

## **TITLE V: PUBLIC WORKS**

### **Chapter**

50. GARBAGE AND REFUSE

51. WATER

52. SEWERS

APPENDIX A: SUMMARY FOR INDUSTRIAL USERS

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## **CHAPTER 50: GARBAGE AND REFUSE**

### Section

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## Definitions

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Refuse required to be deposited in approved containers Burning or burying garbage and refuse; permit required Accumulation of garbage and refuse prohibited Containers required; specifications Pre-collection practices; requirements Collection schedule Interference with containers prohibited Special or bulk collections regulated Removal of dead animals Collection fees

### § 50.01 DEFINITIONS.

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

**BUILDING MATERIAL SCRAPS.** Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefor.

**GARBAGE.** All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products but excluding sewage and human wastes.

**REFUSE.** All non-putrescible wastes.

**SOLID WASTE.** Garbage, refuse, rubbish, trash, and other discarded solid materials, including **SOLID WASTE** materials resulting from homes, businesses, industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

**TREE TRIMMINGS.** Tree limbs, leaves, shrubbery, weeds, plants or grass. ('79 Code, 4-2-1)

#### **§ 50.02 REFUSE REQUIRED TO BE DEPOSITED IN APPROVED CONTAINERS.**

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.

('79 Code, § 4-2-2) Penalty, see § 10.99

#### **§ 50.03 BURNING OR BURYING GARBAGE AND REFUSE; PERMIT REQUIRED.**

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefor has been granted by the Fire Chief.

('79 Code, § 4-2-3) Penalty, see § 10.99

#### **§ 50.04 ACCUMULATION OF GARBAGE AND REFUSE PROHIBITED.**

All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

('79 Code, § 4-2-4) Penalty, see § 10.99

#### **§ 50.05 CONTAINERS REQUIRED; SPECIFICATIONS.**

The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized, iron, plastic, rubber or other non-rusting material in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tight-fitting cover made of the same material as the container. All containers shall be watertight and they shall be of a size that can be conveniently handled by the collectors, and no container shall be more than 30 gallons in capacity and measure not over 22 inches in diameter nor 30 inches in height. All containers shall be kept in a reasonably clean condition.

('79 Code, § 4-2-5) Penalty, see § 10.99

#### **§ 50.06 PRE-COLLECTION PRACTICES; REQUIREMENTS.**

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose and no ashes shall be deposited in any container until they are cold. Containers which fail to have a cover as required in § 50.05 or which become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner shall not be used. ('79 Code, § 4-2-6) Penalty, see § 10.99

**§ 50.07 COLLECTION SCHEDULE.**

Garbage and refuse will be collected by the town according to a collection schedule maintained in the Clerk's office. The schedule may be periodically revised and amended by action of the Board.  
( '79 Code, § 4-2-7)

**§ 50.08 INTERFERENCE WITH CONTAINERS PROHIBITED.**

It shall be unlawful for any person to damage, displace, or to otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.  
( '79 Code, § 4-2-8) Penalty, see § 10.99

**§ 50.09 SPECIAL OR BULK COLLECTIONS REGULATED.**

- a) No bulk trash, tree limbs, shrubbery cuttings, leaves and other refuse will be collected without special charge unless the refuse can be placed in regulation type garbage cans.
- b) Any property owner desiring special bulk collections of loose matter, not in closed containers or tied in bundles, may request a special collection for which a special charge will be made. If sufficient manpower and equipment are available, town personnel are authorized to make the special collections; provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the Board.
- c) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than six feet in length or other heavy objects be collected by the city. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.
- d) Material to be collected by special collections shall be placed in neat piles and so located that the refuse can be easily loaded on trucks for disposal.

( '79 Code, § 4-2-9)

**§ 50.10 REMOVAL OF DEAD ANIMALS.**

Dead animals will be removed from any premises upon notice to the Clerk of the existence of such dead animals.

( '79 Code, § 4-2-10)

**§ 50.11 COLLECTION FEES.**

- A. Monthly garbage and refuse collection fees are hereby established in amounts set forth on the most current fee schedule located in the office of the Town Clerk:
- B. For premises having town water service the charges shall be billed along with the charges for water service to each separate metered premises. For premises not having town water service, the charges shall be billed separately to each residence, and to each business firm, under a separate roof.

('79 Code, § 4-2-11)

## CHAPTER 51: WATER

### Section

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- 51.03 Installation of service pipes
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- 51.24 Adjustments due to Overbill and Underbill
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- 51.26 Returned Payments
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#### **§ 51.01 SERVICE CONTRACTS TO CONFORM WITH CHAPTER.**

All pertinent provisions of this chapter shall govern the terms and conditions of the contracts under which the town furnishes water service to any person, or whereby the town makes any water connections or performs any work of any kind in connection with the furnishing of water service. ('79 Code, § 5-1-1)

#### **§ 51.02 SUPERVISION OF MAYOR AND BOARD; DUTIES OF SUPERINTENDENT.**

- (A) The water system shall be under the supervision of the Mayor and Board. The duty of enforcing full compliance with all rules and regulations governing all connections with the mains shall be vested in the Superintendent of the water and sewage system. ('79 Code, § 5-1-2)
- (B) The Superintendent shall perform the following duties:
  1. He shall have general supervision over all the operations of the water system.
  2. He shall see that all rules and regulations of the town are enforced.
  3. He shall see that water rates and assessments are correctly made.
  4. He shall have authority to appoint and discharge, subject to supervision by the Board, all employees of the Water and Sewer Department. ('79 Code, § 5-1-3)

#### **§ 51.03 INSTALLATION OF SERVICE PIPES.**

The town, or a licensed plumber under permit of the town, shall tap the water main for connections and extend all service pipes to the curbing where a stop box will be placed over a stop cock, all of which shall be under the exclusive control of the town. No person shall be allowed to turn the water on or off at this stop cock, except the Superintendent of the water and sewer system. ('79 Code, § 5-1-4)

#### **§ 51.04 CONNECTION REQUIREMENTS.**

- (A) Within 30 days after the water main in any street is completed and ready for use, the owner of every abutting lot whereon water is needed for human use shall cause such lot to be connected with the water main. ('79 Code, § 5-1-5(a))
- (B) Every house or building abutting any water main shall be separately and independently connected, except in those cases where laterals from the main have already been laid in macadam or improved streets, without provisions having been made for such house or building, when the connection may be made to an existing lateral. If such house or building is on a macadam or improved street where laterals have not been laid, the connection may be made to any convenient lateral. When two or more houses or units are connected with the same water lateral, a separate water meter shall be provided for each house or unit. ('79 Code, § 5-1-5(b))
- (C) The construction of laterals for water connections, and the necessary excavation therefor, shall be done by the town, or, if done by a licensed plumber, it shall be done under the supervision of the town. ('79 Code, § 5-1-6)



#### **§ 51.05 APPLICATION FOR CONNECTIONS.**

Every application for a water connection shall be made on a form provided by the town, shall be signed by the applicant, shall be accompanied by the proper fee for making the connections, and shall be filed with the Deputy Clerk. ('79 Code, §5-1-7)

#### **§ 51.06 CONNECTION CHARGES.**

The Board shall establish fees for extension of water service pipe and the tapping of main. A copy of current charges shall be kept on file in the office of the Clerk.  
( '79 Code, § 5-1-8)

#### **§ 51.07 SERVICE PIPE EXTENSIONS.**

No service pipe shall be allowed to run across lots, that is, from one lot to another, but it must be taken from the main in front of the premises or from some point adjacent thereto, unless specific permission is obtained from the Superintendent. The Superintendent shall have the power to extend service pipe to a building abutting a main. All additional expenses for such extensions shall be paid by the owner of the property.  
( '79 Code, § 5-1-9)

#### **§ 51.08 ACCESS TO PREMISES.**

Whenever it becomes necessary to enter any premises, stores or dwelling, for the purpose of inspecting water pipes, fixtures or meters, the Superintendent or Building Inspector may do so within reasonable hours; should the Superintendent or Inspector be refused admittance, the supply of water shall be cut off until the examination is made and the required information is obtained, or until repairs and alterations are made.  
( '79 Code, § 5-1-10)

#### **§ 51.09 WATER METERS.**

- A. The water meters furnished by the town shall remain the property of the town and will be serviced by the town.
- B. The Town of Biscoe will make special meter readings at the request of the consumer for a fee of \$25.00 provided, however, that if such special reading discloses that the meter was over read, or in error in any way, the fee will be refunded.

( '79 Code, § 5-1-11)

#### **§ 51.10 CONNECTIONS OUTSIDE OF TOWN.**

No connection of any water line or system outside of the town shall be made to any part of the town water system without special permission from the Board on such terms as the Board shall prescribe.  
( '79 Code, § 5-1-12)

#### **§ 51.11 UNAUTHORIZED USE OF WATER.**

Only the Superintendent or other town employees are authorized to turn on water. If water is found to be in use without the knowledge of the Superintendent, or without being turned on by him or his agent, or if water is used for any other purpose than that paid for, the meter will be pulled from the premises and the consumer assessed a \$150.00 fee. Once the consumer pays any fees accrued, the consumer will be assessed another \$150.00 fee and the meter will then be reinstalled at the premises. The fact that water is cut on to any premises by a person without the prior knowledge of either The Town of Biscoe or the consumer shall not relieve the consumer of liability for such unauthorized use of water. ('79 Code, § 5-1-13) Penalty, see § 10.99

#### **§ 51.12 LEAKS TO BE RESPONSIBILITY OF CONSUMER.**

If a break occurs, or a defect is found in any pipe or fixture, causing or permitting a leakage or waste of water, it shall be the duty of the owner of the premises or the consumer to have the break or defect repaired. ('79 Code, § 5-1-14)

#### **§ 51.13 WATER FOR USE OF CONSUMERS ONLY.**

It shall be unlawful for any consumer to permit any person, except the members of his or her family or employees living on the premises as a part of the household or visitors in the home to remove water from the premises for any purpose except in case of fire or other emergency. Any person unlawfully receiving or using water shall be guilty of a misdemeanor, and if it is shown that the unlawful use has been made with the knowledge and consent of the consumer, the consumer shall be deemed equally guilty. ('79 Code, § 5-1-15) Penalty, see § 10.99

#### **§ 51.14 INJURY TO PROPERTY AND FIXTURES.**

It shall be unlawful for any person to injure, deface or destroy the building, machinery, fences, trees or other property of the town water system, or the pipes, stand pipes, valves, boxes, fire hydrants, fountains, service boxes, service valves or service connections or any other fixtures, or in any way to contaminate the town water supply. ('79 Code, § 5-1-16) Penalty, see § 10.99

#### **§ 51.15 TAMPERING WITH METERS PROHIBITED.**

It shall be unlawful for any person, after the water has been turned off for failure to pay the water bill, to turn the water on at the meter or to bypass the meter or in any manner to obtain water at no cost. The meter will be pulled from the premises and the consumer assessed a \$150.00 fee. Once the consumer pays any fees accrued, the consumer will be assessed another \$150.00 fee and the meter will then be reinstalled at the premises. ('79 Code, § 5-1-17) Penalty, see § 10.99

#### **§ 51.16 TOWN LIABILITY.**

The town will not be liable for any damages that may result to consumers from the shutting off of water service for any cause whatsoever, even in cases where no motive is given, and no deduction from bills will be made in consequence thereof.

('79 Code, § 5-1-18)

**§ 51.17 ESTABLISHING UTILITY SERVICES**

Customers who wish to establish water and/or sewer service must complete a written application in person, submit to the Town of Biscoe and provide valid Government issued photo identification as well as a Lease Agreement or Rent Receipt, or Deposit Receipt containing the Address where service is to be connected and the Account Holder’s full name. The Property Owner information must be on the completed application. In lieu of the valid Government Issued photo identification TWO or more of the following will suffice as identification: residence permits, non-driver’s government ID cards (such as SNAP cards), Proof of checking or savings accounts, birth certificate, W2s, Bills from other utility companies or credit card companies. Non-Acceptable forms of identification: Matricular Consular or Identify document issued or created by local government or private entity unless expressly authorized by the legislature.

If the Account Holder is the Property Owner, then buyer documentation must be presented at the time of application as well as the Government issued photo identification or TWO or more acceptable forms of identification identified above. If the property becomes rental property it is the Account Holder’s responsibility to disconnect service so the new tenant can establish service. If the property owner establishes another account at the same address the non –refundable account fee will be waived but a new application for service must be completed.

**§ 51.18 RATES AND CHARGES; NON-REFUNDABLE ACCOUNT FEE**

The rates and charges for water service shall be as established by the Board, shall be due and payable monthly, and shall be collected in accordance with the provisions of this chapter. A copy of the current rates and charges shall be kept on file at all times in the office of the Clerk.

('79 Code, § 5-1-19) (Am. Ord. passed 7-14-99)

<b>WATER &amp; SEWER FEE SCHEDULE</b>			
<b><u>Water &amp; Sewer (Residential Rates)</u></b>			
<b><u>INSIDE CITY LIMITS</u></b>			
	First 2000 Gallons (Minimum Charge)	\$ 12.00	<i>Per 1000 gallons</i>
	Each additional 1000 Gallons	\$ 5.50	<i>Per 1000 gallons</i>
	Sewer	100%	<i>of water used</i>
<b><u>OUTSIDE CITY LIMITS</u></b>			
	First 2000 Gallons (Minimum Charge)	\$ 22.00	<i>Per 1000 gallons</i>
	Each additional 1000 Gallons	\$ 11.00	<i>Per 1000 gallons</i>
	Sewer	100%	<i>of water used</i>

	NCGS 160A-314.(a)		
<b><u>Water &amp; Sewer (Commercial Rates)</u></b>			
<b><u>INSIDE CITY LIMITS</u></b>	First 3000 Gallons (Minimum Charge)	\$ 34.00	
	Each additional 1000 Gallons	\$ 5.50	Per 1000 gallons
	Over 1 Million Gallons, contact Office		
	Sewer	100%	of water used
<b><u>OUTSIDE CITY LIMITS</u></b>	First 2000 Gallons (Minimum Charge)	\$ 55.00	
	Each additional 1000 Gallons	\$ 11.00	Per 1000 gallons
	Over 1 Million Gallons, contact Office		
	Sewer	100%	of water used
<b><u>Water &amp; Sewer Fees</u></b>			
	Water Connection - Residential Owner	\$ 50.00	
	Water Connection - Resident - Renter	\$ 75.00	
	Water Connection - Business	\$ 75.00	
	TIER 1 Late Fee	\$ 10.00	APPLIED BEFORE 8:30 ON 21ST
	TIER 2 Late Fee	\$ 35.00	APPLIED BEFORE 8:30 ON 1ST DAY OF MONTH
	Special Meter Reading	\$ 25.00	WILL BE REFUNDED IF NO FAULT OF CUSTOMER
	Tampering Fee	\$ 350.00	First offense, progressive thereafter
	Water Tap (3/4")	\$ 500.00	
	Water Tap (1")	\$ 600.00	
	Water Tap (Bore or Push)	Actual cost + 5%	
	Sewer Tap (Inside City Limits)	\$ 500.00	
	Sewer Tap (Outside City Limits)	\$ 600.00	
	Sewer Tap (Bore or Push)	Actual cost + 5%	
	Extra Trash Can	\$10.00	
<b><u>Planning &amp; Zoning Fees</u></b>			
	CONDITIONAL USE PERMIT	\$ 200.00	
	MAPS	\$ 1.00	
	REZONING APPLICATION	\$ 300.00	
	ZONING BOOKS	\$ 10.00	
	ZONING PERMIT	\$ 25.00	
<b><u>Cemetery Prices</u></b>			
<b><u>Section B</u></b>			
	Inside City Limits Resident	\$ 230.00	Per Grave
	Outside City Limits Resident	\$ 430.00	Per Grave
<b><u>Section D</u></b>			
	Inside City Limit s Resident	\$ 330.00	Per Grave
	Outside City Limit s Resident	\$ 730.00	Per Grave

- A. Each customer applying for water service shall pay a Non-Refundable account service charge in an amount fixed by the Board. A copy of the current service connection charge shall be kept on file at all times in the office of the Clerk. ('79 Code, § 5-1-20) (Ord. passed 7-11-94)

- B. The town shall give a one-time \$10 rebate to customers who install water-saving faucets and showerheads. (Ord. passed 9-24-01)

**§ 51.19 METER READING; BILLING; COLLECTING.**

- A. Meters will be read and bills rendered monthly, but the town may vary dates or length of period covered, temporarily or permanently, if necessary or desirable.
- B. Bills for water will be figured in accordance with the rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings, but the amount payable for each month's service shall not be less than the minimum charge prescribed in the schedule of rates.
- C. Charges for service commence when the meter is installed and connection is made, whether used or not.
- D. Bills for water service are due when rendered and are delinquent at midnight on day 20. In the event the bill for water service is not paid in 20 days after it was rendered, a penalty will be added before 8:30 am on day 21 and will be paid by the customer. Unless day 21 falls on a Saturday, Sunday, or Holiday in which the Town Hall is closed. The penalty will then be assessed on the following business day. In the event the bill for water service is not paid on the last day of the month a second tier penalty will be added and will be paid by the customer in an amount set forth on the most current fee schedule located in the office of the Town Clerk. Unless the last day of the month falls on a Saturday, Sunday, or Holiday in which the Town Hall is closed. The Penalty will then be assessed on the following business day. It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills on the fifth day of the month for the amount of the previous month and any fees incurred unless the fifth day of the month falls on a Thursday, Friday, Saturday, Sunday, or Holiday in which the Town Hall is closed. Disconnection will then occur on the following business day.
- E. Reading from different meters will not be combined for billing, irrespective of the fact that such meters may be for the same or different premises, or for the same or different customers, or for the same or different services.
- F. No second notice will be sent.
- G. Failure to receive bills mailed or notices shall not prevent the bills from becoming delinquent nor relieve the customer from payment.  
( '79 Code, § 5-1-21) (Ord. passed 3-11-96)

**§ 51.20 DISCONNECTION FOR LATE PAYMENT.**

- (A) It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills on the fifth day of the month for the amount of the previous month and any fees incurred unless the fifth day of the month falls on a Thursday, Friday, Saturday, Sunday, or Holiday in which the Town Hall is closed. Disconnection will then occur on the following business day only after notice and a meaningful opportunity to be heard on disputed bills. The town's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:
- (1) That all bills are due and payable on or before the date set forth on the bill; and
  - (2) That if any bill is not paid by or before that date, service will be discontinued for nonpayment; and
  - (3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
- (B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.
- (C) When it becomes necessary for the town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid.

#### **§ 51.21 UNPAID BALANCES**

Any balance owed to the Town of Biscoe must be paid prior to beginning service at a new address or the same address, otherwise, The Town of Biscoe reserves the right to reject service to the applicant. Customers with multiple accounts are subjected to any unpaid Town of Biscoe balance (s) being transferred to another Town of Biscoe account. The balance transfer may cause the new account to be disconnected if payment is not received.

#### **§ 51.22 SUSPENSION OF SERVICE VOLUNTARY OR OTHERWISE.**

- (A) It is the account holder's responsibility to discontinue service by coming to the Town Hall and requesting service disconnected. The account holder will complete a Disconnect of Service agreement. If an account holder fails to properly disconnect service any and all

bills accumulated in the account holder's name will be the sole responsibility of the account holder for three billing cycles to end on the 1<sup>st</sup> day of the third month after payment has not been made. At this point service will be discontinued by the Town of Biscoe and a letter will be sent to the account holder at the last address available.

- (B) Upon discontinuance of service for nonpayment of bills. The town will proceed to collect the balance in any way provided by law for the collection of debts.
- (C) Service discontinued for nonpayment of bills will be restored only after all bills currently due are paid in full.
- (D) Once a tenant provides notice that he or she will be terminating service, the property owner or new tenant must come in person to begin service; otherwise, the connection will remain off.
- (E) The town reserves the right to discontinue water service without notice for any one or more of the following additional reasons:
  - (1) To prevent fraud or abuse;
  - (2) Customer's willful disregard of the town's rules and regulations;
  - (3) Emergency repairs;
  - (4) Insufficiency of supply due to circumstances beyond the town's control;
  - (5) Legal process;
  - (6) Direction of public authorities;
  - (7) Strike, riot, fire, flood, accident or any unavoidable cause.
- (F) The town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.  
( '79 Code, § 5-1-22) (Am. Ord. passed 7-11-94)

### **§ 51.23 RECONNECTION OF SERVICE**

Once disconnected for non-payment, the customer must pay the total balance owed on the account to include the current month's bill.

If a different customer requests service at an address that has been disconnected for non-payment, at least one of the following requirements must be met in addition to those detailed in other sections of this Ordinance.

1. Customer must provide copy of valid Lease Agreement or Deed to the Property with the customer's name listed on the document provided; or
2. If no Lease Agreement exists, the customer must provide a notarized letter containing the Property Owner's signature signifying that the tenant is authorized to begin service at the specific address requested.
3. No reconnections will be made after normal business hours.

#### **§ 51.24 Adjustments due to Over Billing or Under Billing**

The Town of Biscoe will collect any deficiencies in utility payments due to under billing for a maximum period of twelve months.

The Town of Biscoe will refund or apply a credit to an account any excess money collected in utility payments due to overbilling in accordance with the current North Carolina General Statute.

#### **§ 51.25 Leak Adjustments**

The purpose of this section is to provide for a credit adjustment to sewer account ONLY of a customer who has experienced a loss of metered water as a result of conditions beyond normal and reasonable control of the customer or other parties responsible for the use, care, and maintenance of the metered water system.

All metered water lost due to negligence on the part of the user will be charged at the normal rate and no adjustment of the bill will be made.

If the customer believes his bill to be in error, he shall present his claim, in person, at The Town of Biscoe before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his claim.

The Town of Biscoe will make special meter readings at the request of the consumer for a fee of \$25.00 provided, however, that if such special reading discloses that the meter was over read, or in error in any way, the fee will be refunded.

#### *Conditions*

It is the customer's responsibility to promptly discover and immediately repair the cause of any unusual situation or condition that may result in loss of metered water. There must be no evidence of undue delay by the customer in stopping the water loss and in making repairs.

#### *Customer Responsibility*

1. The customer must be able to provide reasonable evidence of the type of loss and the period of time the loss occurred;
2. The customer must show that the loss was of a nature that was not foreseeable and



- controllable in the course of customary and prudent use and care of the metered water system;
3. The customer must show that diligent effort was made to stop the flow of water to minimize the loss in a timely manner;
  4. The customer must show that permanent repairs have been made to prevent a recurrence.

#### *Adjustment Procedure*

1. Customer must submit a written request for an adjustment and a copy of the repair bill, if applicable, within two months of the occurrence. Once received, the Town of Biscoe will evaluate the information provided as to the applicability of an adjustment under this ordinance.
2. The customer shall provide a completed Leak Adjustment Application Form and documentation, in the form of receipts or a completed No Receipt Available Form, showing that the leak has been repaired. No adjustment will be granted if the customer fails to provide the required forms or documentation.
3. The customer's adjustment will be an average of the previous six (6) months of water service, which will be divided by two (2) and then become the sewer part of the water bill for the month of adjustment.
4. If the customer has had water service for less than six (6) months, the average will be taken on the months available.
5. Only one (1) leak adjustment will be allowed within a one-year period.
6. The Utility customer must have water and sewer service, adjustments to the water portion of the bill are not allowed under this policy.
7. Adjustments can be applied to two (2) consecutive billing periods if the water loss occurred over two consecutive billing periods. Insert Utility Leak Adjustment Here.

#### **§ 51.26 RETURNED PAYMENTS**

A Returned check Fee as approved by the Board of commissioners in the current fiscal year fee schedule will be applied to all returned payments, including but not limited to automatic bank drafts, electronic check payments and written checks. If the returned payment makes the accounts more than ten (10) days delinquent, the account will be disconnected without further notice. Once disconnected for returned check payment, the reconnection procedure is the same as those accounts disconnected for non-payment.

If the returned payment is the non-refundable connection fee payment for beginning service, the account will be disconnected without further notice. Once disconnected for returned check payment, the reconnection procedure is the same as those accounts disconnected for non-payment.

If an account holder has three (3) returned checks or bank drafts the account will be set to CASH ONLY and no other form of payment will be accepted. ANY Checks attempted to be paid on the account will not be posted. They will be returned to the address on file.

#### **§ 51.27 WATER SUPPLY PLAN.**

- A. The water supply plan entitled *Biscoe Water Supply Plan* dated August 11, 2000, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources.
  
- B. The Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.  
(Ord. passed 10-9-00)



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## **GENERAL PROVISIONS**

### **§ 52.01 DEFINITIONS.**

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

**(BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.

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

**BU/WING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

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

**INDUSTRIAL WASTES.** The liquid wastes from industrial processes as distinct from sanitary sewage.

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

**OFFENDING PARTY.** The owner, person or tenant to whom the Superintendent has duly delivered a notice of violation of any provision of this chapter.

**PERSON.** Any individual, firm, company, association, society, corporation, or group.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized *pH* will be considered as a *pH* which does not change beyond the specified limits when the waste is subjected to aeration under test. A *pH* value indicates the degree of acidity or alkalinity.

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

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

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

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

**SEWER.** A pipe or conduit for carrying sewage.

- (1) **COMBINED SEWER.** A sewer receiving both surface run-off and sewage.
- (2) **PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- (3) **SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**STORM SEWER** or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

**SURCHARGE WASTEWATER RATE.** The additional user charge billed in addition to the normal user rate for discharge of wastewater with concentrations expressed in parts per million by weight, greater than those limits established in §§ 52.47 through 52.51.

**SUPERINTENDENT.** The Superintendent of Public Works, or sewage works or his authorized representative or such person or persons as may be designated by the Town Board.

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

**TOTAL KJEWAHL NITROGEN.** The total of organic and ammonia nitrogen expressed in parts per million by weight.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently. (Ord. passed 10-9-89)

#### **§ 52.02 USE OF PUBLIC SEWERS REQUIRED.**

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.
- (B) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank cesspool, or other facility intended or used for the disposal of sewage.
- (D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.  
(Ord. passed 10-9-89) Penalty, see § 10.99

#### **§ 52.03 TAMPERING WITH WASTEWATER FACILITY PROHIBITED.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. passed 10-9-89) Penalty, see § 10.99





#### **§ 52.04 REQUEST FOR SEWER SERVICE OUTSIDE OF CITY LIMITS.**

Whenever a request is received for sewer service from someone whose residence or business is located outside city limits, the Superintendent of Public Utilities will take the request in writing to the Board of Commissioners at their next regular meeting for a decision on whether to authorize a sewer hookup to the town's sewer system. (Ord. passed 7-10-00)

### **PRIVATE WASTEWATER DISPOSAL**

#### **§ 52.15 PRIVATE WASTEWATER DISPOSAL FOR BUILDINGS.**

Where a public sanitary or combined sewer is not available under the provisions of § 52.02(0), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter. (Ord. passed 10-9-89) Penalty, see § 10.99

#### **§ 52.16 PERMIT REQUIRED.**

- (A) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the Town Clerk at the time the application is filed. The amount of the fee shall be posted in the office of the Superintendent.
- (B) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent. (Ord. passed 10-9-89) Penalty, see § 10.99

#### **§ 52.17 COMPLIANCE WITH DEPARTMENT OF PUBLIC HEALTH.**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the state. No permit shall be issued for any

private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(Ord. passed 10-9-89) Penalty, see § 10.99

#### **§ 52.18 CONNECTION TO PUBLIC SEWER.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 52.17, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. passed 10-9-89) Penalty, see § 10.99

#### **§ 52.19 OPERATION AND MAINTENANCE.**

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

(Ord. passed 10-9-89)

#### **§ 52.20 ADDITIONAL REQUIREMENTS.**

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

(Ord. passed 10-9-89)

### **BUILDING SEWERS AND CONNECTIONS**

#### **§ 52.30 INTERFERENCE WITH PUBLIC SEWER SYSTEM; PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. (Ord. passed 10-9-89) Penalty, see § 10.99

**§ 52.31 BUILDING SEWER PERMITS.**

There shall be two classes of building sewer permits; for residential and commercial service, and 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 town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential, commercial, or industrial building sewer permit shall be paid to the Town Clerk at the time the application is filed. The amount of the fee shall be posted in the office of the Superintendent.

(Ord. passed 10-9-89)

**§ 52.32 COST OF INSTALLATION.**

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 town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. passed 10-9-89)



**§ 52.33 SEPARATE SEWERS FOR SINGLE BUILDINGS.**

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.

(Ord. passed 10-9-89)

**§ 52.34 EXISTING BUILDING SEWERS.**

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

(Ord. passed 10-9-89)

**§ 52.35 SPECIFIC REQUIREMENTS.**

- (A) The building sewer shall be cast iron soil pipe ("No-Hub"); PVC plastic sewer pipe, ASTM specification D3034, SDR 35, or other suitable material approved by the Superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe. Cast iron pipe may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.
- (B) The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall not be less than one-eighth inch per foot.
- (C) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- (D) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- (E) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification C12-19 except that no backfill shall be

placed until the work has been inspected.



- (F) All joints and connections shall be made gastight and watertight.
- (1) "No-Hub" cast iron soil pipe joints shall consist of a neoprene gasket and stainless-steel clamp and shield. PVC plastic sewer pipe joints shall be either solvent cement or elastomeric gasket joints.
  - (2) Other jointing materials and methods may be used only by approval of the Superintendent
- (G) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the Superintendent. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45°. A 45° elbow may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent (Ord. passed 10-9-89)

#### **§ 52.36 SUPERINTENDENT TO INSPECT SEWERS.**

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. (Ord. passed 10-9-89)

#### **§ 52.37 EXCAVATIONS.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. passed 10-9-89)



## USE OF PUBLIC SEWERS

### § 52.45 DISCHARGE OF UNPOLLUTED WATER.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. passed 10-9-89) Penalty, see § 10.99

### § 52.46 STORM SEWERS.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent, to a storm sewer, combined sewer or natural outlet. (Ord. passed 10-9-89)

### § 52.47 PROHIBITED DISCHARGES WASTES.

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

- (A) Any liquid or vapor having a temperature higher than 135°F.
- (B) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- (C) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (D) Any garbage that has not been properly shredded.
- (E) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substance in sufficient quantity to cause or substantially contribute to obstruction of the blow in sewers or cause other interference with the proper operation of the sewage works.
- (F) Any waters or wastes having a stabilized pH, as defined in§ 52.01, lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (G) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or

animals, or create any hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

- (H) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (I) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (J) Since the intent of this section is to protect the sewerage system of the town while treating as such of the industrial waste of the town as practicable, the Superintendent shall have the authority to waive the provisions of divisions (A), (B), (C), (D), (E), (F), (G), and (I) when he determines that the quantity of the waste discharged by any person is so small in relation to the overall flow into the town system as to make the offending characteristics of the waste negligible. The waiving of the provisions at one time shall not prohibit the enforcement of these same provisions at a later date when the cumulative effect of the discharge from several industrial establishments and businesses may become detrimental to the sewerage system. Waivers contained in this section shall be subject to the approval of the Board of Commissioners.
- (K) Any change of regulations or treatment standards imposed on the town by the state will in turn be passed along to the industrial waste discharger.  
(Ord. passed 10-9-89) Penalty, see § 10.99

**§ 52.48 GREASE, OIL AND SAND INTERCEPTORS.**

- (A) Grease, oil and sand interceptors shall be provided, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- (B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
- (C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.  
(Ord. passed 10-9-89) Penalty, see § 10.99

**§ 52.49 CERTAIN WATERS TO BE APPROVED BY SUPERINTENDENT.**

The admission into the public sewers of any waters or wastes having (1) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of total suspended solids, or (3) containing any quantity of substances having the characteristics described in § 52.47, or (4) a chemical oxygen demand greater than 1,000 parts per million by weight, or (5) a Total Kjeldahl Nitrogen greater than 40 parts per million by weight shall be subject to the review of the Superintendent. When the Superintendent makes a determination that it is necessary, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (1) reduce the biochemical oxygen demand to 300 parts, per million, the total suspended solids to 350 parts per million by weight, reduce the chemical oxygen demand to 1,000 parts per million, and reduce the Total Kjeldahl Nitrogen greater than 40 parts per million by weight, or (2) reduce objectionable characteristic or constituents to within the maximum limits provided for in § 52.47, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relative to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the State Department of Water and Air Resources, and no construction of such facilities shall be commenced until the approvals are obtained in writing. (Ord. passed 10-9-89)

**§ 52.50 PRELIMINARY TREATMENT FACILITIES.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in safe and effective operation. In the event such treatment facilities malfunction or cease to operate for any reason, the owner shall give immediate notice of such condition to the Superintendent.  
(Ord. passed 10-9-89)

**§ 52.51 STORAGE TANKS; CONTROL MANHOLE.**

A) *Storage tanks.* In order to promote equalization of flows, it shall be the responsibility of each person discharging a waste into the town's sanitary sewers having the following average daily volumes over a period of his normal work week shall construct and maintain at his own expense a suitable storage tank, reservoir or pond of the corresponding minimum volumes:

Volume of Waste Discharged Average Gallons Per Day	Minimum Volume of Storage Tank In Percentage of Daily Volume of Waste Discharged
0 to 2,000 .....	0%
2,001 to 50,000 .....	50%
50,001 to 200,000 .....	100%
200,001 to 750,000 .....	150%
750,001 and above .....	200%

(1) Such storage tank shall have its outlet to the sewer controlled by an approved device,

the setting of flow rates being as directed by the Superintendent.

(2) Storage tank requirements may be waived by the Superintendent in cases where a constant rate of flow is discharged provided:

(a) That the normal operating day extends over a 24-hour period and the rate of waste flow and character of load discharged is such that in the determination of the Superintendent the installation of a storage tank would not improve sewer treatment plant loading conditions.

(b) That all other requirements of this chapter are fulfilled or where the character of waste when held for the period of time indicated would not be detrimental to operation of the town's sewerage system.

(B) Control manhole. Any person discharging industrial wastes into the town's sanitary sewers shall construct a suitable control manhole, downstream from any treatment, storage tank or other approved works, to facilitate observations, and provide means for measurements and sampling of all such wastes from the industry.

(1) The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the Superintendent. The manhole shall be installed by the person discharging the wastes at his expense and shall be maintained by him so as to be safe accessible and in proper operating condition at all times.

(2) A control valve shall be located downstream from any treatment, storage tank or other approved works, to facilitate control of discharge to the town's sewer system. The control valve shall be locked and controlled by the town.

(3) Plans for the construction of such preliminary treatment facilities, storage tanks, control manholes, interceptors, and controlling devices shall be approved by the Superintendent prior to the commencement of construction.

(4) Control manhole requirements may be waived by the Superintendent. A person discharging may be relieved of this requirement providing:

(a) That such waste meets all other requirements of this chapter, as determined by the Superintendent.

(b) That all such wastes are discharged through a single standard sewer manhole before entrance into the sanitary sewers.

(C) Plans for construction. Plans for the construction of the storage tank, control manhole, interceptors and controlling devices shall be approved by the Superintendent prior to the beginning of construction. (Ord. passed 10-9-89)

**§ 52.52 INTERRUPTION OF DISCHARGE.**

Notices shall be given the approving authority when normal operations of the industry will be

interrupted for 24 hours or longer and wastes will not be available for discharge or when a change of process is contemplated. (Ord. passed 10-9-89)

#### **§ 52.53 METHOD FOR EXAMINATION OF WATER AND WASTEWATER.**

- (A) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in §§ 52.47 through 52.51 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control provided for in §§ 52.48 through 52.51, or upon suitable samples taken at the 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.
- (B) Testing shall be at a rate of five tests and analyses per month unless a violation has occurred, then the Superintendent may require testing as frequently as needed until compliance has been accomplished. The town may require daily testing to assure compliance. All testing and analyses costs shall be borne by the owner.  
(Ord. passed 10-9-89)

#### **§ 52.54 SPECIAL CONDITIONS; WAIVERS.**

In the event that any sewer user is unable to comply with any provision contained in this subchapter, whether because of the physical location of the premises, the nature of his operations, conditions beyond his control, or circumstances which would render compliance unreasonable, burdensome, or impractical, or would result in an arbitrary and unreasonable taking of property, or in the closing and elimination of lawful business occupation or activity without sufficient corresponding benefit or advantage to the public, he may apply to the Superintendent for a certificate of waiver, specifying the requirement sought to be waived and setting forth in detail the reasons underlying the request. Upon receipt of such request, the Superintendent shall examine the premises and operations in question to determine whether adequate justification exists. If good cause is shown, the Superintendent may thereafter issue a certificate of waiver which sets forth the findings of fact as determined by the Superintendent with respect to the request, the grounds upon which the certificate is based, and the specific conditions and restrictions to which the continued validity of the certificate are subject including without limitations, the payment by the requesting party of such additional charges as are necessary, in the determination of the Superintendent, to compensate for the excess burden on the sewer system occasioned by the waiver. The certificate of waiver may be conditioned upon periodic review of the grounds upon which it is based, and any such certificate shall be revocable by the Superintendent for good cause at any time upon reasonable notice to party who has been granted the waiver. Nothing in this section shall be construed to modify or affect the application of § 52.66 as to the requesting party. The Superintendent shall maintain publicly at his office a file containing copies of all current certificates of waiver issued. (Ord. passed 10-9-89)

#### **INDUSTRIAL WASTE**

#### **§ 52.65 INDUSTRIAL PERMIT APPLICATION; FEE.**

Any industry desiring to discharge waste into the town's collection system shall submit an industrial sewer connection application to the Superintendent for approval. A permit and inspection fee shall be paid to the Town Clerk at the time the application is filed. The amount of the fee shall be posted in the office of the Superintendent. (Ord. passed 10-9-89) Penalty, see § 10.99

**§ 52.66 INDUSTRIAL WASTE SURCHARGE.**

In the event the wastewater being discharged by an industry into the town's collection system exceeds those requirements in §§ 52.47 through 52.51, the town has the option of imposing an industrial waste surcharge against the industry until the problem is corrected in lieu of not accepting the waste. If after 30 days the problem is not corrected, the town has the right to refuse further treatment of the industry's waste. (Ord. passed 10-9-89)

**§ 52.67 ASSESSMENT POLICY FOR INDUSTRIAL SEWER EXTENSIONS.**

The following assessment policy for future users of this industrial sewer extension will be in effect upon completion of construction:

- (A) All future connections shall be charged an assessment of \$200 for residential users and \$500 for commercial users. These charges are in addition to tap fees in effect at the time of the connection and shall be paid in full prior to connection to the sewer line.
- (B) That all revenues received from this assessment policy be used to finance future capital improvements to the town water and sewer systems in predominantly low- and moderate-income neighborhoods. (Ord. passed 9-10-90)

**ADMINISTRATION AND ENFORCEMENT**

**§ 52.80 POWER AND AUTHORITY OF INSPECTORS.**

The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. In case any inspector or inspectors are refused admittance to any premises for any such purpose or are hindered or prevented from making such examination, the water or sewer privilege shall be terminated and shall not be reinstated until free access is given and the current charge for the activation of water or sewer services is paid. (Ord. passed 10-9-89)

**Water**

**§ 52.81 NOTICE OF VIOLATION.**

In the event that the Superintendent determines that any person is violating or has violated any provision of this chapter except § 52.65, the Superintendent shall serve such person with a written notice of violation setting forth the facts found by the Superintendent with respect to the violation, citing the applicable provision or provisions of this chapter, and providing a time limit of 30 days, which may be further extended by the Superintendent for good cause, for the satisfactory correction of the noted violation.

(Ord. passed 10-9-89)

#### **§ 52.82 APPEALS; HEARING.**

Any person so notified or any person aggrieved by any action of the Superintendent under these regulations may, within ten days from such notification or at any time after such grievance may arise, appeal in writing from the notice or action to the Sewer Committee appointed by the Board of Commissioners or such professional agency as may be agreed upon by the Sewer Committee and the alleged violator. Upon receipt of such appeal, the Sewer Committee or its designated agency shall grant a hearing within 14 days. Within a reasonable time after such hearing, the Sewer Committee, or its designated agency shall issue a memorandum outlining its findings and may modify, continue or revoke the notice of violation or action of the Superintendent, provided, however, that the Sewer Committee or its designated agency shall not take any inconsistent action with this chapter or any standards established by the State Board of Water and Air Resources.

(Ord. passed 10-9-89)

#### **§ 52.83 DISCONTINUANCE OF SERVICE.**

Failure of any person to comply with the notice provided for in § 52.80 in accordance with the provisions of this chapter shall be cause for the discontinuance of sewer or water services to the offending person and the offending person shall be guilty of misdemeanor and upon conviction thereof shall be fined an amount equal to damages incurred by the town. (Ord. passed 10-9-89)

## **APPENDIX A: SUMMARY FOR INDUSTRIAL USERS**

The following is a summary of the town's sewer use chapter identifying items applicable to industrial users. This does not relieve an industry from complying with the town's sewer chapter in entirety.

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer without approval of the Superintendent.
- (2) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (3) Any liquid or vapor having a temperature higher than 135°F.
- (4) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- (5) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (6) Any garbage that has not been properly shredded.
- (7) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substance in sufficient quantity to cause or substantially contribute to obstruction of the flow in sewers or cause other interference with the proper operation of the sewage works.
- (8) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (9) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (11) Any waters or waste having a five-day biochemical oxygen demand greater than 300 parts per million by weight.
- (12) Any waters or waste having a total suspended solid greater than 350 parts per million by weight.
- (13) Any waters or waste having a chemical oxygen demand greater than 1,000 parts per million by weight.



(14) Any waters or waste having a Total Kjeldahl Nitrogen greater than 40 parts per million by weight.

(15) No person shall discharge wastewater containing in excess of:

- 0.01 mg/l arsenic
- 0.01 mg/l cadmium
- <1.00 mg/l copper
- 0.05 mg/l cyanide
- < 1.00 mg/l lead
- <1.00 mg/l mercury
- <1.00 mg/l nickel
- 0.05 mg/l silver
- 0.05 mg/l total chromium
- < 5.00 mg/l zinc
- < 1.00 mg/l total identifiable chlorinated hydrocarbons
- 0.001 mg/l phenolic compounds which cannot be removed by the city's wastewater treatment process.
- 2,000 mg/l sodium
- 10,000 mg/l sodium chloride 1,000 mg/l sulfate
- 800 mg/l chloride
- 250 mg/l formaldehyde

(16) Since the intent of this section is to protect the sewerage system of the town while treating as much of the industrial waste of the town as practicable, the Superintendent shall have the authority to waive the provisions above or allow pretreatment to meet the same.

(B) Structures required:

- (1) Grease, oil and sand interceptors shall be provided and maintained by the owner at his expense.
- (2) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in safe and effective operation. In the event such treatment facilities malfunction or cease to operate for any reason, the owner shall give immediate notice of such condition to the Superintendent.

(3) Equalization Basins:	<i>Minimum Volume of Storage Tank</i>
<i>Volume of Waste Discharged</i>	<i>In Average Gallons Per</i>
<i>Percentage of Daily Volume of</i>	<i>Day Waste Discharged</i>
0 to 2,000 .....	0%
2,001 to 50, 000 .....	50%
50,001 to .....	200,000 100%
200,001 to 750,000 .....	150%
750,001 and above .....	200%

- (4) Any person discharging industrial wastes into the town's sanitary sewers shall construct a suitable control manhole, downstream from any treatment, storage tank or other approved works, to facilitate observations, and provide means for measurements and sampling of all such wastes from the industry.
  - (5) A control valve shall be located downstream from any treatment, storage tank or other approved works to facilitate control of discharge to the town's sewer system. The control valve shall be locked and controlled by the town.
- (D) Testing by the town shall be at a rate of five tests and analyses per month unless a violation has occurred, then the Superintendent may require testing as frequently as needed until compliance has been accomplished. The town may require daily testing to assure compliance. All testing and analyses costs shall be borne by the owner.
- (E) In the event the wastewater being discharged by an industry into the town's collection system exceeds those requirements herein, the town has the option of imposing an industrial waste surcharge against the industry until the problem is corrected in lieu of not accepting the waste. If after 30 days the problem is not corrected, the town has the right to refuse further treatment of the industry's waste.
- (F) Any industry desiring to discharge waste into the town's collection system shall submit an industrial sewer connection application to the Superintendent for approval. A permit and inspection fee shall be paid to the Town Clerk at the time the application is filed. The amount of the fee shall be posted in the office of the Superintendent.
- (G) Notes:
- (1) Biochemical oxygen demand (BOD<sub>5</sub>): \$0.01 per 1,000 gallons water usage for every part per million by weight (p.p.m.) greater than 500 p.p.m.
  - (2) Total suspended solids (TSS): \$0.01 per 1,000 gallons water usage for every p.p.m. greater than 550 p.p.m.
  - (3) Chemical oxygen demand (COD): \$0.005 per 1,000 gallons water usage for every p.p.m. greater than 1,400 p.p.m.
  - (4) Total Kjeldahl Nitrogen (TKN): \$0.05 per 1,000 gallons water usage for every p.p.m. greater than 40 p.p.m.
  - (5) Surcharges for other materials such as heavy metals, oil and grease, sulfates, cyanide, phenols, and the like should be developed as the situation merits and should be based on actual costs incurred by the town to treat substances present in excessive concentrations.
  - (6) The town may adopt additional charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards;
- (g) Other fees as the town may deem necessary to carry out the requirements contained herein.

(2) Any change of regulations or treatment standards imposed on the town by the state will in turn be passed along to the industrial waste discharger.

(B) Surcharge wastewater rates.

<b>BOD<sub>5</sub></b>		<b>TSS</b>	
<b>Concentration in PPM</b>	<b>Surcharge per 1,000 gallon</b>	<b>Concentration in PPM</b>	<b>Surcharge per 1,000 gallon</b>
300 and less	\$0	350 and less	\$0
301 - 325	0.25	351 - 375	0.25
326 - 350	0.50	376 - 400	0.50
351 - 375	0.75	401 - 425	0.75
376 - 400	1.00	426 - 450	1.00
401 - 425	1.25	451 - 475	1.25

BOD <sub>5</sub>		TSS	
Concentration in PPM	Surcharge per 1,000 gallon	Concentration in PPM	Surcharge per 1,000 gallon
426 - 450	\$1.50	476 - 500	\$1.50
451 - 475	1.75	501 - 525	1.75
476 - 500	2.00	526 - 550	2.00
501 and greater	See (1) below	551 and greater	See (2) below

COD		TKN	
Concentration in PPM	Surcharge per 1,000 gallons	Concentration in PPM	Surcharge per 1,000 gallons
1,000 and less	\$0	40 and less	\$0
1,001 - 1,050	0.25	41 - 50	0.50
1,051 - 1,100	0.50	51 - 60	1.00
1,101 - 1,150	0.75	61 - 70	1.50
1,151 - 1,200	1.00	71 - 80	2.00
1,201 - 1,250	1.25	81 - 90	2.50
1,251 - 1,300	1.50	91 - 100	3.00
1,301 - 1,350	1.75	101 - 110	3.50
1,351 - 1,400	2.00	111 - 120	4.00
1,401 and greater	See (3) below	121 and greater	See (4) below

Penalty, see § 10.99

**APPENDIX B: INDUSTRIAL SEWER CONNECTION APPLICATION**

**Industrial Sewer Connection Application**

To the town

The undersigned being the \_\_\_\_\_ of the property located at \_\_\_\_\_ does hereby request a permit to \_\_\_\_\_ an industrial sewer connection serving, which company is engaged in at the location.

1. A plan to the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A."
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B."
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at the property, including a description of the character of each waste, the daily volume and maximum rates of discharge, representative analyses, and compliance with any applicable pretreatment standard or requirements, is attached hereunto as Exhibit "C."
4. The name and address of the person or firm who will perform the work covered by this permit
5. In consideration of the granting of this permit, the undersigned agrees:

To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the local government.

1. To accept and abide by all provisions of the Sewer Use Ordinance of the local government and of all other pertinent Ordinances or regulations that may be adopted in the future.
2. To operate and maintain any pretreatment facilities as may be required as a condition of the acceptance into the wastewater disposal system of the industrial wastes involved, in an efficient manner at all times, and at no expense to the local government.
3. To cooperate at all times with the local government in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.

4. To notify the local government immediately in the event of any accident, or other occurrence that causes discharge to the wastewater disposal system of any wastewater or substances prohibited by this permit.

Application approved and permit granted:

Date: \_\_\_\_\_ Signed \_\_\_\_\_

Application not approved and permit not granted:

Date: \_\_\_\_\_ Signed \_\_\_\_\_