

TITLE V: PUBLIC WORKS

Chapter

50. NATURAL GAS

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CHAPTER 50: NATURAL GAS

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GENERAL PROVISIONS**§ 50.01 DEFINITIONS.**

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

COATED and **WRAPPED PIPE.** Iron or steel pipe which has been thoroughly cleaned, painted with asphalt or pitch and wrapped with burlap, asbestos felt or other suitable protective covering.

HOUSE PIPING. The gas pipe from the gas meter outlet to the gas burning appliance or appliances.

PERSON. A natural person, firm, association or corporation.

SERVICE LINE. The gas pipe from the city's main to the meter location.
(Ord. passed 2-1-65)

§ 50.02 TAMPERING WITH GAS MAINS, CONNECTIONS, OR SERVICE PIPES PROHIBITED.

No one except the city shall at any time turn any valve or cock or in any way tamper or make any connection with any gas main, meter connection or gas service pipe between the main and the meter.
(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.03 GAS INSPECTOR; POWERS AND DUTIES.

(A) The Mayor shall appoint a competent person as Gas Inspector.

(B) The Gas Inspector and his assistants are authorized, empowered and directed to inspect and supervise the installation, construction, reconstruction and repair of all house gas piping, gas appliances, fixtures and apparatus now or hereafter to be placed in, or in any manner directly attached to, any building or structure within the city, and its gas service territory. The Gas Inspector and his assistants shall be subject to the orders and directions of the Mayor and City Council, and they are vested with full authority to enter any building or premises at any reasonable time in the discharge of their duties imposed.

(C) It shall be the duty of the Inspector to receive all applications for connection, to pass on and approve or reject plans submitted, to issue permits for all plumbing work, extensions, or change in location of fixtures; to sign and issue all notices and to keep a daily record of all applications received, plans approved and all other matters which may pertain thereto and to make a monthly record of his operations to the Mayor and City Council.

(D) The Gas Inspector shall inspect as often as necessary all houses in the course of erection, alteration or repair and shall inspect any plumbing of any character already in use which he may have reason to believe is out of repair or is imperfect.

(E) The Inspector shall give the owner or agent in charge of any building written notice of any defects in his plumbing or fixtures or changes or repairs necessary and such owner or agent shall within five days after such notice make necessary changes or repairs. If the owner or agent fails to comply with this notice, the Gas Inspector may order the Gas Service Department to turn off the gas and it shall not thereafter turn the gas on again until the Gas Inspector has certified that such defects have been repaired or removed.

(F) The Gas Inspector shall furnish the Gas Service Department with a copy of each certificate of inspection. The Department shall not turn gas into any new or altered or repaired system of gas until such certificate has been received.

(G) It shall also be the duty of the Inspector to investigate all alleged violations of the provisions of this subchapter and to file complaints when necessary.
(Ord. passed 2-1-65)

§ 50.04 GAS FITTER'S BOND AND LICENSE.

(A) Every person, before entering upon the installation, construction, reconstruction or repair of any gas house piping in the city and its gas service territory, shall be required to take out a gas plumbing license, the cost of which shall be \$15. The license may be renewed at any time during the months of January and February in the year following its issuance upon payment of the sum of \$10. Before the license is issued, the party applying for same shall pass such examination required by the Mayor and City Council as to his knowledge of gas fitting, shall deposit with the City Clerk, a bond in the principal sum of \$1,000, executed by a solvent surety company conditioned that the principal therein shall faithfully comply with the terms of this subchapter and shall indemnify and hold harmless the city and all persons interested, against all costs, expenses, damage and injury sustained by the negligence of such principal, his agents, servants and employees, or his failure to comply ethically with the terms of this subchapter in doing work made the subject matter hereof, and otherwise to be in the form and executed as required by the Mayor and City Council. Upon approval of any bond by the Mayor and City Council, the Clerk shall forthwith issue to the principal therein a license, which shall remain in force only so long as the principal's bond is effective. Such bond shall be renewed annually on January 1 of each year as a prerequisite to the issuance of a license for the year. The license shall be conspicuously displayed at place of business.

(B) The license may be at any time suspended or revoked by the Mayor and City Council upon the recommendation of the Inspector for any violation of the terms of this subchapter.
(Ord. passed 2-1-65) Penalty, see § 50.99

Cross-reference:

General licensing provisions, see Ch. 110

§ 50.05 PERMIT REQUIRED FOR REPAIR, INSTALLATION AND THE LIKE; PROPERTY OWNER'S RESPONSIBILITY.

No property owner shall cause, or permit any installation, construction, reconstruction or repair of any gas house piping in the city and its gas service territory before the person doing the work shall have first obtained a permit from the Inspector to do the same; and the mere fact that the work has been done will be considered sufficient to hold and render the property owner amenable to this rule.

(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.06 APPLICATION FOR PERMIT.

(A) Before the construction, reconstruction, installation or repair of any gas house piping, suitable plans and specifications of all the work proposed to be done, showing clearly the sizes of pipe, kind of fittings, locations and measurements, made out on blanks furnished by the Inspector and properly signed by the owner, his agent, or other authorized representative and filed at the office of the Inspector. All connections and fixtures shall be neatly drawn in the following manner: in case of new work or extension of old work, black ink shall be used; in case of old work, red ink shall be used.

(B) If the plans are approved by the Inspector he will issue a written permit within two days after the application is filed. No change or modification of approved plans will be permitted unless such change or modification be authorized by the owner or agent, submitted to and approved by the Inspector and placed on file as in the case of original work; and further no infraction or rules not specially authorized in writing by the Inspector, although it may be shown on plan and has passed inspection will be permitted. The Inspector always reserves the right to compel the rules even though the work has passed inspection and a final inspection certificate issued and the plumber's bond will be held for same.

(C) No permit to install, construct, reconstruct or repair any gas house piping shall be issued, except to a licensed plumber or a person licensed to do such work in accordance with the provisions of this subchapter.

(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.07 ONLY APPROVED APPLIANCES TO BE INSTALLED; SPECIFICATIONS.

(A) All gas appliances shall be of a design and construction approved as to safety by the American Gas Association, except such apparatus as the Association does not accept for test and approval, and such apparatus not so accepted must be of a design and construction set forth in specifications of the Bureau of Standards of the United States Department of Commerce.

(B) All gas burning appliances shall be provided with a lever handle stop cock located in the riser above the floor and below the union at the appliance.

(C) In all buildings used for commercial purposes the connection to gas burning appliances shall be of a rigid metal. In private residences portable heating appliances may be connected with flexible

metal or rubber tubing not over six feet in length and approved by the American Gas Association, provided there is no cock on the portable heating appliance.

(D) No gas burning appliance or any portion thereof coming in direct contact with gas flames or hot gases shall be placed less than ten inches from any woodwork or wooden lath and plaster partition, unless metal shields are provided, securely attached and so placed as to preserve an air space of not less than one inch between such shield and partitions. Where such shields are provided, the ten-inch clearance above specified may be reduced to six inches.

(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.08 MATERIALS.

(A) All gas house piping shall be of best quality wrought iron, black steel, copper or brass, free from all defects. The use of second hand or reconditioned pipe is forbidden.

(B) The part of the pipe as is laid under or upon the surface of the ground shall be coated and wrapped, as the term **COATED AND WRAPPED** is defined in this subchapter. The part of the pipe as is laid in or touching any material corroding or tending to corrode, iron or steel pipe, such as cinders, cinder concrete, and the like, shall be coated and wrapped.

(C) Stops and hose cocks on gas house piping shall be ground key type with lever handle.

(D) Gas fittings for piping three inches in diameter or smaller shall be black malleable iron, copper, or brass, but cast iron fittings are permitted for piping for a diameter greater than three inches.

(E) On concealed piping no bushings, unions or running threads are to be used, but faced bushings are permitted on exposed piping. When piping is cut for repairs, it shall be reconnected with right and left threaded couplings. Three-way valves and the use of cement for repairing the pipe and fittings are forbidden.

(F) There shall be no direct connection between pipes or fittings of different material without the installation of insulated couplings.

(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.09 SIZE AND LENGTH OF PIPE.

The following ratios shall govern the size and length of runs of pipe to be used in piping buildings and structures.

(A) Minimum diameter of supply line from meter to kitchen in houses and flats and apartments of:

(1) Less than six rooms, one-inch;

(2) Six to nine rooms, 1¼ inches;

(3) Nine to 12 rooms, 1½ inches;

(4) For houses containing 12 rooms and more, or where conditions are unusual, consult the inspector.

(B) The diameter of branch supply pipes to all cooking ranges, stoves and water heaters (circulating, instantaneous, storage and automatic) shall be one commercial size larger than the inlet connection of the appliance served thereby.

(C) Pipe serving hot air furnaces, boilers and gas burning appliances using burners having two or three air mixers shall be not less than 1½ inches in diameter, larger installations to be based on the same ratio.

(D) Greatest length of pipe of various sizes allowed for gas piping.

<i>No. of ½" Openings</i>	<i>½-inch</i>	<i>¾-inch</i>	<i>1-inch</i>	<i>1¼-inch</i>	<i>1½-inch</i>	<i>2-inch</i>
1	20	60	100	150	200	300
2	10	50	80	150	200	300
3	—	40	70	150	200	300
4	—	30	60	120	200	300
5	—	—	50	100	170	300
7	—	—	40	90	140	300
9	—	—	30	70	120	275
11	—	—	—	50	100	250
15	—	—	—	30	70	225
20	—	—	—	—	50	190

(E) In applying the foregoing table the following rule shall prevail:

(1) One radiant heater outlet equals one ½-inch opening.

(2) One gas log or other grate fire equals one ½-inch opening.

(3) One kitchen range equals two ½-inch openings.

(4) One gas water heater equals one 1/2-inch opening. (Unless larger than 1/2-inch opening is required for heater.)

(5) One 3/4-inch outlet shall be considered as equivalent to three 1/2-inch outlets and a one-inch outlet as equivalent to five 1/2-inch outlets.

(6) All gas piping must be reamed free of burrs.

(F) When extensions to house piping are made, the provisions in this section providing greatest length of pipe of various sizes allowed must be complied with.

(G) When necessary to connect two sizes of pipe, a reducing coupling shall be used.

(H) Gas must not be supplied from a smaller pipe to a larger pipe.

(I) All branch outlet pipes shall be taken from the top or sides of main supply lines and never from below.

(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.10 DRIPS AND SUPPORTS.

(A) All house piping shall be graded to a drip located in an accessible place. Where possible house piping will be drained away from meter and the drip placed at the far end of the main supply line. Otherwise drip will be placed at meter location and pipe graded to same. The diameter of drips shall be not less than that of the pipe to which attached and of a length at least six times the diameter. No drip less than four inches long shall be installed.

(B) All house piping shall be secured and fastened to floor joists or sills either with galvanized pipe straps or pipe hooks or with perforated pipe straps.

(C) The maximum spacing of supports for piping shall be:

1/2-inch pipe	6 feet
3/4-inch or one-inch pipe	8 feet
1 1/4-inch or larger pipe (horizontal)	10 feet
1 1/4-inch or larger pipe (vertical)	Each floor joist

(D) When it is necessary in running pipe to cross through wood joists or beams, such joists or beams shall never be notched more than one-fifth of the depth of the timber and such notching shall be in no case further from the point of support of the timber than one-sixth of the total unsupported

span thereof. Whenever possible, the piping should run so that only timbers having the shortest spans shall be cut.

(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.11 FLUES, VENTS AND REGULATORS.

(A) When more than one gas burning appliance is connected with the same flue, the diameter of such flue must be at least equal to the combined diameter of the vent outlets of such appliances. No more than three appliances shall be connected to the same flue.

(B) Gas furnaces and gas fired water heaters must be provided with vent and flue connections having a diameter at least as large as the vent connections on the appliance and such vent must extend to open air at least two feet above the roof and terminate with a screened cap.

(C) All vents to gas burning appliances shall be installed in the manner required by the National Board of Fire Underwriters.

(D) All gas burning appliances having pilot burners must be provided with down draft devices between the fixture and vent.

(E) Central heating plants and automatic gas steam radiators must be provided with a gas regulator set ahead of meter to regulate the flow of gas to the appliances. Central heating boilers must have an automatic temperature or pressure control on the boiler itself, connecting to a quick acting or snap acting gas valve in the supply line to the boiler. A gas pressure regulator or governor requiring access to the atmosphere for successful operation, should be vented to the outer air, or into a combustion chamber adjacent to a constantly burning pilot.

(F) When air or oxygen under pressure is used in connection with gas supply, effective means shall be provided to prevent the air or oxygen from going back into the gas piping.

(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.12 TESTS, INSPECTION, AND CERTIFICATE OF INSPECTION.

(A) When gas house piping has been installed in a building or structure, whether the same be new construction, repairs or extensions, the same must be inspected and tested in the presence of the Gas Inspector or one of his assistants and a certificate of inspection issued as herein provided and an inspection tag attached to such piping by the Inspector. The test shall be made by closing all openings and subjecting all the piping to air pressure that will support a column of mercury ten inches in height. If this column of mercury is supported by the air pressure for at least 15 minutes, the piping shall be considered tight and in compliance with this subchapter.

(B) No fire test or water test shall be permitted on gas house piping and water tested piping will be condemned as faulty.

(C) When the system of piping and all extensions thereto have been completed and all openings firmly closed, the person installing such piping shall make the test above provided, and if the piping is found tight, shall make application for test to the Gas Inspector. Upon such application, the Inspector or one of his assistants will inspect the piping and shall witness the test, and if the piping is found tight and the work done is in accordance with the provisions of this subchapter, then such Inspector or assistant shall issue and deliver a certificate in substantially the following form:

No.

This is to certify that I have inspected and witnessed the test of the gas piping in Building No. _____ same is installed in compliance with the City's Gas Ordinance.

Gas Inspector

By:

(D) Any additional gas piping or outlets installed, after the above certificate has been issued, must be reported for inspection and tested in the same manner as pipe originally installed.
(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.13 METER LOCATION AND APPLIANCES.

(A) The house piping shall be extended to the meter location designated by the distributor of gas and a swing joint provided for connecting house piping to the meter outlet.

(B) No gas meter shall be installed or maintained under the floor of any building or structure unless there is suitable ventilation, and in any such installation an opening at least two feet square in the foundation or skirting within two feet of the meter shall be provided and maintained.

(C) No gas meter shall be installed and maintained in a small unvented or confined space.

(D) When more than one meter is required to serve consumers in one building or structure, the city may set as many meters as there are separate consumers, connecting such meters to one service line. When this is done, the riser pipes serving the several consumers shall be extended to within 18 inches and within the same enclosure as the meter location and shall not be scattered, but shall drop together in alignment and at least three inches apart to the place where the meters are to be set.
(Ord. passed 2-1-65) Penalty, see § 50.99

§ 50.14 APPLICATION OF STANDARDS OF AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODE.

Where the standards for methods, materials or installation of equipment or appliances are not

otherwise specified in this subchapter, then the standards established by the American Society of Mechanical Engineers Code shall apply.

(Ord. passed 2-1-65)

§ 50.15 GAS INSPECTOR TO DECIDE ALL CONTROVERSIES.

The Gas Inspector shall decide all controversies which may arise under this subchapter, and in so doing shall be subject to the control and direction of the Mayor and City Council.

(Ord. passed 2-1-65)

§ 50.16 PIPING TO MEET SAFETY CODE STANDARDS.

All piping utilized for the transmission of natural gas within the City of Kuttawa, Kentucky, shall be installed, maintained, constructed and reconstructed in a good and workmanlike manner, and in a manner consistent with all safety codes made applicable by law.

(Ord. 12-2-96, passed 12-2-96)

§ 50.17 PLASTIC PIPING REGULATIONS.

In the installation, construction, reconstruction and adjustment of the pipe lines for the distribution of natural gas within the City of Kuttawa, leading to (but not beyond) the gas meters of each individual customer, the use of plastic piping is authorized, subject to all regulations provided by law, and also subject to the following particular rules:

(A) Rule 1: Install plastic pipe manufactured under the ASTM D2513 specifications. The pipe must have ASTM D2513 marked on it.

(B) Rule 2:

(1) Make each joint in accordance with written procedures that have been proven by test or experience to produce strong gas tight joints.

(2) The manufacturer of the pipe or fitting should supply the operator with the procedures for his specific product in the manufacturer's manual. When installing the pipe, make certain that these procedures are followed (49 CFR 192.283). All joints must be made by a person qualified under 49 CFR 192.285.

(C) Rule 3: Install properly designed valves in a manner which will protect the plastic material. Protect the pipe from excessive torsional (twisting) or shearing (cutting) loads when the valve is operated. Protect from any secondary stresses which might be induced through the valve or its enclosure.

(D) Rule 4: Prevent pullout and joint separation. Plastic pipe must be installed in such a manner that expansion and contraction of the pipe will not cause pullout or separation of the joint. Operators unfamiliar with plastic pipe should have a qualified person perform all these procedures.

(E) Rule 5: When installing plastic pipe in a metal pipe, make a sufficient allowance for thermal expansion and contraction. Make an allowance at lateral and end connections on inserted plastic pipes, particularly those over 50 feet in length. End connections must be designed to prevent pullout caused by thermal contraction. It is desirable that fittings used should be able to restrain a force equal to or greater than the strength of the pipe. If not, the pipe should be restrained by anchoring, bracing, offset connection, or straps across the fitting. To minimize the stresses caused by thermal contraction, pipes inserted in the summer should be allowed to cool to ground temperature before tie-ins are made.

(F) Rule 6: Repair or replace imperfections or damages before placing the pipe in service.

(G) Rule 7: Install all plastic mains below ground level (buried). Where the pipe is installed in a vault or other below grade enclosure, it must be completely encased in gas-tight metal pipe with fittings that are protected from corrosion. (For service line, see Rule 8). The plastic pipe installation must minimize shear and other stresses. Thermoplastic (PE) pipe for direct burial must have a minimum wall thickness of 0.090 inch. (Exception: pipe with an outside diameter of 0.875 inch (7/8") or less may have a minimum wall thickness of 0.062 inch.) A plastic main that is not encased must have an electrically conductive wire or other means of locating the pipe while it is underground.

(H) Rule 8: Install all plastic service lines below ground. A portion of the plastic service line may terminate above ground if it is protected against deterioration and external damage by a casing. The plastic must not be used to support external loads.

(I) Rule 9: Test installed plastic pipe at least at a level 150 percent of the maximum operating pressure or 50 psig, whichever is greater. However, the test pressure may not be more than three times the design pressure of the pipe. (See Appendix L.)

(J) Rule 10: Take special care to ensure that plastic pipe is continually supported along its entire length by properly tamped and compacted soil.

(K) Rule 11: If Plastic pipe is laid where there has been digging and backfilling below the pipe, reinforce the pipe. To prevent any shear or other stress concentrations, use external stiffeners at connections to main, valves, meter risers, and other places where compression fittings might be used. (See Appendix L.)

(L) Rule 12: In the laying of plastic pipe, ensure adequate slack (snaking) in the pipe to prevent pullout due to thermal contraction.

(M) Rule 13: Lay plastic pipe and backfill with material that does not contain any large or sharp rocks, broken glass, or other objects which could cut or puncture the pipe. Where such conditions exist, suitable bedding (sand) and backfill must be provided. In laying plastic pipe for protection, it

must be uniformly bedded in a 4-6 inch trench with a minimum depth of 30 inches, with 2 inches under, 6 inches over and 2 inches on each side with material of Ky Dot manufactured sand or #11, or natural sand finer than 3/8 inch and a #12 tracer wire on top of the 6 inch sand cover.

(N) Rule 14: Take Special care to prevent coal tar type coatings or petroleum base tape which can cause plastic pipe to deteriorate, from contacting the plastic pipe.
(Ord. 12-2-96, passed 12-2-96)

RATES AND CHARGES

§ 50.25 MONTHLY GAS RATES.

(A) When the gas distribution system and connecting main have been completed and are placed in operation there shall be charged to consumers who are provided with metered gas service, being read monthly, through such facilities rates for gas service in accordance with the following schedule:

First MCF or less per month	\$6.41
Next two MCF used per month, per MCF	5.66
Next seven MCF used per month, per MCF	5.46
Next 40 MCF used per month, per MCF	5.41
All additional MCF used per month, per MCF	5.31
Minimum rate charge will be \$6.41 per month	

(B) Industrial customers ~~rates shall be established by~~ are ~~negotiation.~~ negotiated.
(Ord. 2-1-65-2, passed - -65; Am. Ord. 10-4-82-5, passed - -82; Am. Ord. 9-6-83-2, passed - -83; Am. Ord. 3-3-86-1, passed - -86; Am. Ord. 97-11-3-9, passed - -97; Am. Ord. 2000-8-7-3, passed 8-14-00)

§ 50.26 NO FREE SERVICE; BILL TO CITY.

No free gas service shall be rendered to any consumer at any time. Gas consumed by the city shall be billed to the city monthly as in the case of any other customer and the same shall be paid from the general funds of the city and accounted for as in the case of revenues from any other source.
(Ord. 2-1-65-2, passed - -65)

§ 50.27 BILLING PROCEDURE; PENALTIES FOR DELINQUENCY.

(A) The rates or charges as set forth in § 50.25 of this subchapter shall be billed monthly on or about the first day of each month. All bills for such service shall be due and payable when rendered. If not paid by the tenth day of the month following the date rendered, the bill shall be delinquent, and a delay penalty equal to 10% of the face amount of the bill shall become due and payable; provided, however, that if the tenth day should fall upon a Saturday, a Sunday or a legal holiday, then the face amount of the bill may be paid on the next secular day which is not a holiday. If the entire bill, together with the penalty of 10% thereof, shall remain unpaid at 12:00 midnight on the 20 day of the month for a period of 30 days after the date the penalty is added, service connection to the premises shall be disconnected. If any such delinquent customer shall, thereafter, desire reconnection, a charge in the sum of \$15 is fixed to cover the expense thereof; and prior to such reconnection, the customer shall be required to pay the delinquent bill, the 10% penalty, and the charge for reconnection. Whether or not any premises are disconnected because of the delinquency, the City Attorney or any attorney duly authorized to act for it by the city, is authorized and directed to enforce and collect the amount of any bills remaining delinquent for 30 days after penalty is added (including the penalty, interest of 6% from date the penalty is added and court costs), by suit in any court of competent jurisdiction.

(B) In the event of the return of any check in payment of the monthly rates and charges provided herein or in payment of meter deposits or connection charges as provided below because of insufficient funds on deposit to cover that check, there shall be an additional charge of \$15.00.
(Ord. 2-1-65-2, passed - -65; Am. Ord, 98-7-6-3, passed - -98)

§ 50.28 SERVICE FEES.

No services shall be performed on the customer's side of the meter without charge to the customer at a rate to be fixed by the city. A fee of \$15 shall be charged for turning on gas for a customer after it has been turned off at the request of the customer. There shall be no charge for turning gas off.
(Ord. 2-1-65-2, passed - -65)

§ 50.29 METER DEPOSITS.

Each user shall be required to deposit with the city a fee in the sum of \$5100 as a meter deposit which sum shall be refunded to the user upon final disconnection of the user's meter, provided that the user is not delinquent in any charges imposed in this chapter. The schedule for meter deposits is as follows:

[Text Continues on Page 14]

<u>Gas Meter</u>	<u>Deposit</u>
AL-250 Residential	\$100.00
AL-425 Residential	\$150.00
AL-630 Commercial	\$300.00
AL-800 Commercial	\$400.00
AL-1400 Commercial	\$600.00
AI-2300 Commercial	\$1,000.00

(Ord. 2-1-65-2, passed - -65; Am. Ord. 98-7-6-3, passed - -98)

§ 50.30 PERSONS TO WHOM BILLS RENDERED.

Bills for gas service shall be rendered to the party, whether the owner of the premises or a tenant, filing a written application therefor on the prescribed form, and complying with such deposit or other security provision as may be prescribed.

(Ord. 2-1-65-2, passed - -65)

§ 50.31 CONNECTION CHARGES.

(A) The city will install gas service to the property line of anyone requesting new gas service inside the city limits. Connection of any gas service beyond the city limits shall be permitted only after written application has been approved. Any customer requesting such service shall pay the entire cost of the extension of any main necessitated by the granting of such a request. The city may provide and install at its own expense, a gas meter and setting, and up to 100 feet

(B) With respect to connections both inside or outside the city limits, the customer shall provide at his own expense all gas lines within his property boundary.

(C) When any customer shall sign a written request for the removal or relocation of any meter and/or line, that customer shall be responsible for the entire cost of such removal or relocation.

of gas main extension, to any customer submitting an application for gas service in such form as may be prescribed from time to time, and agreeing to use gas service and pay the prevailing rates for not less than one year, and complying with such deposit or other security provision as may be prescribed. If more than 100 feet of gas main extension and/or a meter of capacity greater than 25 cubic feet per hour is required, then all excess cost shall be borne by the customer, and such cost, as estimated by the city, shall be deposited with the city in cash when application is approved, subject to refund if the deposit exceeds actual cost, and subject to requirement of a supplemental payment by the customer if the deposit is shown to be insufficient.

(D) Any customer submitting an application for gas service shall tender the meter deposit for which provision is made in § 50.29, and in addition shall pay as a connection charge or tap on fee the amounts specified in the following schedule:

Gas Meter	Tap Fee
AL-250 Residential	\$500.00
AL-425 Residential	\$700.00
AL-630 Commercial	\$2,000.00
AL-800 Commercial	\$3,000.00
AL-1400 Commercial	\$4,000.00
AL-2300 Commercial	\$5,000.00

(Ord. 2-1-65-2, passed - -65; Am. Ord. 98-7-6-3, passed - -98; Am. Ord. 2000-8-7-3, passed 8-14-00)

§ 50.32 NOTICE TAKEN OF STATUTORY REQUIREMENTS; OTHER ORDINANCES.

Nothing set forth in this subchapter shall be construed in such manner as to conflict with the requirements set forth in KRS Chapter 58, and in the ordinance authorizing the issuance of “City of Kuttawa Natural Gas System Revenue Bonds,” that the rents, royalties, fees, rates and charges for the services rendered by the system shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the system, and adequate reserve, depreciation, and improvement accounts; and it is expressly declared that rates and charges set forth are initial only, and are not contractual, but will be increased, if increase should be required at any time, or from time to time, to comply with the requirements set forth in the statutes and in the ordinance.

(Ord. 2-1-65-2, passed - -65)

§ 50.99 PENALTY.

Any person failing to comply with the provisions of this chapter, or failing to comply with any order of the Gas Inspector made pursuant to the powers granted to him, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than \$5 nor more than \$500 for each offense, or the

gas fitter's license of such person may be revoked, or both fine and revocation of license may be imposed.
(Ord. passed 2-1-65)

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CHAPTER 51: WATER AND SEWER SYSTEM

Section

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Cross-reference:

Wastewater treatment, see Ch. 52

GENERAL PROVISIONS**§ 51.01 CONSOLIDATION OF MUNICIPAL WATERWORKS AND SEWER SYSTEM.**

It is determined and ordained that the works and facilities supplying water service and sewer service in and to the city, as they presently exist and as they may hereafter from time to time be added to, extended, and improved, are combined and consolidated and shall hereafter constitute a single municipal water and sewer system, and so long as any of the revenue bonds hereafter authorized or permitted to be issued by proceedings taken as a part of the aforesaid project shall remain outstanding, the combined and consolidated municipal water and sewer system shall be owned, controlled, operated, and maintained on a combined and consolidated basis, and on a revenue-producing basis, for the security and source of payment of the revenue bonds hereafter authorized. The combined and consolidated municipal water and sewer system (hereinafter sometimes called the system), is declared to constitute a public project within the meaning and application of KRS 58.010 through 58.140, as amended.

(Ord. passed 12-3-62)

§ 51.02 AUTHORITY FOR EXTENSION AND RECONSTRUCTION OF SYSTEM.

Authority is hereby given for undertaking the construction and installation of additions, improvements, and extensions of the system, according to the plans and specifications prepared for the city by Rowe & Company Engineers, of Lexington, Kentucky.

(Ord. passed 12-3-62)

§ 51.03 UNLAWFUL USE OF HYDRANTS; CUSTOMER DISTRIBUTION PROBLEMS.

(A) No person, firm or corporation, who without at the time having in his, their or its possession written permission so to do from and signed by such person, firm, co-partnership or corporation as shall at the time be engaged in the waterworks business in distribution and sale of water in this city, shall suffer or permit any other person to unlawfully convert to his own use from any pipe or hydrant located on premises owned by or under the control of the person, firm, or corporation, any portion or quantity of such water furnished by the person, firm, co-partnership or corporation for distribution and sale. Each day that the water is so suffered or permitted to be so wrongfully converted shall constitute a separate offense.

(B) Any person, firm, co-partnership or corporation engaged in the waterworks business or distribution and sale of water in this city shall have the right and power to shut or cut off and refuse to furnish water to any customer who suffers or permits his pipe or pipes, or hydrant or hydrants, faucet or other fixtures, to leak or waste water, or who fails or refuses to pay his water rent.

(C) When any person, firm, co-partnership or corporation engaged in the waterworks business or distribution and sale of water shall have shut or cut off the water supply to any customer or have ordered any customer to use no more of its water, for any lawful reason, it shall be unlawful for any

person, without previous written consent of the person, firm, co-partnership or corporation so engaged in the waterworks business or distribution and sale of water, to turn on the water, or to turn any valve, cut-off, stop cock, faucet or hydrant, or to use any of the water.

(Ord. passed - -) Penalty, see § 51.99

USE OF PUBLIC SEWERS

§ 51.15 DEFINITION.

For the purpose of this subchapter, the sewer system or sewers are ***AVAILABLE*** if any such premises abut upon any street, road, alley, public way or easement in which there is installed a sewer pipe, main, lateral, or other structure or installation of the sanitary sewer system capable of receiving flowable wastes, or if such premises shall be situated within 100 feet of such a sanitary sewer installation.

(Ord. passed 12-3-62)

§ 51.16 MANDATORY SEWER CONNECTION.

(A) When the construction and installation of the sanitary sewer system progresses to such a point as to be capable of receiving and disposing of the flowable sanitary sewage of any premises, the city shall give written notice to the owner or occupant of such premises that a sanitary sewer connection is available, and that such premises shall be connected there to within 90 days after such notice is given. All owners and occupants of premises where sewer service is made available, as defined in § 51.15 of this subchapter, shall, within 90 days from the date of such notice, connect therewith all sanitary sewage drain pipes and sewage outlets of the premises.

(B) All connections to the sanitary sewer system shall be made under and in conformity with such regulations as the city may from time to time establish by ordinance. Failure to effect such connection within the prescribed time is declared to be unlawful and to constitute a public nuisance, and the same shall be abated, subject to the penalty prescribed in this chapter.

(C) No sewer tap or connection shall be made by any person, firm or corporation, except the city. The city will, upon application and payment of the prescribed tapping or connection fee, tap the appropriate sewer facility and extend a lateral line to the property line of any applicant where sewers are available, and any and all installations or connections shall be made thereto by the applicant under the directions and supervision of the city and in conformity with proper health standards. Nothing contained in this chapter shall be construed as requiring the city to furnish a sewer connection or sewer service to any premises where a city sewer facility is not available at the time the application is made.

(Ord. passed 12-3-62) Penalty, see § 51.99

§ 51.17 PRIVIES UNLAWFUL.

From and after the time when a sewer connection is made available to any premises, it shall be unlawful for any person, firm or corporation to construct or maintain a privy, vault, cesspool, septic tank, or other similar contrivance for the reception of flowable sewage wastes, and all such privies, vaults, cesspools, septic tanks, and similar contrivances whereby flowable sewage wastes are cast, drained, or deposited into a container above or below the surface of the ground, or upon or into the soil, or into any running or percolating stream of water, or into any cistern or well, are declared to be unlawful and to constitute a public nuisance; and the same shall be removed by the owners or the occupants of all premises where the sewer connection is made available.

(Ord. passed 12-3-62) Penalty, see § 51.99

§ 51.18 CONNECTION OF NEW STRUCTURES.

All architects, engineers, contractors, builders or other persons who shall erect new premises where sewers are available shall, before erecting the same, exhibit to the city, through such officer or employee as may be designated from time to time for such purpose, satisfactory evidence that a means has been or will be provided for connecting all sanitary sewage drains and outlets from such building or structure with the municipal sanitary sewer system.

(Ord. passed 12-3-62) Penalty, see § 51.99

§ 51.19 UNLAWFUL DISCHARGE OF STORMWATER OR SURFACE WATER.

No stormwater or surface water drain shall be connected with the sanitary sewer system, nor shall any storm or surface water be otherwise introduced into the sanitary sewer system.

(Ord. passed 12-3-62) Penalty, see § 51.99

Cross-reference:

Wastewater treatment, see Ch. 52

RATES AND CHARGES**§ 51.30 NO FREE SERVICE.**

No free use of the services and facilities of the system shall be granted or permitted to any user thereof, including the city itself.

(Ord. 1-7-63-1, passed 1-7-63) Penalty, see § 51.99

§ 51.31 ALL WATER SERVICE TO BE METERED.

It is the purpose and intention that all water service provided by the system shall be furnished

through water meters provided and installed by the city.
 (Ord. 1-7-63-1, passed 1-7-63)

§ 51.32 WHEN SEWER SERVICE AVAILABLE AND REQUIRED.

Sewer service is deemed available, and is required, in accordance with the provisions of §§ 51.30 through 51.42 of this chapter, which defines the term *AVAILABLE*, sets out the connection requirements in detail, and prohibits the use of privies and other methods of sewage disposal.
 (Ord. 1-7-63-1, passed 1-7-63)

§ 51.33 CHARGES TO BE COLLECTED FROM ALL PREMISES WHERE SEWER SERVICE IS AVAILABLE.

The rates and charges prescribed for sewer service shall be made to and collected from the owner or occupant of all premises within the city where sewer service is available as defined by ordinance, whether such premises are connected with the municipally-owned sewer pipes or not. In the case of unconnected premises which are water customers of the municipally-owned water system the rates and charges for sewer service shall be according to the schedule of sewer rates, as set forth in this subchapter. In the case of unconnected premises producing sewage which are not water customers of the municipal water system, a minimum monthly sewer charge as established by the City Council shall apply. The fact that sewer charges may have been billed to or collected from any such unconnected premises shall not have any bearing upon, nor constitute a defense to, any criminal charge arising out of failure to connect such premises to the system; but such monetary charges are and shall be deemed to be civil exactions toward the costs of making sewer facilities available, and the costs of operating and maintaining the same in the necessary interests of the public health, safety and general welfare.
 (Ord. 1-7-63-1, passed 1-7-63) Penalty, see § 51.99

§ 51.34 SERVICE RATES AND CHARGES.

(A) All water meters shall be read monthly, and the following rates and charges shall be applied to the meter readings, and billed, collected and enforced:

<i>Rates and Charges Within the City Limits</i>	
First 1,000 gallons	\$6.2536 minimum
Next 4,000 gallons	2.2630 per 1,000 gallons
Next 5,000 gallons	2.1923 per 1,000 gallons
Next 5,000 gallons	2.1418 per 1,000 gallons
Next 5,000 gallons	2.0812 per 1,000 gallons
Next 5,000 gallons	2.037 per 1,000 gallons

<i>Rates and Charges Within the City Limits</i>	
Next 25,000 gallons	1.962.00 per 1,000 gallons
Next 50,000 gallons	1.931.90 per 1,000 gallons
Next 900,000 gallons	1.863 per 1,000 gallons
Next 1,000,000 gallons	1.8178 per 1,000 gallons

<i>Rates and Charges Outside the City Limits</i>	
First 2,000 gallons	\$16.00 minimum
Next 3,000 gallons	6.69 per 1,000 gallons
Next 5,000 gallons	4.92 per 1,000 gallons
Next 10,000 gallons	3.16 per 1,000 gallons
Over 20,000 gallons	3.72 per 1,000 gallons

(B) There shall be a \$1 service charge in addition to the foregoing schedule for the extra-ordinary service required for all connections outside the city limits. (BC) The rates for water to the Lyon County Water District, furnished through meters #1 and #2 shall be \$1.781 per 1,000 gallons. The rates for water supplied through any additional meters shall be agreed upon at the time service is started.

(CD) The city will pay as fire hydrant rental \$20.38 per month. Municipal fire hydrant rental \$20.38 per hydrant per month.

(DE) *Temporary special arrangements.* In the matter of furnishing water service upon a temporary basis to circuses, carnivals, tent meetings, outdoor athletic events (other than those carried on by the public schools), and other miscellaneous temporary uses, a flat rate may be fixed in each individual case if metered service is impractical. The service charge shall be paid in advance.

(EF) The charges for sewer services shall be one-half of equal to the charge of water.

(FG) Where a single operation, located in one building is serviced by more than one meter, the total gallons supplied through all the meters shall be added together in determining the water charge, there shall be an additional charge of \$1 per month for each water meter in excess of one.

(GH) All of the foregoing rates, minimums and other charges shall be adjusted (increased or decreased) on January 1 of each year. The adjustment to a percentage increase or decrease of the rates, minimum and other charges, shall be equal to the percentage increase or decrease of the cost of living index for the preceding year. Rates shall be rounded off to the nearest \$.01, and minimums shall be rounded to the nearest \$.25.

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(H) In the event of the return of any check in payment of the monthly rates and charges provided herein or in payment of meter deposits or connection charges as provided below because of insufficient funds on deposit to cover that check, there shall be an additional charge of \$15.00.

(Ord. 1-7-63-1, passed 1-7-63; Am. Ord. passed 1-1-94; Am. Ord. passed 11-28-94; Am. Ord. passed 1- - 96; Am. Ord. 11-7-88-1, passed 1-1-97, Am. Ord. 98-7-6-4, passed - -98) Penalty, see § 51.99

§ 51.35 WATER RATES FOR CUSTOMERS OUTSIDE CITY LIMITS.

The rates for customers who utilize the city water system and who either receive the services outside the city limits or who are not subject to city taxes even though they are within the city limits, except those who are tax exempt due to their charitable, religious or educational status, are hereby established to be equal to those of customers now served by the Lyon County Water District and are subject to change as rates change for the Lyon County Water District. The rates presently are as follows:

<i>Usage</i>	<i>Existing Charges</i>
5/8-inch meter	
First 2,000 gallons	\$16.00 minimum
Next 3,000 gallons	6.69 per 1,000 gallons
Next 5,000 gallons	4.92 per 1,000 gallons
Next 10,000 gallons	3.16 per 1,000 gallons
Next 20,000 gallons	2.72 per 1,000 gallons

(Ord. 11-6-95-0, passed 12-12-95; Am. Ord. passed - -)

§ 51.36 EXCEPTIONS IN APPLICATION OF SEWER CHARGE.

The city recognizes certain exceptional situations wherein adjustments in the manner of applying sewer service charges should be permitted, and provision is made for the same, as follows:

(A) Where more than 20% of the water used by the owner or occupant of any premises during the year does not flow into the sanitary or combined sewer, the percentage in excess of 20% shall be excluded from the calculation of the sewer service rates and charges provided in this subchapter. It shall be the burden of the owner or occupant of any such premises to prove to the city that more than 20% of the water used on such premises during the year does not flow into the sanitary or combined sewer, and such burden shall be deemed to be met only upon a showing by the sewer user, to the satisfaction of the city, that the quantity thereof is accurately measured by means of a standard water meter. In the event the sewer user has no such evidence, a water meter for such purpose may be provided by the city

upon payment by the sewer user of the cost of the necessary equipment and all expenses of installation. In no case, however, shall the sewer service rates and charges provided in this chapter be calculated upon less than 20% of the water used by the owner or occupant of any premises during the year.

(B) Whenever it is determined by the city to be necessary to classify any commercial institutions or industries by reason of the unusual purpose for which water is used, or the character of the sewage, water, or other liquid wastes discharged therefrom, or whenever the established schedules of sewer service rates and charges for any reason are not applicable, then special sewer service rates, rentals, or other charges may be established by the City Council, and any person, firm, or corporation being dissatisfied with the established schedule of sewer service rates, rentals, or other charges by reason of peculiar or unusual use or occupancy of any premises, and consequently alleging peculiar or unusual uses of water, may file application with the city for special sewer service classification rates, rentals, and charges. The city may take such action thereon as it sees fit; provided, however, that no special classification or rate may be established if the Housing and Home Finance Agency of the United States objects thereto.

(C) Sewer service charges shall not apply to bills representing surplus water furnished at wholesale to other municipalities, communities, or water systems; but if any municipality, community, or other entity shall desire to make arrangements for disposal of all or a part of its flowable sewage wastes through sewer lines or facilities of the city, same shall be only upon the basis of a special contract specifically approved and authorized in each instance by ordinance or resolution duly adopted by the city's governing body. The city recognizes no obligation or duty of any sort to enter into any such contract or arrangement, and may entertain or refuse to entertain any such proposal as it sees fit, and regardless of the fact that it may in the past have seen fit, or may in the future see fit, to act otherwise or upon different terms in any other similar or dissimilar cases.

(D) In the matter of the furnishing of sewer service upon a temporary basis to circuses, carnivals, tent meetings, outdoor athletic events (other than those carried on by the public school system) and other miscellaneous temporary uses, a flat rate may be fixed in each individual case and the service charge shall be paid in advance.

(Ord. 1-7-63-1, passed 1-7-63) Penalty, see § 51.99

§ 51.37 STATUS OF EXISTING RATES AND CHARGES.

(A) It is provided in this subchapter that the prescribed rates and charges for water service and for sewer service are to become effective as applied to bills rendered on and after specified dates. It is the intention that the rates and charges in this subchapter shall supersede any rates and charges presently in force under existing ordinances, resolutions, rules, and regulations. It is not intended that the rates and charges presently in force be rescinded unless and until effectively replaced or superseded; nor that there shall ever be a period of time when no lawful rate or charge for water service or sewer service prevails.

(B) Subject to the provisions of this subchapter, it is ordained that presently prevailing rates, charges, rules and regulations continue in force until lawfully superseded.

(Ord. 1-7-63-1, passed 1-7-63) Penalty, see § 51.99

§ 51.38 BILLING PROCEDURE; PENALTY FOR DELINQUENCY; DISCONNECTION OF WATER SERVICE; RECONNECTION; CHARGES AND INTEREST.

The rates or charges provided for in this subchapter shall be billed on or about the first day of each month monthly in the case of metered users, and no less frequently than quarterly in the case of special users, and the water bill and sewer bill shall be rendered at the same time and on the same bill forms, but as separate charges., and a All bills for such service shall be due and payable when rendered. If not paid by the tenth of the month following the date rendered, the bill shall be delinquent, and a delay penalty equal to 10% of the face amount of the bill shall become due and payable; provided, however, that if the tenth day should fall upon a Saturday, a Sunday, or a legal holiday, then the face amount of the bill may be paid on the next secular day which is not a holiday. If the entire bill for both water service and sewer service, together with the penalty of 10% thereof, shall remain unpaid on 12:00 midnight on the 20th day of the month for a period of 30 days after the date the penalty is added, then pursuant to authority of KRS 96.934 the water service connection to the premises shall be disconnected, whether the same customer's water service bill has been paid or not. If any such delinquent customer shall, thereafter, desire reconnection, a charge in the sum of \$15 is fixed to cover the expense thereof; and prior to such reconnection, the customer shall be required to pay the delinquent bill, the 10% penalty, and the charge for reconnection. Whether or not any premises are disconnected because of the delinquency, the City Attorney or any attorney duly authorized to act for it by the city, is authorized and directed to enforce and collect the amount of and bills remaining delinquent for 30 days after penalty is added (including the penalty, interest of 6% from date penalty is added and court costs), by suit in any court of competent jurisdiction. (Ord. 1-7-63-1, passed 1-7-63; Am. Ord. 9-5-78-4, passed 9-5-78; Am. Ord. 98-7-6-4, passed - -98) Penalty, see § 51.99

§ 51.39 SERVICE FEES AND DEPOSITS.

(A) No services shall be performed on the customer's side of the meter without charge to customer at a rate to be fixed by the city. A fee of \$15 shall be charged for turning on water for a customer after it has been turned off at the request of the customer. There shall be no charge for turning water off.

(B) Each non-commercial user shall be required to deposit with the city a fee in the sum of \$25 as a meter deposit which sum shall be refunded to the user upon final disconnection of the user's meter, provided that the user is not delinquent in any charges imposed in this chapter. Each commercial user shall deposit a fee in the sum of \$50 subject to the same terms and conditions as set out in this chapter for non-commercial users. The city may at any time refund any portion of the deposits upon a showing by the affected user that his or its credit rating is such as to warrant a refund. Each user outside the city limits shall pay a connection fee of \$300 in addition to the deposits mentioned in this division. (Ord. 1-7-63-1, passed 1-7-63; Am. Ord. 6-14-65-1, passed 6- -65; Am. Ord. 9-5-78-4, passed 9-5-78) Penalty, see § 51.99

§ 51.40 PERSONS TO WHOM BILLS RENDERED.

Bills for water service shall be rendered to the party, whether the owner of the premises or a tenant, filing a written application therefor on the prescribed form, and complying with such deposit or other

security provision as may be prescribed. In the case of sewer service to premises which are connected to the municipal water system, the bill for sewer service charges shall be rendered to the water customer. In other cases sewer rates and charges aforesaid shall be billed to the owners of the premises, who is not the owner thereof, filed with the city, accompanied by a cash deposit or other appropriate security or indemnity in an amount or a kind approved by the city, such bills may be rendered to such tenant. (Ord. 1-7-63-1, passed 1-7-63) Penalty, see § 51.99

§ 51.41 CONNECTION CHARGES.

(A) The city will install new water service to the property line of anyone requesting new water service inside the city limits. Connection of any water service beyond the city limits shall be permitted only after a written application has been made to the commission therefor and only if that application has been approved. Any customer requesting such service shall pay the entire cost of the extension of any main necessitated by the granting of such a request. As to water customers, the city will provide and install at its own expense, a water meter and setting, and up to 50 feet of water main extension, to any customer submitting an application for water service in such form as may be prescribed from time to time, and agreeing to use water service and pay the prevailing rates for not less than one year, and complying with such deposit or other security provision as may be prescribed. If more than 50 feet of water main extension is required, the cost of all in excess of 50 feet shall be borne by the customer, and such cost, as estimated by the city, shall be deposited with the city in cash when application is approved, subject to refund if the deposit exceeds actual cost, and subject to requirement of a supplemental payment by the customer if the deposit is shown to be insufficient.

- (1) With respect to connections both inside or outside the city limits, the customer shall provide at his own expense all water and sewer lines within his property boundary.
- (2) When any customer shall sign a written request for the removal or relocation of any meter and line, that customer shall be responsible for the entire cost of such removal or relocation.
- (3) Any customer submitting an application for water or sewer service shall tender the meter deposit for which provision is made below, and in addition shall pay as a connection charge or tap on fee the amounts specified in the following schedule:

<u>Water Meter</u>	<u>Tap Fee</u>	<u>Meter Deposit</u>
¾-in. Meter Residential	\$400.00	\$50.00
1½-in. Meter Business/Commercial	\$1,000.00	\$100.00
2-in. Meter Business/Commercial	\$1,500.00	\$100.00

(B) As to the sewer customers, a connection charge of \$1400 is established and shall be exacted for connection to new sewers, and shall be payable in full before the connection is made.; provided, however, that the city assumes the obligation to restore service to those persons forced to relocate by reason of the

impoundment of Lake Barkley, and no connection fee shall be charged to the users.
(Ord. 1-7-63-1, passed 1-7-63; Am. Ord. 98-7-6-4, passed - -98) Penalty, see § 51.99

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§ 51.42 NOTICE TAKEN OF STATUTORY REQUIREMENTS.

Nothing set forth in this subchapter shall be construed in such manner as to conflict with the requirements set forth in KRS Chapter 58, and in the ordinance authorizing the issuance of “City of Kuttawa Waterworks and Sewerage System Revenue Bonds,” that the rents, royalties, fees, rates and charges for the services rendered by the system shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the system, and adequate reserve, depreciation, and improvement accounts; and it is expressly declared that rates and charges set forth are initial only, and are not contractual, but will be increased, if increase should be required at any time, or from time to time, to comply with the requirements set forth in the statutes and in the ordinance. (Ord. 1-7-63-1, passed 1-7-63) Penalty, see § 51.99

§ 51.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a penalty of not more than \$500 or imprisonment for not more than 30 days, or both such fine and imprisonment.

[Text continues on page 25]

CHAPTER 52: WASTEWATER TREATMENT

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- 52.02 Definitions and abbreviations
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Cross-reference:

Water and sewer system, see Ch. 51

GENERAL PROVISIONS**§ 52.01 PURPOSE; POLICY.**

(A) This chapter sets forth uniform requirements for direct and indirect contributors 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 CFR, Part 403).

(B) The objectives of this chapter are:

(1) To 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) To 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) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

(C) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic 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 in this chapter.

(D) This chapter shall apply 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 in this chapter, the Superintendent of the city POTW shall administer, implement, and enforce the provisions of this chapter. (Ord. 6-21-83-1, passed 6-21-83)

§ 52.02 DEFINITIONS AND ABBREVIATIONS.

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

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

APPROVAL AUTHORITY. The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE or **INDUSTRIAL USER**. An authorized representative of an industrial user may be a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C. expressed in terms of weight and concentration (milligrams per liter (mg/l)).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

CITY. The City of Kuttawa or the City Council of Kuttawa.

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

CONTROL AUTHORITY. Shall refer to the **APPROVAL AUTHORITY**, as defined in this section, or the Superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

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.

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.

INCOMPATIBLE POLLUTANT. All pollutants other than **COMPATIBLE POLLUTANTS** as defined in this section.

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

INDUSTRIAL USER. A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).

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

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of

proposal in the *Federal Register*. Where the standards promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

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

***PERSON*.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

***pH*.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

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

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

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

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

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

***SIGNIFICANT INDUSTRIAL USER*.** Any industrial user of the city's wastewater disposal system who has a discharge flow of 25,000 gallons or more per average work day; has a flow greater than 5% of the flow in the city's wastewater treatment system; has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of state statutes and rules or is found by the city, (State

Control Agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

SUPERINTENDENT. The person designated by the city to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by this section, or his duly authorized 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.

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

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

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

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

WASTEWATER CONTRIBUTION PERMIT. As set forth in § 52.31 of this chapter.

(B) The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams

- NPDES* National Pollutant Discharge Elimination System
- POTW* Publicly-Owned Treatment Works
- SIC* Standard Industrial Classification
- SWDA* Solid Waste Disposal Act, 42 U.S.C. 6901, *et. seq.*
- USC* United States Code
- TSS* Total Suspended Solids

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.03 FALSIFYING INFORMATION.

No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or falsify, temper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

POLLUTANT DISCHARGE LIMITS

§ 52.15 SUBSTANCES WHICH INTERFERE WITH PUBLICLY-OWNED TREATMENT WORKS.

(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 POTW. These general prohibitions apply to all such users of a 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 following substances to any 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. 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. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal glass, straw, shavings, grass clippings, rags, spent grains, spent

hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, 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 toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(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 where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, 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 wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C. (104° F.).

(10) Any pollutants, including oxygen demanding pollutants (BOD, and the like) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(12) Any wastewater which causes a hazard to human life or creates a public nuisance.

(B) When the Superintendent determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall advise the user(s) of the impact of the contribution on the POTW; and develop, effluent limitation(s) for such user to correct the interference with the POTW.

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

Cross-reference:

Unlawful discharge of stormwater or surface water, see § 51.19

§ 52.16 SPECIFIC POLLUTANT LIMITATIONS.

No person shall discharge wastewater containing in excess of:

- mg/l arsenic
- mg/l cadmium
- mg/l copper
- mg/l cyanide
- mg/l lead
- mg/l mercury
- mg/l nickel
- mg/l silver
- mg/l total chromium
- mg/l zinc
- mg/l total identifiable chlorinated hydrocarbons
- mg/l phenolic compounds which cannot be removed by the city's wastewater treatment processes

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

Editor's note:

See the Sewer Superintendent for specific pollutant limitations

§ 52.17 EXCESSIVE DISCHARGE; DILUTION OF WASTEWATER DISCHARGE.

No 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 Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the city or state. (Dilution may be an acceptable means of complying with some of the prohibitions set forth in § 52.15 of this chapter such as, the pH prohibition.)

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.18 ACCIDENTAL DISCHARGES.

(A) Each user shall provide protection from accidental discharge of prohibited materials or other

substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and 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. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. 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, and corrective actions.

(B) *Written notice.* Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this subchapter or other applicable law.

(C) *Notice to employees.* 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 insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.19 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 chapter.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.20 CITY'S RIGHT OF REVISION.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 52.01 of this chapter.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.21 FEDERAL CATEGORICAL PRETREATMENT STANDARDS; MODIFICATION PROCEDURE.

(A) Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.

(B) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the city may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. For the purpose of this division, **CONSISTENT REMOVAL** shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained. (Ord. 6-21-83-1, passed 6-21-83)

PRETREATMENT PROGRAM PERMIT ADMINISTRATION**§ 52.30 PERMIT TO DISCHARGE WASTES REQUIRED.**

It shall be unlawful to discharge without a city permit to any natural outlet within the city or in any area under the jurisdiction of the city, and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this chapter.

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.31 WASTEWATER CONTRIBUTION PERMITS.

(A) *General permits.* All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter.

(B) *Permit application.*

(1) Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a fee of \$100 existing users

shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in §§ 52.15 through 52.21 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and three-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 the size, location and elevation;
- (g) Description for activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - 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 user to meet the applicable pretreatment standards (such as, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like).
 - 2. No increment referred to in division (B)(1)(i)1. of this section shall exceed nine months.
 - 3. Not later than 14 days following each date in the schedule and the final date for

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

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

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

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

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

(2) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to terms and conditions provided in this chapter.

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.32 PERMIT MODIFICATIONS.

Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be reviewed to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by § 52.31(B) of this subchapter, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by § 52.31(B)(1)(h) and (i) of this subchapter.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.33 PERMIT CONDITIONS.

Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.

- (B) Limits on the average and maximum wastewater constituents and characteristics.
- (C) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (D) Requirements for installation and maintenance of inspection and sampling facilities.
- (E) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (F) Compliance schedules.
- (G) Requirements for submission of technical reports or discharge reports (see §§ 52.36 and 52.37 of this subchapter).
- (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto.
- (I) Requirements for notification of the city or any new introduction of wastewater constituents' or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (J) Requirements for notification of slug discharges as per § 52.61 of this chapter.
- (K) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.
(Ord. 6-21-83-1, passed 6-21-83)

§ 52.34 PERMIT DURATION.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in §§ 52.15 through 52.21 of this chapter are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.35 PERMIT TRANSFER.

Wastewater discharge permits are issued to a specific 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.
(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.36 COMPLIANCE DATA REPORT.

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.37 PERIODIC COMPLIANCE REPORTS.

(A) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by the pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in § 52.36 of this subchapter. At the discretion of the Superintendent and in consideration of such 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.

(B) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by division (A) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(Comment: Where 40 CFR, 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.)

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.38 MONITORING FACILITIES.

(A) The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such 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 user.

(C) 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. Construction shall be completed within 90 days following written notification by the city. (Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.39 INSPECTION AND SAMPLING.

The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and (where the NPDES state is the approval authority) the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the city, approval authority and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

§ 52.40 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the 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 such 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 chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(B) The city shall annually publish in the local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.
(Ord. 6-21-83-1, passed 6-21-83)

§ 52.41 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) 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 chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user.
(Ord. 6-21-83-1, passed 6-21-83) Penalty, see § 52.99

FEES**§ 52.50 PURPOSE.**

It is the purpose of this subchapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established in this chapter. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.51 CHARGES AND FEES.

(A) The city may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;

(6) Fees for consistent removal (by the city) of pollutants otherwise subject to Federal Pretreatment Standards;

(7) Other fees as the city may deem necessary to carry out the requirements contained in this chapter.

(B) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(Ord. 6-21-83-1, passed 6-21-83)

VIOLATIONS; REMEDIES**§ 52.60 HARMFUL CONTRIBUTIONS; SUSPENSION OF UTILITY SERVICE.**

(A) The city may suspend the wastewater treatment service and/or a wastewater contribution permit when such 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 to the POTW or causes the city to violate any condition of its NPDES Permit.

(B) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution 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 such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.61 REVOCATION OF PERMIT.

Any user who violates the following conditions of this chapter or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures set forth in this subchapter:

(A) Failure of a user to factually report the wastewater constituents and characteristics of his 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.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.62 NOTIFICATION OF VIOLATION.

Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit or any prohibition, limitation of requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.63 SHOW CAUSE HEARING.

(A) The city may order any user who causes or allows an authorized discharge to show cause

before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City 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 City 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. Service may be made on any agent or officer of a corporation.

(B) The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

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

(2) Take the evidence;

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

(C) At any hearing held pursuant to this chapter, 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.

(D) After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.64 LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this county.

(Ord. 6-21-83-1, passed 6-21-83)

§ 52.99 PENALTY.

(A) Any user who is found to have violated an order of the City Council or who willfully or negligently fails to comply with any provision of this chapter, and the orders, rules, regulations and permits issued in this chapter for which no penalty is otherwise provided, shall be subject to a civil

penalty of not less than \$100 nor more than \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued in this section.

(B) Any person who shall violate any provision of § 52.03 of this chapter, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or by both.

(Ord. 6-21-83-1, passed 6-21-83)

