

CHAPTER 54: SEWER SYSTEM

Section

- 54.01 Operating and funding
- 54.02 Definitions
- 54.03 Sewer contract
- 54.04 Service contracts
- 54.05 Installation expense
- 54.06 Repairs and maintenance
- 54.07 Classification
- 54.08 Rate setting
- 54.09 Rates
- 54.10 Service deposit
- 54.11 Fees and collections; user charge review; special assessments
- 54.12 Manholes
- 54.13 Service to non-residents
- 54.14 Use of public sewers; required
- 54.15 Private sewage disposal
- 54.16 Building sewers and connections; permits
- 54.17 Protection from damage
- 54.18 Powers and authorities of inspectors
- 54.19 Repairs and replacement

- 54.99 Penalty

§ 54.01 OPERATING AND FUNDING.

The city owns and operates the city sewer system through the City Administrator. When performing duties for the sewer system, the City Administrator shall be referred to as the Sewer Commissioner. The City Administrator shall direct the operation of the sewer system by and through his or her agent. The duties and responsibilities of the agent shall be determined by the City Administrator. The Council for the purpose of defraying the cost of the management and maintenance of the city sewer system may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation, and may charge user fees based on the actual use of the system. The revenue from the tax and user charge system shall

be known as the Sewer Fund and shall remain in the custody of the City Treasurer. The Sewer Commissioner or his or her agent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department, subject to the supervision and review of the Council. The Council shall set the rates to be charged for services rendered by resolution and shall file a copy of the rates in the office of the City Clerk for public inspection at any reasonable time.

(2002 Code, § 82-261) (Ord. 97-5, passed 3-25-1997)

§ 54.02 DEFINITIONS.

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

BOD. Denoting **BIOCHEMICAL OXYGEN DEMAND**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste or 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 extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

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

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

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

OPERATION AND MAINTENANCE. All expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewer works to achieve the capacity and performance for which such works were designed and constructed.

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

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

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

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes **REPLACEMENT**.

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

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

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

SEWER. A pipe or conduit for carrying sewage.

SEWER COMMISSIONER. The City Administrator or his or her designee.

SEWER SYSTEM. All facilities for collecting, pumping, treating and disposing of sewage.

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

SUPERINTENDENT. The Water/Wastewater Superintendent of the city or his or her authorized deputy, agent or representative.

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

TREATMENT WORKS. Any devices and systems for the storage, treatment, recycling and reclamation of city sewage, domestic sewage or liquid industrial wastes. These include intercepting

sewers, outfall sewers, sewage collection system, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of city waste or industrial waste.

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

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently. (2002 Code, § 82-262) (Ord. 97-5, passed 3-25-1997)

§ 54.03 SEWER CONTRACT.

The city, through the City Sewer Department, shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is laid. The city may also furnish sewer service to persons whose premises are situated outside the corporate limits of the city, as and when, according to law, the Council may see fit to do so. The rules, regulations and sewer rental rates named in this chapter shall be considered a part of every application made for sewer service and shall be considered a part of the contract between every customer served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers shall constitute a contract between the customer and the city, to which contract both parties are bound. If the customer shall violate any of the provisions of the contract or any reasonable rules and regulations the Council may adopt, the Sewer Commissioner or his or her agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to such building or premises shall again be made save or except by order of the Sewer Commissioner or his or her agent.

(2002 Code, § 82-263)

§ 54.04 SERVICE CONTRACTS.

(A) Contracts for sewer service are not transferable.

(B) Any person wishing to change from one location to another may be required to make a new application and sign a new contract.

(C) If any customer shall move from the premises where service is furnished, or if the premises is destroyed by fire or other casualty, he or she shall at once inform the Sewer Commissioner. If the customer should fail to give notice, he or she shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances.

(2002 Code, § 82-264)

§ 54.05 INSTALLATION EXPENSE.

The customer, upon approval of the application for sewer service, shall pay to the City Clerk any fees as required by § 53.019(B) of this code. The customer shall then be required to pay the expense of procuring the materials required and the services of a licensed plumber, and shall pay all other costs of the installation. These costs shall include all pipe and services required to the sewer line from the sewer main to the point of collection.

(2002 Code, § 82-265)

§ 54.06 REPAIRS AND MAINTENANCE.

The city shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main, to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the Sewer Commissioner provided they have been previously approved by the Council.

(2002 Code, § 82-266)

§ 54.07 CLASSIFICATION.

The Council may classify for the purpose of rental fees the customers of the city sewer system provided such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

(2002 Code, § 82-267)

Statutory reference:

Authority to make rules and regulations, see Neb. RS 18-503

§ 54.08 RATE SETTING.

(A) For the purpose of paying the cost of maintenance, operation and retiring the debt of the sanitary sewer system, including the wastewater treatment plant of the city, there shall be established, fixed and imposed upon the users of the system rates and charges for sewer service in the city.

(B) Each user shall pay for the services provided by the city based upon use of the treatment works, as determined by water meters acceptable to the city.

(C) If an industrial or institutional contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meter installed and maintained at the contributor's expense, in any manner acceptable to the city. All contributors shall pay a charge as provided in § 54.09 of this chapter.

(D) Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works or any works which discharges any substance, which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased cost. The charge to each such user will be as determined by the Sewer Commissioner and approved by the Council.

(E) The user charge system shall generate adequate revenues to pay the cost of annual operation and maintenance, including replacement and costs for debt retirement of bonded capital associated with financing the treatment works, which the city may, by ordinance, designate to be paid by the user charge system.

(F) The portion of the total user charge collected, which is designated for operation and maintenance, including replacement purposes as established in this section, shall be deposited in a separate non-elapsing fund known as the Operation, Maintenance and Replacement Fund. The Operation, Maintenance and Replacement Fund shall be a subfund of the Sewer Fund. The Operation, Maintenance and Replacement Fund will be maintained in two primary accounts and subaccounts as follows:

(1) An account designated for the specific purpose of deferring operation and maintenance costs, excluding replacement of the treatment works, known as the Operation and Maintenance Account; provided, the city may maintain separate subaccounts known as the Operation Account and Maintenance Account; and

(2) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works, known as the Replacement Account. Deposits in the Replacement Account shall be made annually from the operation, maintenance and replacement revenue in an adequate amount.

(G) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

(H) Of the revenue collected, a sufficient amount per year shall be allocated for debt service retirement, to be apportioned among the users according to the rates established in this section.

(I) Anything in this section to the contrary notwithstanding, the city shall have the right to issue additional bonds or notes payable from the revenues of its sanitary sewer system, such bonds being either revenue bonds, or notes or bonds payable from special or general taxes levied by the city. The city shall have the right to impose rates and charges sufficient to provide for the payment of debt service on such bonds or notes, and such reasonable reserves for such bonds and notes as the Council deems appropriate.

(J) Anything in this section to the contrary notwithstanding, the city shall have the right to issue additional combined water and sanitary sewer revenue bonds, as provided by statute.
(2002 Code, § 82-268)

§ 54.09 RATES.

All contributors to the sanitary sewer system shall be subject to the following and pay charges as follows.

(A) *Net monthly bill.* The net monthly bill is the charge computed at the net monthly rate. The net monthly rate shall apply when payment is made on or before the due date.

(B) *Gross monthly bill.* The gross monthly bill is the charge computed at the gross monthly rate. The gross monthly rate shall apply when payment is made after the due date.

(C) *Due date.* The due date is the tenth day following the date on which a customer's bill is computed, after which date such bill shall become delinquent and the gross monthly bill shall apply. If the tenth day falls on a Saturday, Sunday or holiday, the deadline for payment of net monthly bills shall be extended to the next working day.

(D) *Payment.* The contributor shall pay for sanitary sewer service monthly or at such other interval as is prescribed by the applicable rate schedule. The net bill shall apply if payment is made on or before the due date. If the bill is not paid by the due date, the gross bill shall apply; and such bill shall become delinquent.

(E) *Tax clause.* To the total of all charges under the appropriate rate schedules shall be added the applicable existing state and city taxes; and also added shall be any new or additional taxes, or increases in the rates of existing taxes, imposed after the effective date of the rate schedule by any governmental authority upon the service rendered by the city.

(F) *Rates.* The sewer service and user rates shall be established by resolution.

(G) *Applicability.* The charge shall be levied to each property served by the sanitary sewer system, regardless of location.

(2002 Code, § 82-269)

Statutory reference:

Authority to set rates for the use of the sewer system, see Neb. RS 18-503

§ 54.10 SERVICE DEPOSIT.

(A) The Council, in its discretion, may require a service deposit from any or all customers of the city sewer system in a sum set by resolution and filed in the office of the City Clerk for public inspection

at any reasonable time. From the Fund shall be deducted all delinquent sewer charges. The deposit shall be collected by the City Clerk, who shall immediately turn the deposit over to the City Treasurer, who shall keep the deposit in a trust fund for customers of the sewer system.

(B) The Fund shall be put out at interest separate and apart from other funds. Interest arising from the Fund shall be expended solely for the repair of equipment and property belonging to the city sewer system.

(2002 Code, § 82-270)

§ 54.11 FEES AND COLLECTIONS; USER CHARGE REVIEW; SPECIAL ASSESSMENTS.

(A) Each user charged for sewer service shall pay to the City Clerk at the City Hall the amount due the city for the sewer use charge. The City Clerk is authorized and directed to render bills for sewer service every month.

(B) (1) If a bill is not paid by the due date, the gross bill shall apply; such bill shall become delinquent, and the city reserves the right to discontinue service.

(2) Service disconnected for delinquency will not be reconnected until all charges, including the current resumption of service fee have been paid. Discontinuance of service procedures are specifically governed by §§ 51.15 through 51.20 of this code.

(C) If a customer shall, for any reason, order the service discontinued or shall vacate the premises, the amount due, together with any fees and charges in arrears, shall be considered as a delinquent sewer rental, which is declared to be a lien upon the premises or real estate for which or from which the sewer was used or supplied; and upon the refusal of the customer to pay the delinquent sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection.

(D) At least once every year, the Council shall review the sewer user charge system in order to maintain its adequacy to pay the costs of operation and maintenance, including replacement costs and debt service.

(E) The Council shall have the power, by resolution, to establish fair and reasonable special assessments to the sewer users of the city to apply only in special cases which are not covered by the schedule of rates as provided in § 54.09 of this chapter.

(2002 Code, § 82-271)

Statutory reference:

Discontinuance of utility service, see Neb. RS 70-1601 et seq.

§ 54.12 MANHOLES.

Entrance into a manhole or opening for any purpose, except by authorized persons, is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

(2002 Code, § 82-272) Penalty, see § 54.99

§ 54.13 SERVICE TO NON-RESIDENTS.

Any person whose premises is located outside the corporate limits of the city and who desires to install a house or building sewer that will be connected with the city sewer system shall file a written application with the City Clerk for a permit for such connection, setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises are devoted, and such other information as the Council may require. If the application is approved, the provisions of §§ 53.019(B) of this code and 54.05 of this chapter shall apply to the applicant.

(2002 Code, § 82-273)

§ 54.14 USE OF PUBLIC SEWERS; REQUIRED.

(A) (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this chapter.

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

(4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city abutting on any street, alley or right-of-way in which there is located a public sanitary or combined sewer of the city is required, at his or her expense, to install suitable toilet facilities and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 60 days after date of official notice to do so; provided, the public sewer is within 300 feet of the property line.

(2002 Code, § 82-274)

(B) (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial waters to any sanitary sewer.

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

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

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewer works; and/or

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(4) 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 Sewer Commissioner that such 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 or public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Sewer Commissioner will give consideration to such factors 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. The substances prohibited are as follows:

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

(b) Any waters or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C);

(c) Any garbage that has not been properly shredded, The installation and operation of any garbage grinder equipped with a motor three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Sewer Commissioner;

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Sewer Commissioner for such materials;

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Sewer Commissioner as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer Commissioner in compliance with applicable state or federal regulations;

(h) Any waters or wastes having a pH in excess of 9.5;

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate);

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

3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

4. Unusual volume of flow or concentration of wastes constituting slugs.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; and/or

(k) Any waters or wastes having a five-day biochemical oxygen demand greater than 300 parts per million by weight, containing more than 350 parts per million by weight of suspended solids,

or having an average daily flow greater than 2% of the average sewage flow of the city shall be subject to the review of the Sewer Commissioner.

(5) Where necessary in the opinion of the Sewer Commissioner, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight, reduce the suspended solids to 350 parts per million by weight, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Sewer Commissioner; and no construction of such facilities shall be commenced until such approvals are obtained in writing.

(6) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (B)(4) above, and which in the judgment of the Sewer Commissioner may have a deleterious effect upon the sewer works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sewer Commissioner may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (B)(8) below.

(7) If the Sewer Commissioner 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 Sewer Commissioner, and subject to the requirements of all applicable codes, ordinances and laws.

(8) Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Commissioner and shall be located as to be readily and easily accessible for cleaning and inspection.

(9) 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 his or her expense.

(10) When required by the Sewer Commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such

necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Sewer Commissioner. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(11) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer 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 premises is appropriate or whether a grab sample 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.)

(12) No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment, by the industrial concern.

(2002 Code, § 82-277)

§ 54.15 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 54.14(A)(4) of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Sewer Commissioner. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Sewer Commissioner. A permit and inspection fee of \$50 shall be paid to the city at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Sewer Commissioner. He or she shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the Sewer Commissioner when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Sewer Commissioner.

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health and Human Services (DHHS). No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 108,900 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided within this section, a direct connection shall be made to the public sewer in compliance with this chapter; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) The owner shall operate and maintain the private disposal facilities in a sanitary manner at all times, at no expense to the city.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the DHHS.

(H) When a public sewer becomes available, the building sewer shall be connected to the public sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(2002 Code, § 82-275)

§ 54.16 BUILDING SEWERS AND CONNECTIONS; PERMITS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining approval from the Sewer Commissioner.

(B) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(C) 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(D) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Water Commissioner, to meet all requirements of this chapter.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform

to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city.

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

(G) No person shall make connection of roof downspouts, exterior and/or interior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(H) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Water Commissioner before installation.

(I) The applicant for the building sewer permit shall notify the Water Commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Water Commissioner or his or her representatives.

(J) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
(2002 Code, § 82-276) Penalty, see § 54.99

§ 54.17 PROTECTION FROM DAMAGE.

(A) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewer works.

(B) Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.
(2002 Code, § 82-278) Penalty, see § 54.99

§ 54.18 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Sewer Commissioner 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 chapter. The Sewer Commissioner or his or her 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.

(B) While performing the necessary work on private properties referred to in this section, the Sewer Commissioner or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company; and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

(C) The Sewer Commissioner 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 sewer 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.

(2002 Code, § 82-279)

§ 54.19 REPAIRS AND REPLACEMENT.

(A) The Sewer Commissioner may require the owner of any property which is within the city and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

(B) (1) The City Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line.

(2) If, within 30 days of mailing such notice, the property owner fails or neglects to cause such repairs or replacements to be made, the Sewer Commissioner may cause such work to be done and assess the cost upon the property served by such connection.

(2002 Code, § 82-281)

§ 54.99 PENALTY.

(A) Any person found to be violating any provision of this chapter, except § 54.14(B) of this chapter, shall be served by the city with written notice stating the nature of the violation and providing

a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for within this section shall be guilty of a misdemeanor and, on conviction thereof, shall be punished in accordance with § 10.99 of this code.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(2002 Code, § 82-280)

