein, e.g., the pH prohibition.

(1999 Code, § 101.08) Penalty, see § 52.999

§ 52.138 ACCIDENTAL DISCHARGES.

(A) Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated in this sanitary sewer chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. No user who discharges to the POTW shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the city. Review and approval of the 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 subchapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume. Furthermore, the industrial user shall take immediate action to contain and minimize the accidental discharge to the POTW so as to prevent interference with and/or damage to the POTW and notify the POTW of the corrective actions. Industrial users that store hazardous substances shall not contribute to the POTW unless a spill prevention plan has been approved by the POTW. Approval of the plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances. The POTW shall evaluate each significant industrial user at least once every two years and other industrial users as necessary to determine whether the user needs a plan to control slug discharges.

(B) If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under § 52.132, with procedures for follow-up written notification within five days; and

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(C) Within five days following an accidental discharge, the industrial 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. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall the notification relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter or other applicable laws or ordinances. 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 a dangerous discharge. Employers shall ensure that all employees who may cause a dangerous discharge to occur or who may suffer from a discharge are advised of the emergency notification procedure.

(1999 Code, § 101.09) Penalty, see § 52.999

§ 52.139 FEES.

(A) The purpose of this section is to provide for the recovery of costs for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees, to be prepared from time to time by the Superintendent and approved by the Council. The city may adopt charges and fees which may include the permit fee, sampling charge and laboratory analysis charge. These charges shall be assessed to the industrial users through the Superintendent and be collected by the Clerk.

(1) *Permit fee.* The city will charge the industries that are required to obtain a permit per § 52.140 a permit fee of \$150.

(2) *Sampling charge.* The city will assess the industries a sampling charge for sampling their wastewater with city equipment and manpower. The sampling charge is estimated to be \$150 per site per sampling day for 24-hour composite samples and \$30 per grab sample.

(3) *Laboratory analysis charge.* The city will assess the industries a laboratory analysis charge to recover the city's expenses for analyzing the industrial wastewater samples for specific pollutants. The charges for toxic organic pollutants and toxic inorganic pollutants will be determined by the POTW laboratory or commercial laboratory retained by the city to perform the analyses.

(B) Additional costs as established by the city will be charged to industrial users on a case by case basis for fees for filing appeals,

fees for consistent removal (by the city) of pollutants otherwise subject to categorical pretreatment standards and other fees as the city may deem necessary to carry out the requirements of this subchapter. These fees relate solely to the matters covered by this subchapter and are separate from all other fees chargeable by the city.

(1999 Code, § 101.10) Penalty, see § 52.999

§ 52.140 WASTEWATER DISCHARGE PERMITS.

All significant industrial users shall obtain a wastewater discharge permit.

(A) Application.

(1) Industrial users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city and accompanied by a permit fee as specified in § 52.139(A) of this subchapter at least 90 days prior to connecting to or contributing to the POTW.

(2) In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address and location (if different from address);

(b) SIC number according to the *Standard Industrial Classification Manual*, Bureau of the Budget, 1987, as amended;

(c) Wastewater constituents and characteristics including but not limited to those mentioned in this subchapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(h) of the Act and contained in 40 C.F.R. Part 136, as amended;

(d) Time and duration of wastewater contribution;

(e) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation and current water use schematic;

(g) General description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

(h) The nature and concentration of any pollutants in the discharge which are limited by any city, state or national categorical pretreatment standards, and a statement regarding whether or not the categorical pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable categorical pretreatment standards, the statement must be reviewed by an authorized representative of the user and certified to by a qualified professional;

(i) If additional pretreatment and/or operation and maintenance will be required to meet the categorical pretreatment standards or pretreatment requirements, the industrial user shall submit the shortest schedule by which the user will provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards or pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction and the like). No increment shall exceed nine months.

2. No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Superintendent including, as a minimum, whether or not the industrial user complied with the increment of progress to be met on the date and, if not, the date on which the industrial user expects to comply, the reason for the delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between the progress reports to the Superintendent.

(j) Each product produced by type, amount, process or processes and rate or production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) Copy of any environmental control permits held by or for the facility; and

(n) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(3) All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(4) The city will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(B) *Modifications.* As soon as possible, and no longer than 90 days subsequent to a change of national categorical pretreatment standards or pretreatment requirements, the wastewater discharge permit of industrial users subject to the standards or requirements shall be revised to require compliance with the standards within the time frame prescribed by the standards. Where an industrial user subject to national categorical pretreatment standards or pretreatment requirements has not previously submitted an application for a wastewater discharge permit, the industrial user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standards or pretreatment requirements. In addition, the industrial user with an existing wastewater discharge permit shall submit to the Superintendent within 180 days after the promulgation of applicable national categorical pretreatment standards or pretreatment requirements the information required by divisions (A)(1)(h) and (i) above.

(C) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(1) The schedule of charges and fees as listed in § 52.139 for the wastewater to be discharged to the POTW;

(2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Requirements for installation and maintenance of pretreatment facilities;

(6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule. All sampling and analysis must be conducted in accordance with the procedures specified in 40 C.F.R. Part 136. Pursuant to 40 C.F.R. § 403.12(g), if sampling indicates a violation, the user must notify the city within 24 hours of becoming aware of the violation. The user must also resample and submit results of this resampling to the city within 30 days;

(7) Compliance schedules; all industries shall develop compliance schedules when required;

(8) Requirements for submission of technical reports or discharge reports;

(9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording city access thereto;

(10) Requirements for prior notification to the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(11) Requirements for notification of slug discharges as per § 52.147;

(12) A statement of duration;

(13) A statement of nontransferability;

(14) A statement of applicable civil and criminal penalties;

(15) Baseline monitoring reports, 90-day compliance reports and periodic compliance reports from categorical industrial users must be signed by an appropriate official of the user and contain the certification statement from 40 C.F.R. § 403.6(a)(2)(ii) which attests to the integrity of the analytical data submitted; and

(16) Other conditions as deemed appropriate by the city to ensure compliance with this subchapter.

(D) *Permit duration.* Permits shall be issued for a period of three years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the industrial 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 this subchapter are modified or as other just causes exist. The industrial user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(E) *Permit transfer.* Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(1999 Code, § 101.11) Penalty, see § 52.999

§ 52.141 REPORTING REQUIREMENTS FOR PERMITTEE.

(A) *Compliance date report.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards or pretreatment requirements or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards and pretreatment requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and pretreatment requirements and the average and maximum daily flows for these process units in the user's facility which are limited by the categorical pretreatment standards and pretreatment requirements. The report shall state whether the applicable categorical pretreatment standards and pretreatment requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical pretreatment standards and pretreatment requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a registered professional qualified to certify the report.

(B) *Periodic compliance reports.* Periodic compliance reports shall be made as follows.

(1) Any significant industrial user, whether subject to categorical pretreatment standards or pretreatment requirements or not, after the compliance date of the categorical pretreatment standards or pretreatment requirements, or, in the case of a new source after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the categorical pretreatment standards or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by the categorical pretreatment standards or pretreatment requirements. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow. At the discretion of the Superintendent and in consideration of the factors as local high or low flow rates, holidays, budget cycles and the like, the Superintendent may agree to alter the months during which the above reports are to be submitted.

(2) (a) The Superintendent may impose mass limitations on industrial users which are using dilution to meet applicable categorical pretreatment standards or pretreatment requirements, or in other cases where the imposition of mass limitations is appropriate. In these cases, the report required by division (B)(1) above of this division shall indicate the mass of pollutants regulated by categorical pretreatment standards or pretreatment requirements in the effluent of the industrial 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 categorical pretreatment standards or pretreatment requirements. The frequency of monitoring shall be prescribed in the wastewater discharge permit. All analyses shall be performed in accordance with procedures pursuant to § 304(h) of the Act, being 33 U.S.C. § 1314(h), and contained in 40 C.F.R. Part 136 and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the Superintendent.

(b) Where 40 C.F.R. Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

(C) *Upset reports.* For the purposes of this section, **UPSET** means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (C)(2) below are met.

(2) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(c) The user has submitted the following information to the Superintendent within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided with five days):

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(1999 Code, § 101.12) Penalty, see § 52.999

§ 52.142 MONITORING FACILITIES.

The city may require to be provided and operated, at the industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the user's wastewater. The monitoring facility should normally be situated on the industrial user's premises, but the city may, when a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. When required, construction shall be completed within 90 days following written notification by the city.

(1999 Code, § 101.13) Penalty, see § 52.999

§ 52.143 INSPECTION AND SAMPLING.

The city shall inspect the facilities of any industrial user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants on premises where wastewater is created or discharged shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination/copying or in the performance of any of their duties. The city shall have the right to set up on the user's property the devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into its premises, the user

shall make necessary arrangements with its security personnel so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(1999 Code, § 101.14) Penalty, see § 52.999

§ 52.144 PRETREATMENT.

(A) Industrial users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all national categorical pretreatment standards or pretreatment requirements, within the time limitations as specified by the federal pretreatment regulations or pretreatment requirements. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this subchapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the industrial user's initiation of the changes. The city shall annually publish in the largest daily newspaper published in the city a list of the industrial users which, during the previous 12 months were in significant noncompliance. The notification shall also summarize any enforcement actions taken against the industrial users during the same 12 months. All records relating to compliance with categorical pretreatment standards or pretreatment requirements shall be made available to officials of the EPA and the state or approval authority upon request.

(B) All new wastewater sources, including but not limited to domestic, commercial and industrial users, in the Western Industrial Corridor and other surrounding areas discharging wastewater to the sewershed upstream of the sewage pump station at the northwest corner of East 21st Street/44th Avenue South and 49th Avenue/54th Street, shall also be required to (a) install, operate, and maintain a mechanical grinder(s) for all domestic wastewater and/or a mechanically cleaned car screen(s) for all other sources of wastewater prior to discharge to the city's sanitary sewer collection system, or (b) make other provisions with the city to ensure that a mechanical grinder(s) and/or a mechanically cleaned bar screen(s) is provided for such discharges upstream of the aforementioned sewage pump station. Mechanical grinder(s) shall comply with § 52.132(A)(8) of this Code of Ordinances and mechanically cleaned screens shall comply with § 52.132(A)(8) of this Code of Ordinances and Iowa Wastewater Facilities Design Standards Chapter 13 Wastewater Pumping Stations and Force Mains.

(1999 Code, § 101.15) (Ord. 2436, passed 12-14-2010) Penalty, see § 52.999

§ 52.145 CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public and governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of the information would divulge information, processes or methods of production 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 subchapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, the 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 the general public by the city. All information submitted, whether confidential or not, will be available to the EPA and the state.

(1999 Code, § 101.16)

§ 52.146 RESIDUALS GENERATED.

Sludges, floats, skimmings and the like generated by an industrial user or a commercial pretreatment system shall not be placed into the city's POTW. The residuals shall be contained, transported and disposed of by haulers in accordance with federal, state and local regulations.

(1999 Code, § 101.17) Penalty, see § 52.999

§ 52.147 WASTEWATER DISCHARGE PERMIT APPEALS.

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within seven days of notice of its issuance.

- (A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (D) If the Superintendent fails to act within seven days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Iowa District Court for the county within 30 days after final administrative action.

(1999 Code, § 101.18)

§ 52.148 PERMIT SUSPENSION.

The city may suspend the wastewater treatment service and/or a wastewater discharge permit when the suspension is necessary, in the opinion of the city, 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 with the operations of the POTW or causes or threatens to cause the city to violate any condition of its NPDES permit. Prior to the suspension, the city will verbally notify an authorized representative of the industrial user of the action. 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 city shall take 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 city shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. Users shall notify the city immediately upon having a slug or accidental discharge of substances or wastewater in violation of this subchapter in order to enable countermeasures to be taken by the city to minimize damage to the POTW and the receiving waters. The notification shall include the location of the discharge, date and time of the discharge, type of waste, concentration and volume, and corrective actions taken by the industry following the discharge. Within five days of the date of occurrence, the user shall submit to the city a detailed written statement describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences.

(1999 Code, § 101.19)

§ 52.149 REVOCATION OF PERMIT.

Any user who violates any of the following conditions of this subchapter or applicable state or federal regulations is subject to having the wastewater discharge permit revoked in accordance with the procedures set out in § 52.150:

- (A) Failure of a user to report factually the wastewater constituents and characteristics of the user's discharge;
- (B) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (D) Violation of conditions of the permit.

(1999 Code, § 101.20)

§ 52.150 PROCEDURE FOR REVOCATION OR OTHER ACTION.

(A) *Notification of violation.* Whenever the city finds that any user has violated or is violating this subchapter, wastewater discharge permit or any prohibition, limitation or requirement contained herein, the city may serve upon the user a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(B) *Notice of hearing.* The city may order any user who causes or allows conduct prohibited by division (A) above to show cause before the Council why enforcement action should not be taken against the user. A notice shall be served on the user specifying the time and place of a hearing to be held by the Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Council why 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 days before the hearing. The notice of hearing may be served on any agent or officer of a corporation.

(C) *Hearing officials.* The Council may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the city to:

(1) Issue in the name of the Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;

(2) Take the evidence; and

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Council for action thereon.

(D) *Transcripts.* At any hearing held pursuant to this subchapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(E) *Issuance of orders.* After the Council has reviewed the evidence, it may issue an order to the user responsible for the prohibited conduct. The order may direct that, following a specified time period, sewer service be discontinued unless the problem is corrected and additional measures are taken to prevent future problems. Further orders and directives as are necessary and appropriate may be issued. The orders may also revoke the user's wastewater discharge permit.

(F) *Legal action.* If any user discharges domestic wastewater, industrial wastes or other wastes into the city's POTW contrary to the provisions of this subchapter, federal or state pretreatment requirements or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in the District Court.

(1999 Code, § 101.21)

§ 52.151 RECORDS RETENTION.

All dischargers subject to this chapter shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are subject to any enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. The records retention period may be extended by the city, the state or EPA.

(1999 Code, § 101.22) Penalty, see § 52.999

ILLCIT DISCHARGE TO STORM SEWER SYSTEM

§ 52.165 FINDINGS.

(A) The U.S. EPA's national pollutant discharge elimination system (NPDES) permit program administered by the Iowa Department of Natural Resources (IDNR) requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of stormwater from a municipal separate storm sewer system (MS4) (MS4 permit). The city is subject to the program and is required to obtain, and has obtained, an MS4 permit; the city's MS4 permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

(B) As a condition of the city's MS4 permit, the city is obliged to adopt and enforce an illicit discharge to storm sewer system ordinance.

(C) No state or federal funds have been made available to assist the city in administering and enforcing the program. Accordingly, the city shall fund its operations under this subchapter entirely by charges imposed on the owners of properties which are made subject to the program by virtue of state and federal law, and/or other sources of funding established by a separate ordinance.

(D) Terms used in this subchapter shall have the meanings specified in the program.

(Ord. 2320, passed 3-14-2006)

§ 52.166 ILLICIT DISCHARGES PROHIBITED.

(A) For purposes of this subchapter, a **RESPONSIBLE PARTY** is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this subchapter and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned. For purposes of this subchapter, **PROPERTY** includes but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate.

(B) Nothing in this subchapter shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other federal, state or city permit, statute, ordinance or rule from any obligation imposed by the permit, statute, ordinance or rule if any obligation is greater than any obligation imposed by this subchapter.

(C) Any discharge into the city's storm sewer system prohibited by the city's MS4 permit, the terms of which are hereby incorporated by reference, shall be deemed an illicit discharge in violation of this subchapter.

(D) Sediment pollution originating from excessive erosion rates on a construction site or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the DNR shall be deemed an illicit discharge in violation of this subchapter.

(Ord. 2320, passed 3-14-2006) Penalty, see § 52.999

§ 52.167 ILLICIT CONNECTIONS PROHIBITED.

(A) For purposes of this subchapter, an **ILLICIT CONNECTION** to the city's storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the city, which causes or facilitates, directly or indirectly, an illicit discharge.

(B) The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this subchapter.

(C) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(Ord. 2320, passed 3-14-2006) Penalty, see § 52.999

§ 52.168 INDUSTRIAL DISCHARGES.

(A) Any responsible party subject to an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of the permit.

(B) Proof of compliance with the permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by the permit.

(Ord. 2320, passed 3-14-2006) Penalty, see § 52.999

§ 52.169 ILLICIT DISCHARGE DETECTION AND REPORTING; COST RECOVERY.

(A) All detection activities permitted under this subchapter shall be conducted by the Water Pollution Control Plant Superintendent,

or his or her designee, hereinbefore and after referred to as the enforcement officer.

(B) The city shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge or circumstances which may cause an illicit discharge, undetected by the city.

(C) Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges and to report to the enforcement officer illicit discharges, which the responsible party knows or should have known to have occurred. Failure to comply with any provision of this subchapter is a violation of this subchapter.

(1) Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment and cleanup of the discharge at the responsible party's sole cost.

(2) If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(3) If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Records shall be retained for at least three years.

(4) A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within 24 hours of the illicit discharge.

(D) Any person or entity shall also report to the city any illicit discharge or circumstances which the person or entity reasonably believes pose a risk of an illicit discharge.

(E) Upon receiving a report pursuant to the previous divisions, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete the corrective action or remediation within 24 hours.

(F) The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:

(1) A responsible party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual or imminent illicit discharge, and for the performance of any additional duties as defined by state and federal law;

(2) The enforcement officer shall have the right to set up on any property the devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge;

(3) The enforcement officer shall have the right to require any responsible party at responsible party's sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party's sole expense. All devices shall be calibrated to ensure their accuracy;

(4) Any temporary or permanent obstruction to safe and easy access to property to be inspected and/or sampled shall be promptly removed by the responsible party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing the access shall be borne by the responsible party;

(5) An unreasonable delay in allowing the enforcement officer access to a property is a violation of this subchapter; and

(6) If the enforcement officer has been refused access to any part of the property from an illicit connection and/or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this subchapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this subchapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

(G) If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the city in the

enforcement of this subchapter shall be recovered from the responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the city for the enforcement activities undertaken. Failure to pay charges invoiced under this subchapter within 30 days of billing shall constitute a violation of this subchapter.

(Ord. 2320, passed 3-14-2006) Penalty, see § 52.999

§ 52.170 SUSPENSION OF ACCESS TO THE CITY'S STORM SEWER SYSTEM.

(A) *Emergency suspension.* The enforcement officer may, without prior notice, suspend storm sewer system access to a property when the emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take steps as deemed necessary to prevent or minimize the illicit discharge. All costs of the action shall be recovered from the responsible party for the property identified as the source of the illicit discharge.

(B) *Non-emergency suspension.* If the enforcement officer detects or is informed of circumstances which could cause an illicit discharge but the illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement officer shall notify the responsible party of the proposed suspension of storm sewer system access and the time and date of the suspension. Notice to one responsible party for the property shall be sufficient notice to all. Remediation of the circumstances shall avoid a violation of this subchapter provided that no illicit discharge occurs. In the alternative, the responsible party may request a meeting with the enforcement officer for the purpose of presenting information which the responsible party believes will show that remediation is unnecessary, and if the enforcement officer finds the information is satisfactory the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds the information unsatisfactory the enforcement officer shall issue a final written order of suspension including the date and time of suspension and the order may be appealed as provided hereinafter. Any physical action to reinstate storm sewer system access to property subject to the order prior to obtaining a court order of relief shall be deemed a violation of this subchapter. An order of suspension shall not preclude charging the responsible party with a municipal infraction as provided hereinafter or taking any other enforcement action permitted by statute or ordinance.

(Ord. 2320, passed 3-14-2006)

§ 52.171 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property below the elevation of the 100-year flood free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate or significantly alter the quality of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that the structures will not become a hazard to the use, function or physical integrity of the watercourse.

(Ord. 2320, passed 3-14-2006) Penalty, see § 52.999

§ 52.172 ENFORCEMENT.

(A) Violation of any provision of this subchapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the city shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this subchapter.

(B) Violation of any provision of this ordinance may also be enforced as a municipal infraction within the meaning of § 10.99, pursuant to the city's municipal infraction division.

(C) Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

(Ord. 2320, passed 3-14-2006) Penalty, see § 52.999

§ 52.173 APPEAL.

(A) Any person aggrieved by the decision of the enforcement officer may appeal the decision to the City Council. The appeal shall be completed by filing a written notice of appeal with the City Clerk within 14 days from the date of issue of the written decision by the enforcement officer. For appeal purposes, the date of issue shall be the date the enforcement officer signs, dates and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the enforcement officer shall be final.

(B) The notice of appeal shall clearly set forth with specificity each and every ground that serves as the basis for the appeal, and it shall be accompanied by any pertinent information which may be required to adequately evaluate the appeal. Any matter not specifically raised in the notice of appeal shall be deemed to be final and shall not be reviewed by the City Council.

(C) The notice of appeal shall be accompanied by a \$100 filing fee for administrative and publication costs.

(D) Upon receipt of a timely filed notice of appeal, a hearing shall be scheduled no later than 20 working days after the date on which the written petition was filed and may be extended for a reasonable period by the Mayor's discretion, or upon written request from the petitioner or the building official, for good cause shown.

(E) In the event that an ambiguity arises as to an interpretation of the code, the City Council may interpret the code as applied to the specific instance presented. The decisions shall be on a case by case basis and shall not be binding in future cases.

(F) The City Council shall not waive any requirements of the code unless the City Council concludes that the provision(s) is unduly burdensome or impracticable under the circumstances. The decisions will also be as a case by case basis and shall not be binding in future cases.

(Ord. 2320, passed 3-14-2006)

§ 52.999 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Sanitary sewer system.* The following penalty provisions shall apply to violations of §§ 52.001 through 52.010, 52.025 through 52.034, 52.045 through 52.054, 52.065 through 52.073, 52.085 through 52.097, 52.110 through 52.119 and 52.130 through 52.151.

(1) *Notice of violation.* Any person found to be violating any provision of §§ 52.001 through 52.010, 52.025 through 52.034, 52.045 through 52.054, 52.065 through 52.073, 52.085 through 52.097 and 52.110 through 52.119, except § 52.004(A), (C) and (D), shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) *Continuing violations.* Any person who shall continue any violation beyond the time limit provided for in division (A)(1) above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding \$100 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(3) *Liability imposed.* Any person violating any of the provisions of these chapters shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

(1999 Code, § 95.11)

(C) *Sewage pretreatment program.*

(1) *Civil penalties.* Any user who is found to have violated an order of the Council or who has failed to comply with any provision of §§ 52.130 through 52.151 and orders, rules and regulations and permits issued hereunder shall be fined not more than \$1,000 for each offense. Each day on which a violation occurs or continues is deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated §§ 52.130 through 52.151 or the orders, rules, regulations and permits issued hereunder.

(2) *Recovery of costs for damage.* Any user violating any of the provisions of §§ 52.130 through 52.151 or who has a discharge which causes a deposit, obstruction, damage or other impairment to the city's POTW shall be liable to the city for any expense, loss or damage caused by the violation or discharge. The city may add to the user's charges and fees the costs assessed or incurred for any cleaning, repair or replacement work caused by the violation or discharge, or may bill the user directly. Refusal to pay the assessed or incurred costs shall constitute a violation of §§ 52.130 through 52.151.

(3) *Falsifying information.* Any person 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 §§ 52.130 through 52.151, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under §§ 52.130 through 52.151 shall upon conviction be punished by a fine of not more than \$100.

(1999 Code, § 101.23)

APPENDIX A: NOTICE; REQUIRED SEWER CONNECTION

Note: For a printer-friendly, PDF copy of Appendix A, please click [HERE](#)

NOTICE

REQUIRED SEWER CONNECTION

TO: _____

(Name)

(Street Address)

_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within the time limit.

DESCRIPTION OF PROPERTY

The nearest public sewer line within _____ feet of the above described property is located

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the city and the costs thereof assessed against you as by law provided.

Date of Notice: _____

City of Clinton, Iowa

By: _____, _____

(Name)

(Title)

(1999 Code, Appendix)

APPENDIX B: NOTICE OF HEARING; REQUIRED SEWER CONNECTION

Note: For a printer-friendly, PDF copy of Appendix B, please click [HERE](#)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: _____

(Name)

(Street Address)

_____, Iowa

You are hereby notified that the City Council of Clinton, Iowa, will meet on the ___ day of _____, 20___, at _____ o'clock _m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

DESCRIPTION OF PROPERTY

You are further notified that at such time and place you may appear and show cause why the connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of Clinton, Iowa

By: _____, _____

(Name)

(Title)

(1999 Code, Appendix)

APPENDIX C: RESOLUTION AND ORDER; REQUIRED SEWER CONNECTION

Note: For a printer-friendly, PDF copy of Appendix C, please click [HERE](#)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Clinton, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of _____, 20___, on _____, through _____, Agent, to make connection

(Name of Property Owner) (Agent's Name or "None")

of the property described as _____ to the public sanitary sewer located _____ within _____ days from service of notice upon the owner or agent; and

(EITHER)

WHEREAS, a hearing was requested by the owner or agent and the same was held at this meeting and evidence produced and considered by the City Council;

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the owner or agent named above has failed to make the required connection within the time set, and after evidence was duly produced and considered at this meeting, and the owner or agent has failed to file a written request for hearing after being properly served by a notice to make the connection or request a hearing thereon;

NOW, THEREFORE, BE IT RESOLVED that the owner of the property, or his or her agent, _____ is hereby directed and ordered to make the required connection within

(Name of Owner or Agent)

_____ days after the service of this ORDER upon him or her; and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon the property owner or agent named above; and

BE IT FURTHER RESOLVED, that in the event the owner, or agent, _____, fails to

(Name of Owner or Agent)

make the connection within the time prescribed above, then and in that event the city will make the connection and the cost thereof will be assessed against the property and/or owner _____

_____, as provided by law.

(Owner's Name)