

**Chapter 19 -- WATER AND SEWER SERVICES\*****Art. I. In General, Sub. Sec. 19-1-19-15****Art. II. Water, Sub. Sec. 19-16-19-47****Art. III. Sewage Disposal, Sub. Sec. 19-48-19-86****Div. 1. Generally, Sub. Sec. 19-48-19-60****Div. 2. Sewers, Sub. Sec. 19-61-19-86****ARTICLE I. IN GENERAL****Secs. 19-1—19-15. Reserved.****ARTICLE II. WATER****Sec. 19-16. Fluoridation; responsibility of superintendent of waterworks.**

The superintendent of waterworks shall add fluorides to the city's water supply in accordance with the recommendations of the state department of health. He may request, and when he so requests shall be given, the advice of the city physician and health officer in carrying out this duty.

**Sec. 19-17. Duty of superintendent - To notify users and fire department when water is shut off.**

(a) Whenever the superintendent of the city water department, or the person acting in his stead, shall shut off the water from a hydrant or fireplug in any part of the city, for repairs or other proper cause, he shall immediately give notice thereof to the fire department and shall indicate to what extent the hydrant and fireplugs are so rendered unavailable for fire service; and he shall also notify said department, when the hydrants and fireplugs are again in working order.

(b) When the said superintendent shall have cause to shut off the supply of water on any line of pipe for repairs, he shall immediately notify the users on the line of pipe to be shut off, stating as nearly as possible the length of time such supply will be shut off; provided, however, that in case of emergency, the water may be shut off without notice, in which case notice of the fact shall be given the users on the line of pipe so affected as soon as possible after shutting off the water.

**Sec. 19-18. Same--To inspect fire hydrants.**

The superintendent shall cause to be examined all fire hydrants belonging to the city and keep them in working order at all times, except when shut off for repair; and shall cause all defects therein to be repaired without delay.

**Sec. 19-19. Same--To contract for labor, etc., for system.**

The superintendent of the water department, under the direction of the water committee shall contract for all labor, purchase all tools, supplies and materials necessary for the care,

maintenance and extension of the city water system.

**Sec. 19-20. Same--To collect rentals and keep records.**

The water superintendent shall collect all water rentals, under the rules and regulations of the water department and shall turn the same over to the city treasurer at least once a month, and oftener if requested so to do by the council. He shall keep a set of books and shall enter therein, under their appropriate headings, all receipts and expenditures of said water department, keeping the account of the receipts and expenditures in a form as to show the cost of extending the mainline, the cost of maintaining the mainline, the cost of maintaining connections, the cost and number of new connections, and all other general expenses, and the names of all persons taking water, the kind of buildings into which entries are made, the name of the street and the number thereof, the uses to which the water is applied, the amount of rate charged, the amount of any abatements thereof and such other matters as the superintendent shall desire.

**Sec. 19-21. Required reports.**

(a) The superintendent of the city water department shall, at the end of each month, make up an account in detail of the expenses of said department, which, after approval by the water committee, shall be submitted to the council.

(b) The water committee shall annually in the month of January present to the council a report of the condition of the waterworks and all other property connected therewith and make recommendations in regard to the care, extension and general management of the department which to them may seem proper.

**Sec. 19-22. Mainlines; approval of council required.**

No mainline shall be extended by the water department until it has first received the approval of the council.

**Sec. 19-23. Application for service.**

(a) Applications for water shall be made on printed forms, to be furnished at the office of the city water department and the applicant must agree to conform to the provisions of this Code and rules and regulations of the department. If the water to be used on the premises is to pass through a meter, the application shall simply state, "for meter use only." If the water to be used on the premises is to be purchased at scheduled rates, the applicant must state fully and truly all the purposes for which the water may be required, and no person shall use water at scheduled rates from a city main for purposes other than are stated in such application.

(b) New service shall not be attached to a water main except on written application, as required by the next preceding section, signed by the owner of the premises to be supplied, or his duly authorized agent.

**Sec. 19-24. New service; limits on lines; duty to inform city of address for billings.**

New services shall be laid only as far as the curbing and the water department in laying a new service, in furnishing water, doing work or furnishing materials for such services shall deal only with owner of the premises, or his duly authorized agent, and the owner of any premises desiring to use city water, shall keep the water department advised, in writing of the address to which all bills, notices and other communications to him delivered.

**Sec. 19-25. Reserved.**

**Editor's note-**Pursuant to Ord. No. 1981-1, adopted March 10, 1981, Sub. Sec. 19-25, relative to certain prerequisites to service, has been deleted.

**Sec. 19-26. Rent for use and charges, when payable.**

The rent for the use of water shall be payable quarterly on the first days of March, June, September and December for water used for the preceding quarter. (Ord. No. 1981-1, 3-10-81)

**Sec. 19-27. Unauthorized use of water prohibited; city to turn water on.**

(a) No person unless authorized by the water department shall turn on the water to a house or premises or shut it off therefrom, nor unless turned on by one so authorized, shall a person draw or use water from the city waterworks.

(b) No person shall connect a water closet, bathtub, fountain, machine, faucet, or apparatus whatever, with the city water supply, except it be with a metered section thereof, without first obtaining permission in writing so to do from the superintendent of the water department. No person shall use water supplied by the city water department, tap the mains or a pipe leading therefrom, or attach pipes thereto, for the purpose of extending or altering the service pipe upon his premises, except as above provided without first applying to the superintendent of the water department at his office and signing an application for the same stating the purpose for which he wishes to use the water, and first obtaining the permission of the superintendent in writing. No change or alteration in any pipe or fixtures supplied with city water at scheduled rates nor any change or alteration in the position of any cutoff placed back of all fixtures shall be made except by and with the consent and permission of the superintendent of the water department.

(c) No person upon premises where a scheduled water rate is assessed shall give away water from the city water supply or use the same for any purpose other than that for which payment has been made, nor allow the water to be wasted from fixtures out of repair or otherwise.

(d) No person shall open any hydrant or fireplug or draw water therefrom except under the direction of the superintendent of the water department, or members of the fire department for the purpose of extinguishing fires.

(e) No person shall remove, carry off, or in any way injure, interfere or meddle with a hydrant valve, valve box or cover, stopcock, stop-box, or cover, pipe, tool, apparatus, fixture, building, machinery, or fence, belonging to the city water department.

(f) When a person has used water without a permit from the city water department, a charge shall be made against the premises from the time the water has been used, or for the quantity estimated or shown by meter measurement to have been used, and said charge shall be increased fifty (50) per cent and shall be collected as provided by this chapter.

**Sec. 19-28. Duty of owner to maintain piping.**

All persons taking from the water department shall keep the fixtures and service pipe within their own premises in good repair and fully protected from frost and shall prevent all unnecessary waste of water.

**Sec. 19-29. Limitations on city's liability.**

The city shall not be liable for accident or injury of any kind caused by, or growing out of, the use or failure of city water.

**Sec. 19-30. Conditions for use.**

This chapter and the rules and regulations of the water department shall be considered as stating the conditions upon which city water shall be furnished, and every person using city water shall be considered, by so doing, to express his consent to conform to the requirements of this chapter and the rules and regulations of the department.

**Sec. 19-31. Public fire hydrant; charges.**

There shall be paid annually to the water department from city funds, as compensation for fire protection, a sum equal to a rental of twenty dollars (\$20.00) per hydrant for the public fire hydrants attached to the city mains.

**Sec. 19-32. Discontinuance of service; procedure.**

Any person desiring to discontinue the use of water shall give notice at the office of the department, and service rates shall be chargeable until the water is shut off at the corporation cock. To secure the discontinuance of the charge of water for any special purpose, whether for faucet, closet, bathtub, hose connection, or other fixture, the fixture shall be removed and entirely disconnected from the city water supply, permission for the charge having been first obtained as required by the provisions of this chapter. In all occupied premises, every faucet, water closet, set basin, sink or other fixtures, whether used or not, shall be charged for, and the rates collected, so long as they shall remain connected to the city water supply.

**Sec. 19-33. Rebates; conditions.**

No rebate on water rentals shall be allowed unless they are approved by the water superintendent and water committee, and they shall be in the form of a bill payable by the city treasurer the same as other bills.

**Sec. 19-34. Meters; regulations.**

(a) All meters, and the setting of the same, shall be satisfactory to the superintendent of the city water department. Meters shall be placed as near as possible to the point where a service pipe enters the building, and in such manner that a difference of one inch in the length of the meter will not necessitate a change in the piping.

(b) Meters with one-half inch delivery shall be furnished a property owner complying with this chapter and the regulations of the water department.

(c) Water used through two (2) or more meters upon the same premises, for the same business and to supply the same pipes used for a common supply, shall be rated as passing through one meter, but if used through separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to a meter for less than the established minimum meter rate.

(d) Not more than one dwelling shall be supplied through one meter.

(e) If for any cause a meter fails to register the amount of water passing through it, the owner shall be charged at the average daily rate, as shown by the meter when in order.

(f) A person using a meter shall connect with the meter all fixtures supplied with water on his premises in such manner that all water used will be measured, and all water passing through meters shall be paid for. All meters shall be set under the direction of the superintendent of the city water department, and shall not be moved or disturbed without his permission. The use of water through a meter in such a manner that the meter will not, in the opinion of the water commissioners, accurately measure the water actually passing through said meter, shall not be allowed, and in such case the water commissioners shall cause such meter or meters to be placed on such services as will in their opinion accurately register the amount of water passing through such services.

**Sec. 19-35. Inspections required.**

The superintendent of the city water department between the first and twentieth days of May and November in each year, shall cause to be inspected the premises of all persons using city water and shall examine the pipes and other fixtures connected with the service, and see that the water on such premises is used according to the provisions of this chapter and the rules and regulations of the water department.

**Sec. 19-36. Noncompliance; right to cut water off; penalties.**

(a) The water committee may withhold the water supply from any person failing or refusing to comply with any of the provisions or requirements of this chapter or the regulations of the department approved by the council. A failure, neglect or delay on the part of the water committee to withhold water from users neglecting or refusing to comply with any of the

provisions or requirements of this chapter shall not constitute or be construed as a waiver of their right so to do, and they may at any time after finding that a user of city water is violating any section of this chapter, cause the water to be shut off, and to remain off, until he shall have fully complied with all the requirements of this chapter and the regulations of the department, and shall have paid to the city water department the fee as per 24 V.S.A. §5151 for cutting off and turning on the water. The refusal or failure of any person to comply with any of the requirements of this chapter, or the regulations of the department shall constitute and be considered a relinquishment of all right to use city water and shall further render the said party or parties liable to criminal prosecution. (Ord. No. 2013-02, 10/02/12)

(b) Whenever it becomes the duty of the superintendent of the city water department, under the provisions of this chapter, to shut off water, he shall, unless herein otherwise specified, give the user of water on the premises in question, not less than fourteen (14) days notice of the time when, unless the provisions of this chapter and the regulations of the department are complied with, the water will be shut off. (Ord. No. 2013-02, 10/02/12)

(c) All ratepayers and/or users of water shall be afforded any rights provided in 24 V.S.A. §5141-5151. (Ord. No. 2013-02, 10/02/12)

**Sec. 19-37. Noncompliance; penalty.**

Any person who fails to comply with any lawful notice under this chapter, or constructs or maintains any physical connection contrary to this chapter, or refuses to permit said superintendent to inspect or test any physical connection and the vault or pit in which the same is located, or hinders or obstructs said superintendent in such inspection at any time, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than ninety (90) days.

**Secs. 19-38-19-47. Reserved.**

**ARTICLE III. SEWAGE DISPOSAL**

**DIVISION 1. GENERALLY**

**Sec. 19-48. Creation of sewage disposal department; superintendent to be appointed.**

There is hereby created the sewage disposal department. The sewage disposal department shall consist of all of the mainline sewers, together with feeder lines which are located in highways or on public property and shall flow into the sewage disposal plant located northerly of Willey Street in the city. There shall be a superintendent of sewage disposal, who shall be appointed by the manager, and removed at his pleasure in the same manner as other department heads. The council shall constitute the board of sewage disposal commissioners. Except as otherwise herein provided, the manager shall be charged with the supervision, management and control of the sewage disposal department through a department head, should one be appointed.

**Sec. 19-49. Rates and charges.**

(a) The city, through its board of sewage disposal commissioner, may establish charges to be called sewage disposal charges, to be paid at such times and in such manner as may be prescribed.

(b) Rates established by the sewage disposal commissioners, shall be kept on file in the offices of the clerk and public works department and available to the public during all working hours.

**Sec. 19-50. Charges; liens.**

The owner of any tenement house, building or lot shall be liable for sewage disposal charges as hereinafter defined or established by the sewage disposal commissioners. Such sewage disposal charge shall be a lien upon such real estate in the same manner and to the same effect as taxes are a lien upon real estate under Title 32 V.S.A. Sec. 5061, or as thereafter amended.

**Sec. 19-51. Use of proceeds.**

The charges and receipts of the sewage disposal department shall only be used and applied to the payment of interest and principal of the sewage disposal bonds of the city, as well as the expenses of maintenance and operation of the sewage disposal department.

**Sec. 19-52. Power to contract with municipalities.**

The city, through the council, may contract with the state, the federal government, or any appropriate agency thereof, any town, city or village, any corporation or individuals, to make disposal of sewage for such other town, village, city corporation or individual. The council may authorize or instruct the sewage disposal commission to give away free of charge, or to make sale of sewage or fertilizer by-products, incident to sewage disposal, and the proceeds from the sale thereof shall be turned over to the treasury of the city and credited therein as is other income derived under the authority of the preceding sections.

**Secs. 19-53-19-60. Reserved.**

**DIVISION 2. SEWERS\***

**Sec. 19-61. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

**A.S.T.M.** means the American Society for Testing Materials.

**BOD** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter, unless otherwise noted.

**Building drain** means that part of the lowest horizontal piping of a drainage system which

receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, and at a point five (5) feet outside the inner face of the building wall.

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

**City manager** means the city manager of Barre or his authorized deputy, agent, or representative.

**Combines sewer** means a sewer installed specifically for receiving both surface runoff and sewage.

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

**Industrial wastes** means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**mg/l** means milligrams per liter.

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

**pH** means the logarithm of the reciprocal of the weight of hydrogen ions in gram per liter of solution.

**Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.**

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

**Sanitary sewage or domestic sewage** means the water-carried wastes normally associated with human habitation or occupancy.

**Sanitary sewer** means a sewer which carries domestic sewage and industrial wastes and to which storm, surface, and ground waters are not intentionally admitted.

**Sewage** means a combination of domestic sewage and industrial wastes, together with such ground, surface, and storm waters as may be present.

**Sewage treatment plant** means any arrangement of devices and structures used for treating sewage.

**Sewage works** means all facilities for collecting, pumping, treating, and disposing of sewage.

**Sewer** means a pipe or conduit for carrying sewage.

**Shall** is mandatory, may is permissive.

**Slug** means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**Storm drain** (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes domestic sewage and industrial wastes, other than unpolluted cooling water.

**Suspended soils** means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**Watercourse** means a channel in which a flow of water occurs, either continuously or intermittently.

**W.P.C.F.** means the water pollution control federation.

#### **Sec. 19-62. Private sewers-When replaced.**

Whenever any private sewer becomes clogged, broken, obstructed, out of order, or detrimental to the use of said public sewers or unfit for sewerage purposes in the part situated between the property connected and the curb, the owner, agent, occupant or person having charge of any building, lot of land, or premises in which such private sewer is located shall, when directed by written notice from said board of street commissioners, remove, reconstruct, alter, clean or repair said private sewer as the condition thereof may require. In case of neglect or refusal to comply with such notice within five (5) days after the same is given, the said board may cause the said private sewer to be removed, reconstructed, repaired, altered or cleaned as it may deem expedient or as the board of health may direct at the expense of such owner, agent, occupant or other person so notified who shall also be liable to a penalty not exceeding twenty dollars (\$20.00) for every such neglect or refusal.

#### **Sec. 19-63. Same--Specifications.**

The board of street commissioners shall have authority to prescribe rules as to the materials to be used and the manner of construction of all private sewers from the exterior walls of the building for which they are to be used to the public sewer, but all connections with such building shall be subject to the regulations of the board of health. The board of street commissioners may also determine the grade of such sewers.

**Sec. 19-64. Same--Changes in direction; standards.**

All changes in direction of private sewers laid in accordance with the provisions of this chapter shall be made gradually, using curves, and avoiding sharp angles, and the inside of every drain shall be left smooth from end to end and perfectly clean, said sewers shall have uniform grade and in no case shall water closet and kitchen drains be laid with an inclination less than one-fourth of an inch to the foot, except by special permission of the street commissioners and upon such conditions as they may prescribe.

**Sec. 19-65. Building sewer and connections-Permit required.**

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

There shall be two (2) classes of building sewer permits:

- (a) for residential and commercial service, and
- (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the manager. A permit and inspection fee of twenty-five dollars (\$25.00) for a residential or commercial building sewer permit and fifty dollars (\$50.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed.

**Sec. 19-66. Same-Traps, etc.; specifications.**

All persons are required to place an effectual trap in the line of the drain before it leaves the premises, and to make an open connection with a drain spout back of the trap, and also make an open connection with the highest part of the soil pipe within the premises through a large pipe or flue to a point above the roof of the building, and to protect various openings into the drain by grating, so that no improper substances can enter same.

**Sec. 19-67. Inspections; duty of property owner to notify manager.**

The applicant for the building sewer permit shall notify the manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the manager.

**Sec. 19-68. Costs to be borne by owner; indemnification to city.**

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

**Sec. 19-69. Excavation regulations.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

**Sec. 19-70. Separate sewers required for each building.**

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

**Sec. 19-71. Old sewers; conditions for use.**

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

**Sec. 19-72. Construction or extension-Council approval and appropriation prerequisite.**

No sewer or drain shall be constructed or extended until it shall have first been ordered by vote of the council nor until an appropriation to cover the expense has been made.

**Sec. 19-73. Same-Plan required.**

Whenever any public sewer or drain is ordered to be built or repaired, the street commissioners shall cause the city engineer to make a plan and specification of the same which plan and specifications shall show the location of said sewer in the street, its depth with reference to the grade of the street, its size and the material of which it is constructed and said plan shall show the accurate location of all manholes and inlets. Said plan and specifications shall at all times be kept on file in the office of the city engineer and be open to the inspection of anyone interested; he shall also copy so much of said plan as is necessary into a field book for the use of the sewer department.

**Sec. 19-74. Same-Standards.**

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

(b) Whenever possible, the building sewer shall be brought to the building at an elevation below

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

**Sec. 19-75. Connection standards.**

(a) No person shall make connection of roof downspouts, exterior foundations drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

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

**Sec. 19-76. Use-Sanitary sewers.**

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

**Sec. 19-77. Same-Storm sewers.**

Storm water and all other unpolluted drainage shall be discharged to storm drains or to a natural outlet approved by the manager.

**Sec. 19-78. Prohibited discharges.**

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

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- (3) Any water or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, fibers, tar, plastics, wood, unground garbage, whole blood,

paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F.
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F.
- (3) Any garbage that has been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the manager.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated planting solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirements, to such degree that any such material received in the composite sewage at the treatment works exceeds the limits established by the manager for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the manager as necessary, after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the manager in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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

(c) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section and which in the judgment of the manager may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the manager may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this section.

If the manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the manager, and subject to the requirements of all applicable codes, ordinances, and laws.

**Sec. 19-79. Grease, oil and sand interceptors; when required.**

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

**Sec. 19-80. Preliminary treatment; flow-equalizers; maintenance standards.**

When preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**Sec. 19-81. Manholes; when required; maintenance.**

When required by the manager, the owner of any property serviced by a building sewer carrying

industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the manager. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**Sec. 19-82. Measurements, tests, analyses, standards.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

**Sec. 19-83. Special agreements permitted.**

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

**Sec. 19-84. Protection from damage.**

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

**Sec. 19-85. Powers and authority of inspectors.**

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

(b) While performing the necessary work on private properties, the manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and

the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

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

**Sec. 19-86. Penalties.**

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

(b) Any person who shall continue any violation beyond the time limit provided shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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