

## **CHAPTER 32 - UTILITIES**

Charter References- Authority to furnish utility service: Public Utilities and Services § 1.13(cc); Sewer Fees § 1.13(gg); Utility Charges, § 6.15

Cross References- Buildings and building regulations-Sec. 105; flow rate restrictions on plumbing fixtures- Sec. 105-42(a)(6)(adopting International Plumbing Code); damaging, interfering with poles, or other fixtures prohibited- Sec. 105-21.

State law reference- Adoption of ordinances, rules and regulations relating to payment for street improvements and construction of water, gas and sewer connections, O.C.G.A. § 36-39-7.

### **ARTICLE I - IN GENERAL**

#### **Sec. 32-1. Utility apparatus; diversion of services.**

- (a) It shall be unlawful for any person intentionally and without authority to destroy, damage or tamper with any meter, pipe, conduit, wire, line, post, lamp or other apparatus owned by the city or by any company engaged in the manufacture or sale of electricity, gas, water, telephone or other public service.
- (b) It shall be unlawful for any person, intentionally and without authority, to prevent a meter from properly registering the quantity of such service supplied, or in any way to interfere with the proper action of the city or of a company engaged in the manufacture or sale of electricity, gas, water, telephone or other public service; intentionally and without authority use or cause to be used, without the consent of the city or such company, any service manufactured, sold or distributed by the city or such company.
- (c) No person shall knowingly receive the benefit of acts of diversion of or tampering with electricity, gas, water, telephone or other public service without the proper charge.
- (d) Proof that any of the acts specified in this section was done on premises in possession of an accused, or that the accused received the benefit of any act, shall be prima facie evidence that the accused committed such act or aided and abetted in the commission of such act.

#### **Sec. 32-2. Penalty for violation.**

Violations of any of the provisions of this chapter shall be punishable as a misdemeanor in accordance with sections 1-10, 38-1 and 38-25.

#### **Secs. 32-3—32-25. Reserved.**

### **ARTICLE II- GAS SERVICE**

#### **Sec. 32-26. License Required.**

In addition to all other requirements and provisions of this article, it shall be unlawful for any person to engage in the business of laying gas pipes, to install gas appliances, to repair or extend gas fixtures or equipment, to make alterations or additions thereto or to otherwise engage in the business of a gasfitter within the gas system owned and serviced by the city without being licensed.

#### **Sec. 32-27 Permit required.**

- (a) No person shall, without first securing a permit from the city, lay or place any gas pipe or install any gas appliance or gas installation, or repair, extend, alter, change, or make any addition to any gas installation, appliance or equipment within the gas system owned by the city.
- (b) Permit application blanks shall be furnished by the city to all qualified gasfitters holding a certificate of qualification. Such application blanks, when completed, must give a complete description of the work to be performed, including a piping layout for heating equipment installations and the location on the premises where the installation is to be made.

**Sec. 32-28 Liability for damages.**

This article shall not be construed to relieve from or lessen the responsibility or liability of any person selling, offering for sale, owning, operating, controlling or installing any gas equipment, appliances or any party repairing, extending or changing gas equipment or equipment being converted to the use of gas burners for damages to persons or property caused by any defect therein. Nor shall the city be held to assume any such liability by reason of the inspection or re-inspection of the premises, installation or equipment authorized in this article, or by reason of the issuance of a certificate of qualification or of an approval or any other certificate issued as provided in this article, or by reason of the approval or disapproval of any equipment which may be installed, converted, changed, repaired or extended as provided by this article.

**Secs. 32-29—32-45 – Reserved.**

**ARTICLE II -SEWER USE**

**State law reference**-Power of city to provide storm water, sewerage collection and disposable systems, Ga. Const. Art. 9, Section, 2. Paragraph 3.

**DIVISION 1 – GENERALLY**

**Sec. 32-46. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*BOD (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million (1 ppm= 1 milligram per liter).

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Composite* means the makeup of a number of individual samples, so taken as to represent the nature of sewage or industrial wastes.

*Constituents* mean the combination of particles or conditions which exist in industrial wastes.

*Effluent* means the discharge flow of a treatment facility.

*Equalizing units* means those devices or structures constructed to evenly regulate either, or both, the strength and volume of wastes.

*Flammable* shall be as defined by the state fire marshal.

*Garbage* means solid wastes from the preparation, cooking and disposing of food, and from the handling, storage and sale of produce.

*Industrial user* shall be as defined by the Environmental Protection Agency.

*Industrial wastes* mean the liquid wastes from the industrial processes as distinct from domestic sewage.

*Infiltration/inflow* means any rainwater, surface water or groundwater which enters the sewage system such as a seepage or direct flow into sewer pipes, manholes, etc.

*Influent* means the wastewaters arriving at the sewage treatment plant for treatment and/or those structures associated with its initial treatment.

*Metered water* means the amount of water consumed by the sewer customer in the city, as measured by a city water meter, or other approved measuring device.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*Normal or domestic* means those values taken as standards in the measurement of sewage strength. For the purposes of this article, these limits are defined in sections 32-213 and 32-216.

*Person, establishment or owner* means any individual, firm, company, association, society, corporation, partnership, or group, their agents, servants or employees.

*pH* means the logarithm of the reciprocal of the hydrogen ion concentration in moles per liter

*Pretreatment* means that physical or chemical treatment given to waste or those processes utilized for this purpose.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such 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 in any dimension.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Receiving waters* means those waters into which wastes are discharged.

*Residential or domestic user* means a premises or person who discharges wastewaters to the city sewers, which closely match normal sewage as to its volume and strength, and further, for billing purposes, is defined as a dwelling place or place of residence.

*Sanitary sewer* means a sewer which carries sewage and to which storm water, surface water and storm water as may be present.

*Sewage or wastes or wastewater* mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments together with such groundwater, surface water and storm water as may be present.

- (a) *Sewage treatment plant* means any arrangement of devices and structures used for treating sewage presently owned or afterward acquired by the city.
- (b) *Sewer* means a pipe or conduit for carrying sewage.
- (c) *Sewer service charge* means the charge assessed against the sewer customers by the city that they are connected to, or have access to, the city sewage system.
- (d) *Standard methods* means those procedures or methods established by the latest edition of the "Standard Methods for the Examination of Water and Sewage," as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations, a copy of which is on file in the office of the superintendent.
- (e) *Storm sewer or storm drain* means a sewer which carries storm water and surface water and drainage, but excludes sewage and polluted industrial wastes.
- (f) *Superintendent* means the superintendent or manager of the sewerage works of the city or his authorized deputy, agent or representative.
- (g) *Surcharge rate* means the additional service charge assessed against industries in the city whose waste characteristics exceed those of normal sewage.
- (h) *Suspended solids* mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
- (i) *Toxic* means constituents of wastes which adversely affect living organisms, including the organism involved in sewage treatment.
- (j) *Wastewater treatment facilities or sewerage works or treatment works* means all facilities for collecting, pumping, treating and disposing of sewage.

- (k) *Water meter* means those devices, approved by the superintendent of the city water system for the purpose of establishing the quantity of water consumed by a premises or person.
- (l) *Watercourse* means a channel in which flow of water occurs, either continuously or intermittently.

**Sec. 32-47. Damaging or destroying sewerage works.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct of malicious mischief.

**Sec. 32-48. Right of entry of authorized employees.**

The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of these articles.

**Sec. 32-49. Notice of violation**

Any person found to be violating any provisions of this article, except section 32-47, shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of such violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Sec. 32-50. Penalty for violation**

Any person who shall violate the provisions of section 32-47 or who shall continue any violation hereof beyond the time limit provided for in section 32-154 or who shall continue any other violation beyond the time limit provided for in section 32-49, shall be guilty of a misdemeanor and, upon conviction thereof shall be punished according to the provisions of section 1-10.

**Sec. 32-51. Compliance with state and federal regulations.**

The provisions of this article shall not be deemed as alleviating compliance with applicable state and federal regulations. Any violation of state and federal regulations may be prosecuted as a violation of this ordinance as if said resolution was adopted verbatim.

**Secs. 32-52.—32-135 - Reserved**

**DIVISION 2 - CHARGES AND BILLING**

**Sec. 32-136. Charges established.**

It is hereby determined necessary to the protection of the public health, safety, welfare and convenience of the city, to fix and collect charges upon all premises of facilities served by sewerage connection with the sewerage of the city.

**Sec. 32-137. Uses of proceeds.**

The revenue received from the collection of such charges, as authorized in this division together with all other revenue derived from the operation of the system shall be deposited with the municipal revenue collector and shall be used for the operation and maintenance of the sewerage systems and incidental expenses connected therewith; to pay debt requirements on revenue bonds issued to provide funds for the construction, improvement, repair and extension of the sewerage and water purification systems, facilities and appurtenances used in connection with the operation of the systems; to acquire necessary easements or the purchase of land; and to provide funds for the necessary reserves for debt and improvements.

**Sec. 32-138. Determination of amounts of sewer service charges.**

- (a) For the purpose provided in section 32-137, there is hereby charged and assessed to each premises or facility served by connection with the sewage system of the city, or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into the sewerage system, a sewer service charge shall be assessed at the established rate.
- (b) The sewer service charge shall be based upon the quantity of water used by the premises or facility therein or thereon as the water is measured by a water meter in use, or as otherwise currently established.

- (c) Water used from private sources shall be metered as required in section 32-139 and will be figured at prevailing city water rates and the sewer service charges.

**Sec. 32-139. Independent water supply; installation of water.**

If a lot, parcel of land, premises or facility discharging sewage, industrial waste, water or other liquids, either directly or indirectly into the city's sewerage system, or which ultimately enters the sewerage system, is supplied, either whole or in part, with water from wells or any other source other than the city waterworks, then such wells or other source of supply shall be registered with the city waterworks on or before August 11, 1980, and, if the water is not metered, the owner or occupant shall, at his own cost, install and maintain a meter on the supplies in such a location and in such a manner as is satisfactory to the city waterworks. These meters shall serve as a control for the establishment of the sewer service charge and shall be read monthly or bimonthly by members of the city waterworks.

**Sec. 32-140. Additional meters.**

Where it can be shown to the satisfaction of the superintendent that a significant portion of the water, as measured by the meter, does not enter the sewerage system, then the superintendent may require or permit the installation of additional meters or other devices as may be deemed necessary to establish that portion that does enter the sewerage system, and the corrected meter flow will be used for billing of the sewerage service charge. All such additional facilities will be provided by the owner at the premises concerned or other interested parties at no expense to the city.

**Sec. 32-141. Locations for payment.**

Sewer service charges and surcharges provided in this division shall be payable at the city hall, or at other authorized locations, at the same time as the water bills for the lot, parcel of land, building, premises or facility is payable, and payments for water shall not be accepted unless payment of the sewer service charge and/or surcharge is made at the same time.

**Secs. 32-142—32-150. Reserved.**

**DIVISION 3 - USE OF SEWERS REQUIRED**

**Sec. 32-151. Deposit on public or private property of excrement, garbage and other waste prohibited.**

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

**Sec. 32-152. Discharge to outlets of sanitary sewage; industrial wastes; polluted waters prohibited**

It shall be unlawful to discharge to any natural outlet within the city, or in any area under jurisdiction of the city, any sanitary sewage, industrial wastes, or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

**Sec. 32-153. Construction or maintenance of private disposal system.**

Except as provided in division 3, 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.

**Sec. 32-154. Construction of sanitary sewer line; application for connection; costs and tap-on charges; owner's expense.**

- (a) The owners of the houses, buildings, or properties used for human occupancy, employment, recreation or other purposes within the corporate limits of the city and located upon property abutting a street in which there is a sanitary sewer line are hereby required at their own expense to install suitable sanitary facilities therein. The owner shall then construct a sanitary sewer line from his house to the property line, in accordance with these specifications, and make application to the city for a connection from the property line to the sewer line in the street within 90 days of the official notice so to do.
- (b) The owner shall pay all costs of the sanitary sewer facilities on his property as well as the sewer tap-on charge in effect by the city at the time of the connection.

**Secs. 32-155—32-165 Reserved**

**DIVISION 4 - PRIVATE SEWAGE DISPOSAL**

**Sec. 32-166. Required where public sanitary sewer not available.**

Where a public sanitary sewer is not available under the provisions of section 32-154, the building shall be connected to a private sewage disposal system complying with the provisions of this decision.

**Sec. 32-167. Permit required; application; inspection fee.**

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

**Sec. 32-168. Inspection.**

A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

**Sec. 32-169. Compliance with state and other regulations.**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the department of natural resources and the state health department. 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 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

**Sec. 32-170. Direct connection to be made upon availability; abandonment and filling of private system.**

At such time as public sewer becomes available to a property served by a private sewage disposal system, as provided in section 32-154, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**Sec. 32-171. Owner maintenance required.**

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

**Sec. 32-172. Additional requirements.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the superintendent.

**Secs. 32-173—185. Reserved**

**DIVISION 5 - BUILDING SEWERS AND CONNECTIONS**

**Sec. 32-186. Permit for use required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the superintendent.

**Sec. 32-187. Classes of permits; fees.**

There shall be two classes of building permits:

- (1) For residential and commercial service, and
- (2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee as currently required for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the city at the time the application is filed.

**Sec. 32-188. Inspection prior to connection to public sewer.**

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer.

**Sec. 32-189. Connection costs and expenses borne by owner; tap fee.**

All cost and expense incident to the connection of the building sewer from the owner's building to the city property line shall be borne by the owner. The owner shall indemnify the city from any loss or damage that me directly or indirectly occasioned by the connection of the building sewer. Any connection from the city property line into the public sewer may be made by the city, for which the owner shall pay the city a standard sewer tap fee.

**Sec. 32-190. Separate sewer for each building; inspection.**

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.

**Sec. 32-191. Use of old building sewers.**

Old building sewers may be used in connection with new buildings, only when they are found, on examination and test by the superintendent, to meet all the requirements of this article.

**Sec. 32-192. Size and slope.**

The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot. No sewer line, parallel with a water line shall be laid closer than ten feet from the water line.

**Sec. 32-193. Elevation and alignment.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid on a grade and in straight alignment. Changes in direction shall be made only with proper fittings.

**Sec. 32-194. Lifting of sewage.**

In all buildings in which any building drain is too low to permit flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

**Sec. 32-195. Excavation requirements; pipe laying and backfill.**

All excavations required for the installation of a building sewer shall be approved by the superintendent. Pipe laying and back fill shall be performed in accordance with ASTM specifications or as otherwise provided for under applicable regulations. No backfill shall be placed until the work has been inspected.

**Sec. 32-196. Connection to public sewer.**

The connection of the building sewer into the public sewer shall be made at the Y branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located Y branch is available, the city shall install a Y branch in the public sewer at the location specified by the superintendent. Where the public sewer is greater than 12 inches in diameter, and no properly located Y is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or higher elevation than the center of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

**Sec. 32-197. Guarding of excavations.**

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.

**Secs. 32-198—32-210. Reserved**

**DIVISION 6 - PROHIBITED MATERIALS**

**Sec. 32-211. Prohibited waters.**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water unpolluted industrial process waters to any sanitary sewer.

**Sec. 32-212. Discharge of unpolluted drainage.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged upon the approval of the state department of natural resources to a storm sewer or natural outlet.

**Sec. 32-213. Prohibited discharges.**

Except as provided in this article, no person shall discharge or cause to be discharged any of the following waters or wastes to any public sewer:

- (1) Storm and drainage
- (2) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (66 degrees Celsius).
- (3) Any water or waste which may contain more than 100 parts per million of fat, oil or grease.
- (4) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.
- (5) Any garbage that has not been properly shredded.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tars, plastics, wood, bulk solids or any other solid waste or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (7) Any water or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (8) Any waters or wastes containing chemical residues, textile fibers, toxic materials or other industrial byproduct in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (9) Any waters or wastes containing suspended solids or of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(10) Any noxious or malodorous gas or substance capable of creating a public nuisance.

**Sec. 32-214. Grease, oil and sand interceptors-Use; specifications.**

- (a) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease on excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be readily and easily accessible for cleaning and inspection.
- (b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

**Sec. 32-215. Same-Maintenance.**

When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient at all times.

**Sec. 32-216. Preliminary treatment facilities-Determination of need.**

The admission into the public sewers of any water or wastes having a five-day biochemical oxygen demand greater than 350 parts per million, containing more than 350 parts per million of suspended solids, containing any quantity of substance having characteristics described in section 32-213, or having an average daily flow greater than 5 percent of the average daily sewage flow of the city, shall be subject to the review and approval of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand and suspended solids to acceptable levels, reduce objectionable characteristic or constituents to within the maximum limits provided for in section 32-213, or control the quantities and rate of discharge of such water or wastes. 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 such facilities shall be commenced until the approval is obtained in writing.

**Sec. 32-217. Same-Maintenance.**

Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**Sec. 32-218. Installation of control manhole.**

When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and the owner at his expense shall maintain the manhole as to be safe and accessible at all times.

**Sec. 32-219. Special agreements with industrial users.**

No statement contained in this article 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 therefor by the industrial concern.

**Secs. 32-220—32-230. Reserved.**

**DIVISION 7 - INDUSTRIAL PRETREATMENT**

**Sec. 32-231. Federal regulations shall govern.**

The Clean Water Act of 1977 (Public Law 95-217) governs industrial discharge, and specific rules for industrial pretreatment are contained in Pretreatment Regulation (40 CFR 403), as issued by the U.S. Environmental Protection Agency. Industrial users will be required to cooperate with the city in complying with the federal regulations. The City Industrial User Ordinance is attached as Appendix E.

**Secs. 32-232—32-250. Reserved**

**ARTICLE IV - WATER AND SEWER SERVICE**

**Sec. 32-251. Rate schedule.**

The water and sewer rate schedules for the city shall be set from time to time by the council and are on file and available for inspection in the city clerk's office.

**Sec. 32-252. Application for water service.**

The consumer shall make application for water and sewer service, in person, at the city hall, and at the same time shall make the currently required cash security deposit.

**Sec. 32-253. Charges for initial water and sewer service.**

Each consumer subscribing to use the water and sewer service of the city shall pay currently required connection fee for water service and sewer service.

**Sec. 32-254. Minimum charges.**

The minimum charge, as provided in the rate schedule, shall be made for such connection subscribed for. Water furnished for a given lot shall be used on that lot only and, except for fire protection, the city shall not under any condition furnish water free of charge to anyone.

**Sec. 32-255. City's responsibility and liability.**

- (a) The city shall run a service line from its distribution line to the property line where the distribution line exists or is to be constructed and runs immediately adjacent and parallel to the property to be served. No service charge, other than the connection fee referred to in section 32-253 will be made for a 5/8-inch x 3/4-inch meter. A proportionately greater charge than the connection fee above will be made for a meter of larger dimensions.
- (b) The city may make connections to service other properties not adjacent to its lines upon payment of reasonable costs for the extensions of its distribution lines as may be required to render such service.
- (c) The city may install its meter at or near the property line or, at the city's option, on the consumer's property within three feet of the property line.
- (d) The city reserves the right to refuse service unless the consumer's lines or pipings are installed in such manner as to prevent cross connections or backflow.
- (e) Under normal conditions the consumer will be notified of any anticipated interruptions of service by the city.

**Sec. 32-256. Consumer's responsibility and liability.**

- (a) Water furnished by the city shall be used for consumption by the consumer, members of his household and employees only. The consumer shall not sell water to any person or permit any other person to use said water. Water shall not be used for irrigation, fire protection, or other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.
- (b) Where meter or meter box is placed on the premises of a consumer, a suitable place shall be provided by the consumer therefor, unobstructed and accessible at all times to the meter reader.
- (c) The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter.
- (d) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with the sanitary regulations of the state health department.
- (e) In order to be received as a consumer and entitled to receive water from the city's water system, all applicants must offer proof that any private wells located on their property are not physically connected to the lines of the city's water

system and all applicants by becoming consumers of the city covenant and agree that so long as they continue to be on consumers of the city they will not permit the connection of any private wells on their property to the city's water system.

**Sec. 32-357. Access to premises and extensions of system.**

- (a) Duly authorized agents of the city shall have access at all hours to the premises of the consumer for the purpose of installing or removing city property, inspecting piping, reading and testing meters, or any other purpose in connection with the water service and its facilities, and the sewer service and its facilities.
- (b) Extensions to the system shall be made only when the consumer shall grant or convey, or shall cause to be granted or conveyed, to the city a permanent easement of right-of-way across any property traversed by the water and sewer lines.
- (c) When the city is extending its water system to new customers and the customer is bearing part or all of the expense, all of the materials (water pipes, etc.) must be purchased from the city.

**Sec. 32-258. Change of occupancy.**

Not less than three days' notice must be given, in person or in writing, at the city hall to discontinue water and sewer service or to change occupancy. The outgoing party specified for departure, whichever period is longer. The new occupant shall apply for water service within 48 hours after occupying the premises and failure to do so will make him liable for paying for the water consumed since the last meter reading.

**Sec. 32-259. Meter reading; billings and collecting.**

- (a) Bills to customers for water and sewer service shall be mailed out on such day or days of each month as may be desirable by the city. Bills shall be paid at the city hall and a failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the consumer from payment of same. The failure of water or sewer users to pay charges duly imposed shall result in the automatic imposition of the following penalties:
  - (1) Nonpayment within ten days from the due date will subject to a penalty of ten percent of the delinquent account.
  - (2) Nonpayment within 20 days from the date due will result in the water being shut off from the water user's property.
  - (3) Nonpayment for 30 days after original due date will allow the city, in addition to all other rights and remedies, to terminate agreement, and in such event, the water user shall not be entitled to receive, nor the city obligated, any water under this agreement.
- (b) Service disconnected for nonpayment of bills will be restored only after bills are paid in full, such security deposit as may be required by the mayor and council is made, and a service charge paid for each meter reconnected.

**Sec. 32-260. Suspension of service.**

- (a) When water and sewer service is discontinued and all bills are paid, the security deposit shall be refunded to the consumer by the city.
- (b) Upon discontinuance of service for nonpayment of bills, the security deposit will be applied by the city toward settlement of the account. Any balance will be refunded to the consumer; however, if the security deposit is insufficient to cover the bill, the city may proceed to collect the further balance in the usual way provided by law for collection of debts.

(c) The city reserves the right to discontinue its service without notice for the following additional reasons:

- (1) To prevent fraud or abuse.
- (2) Consumer's willful disregard of the city's rules.
- (3) Emergency repairs.
- (4) Insufficiently of water supply u to circumstances beyond the city's control.
- (5) Legal processes.
- (6) Direction of public authorities.
- (7) Strike, riot, fire, flood. Unavoidable accident.

**Sec. 32-261. Complaints; adjustments.**

- (a) If the consumer believes his bill to in error, he shall present his claim, in person, at the city hall before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his claim.
- (b) The city will make a special water meter reading at the request of a consumer for the currently required fee provided, however, that if such special reading discloses that the meter was over-read, no charge will be made.
- (c) Water meters will be tested at the request of the consumer upon payment to the city of the actual costs of making the test, provided, however, that if the meter is found to over-register beyond three percent of the correct volume, no charge will be made.
- (d) If the seal of a meter is broken by other than the city's representative or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his previous bills or from other proper data.